

**No. 67**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**90th Legislature**  
**REGULAR SESSION OF 1999**

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House Chamber, Lansing, Tuesday, October 12, 1999.

2:00 p.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Allen—present	Frank—present	Kuipers—present	Rison—present
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—excused	LaForge—excused	Rocca—present
Birkholz—present	Geiger—present	Kukuk—present	Sanborn—present
Bisbee—present	Gielegem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—excused
Bogardus—present	Godchaux—present	Lockwood—present	Scott—excused
Bovin—present	Gosselin—present	Mans—excused	Scranton—present
Bradstreet—present	Green—present	Martinez—present	Shackleton—present
Brater—present	Hager—present	Mead—present	Sheltrown—present
Brewer—present	Hale—present	Middaugh—present	Shulman—present
Brown, Bob—present	Hanley—present	Minore—present	Spade—present
Brown, Cameron—present	Hansen—present	Mortimer—present	Stallworth—present
Byl—present	Hardman—present	Neumann—present	Stamas—present
Callahan—present	Hart—present	O’Neil—present	Switalski—present
Cassis—present	Howell—present	Pappageorge—present	Tabor—present
Caul—present	Jacobs—present	Patterson—present	Tesanovich—present
Cherry—present	Jamnick—present	Perricone—present	Thomas—present
Clark—present	Jansen—present	Pestka—present	Toy—present
Clarke—present	Jelinek—present	Price—present	Vander Roest—present
Daniels—present	Jellema—present	Prusi—present	Van Woerkom—present
DeHart—present	Johnson, Rick—present	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—present	Quarles—present	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—excused	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

e/d/s = entered during session

Rev. James R. Ephriam, Jr., Pastor of the Martin Luther King Presbyterian Church in Detroit, offered the following invocation:

“Before thee O Creator, we humbly submit our will to the great call of the design You have on our life and how we are to use it. We ask that You will bend us in Your direction; that You will mold us in Your image; that You will create within us Your desires as we seek to do the business of the people—which is ultimately Your business. Teach us to realize who we are and whom we are and in so doing let us be the ambassadors of Maat, truth, justice, peace and righteousness. Allow our conduct to reflect the light of Your love for humankind; our deliberations to be an expression of Your love and care for us; our action to be an extension of Your work and being in the world. It is to these ends that we submit the work in which You have assigned our hands to do this day as our expression of Your love for us. It is in the name of Jesus the Christ, in whom many of us have experienced You, but not limited to who You are, we ask it all. Amen.”

Rep. Jacobs moved that Reps. Garza, Kilpatrick, LaForge, Mans, Schermesser and Scott be excused from today’s session.

The motion prevailed.

Rep. DeWeese moved that Rep. Ehardt be excused temporarily from today’s session.

The motion prevailed.

Rep. Koetje moved that Reps. Bisbee and Mortimer be excused temporarily from today’s session.

The motion prevailed.

### Reports of Standing Committees

The Speaker laid before the House  
**House Concurrent Resolution No. 44.**

A concurrent resolution to change the scope of the Professional Studies and Classroom Building project at the University of Michigan-Flint.

(For text of resolution, see House Journal No. 59, p. 1785.)

(The concurrent resolution was reported by the Committee on Appropriations on October 7, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

The Speaker laid before the House  
**House Concurrent Resolution No. 51.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority and Central Michigan University relative to the Central Michigan University Park Library Addition and Remodeling.

(For text of resolution, see House Journal No. 62, p. 1824.)

(The concurrent resolution was reported by the Committee on Appropriations on October 7, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

### Roll Call No. 866

### Yeas—99

Allen  
Baird

Faunce  
Frank

Koetje  
Kowall

Richner  
Rison

Basham	Garcia	Kuipers	Rivet
Birkholz	Geiger	Kukuk	Rocca
Bishop	Gielegem	LaSata	Sanborn
Bogardus	Gilbert	Law	Schauer
Bovin	Godchaux	Lemmons	Scranton
Bradstreet	Gosselin	Lockwood	Shackleton
Brater	Green	Martinez	Sheltrown
Brewer	Hager	Mead	Shulman
Brown, B.	Hale	Middaugh	Spade
Brown, C.	Hanley	Minore	Stamas
Byl	Hansen	Neumann	Switalski
Callahan	Hardman	O'Neil	Tabor
Cassis	Hart	Pappageorge	Tesanovich
Caul	Howell	Patterson	Thomas
Cherry	Jacobs	Perricone	Toy
Clark, I.	Jamnack	Pestka	Van Woerkom
Clarke, H.	Jansen	Price	Vander Roest
Daniels	Jelinek	Prusi	Vaughn
DeHart	Jellema	Pumford	Vear
Dennis	Johnson, Rick	Quarles	Voorhees
DeRossett	Johnson, Ruth	Raczkowski	Wojno
DeVuyst	Julian	Reeves	Woodward
DeWeese	Kelly	Richardville	

## Nays—0

In The Chair: Birkholz

The Speaker laid before the House

**House Concurrent Resolution No. 52.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority and Bay de Noc Community College relative to the Bay de Noc Community College General Campus Renovations and Additions.

(For text of resolution, see House Journal No. 62, p. 1825.)

(The concurrent resolution was reported by the Committee on Appropriations on October 7, consideration of which was postponed until today under the rules.)

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 867****Yeas—99**

Allen	Frank	Kowall	Rison
Baird	Garcia	Kuipers	Rivet
Basham	Geiger	Kukuk	Rocca
Bishop	Gielegem	LaSata	Sanborn
Bogardus	Gilbert	Law	Schauer
Bovin	Godchaux	Lemmons	Scranton
Bradstreet	Gosselin	Lockwood	Shackleton
Brater	Green	Martinez	Sheltrown
Brewer	Hager	Mead	Shulman
Brown, B.	Hale	Middaugh	Spade
Brown, C.	Hanley	Minore	Stamas
Byl	Hansen	Neumann	Switalski
Callahan	Hardman	O'Neil	Tabor

Cassis	Hart	Pappageorge	Tesanovich
Caul	Howell	Patterson	Thomas
Cherry	Jacobs	Perricone	Toy
Clark, I.	Jamnack	Pestka	Van Woerkom
Clarke, H.	Jansen	Price	Vander Roest
Daniels	Jelinek	Prusi	Vaughn
DeHart	Jellema	Pumford	Vear
Dennis	Johnson, Rick	Quarles	Voorhees
DeRossett	Johnson, Ruth	Raczkowski	Wojno
DeVuyst	Julian	Reeves	Woodward
DeWeese	Kelly	Richardville	Woronchak
Faunce	Koetje	Richner	

**Nays—0**

In The Chair: Birkholz

The Speaker Pro Tempore called Associate Speaker Pro Tempore Patterson to the Chair.

**Second Reading of Bills****Senate Bill No. 485, entitled**

A bill to amend 1943 PA 202, entitled "Municipal finance act," by amending section 1b of chapter VII (MCL 137.1b), as amended by 1982 PA 469.

The bill was read a second time.

Rep. Raczkowski moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed, a majority of the members voting therefor.

Rep. Raczkowski moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

**Third Reading of Bills****Senate Bill No. 485, entitled**

A bill to amend 1943 PA 202, entitled "Municipal finance act," by amending section 1b of chapter VII (MCL 137.1b), as amended by 1982 PA 469.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 868****Yeas—103**

Allen	Ehardt	Koetje	Richner
Baird	Faunce	Kowall	Rison
Basham	Frank	Kuipers	Rivet
Birkholz	Garcia	Kukuk	Rocca
Bisbee	Geiger	LaSata	Sanborn
Bishop	Gielegem	Law	Schauer
Bogardus	Gilbert	Lemmons	Scranton
Bovin	Godchaux	Lockwood	Shackleton
Bradstreet	Gosselin	Martinez	Sheltrown
Brater	Green	Mead	Shulman
Brewer	Hager	Middaugh	Spade
Brown, B.	Hale	Minore	Stamas
Brown, C.	Hanley	Mortimer	Switalski

Byl	Hansen	Neumann	Tabor
Callahan	Hardman	O'Neil	Tesanovich
Cassis	Hart	Pappageorge	Thomas
Caul	Howell	Patterson	Toy
Cherry	Jacobs	Perricone	Van Woerkom
Clark, I.	Jamnick	Pestka	Vander Roest
Clarke, H.	Jansen	Price	Vaughn
Daniels	Jelinek	Prusi	Vear
DeHart	Jellema	Pumford	Voorhees
Dennis	Johnson, Rick	Quarles	Wojno
DeRossett	Johnson, Ruth	Raczkowski	Woodward
DeVuyst	Julian	Reeves	Woronchak
DeWeese	Kelly	Richardville	

### Nays—0

In The Chair: Patterson

Pursuant to Joint Rule 20, the full title of the act shall read as follows:

“An act relative to the borrowing of money by municipalities, and the issuance of bonds, notes, and certificates of indebtedness; to provide for tax levies and sinking funds; to create the municipal finance commission, and to prescribe its powers and duties; to prescribe powers and duties of the department of treasury and the state treasurer and of the department of education and the superintendent of public instruction; to impose certain duties, requirements, and filing fees upon political subdivisions of this state; to provide for prior approval of the issuance of municipal obligations and for the issuance of municipal obligations without prior approval upon the existence or occurrence of certain conditions; to provide certain powers to the department of treasury and the department of education to aid municipalities in default of the payment of an obligation to develop and implement refinancing plans; to authorize the issuance of obligations to pay premiums or to establish funds to self-insure for losses; to prescribe penalties; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”.

The House agreed to the full title.

Rep. Raczkowski moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

### Second Reading of Bills

#### Senate Bill No. 587, entitled

A bill to provide for the creation of public employee health care funds; to provide for the administration of the funds; to authorize the investment of the assets of the funds; and to prescribe the powers and duties of investment fiduciaries and certain public officers and employees.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Local Government and Urban Policy,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Raczkowski moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed, a majority of the members voting therefor.

Rep. Raczkowski moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 587, entitled

A bill to provide for the creation of public employee health care funds; to provide for the administration of the funds; to authorize the investment of the assets of the funds; and to prescribe the powers and duties of investment fiduciaries and certain public officers and employees.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 869****Yeas—103**

Allen	Ehardt	Koetje	Richner
Baird	Faunce	Kowall	Rison
Basham	Frank	Kuipers	Rivet
Birkholz	Garcia	Kukuk	Rocca
Bisbee	Geiger	LaSata	Sanborn
Bishop	Gielegghem	Law	Schauer
Bogardus	Gilbert	Lemmons	Scranton
Bovin	Godchaux	Lockwood	Shackleton
Bradstreet	Gosselin	Martinez	Sheltrown
Brater	Green	Mead	Shulman
Brewer	Hager	Middaugh	Spade
Brown, B.	Hale	Minore	Stamas
Brown, C.	Hanley	Mortimer	Switalski
Byl	Hansen	Neumann	Tabor
Callahan	Hardman	O'Neil	Tesanovich
Cassis	Hart	Pappageorge	Thomas
Caul	Howell	Patterson	Toy
Cherry	Jacobs	Perricone	Van Woerkom
Clark, I.	Jamnack	Pestka	Vander Roest
Clarke, H.	Jansen	Price	Vaughn
Daniels	Jelinek	Prusi	Vear
DeHart	Jellema	Pumford	Voorhees
Dennis	Johnson, Rick	Quarles	Wojno
DeRossett	Johnson, Ruth	Raczkowski	Woodward
DeVuyst	Julian	Reeves	Woronchak
DeWeese	Kelly	Richardville	

**Nays—0**

In The Chair: Patterson

The question being on agreeing to the title of the bill,

Rep. Raczkowski moved to amend the title to read as follows:

A bill to provide for the creation of public employee health care funds; to provide for the administration of the funds; to authorize the investment of the assets of the funds or trusts; and to prescribe the powers and duties of investment fiduciaries and certain public officers and employees.

The motion prevailed.

The House agreed to the title as amended.

Rep. Raczkowski moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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Rep. Raczkowski moved that House Committees be given leave to meet during the balance of today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Woodward, Thomas, Hale, Callahan, Gielegghem, Neumann, Wojno, Dennis, Jacobs, Lockwood, DeHart, Bovin, Hansen, Mans, Schauer, Rocca, Kelly, Spade, Baird, Hardman, Sheltrown, Vaughn, Bogardus, Minore, Clark, Cherry, Prusi, Hanley, Martinez, Tesanovich, Jamnack, Bob Brown, Ehardt, Vear, Lemmons, Rivet, Brater, Faunce and Reeves offered the following resolution:

**House Resolution No. 198.**

A resolution to memorialize the Congress of the United States to refrain from imposing any delays in the disbursement of earned income tax credit payments.

Whereas, The earned income tax credit is a vital component of the overall tax structure of our country. This program is an effective tax break for working families with low to moderately low income levels. This credit is a key incentive for the approximately 20 million households that receive the earned income tax credit; and

Whereas, In discussions on the federal budget, leaders in the United States House of Representatives have proposed imposing a delay in the disbursement of the earned income tax credit payments. Under the new structure, the lump sum payment would be replaced with installments. In effect, this suggestion calls for delaying the payments so that the final refunds for the 1999 tax year would not be made until the spring of 2001; and

Whereas, The notion of delaying payments to low and moderate income working families as a key part of budget-balancing strategies is inappropriate. The working poor are, in effect, being asked in this plan to assume costs through a tax refund delay no other group is facing. For people in the income level categories qualifying for earned income tax credit, delaying expected refunds will create considerable financial hardship. Research indicates that these refund checks are often used to meet larger scale needs and expenses, like car or home repairs or paying down debt; and

Whereas, The country's citizens have reaped rewards from initiatives to help people become more self-sufficient. To impose costs on the very people taking these steps to independence and productivity is both unfair and poor public policy; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to refrain from imposing any delays in the disbursement of earned income tax credit payments; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Tax Policy.

Reps. Minore, Rocca, Kelly, Hansen, Frank, Spade, Baird, Hardman, Sheltrown, Neumann, Callahan, Jacobs, Vaughn, Bogardus, Gielegem, Dennis, Wojno, Woodward, Clark, Cherry, Prusi, Lockwood, Hanley, Martinez, DeHart, Tesanovich, Schauer, Jamnick, Hale, Thomas, Bob Brown, Ehardt, Vear, Scranton, Lemmons, Rivet, Brater, Van Woerkom, Faunce, Hager, Vander Roest, Birkholz and Julian offered the following resolution:

**House Resolution No. 199.**

A resolution naming October as Child Health Month for 1999.

Whereas, Our children's health is of paramount concern to all residents of Michigan, so much so that we constantly seek to minimize the dangers they face from any source; and

Whereas, Substance abuse by young people is not limited to alcohol, cigarettes and illegal drugs—substances that can be sniffed, huffed or inhaled are also abused and usually are legal and can commonly be found in any residential home; and

Whereas, Dangerous products that can be inhaled include many common household items such as cooking spray, felt-tip markers, furniture polish, oven cleaner, air freshener, hair sprays, nail polish removers, butane, glues and adhesives, spray paints and even typewriter correction fluid; and

Whereas, Kids use inhalants because they are inexpensive, easy to get and hide, legal to possess and therefore, easy to cover up the abuse because most parents are not aware of the dangers inhalants present; and

Whereas, Abuse of inhalants can cause severe permanent damage to the body, especially the brain, and can cause vomiting, nausea, headaches, dizziness, slurred speech and hallucinations among other short-term effects of inhalants; and

Whereas, Inhalant use can kill by many means including asphyxia, choking, suffocation and cardiac arrest induced by inhaling dangerous chemicals into the body; and

Whereas, Studies show that 20 percent of 8th graders have used some form of inhalants and inhalant abuse is on the rise among young people, having nearly doubled in the last decade; and

Whereas, The Michigan Chapter of the American Academy of Pediatrics concurs with the above and is urging all its members and their patients to support Child Health Month in Michigan; now, therefore, be it

Resolved by the House of Representatives, That October 1999 be named Child Health Month in Michigan; and be it further

Resolved, That as part of the observation of Child Health Month, all Michigan residents are urged to learn more about the dangers of inhalants and to take responsibility for increasing awareness among parents and children about the dangers of inhalant abuse; and be it further

Resolved, That a copy of this proclamation be transmitted to the Michigan Chapter of the American Academy of Pediatrics, the director of the Michigan Department of Community Health, and the directors of the various local health departments in Michigan.

Pending the reference of the resolution to a committee,

Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Hager, Rocca, Kelly, Ehardt, Vear, LaSata, Faunce, Gosselin and Birkholz offered the following resolution:  
**House Resolution No. 200.**

A resolution to change Michigan's nickname.

Whereas, The name of our great and wonderful state—Michigan—produces many positive images and thoughts that span the depth of a long and proud history that look with optimism and hope towards a new century and the next millennium; and

Whereas, The importance of nicknames is universally regarded as providing a special and affectionate identifier for a state and an institution of higher education; and

Whereas, The state of Michigan has the official nickname of the Wolverine State and coincidentally, the University of Michigan in Ann Arbor has adopted the same animal for its informal moniker that is used to whip up pride for the institution and especially its athletic teams; and

Whereas, It has been established by wildlife experts that the existence of the wolverine is more legend and myth than reality; and

Whereas, Michigan State University (MSU) in East Lansing is affectionately known as “Moo-U” because of its world-class position as an agricultural college; and

Whereas, MSU has distinguished itself in its superior performance against the University of Michigan during its annual gridiron classic on Saturday, October 9, in East Lansing, showing athletic skills that lit the Michigan skies with excitement; and

Whereas, The connection between the state of Michigan, Michigan State University and the milk cow is strong and well-documented, making a strong contribution to the health and welfare of everybody in this state and around the country; now, therefore, be it

Resolved by the House of Representatives, That the official nickname of Michigan be changed from the Wolverine State to the Cow State for the week of October 11 through October 16 and that a special committee be formed to study a permanent nickname change with Governor John Engler and Lt. Governor Dick Posthumus, both proud MSU alums, being asked to head the inquiry; and be it further

Resolved, That copies of this resolution be transmitted to the presidents of Michigan State University and the University of Michigan and others who would be appropriate recipients of this effort.

Pending the reference of the resolution to a committee,

Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Woodward, Thomas, Hale, Callahan, Gielegem, Neumann, Wojno, Dennis, Jacobs, Lockwood, DeHart, Bovin, Hansen, Mans, Schauer, Rocca, Kelly, Spade, Baird, Hardman, Sheltroun, Vaughn, Bogardus, Minore, Clark, Cherry, Prusi, Hanley, Martinez, Tesanovich, Jamnick, Bob Brown, Ehardt, Vear, Lemmons, DeVuyt, Rivet, Brater, Faunce and Reeves offered the following concurrent resolution:

**House Concurrent Resolution No. 63.**

A concurrent resolution to memorialize the Congress of the United States to refrain from imposing any delays in the disbursement of earned income tax credit payments.

Whereas, The earned income tax credit is a vital component of the overall tax structure of our country. This program is an effective tax break for working families with low to moderately low income levels. This credit is a key incentive for the approximately 20 million households that receive the earned income tax credit; and

Whereas, In discussions on the federal budget, leaders in the United States House of Representatives have proposed imposing a delay in the disbursement of the earned income tax credit payments. Under the new structure, the lump sum payment would be replaced with installments. In effect, this suggestion calls for delaying the payments so that the final refunds for the 1999 tax year would not be made until the spring of 2001; and

Whereas, The notion of delaying payments to low and moderate income working families as a key part of budget-balancing strategies is inappropriate. The working poor are, in effect, being asked in this plan to assume costs through a tax refund delay no other group is facing. For people in the income level categories qualifying for earned income tax credit, delaying expected refunds will create considerable financial hardship. Research indicates that these refund checks are often used to meet larger scale needs and expenses, like car or home repairs or paying down debt; and

Whereas, The country's citizens have reaped rewards from initiatives to help people become more self-sufficient. To impose costs on the very people taking these steps to independence and productivity is both unfair and poor public policy; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to refrain from imposing any delays in the disbursement of earned income tax credit payments; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Tax Policy.

**Reports of Select Committees**

## Joint Committee on Administrative Rules

## Certificates of Approval

Date: October 7, 1999

Subject: Trans. No. 99-35

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Agriculture, Pesticide and Plant Pest Management Division, pertaining to Commercial Fertilizer Bulk Storage (Reg. #641), dated July 1, 1999.

Date: October 7, 1999

Subject: Trans. No. 99-36

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Family Independence Agency, pertaining to General Rules—Hearings, Appeals, and Declaratory Rulings (Part 9), dated June 10, 1999.

Date: October 7, 1999

Subject: Trans. No. 99-37

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Environmental Quality, Surface Water Quality Division, pertaining to Clean Michigan Initiative Nonpoint Source Pollution Control Grants, dated June 11, 1999.

Date: October 7, 1999

Subject: Trans. No. 99-38

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Financial Institutions Bureau, pertaining to Secondary Mortgage Licenses, dated July 7, 1999.

Date: October 7, 1999

Subject: Trans. No. 99-39

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules rescission from the Department of Consumer and Industry Services, Director's Office, pertaining to Construction Code—Electric Code (Part 8), dated July 26, 1999.

Date: October 7, 1999

Subject: Trans. No. 99-43

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules rescission from the Department of Environmental Quality, Surface Water Quality Division, pertaining to Water Resources Protection—Land Application of Biosolids (Part 24), dated July 26, 1999.

Sincerely,  
Representative Marc Shulman  
Chair

Joint Committee on Administrative Rules

Mr. Russell J. Harding, Director  
Department of Environmental Quality  
Lansing, Michigan

October 7, 1999

Dear Mr. Harding:

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-40,

submitted by the Department of Environmental Quality, Air Quality Division, pertaining to Air Pollution Control—Emission Limitations and Prohibitions (Part 6)—Existing Sources of Volatile Organic Compound Emissions.

Sincerely,  
Representative Marc Shulman  
Chair

Mr. R. Thomas Martin  
Regulatory Affairs Officer  
Department of Consumer and Industry Services  
Lansing, Michigan

October 7, 1999

Dear Mr. Martin:

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-41, submitted by the Department of Consumer and Industry Services, Corporations, Securities and Land Development Bureau, pertaining to Manufactured Housing (Rescission).

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-42, submitted by the Department of Consumer and Industry Services, Director's Office, pertaining to Nursing—Nursing Scholarship Program (Part 7).

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-44, submitted by the Department of Consumer and Industry Services, Director's Office, pertaining to Medicine—General Provisions (Part 1) (R 338.2304).

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-45, submitted by the Department of Consumer and Industry Services, Director's Office, pertaining to Medicine—General Provisions (Part 1) (R 338.2305).

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-46, submitted by the Department of Consumer and Industry Services, Director's Office, pertaining to Osteopathic Medicine and Surgery—General Provisions (Part 1) (R 338.108a).

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-47, submitted by the Department of Consumer and Industry Services, Director's Office, pertaining to Osteopathic Medicine and Surgery—General Provisions (Part 1) (R 338.108b).

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-48, submitted by the Department of Consumer and Industry Services, Director's Office, pertaining to Cosmetology.

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-49, submitted by the Department of Consumer and Industry Services, Director's Office, pertaining to Boilers.

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-50, submitted by the Department of Consumer and Industry Services, State Fire Safety Board, pertaining to Dormitory Fire Safety for Schools, Colleges, and Universities.

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-51, submitted by the Department of Consumer and Industry Services, State Fire Safety Board, pertaining to Fire Prevention.

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-52, submitted by the Department of Consumer and Industry Services, State Fire Safety Board, pertaining to New and Existing School, College, and University Fire Safety.

Sincerely,  
Representative Marc Shulman  
Chair

Don Gilmer  
Lottery Commissioner  
Bureau of State Lottery  
Lansing, Michigan

October 7, 1999

Dear Mr. Gilmer:

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-53, submitted by the Department of Treasury, Bureau of State Lottery, pertaining to Lottery Rules.

Sincerely,  
Representative Marc Shulman  
Chair

### Reports of Standing Committees

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

**House Bill No. 4424, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2969.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

**HB 4424** To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Koetje, Law, Sanborn, Voorhees,

Nays: Rep. Switalski.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

**House Bill No. 4737, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2969.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

**HB 4737** To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Koetje, Law, Sanborn, Voorhees,  
Nays: None.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported on

**House Bill No. 4469, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending section 1 (MCL 691.1401), as amended by 1986 PA 175, and by adding section 7a.

## Adverse Roll Call

**HB 4469** To Report Out:

Yeas: Reps. Richner, Baird, Minore, Switalski, Schermesser,  
Nays: None.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Richner, Chair of the Committee on Family and Civil Law, was received and read:

Meeting held on: Thursday, October 7, 1999, at 9:00 a.m.,

Present: Reps. Richner, Shulman, Hart, Koetje, Law, Sanborn, Voorhees, Baird, Minore, Switalski, Schermesser.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4708, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529, 2950, and 2950a (MCL 600.2529, 600.2950, and 600.2950a), section 2529 as amended by 1994 PA 403, section 2950 as amended by 1998 PA 477, and section 2950a as amended by 1998 PA 476.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 4, line 7, after "motion" by striking out the balance of the line through "2950A," on line 8.
2. Amend page 4, line 9, after "\$20.00." by inserting "IN CONJUNCTION WITH AN ACTION BROUGHT UNDER SECTION 2950 OR 2950A, A MOTION FEE SHALL NOT BE COLLECTED FOR A MOTION TO DISMISS THE PETITION, A MOTION TO MODIFY, RESCIND, OR TERMINATE A PERSONAL PROTECTION ORDER, OR A MOTION TO SHOW CAUSE FOR A VIOLATION OF A PERSONAL PROTECTION ORDER."
3. Amend page 12, following line 8, by inserting:  
"(E) IF THE RESPONDENT IS IDENTIFIED IN THE PLEADINGS AS A DEPARTMENT OF CORRECTIONS EMPLOYEE, NOTIFY THE STATE DEPARTMENT OF CORRECTIONS ABOUT THE EXISTENCE OF THE PERSONAL PROTECTION ORDER."
4. Amend page 15, line 10, after "guilty," by striking out "EITHER".
5. Amend page 15, line 11, after "days" by striking out the balance of the line through "INDIVIDUAL" on line 13 and inserting "and".
6. Amend page 16, line 12, after "age," by striking out the balance of the line through "issue" on line 13 and inserting "ISSUANCE OF".
7. Amend page 16, line 13, after "section" by striking out the balance of the line through the first "of" on line 14 and inserting "IS SUBJECT TO".
8. Amend page 16, line 14, after the second "of" by inserting "THE PROBATE CODE OF 1939,".
9. Amend page 16, line 15, after "288," by striking out the balance of the subsection and inserting "MCL 712A.1 TO 712A.32.".

10. Amend page 21, following line 27, by inserting:

“(E) IF THE RESPONDENT IS IDENTIFIED IN THE PLEADINGS AS A DEPARTMENT OF CORRECTIONS EMPLOYEE, NOTIFY THE STATE DEPARTMENT OF CORRECTIONS ABOUT THE EXISTENCE OF THE PERSONAL PROTECTION ORDER.”.

11. Amend page 25, line 5, by striking out “EITHER”.

12. Amend page 25, line 5, after “days” by striking out the balance of the line through “INDIVIDUAL” on line 7 and inserting “and”.

13. Amend page 26, line 10, after “age,” by striking out the balance of the line through “issue” on line 11 and inserting “ISSUANCE OF”.

14. Amend page 26, line 11, after “section” by striking out the balance of the line through the first “of” on line 12 and inserting “IS SUBJECT TO”.

15. Amend page 26, line 12, after the second “of” by inserting “THE PROBATE CODE OF 1939,”.

16. Amend page 26, line 13, after “288,” by striking out the balance of the subsection and inserting “MCL 712A.1 TO 712A.32.”.

17. Amend page 27, line 2, by striking out “September 1, 1999” and inserting “July 1, 2000”.

The bill and amendments were referred to the order of Second Reading of Bills.

#### Favorable Roll Call

#### **HB 4708** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O’Neil,

Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

#### **House Bill No. 4709, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 15, 15a, 15b, 15c, and 15e of chapter IV (MCL 764.15, 764.15a, 764.15b, 764.15c, and 764.15e), section 15 as amended by 1996 PA 490, section 15a as amended by 1996 PA 138, sections 15b and 15c as amended by 1998 PA 475, and section 15e as added by 1993 PA 52.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 11, line 1, after “proceeding” by inserting “OR THE PROSECUTING ATTORNEY DETERMINES THAT THE PERSONAL PROTECTION ORDER WAS NOT VIOLATED OR THAT IT WOULD NOT BE IN THE INTEREST OF JUSTICE TO PROSECUTE THE CRIMINAL CONTEMPT VIOLATION”.

2. Amend page 16, line 8, after “V” by inserting “OR SECTION 2A OF 1961 PA 44, MCL 780.582A”.

3. Amend page 19, line 27, by striking out “September 1, 1999” and inserting “July 1, 2000”.

The bill and amendments were referred to the order of Second Reading of Bills.

#### Favorable Roll Call

#### **HB 4709** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O’Neil,

Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

#### **House Bill No. 4710, entitled**

A bill to amend 1935 PA 59, entitled “An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929,” by amending section 6 (MCL 28.6), as amended by 1989 PA 10.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 4, line 5, by striking out "September 1, 1999" and inserting "July 1, 2000".

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

**HB 4710** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O'Neil,  
Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4711, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411 (MCL 750.411).

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 2, line 7, after "whereabouts" by striking out the comma.

2. Amend page 2, line 7, after "the" by inserting "CAUSE,".

3. Amend page 2, line 7, after "character" by inserting a comma.

4. Amend page 2, line 8, after "injuries" by inserting "AND THE IDENTIFICATION OF THE PERPETRATOR, IF KNOWN".

5. Amend page 3, line 16, after "(1)" by inserting "OR (2)".

6. Amend page 3, line 17, after "(1)" by inserting "OR (2)".

7. Amend page 3, line 20, by striking out "September 1, 1999" and inserting "July 1, 2000".

The bill and amendments were referred to the order of Second Reading of Bills.

Favorable Roll Call

**HB 4711** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O'Neil,  
Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4712, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 916 and 2950b (MCL 600.916 and 600.2950b), section 2950b as amended by 1994 PA 403, and by adding section 2950c.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 4, line 12, by striking out "September 1, 1999" and inserting "July 1, 2000".

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

**HB 4712** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O'Neil,  
Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4713, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 81 and 81a (MCL 750.81 and 750.81a), section 81 as amended by 1994 PA 64 and section 81a as amended by 1994 PA 65.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 3, following line 27, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2000."

The bill and amendment were referred to the order of Second Reading of Bills.

## Favorable Roll Call

**HB 4713** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O'Neil,  
Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4714, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 36 (MCL 791.236), as amended by 1998 PA 315.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 5, following line 27, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2000."

The bill and amendment were referred to the order of Second Reading of Bills.

## Favorable Roll Call

**HB 4714** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O'Neil,  
Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4715, entitled**

A bill to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the department of social services," by amending the title and section 1 (MCL 400.1501).

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 3, following line 26, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2000."

The bill and amendment were referred to the order of Second Reading of Bills.

## Favorable Roll Call

**HB 4715** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O'Neil,  
Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4716, entitled**

A bill to amend 1961 PA 44, entitled "An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts," by amending section 2a (MCL 780.582a), as added by 1990 PA 308.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.  
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

**HB 4716** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O'Neil,  
Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4717, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 1998 PA 520.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 6, following line 8, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2000."

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

**HB 4717** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Jacobs, O'Neil,  
Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4718, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1137a.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 1, line 2, after "ACADEMY," by striking out "OR INTERMEDIATE SCHOOL DISTRICT" and inserting "INTERMEDIATE SCHOOL DISTRICT, OR NONPUBLIC SCHOOL".

2. Amend page 1, line 11, after "ACADEMY," by striking out "OR INTERMEDIATE SCHOOL DISTRICT" and inserting "INTERMEDIATE SCHOOL DISTRICT, OR NONPUBLIC SCHOOL".

3. Amend page 2, line 2, after "ACADEMY," by striking out the balance of the line through "DISTRICT" on line 3 and inserting "INTERMEDIATE SCHOOL DISTRICT, OR NONPUBLIC SCHOOL".

4. Amend page 2, following line 4, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2000."

The bill and amendments were referred to the order of Second Reading of Bills.

Favorable Roll Call

**HB 4718** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O'Neil,  
Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4719, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 746 (MCL 330.1746) and by adding section 747.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 3, following line 2, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2000."

The bill and amendment were referred to the order of Second Reading of Bills.

## Favorable Roll Call

**HB 4719** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Shulman, Baird, O'Neil,  
Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4720, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16290 and 20175a.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, following line 15, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2000."

The bill and amendment were referred to the order of Second Reading of Bills.

## Favorable Roll Call

**HB 4720** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Shulman, Baird, O'Neil,  
Nays: None.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Faunce, Chair of the Committee on Criminal Law and Corrections, was received and read:

Meeting held on: Tuesday, October 12, 1999, at 10:30 a.m.,

Present: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O'Neil.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Green, Chair of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Tuesday, October 12, 1999, at 8:00 a.m.,

Present: Reps. Green, Julian, Bradstreet, DeRossett, DeVuyst, Ehardt, Howell, Rick Johnson, Koetje, Vear, Brater, Bogardus, Hansen, Rivet, Sheltroun, Spade,

Absent: Rep. LaForge,

Excused: Rep. LaForge.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Allen, Chair of the Committee on Education, was received and read:

Meeting held on: Tuesday, October 12, 1999, at 10:30 a.m.,

Present: Reps. Allen, Ruth Johnson, Bradstreet, DeWeese, Hager, Hart, Rick Johnson, Kuipers, Van Woerkom, Voorhees, Bogardus, Clark, Gielegem, Hansen, Spade,

Absent: Reps. Daniels, Scott,

Excused: Reps. Daniels, Scott.

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced the enrollment printing and presentation to the Governor on Monday, October 11, for his approval of the following bills:

**Enrolled House Bill No. 4244 at 3:13 p.m.**

**Enrolled House Bill No. 4609 at 3:15 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, October 11:

<b>House Bill Nos.</b>	<b>4938</b>	<b>4939</b>	<b>4940</b>	<b>4941</b>	<b>4942</b>	<b>4943</b>	<b>4944</b>	<b>4945</b>	<b>4946</b>	<b>4947</b>	<b>4948</b>	<b>4949</b>	<b>4950</b>	<b>4951</b>
	<b>4952</b>	<b>4953</b>	<b>4954</b>	<b>4955</b>	<b>4956</b>	<b>4957</b>	<b>4958</b>	<b>4959</b>	<b>4960</b>	<b>4961</b>	<b>4962</b>	<b>4963</b>	<b>4964</b>	<b>4965</b>
	<b>4966</b>	<b>4967</b>	<b>4968</b>	<b>4969</b>	<b>4970</b>	<b>4971</b>	<b>4972</b>	<b>4973</b>						

The Clerk announced that the following Senate bill had been received on Tuesday, November 12:  
**Senate Bill No. 663**

By unanimous consent the House returned to the order of  
**Messages from the Senate**

**House Bill No. 4099, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b.

The Senate has passed the bill and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**House Bill No. 4844, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2, 4, 9, and 21 (MCL 207.552, 207.554, 207.559, and 207.571), section 2 as amended by 1986 PA 66, section 4 as amended by 1995 PA 218, and section 9 as amended by 1996 PA 513.

The Senate has passed the bill and ordered that it be given immediate effect.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**Senate Bill No. 663, entitled**

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 1 (MCL 423.201), as amended by 1996 PA 543.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

**Senate Concurrent Resolution No. 21.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation to repeal the inheritance tax for farmers.

Whereas, One of the cornerstones of our state and nation is the family farm. In addition to the role that this enterprise plays in feeding the world and the impact agriculture has on our economy, the family farm remains a defining component of rural communities across the country. Michigan farms are among the most productive, both in the quality and the quantity of crops grown; and

Whereas, The number of farms is decreasing steadily in Michigan and throughout the United States. According to the National Agriculture Statistics Service of the United States Department of Agriculture, the number of farms in Michigan has dropped from 93,504 in 1964 to 46,027 in 1997; and

Whereas, While there are a host of factors that contribute to the decline in the number of farms, the federal estate tax system is a significant impediment to the tradition of farms passing from generation to generation. Because of the estate tax, which effectively begins with an estate valued at \$650,000, many families are unable to pass the land to family members who wish to continue farming. With the very high rate of estate taxes, which begins at 37 percent and

escalates to more than half of the value of the estate exceeding the threshold, many families have to sell all or part of the land to pay the taxes; and

Whereas, Efforts to raise the exemption amount for the federal estate tax, which is rising through legislation enacted a few years ago, are inadequate to address the problems facing farm families. It is unrealistic, counterproductive, and unfair to tax families off their farms. This problem must be addressed swiftly, before another element of American life vanishes; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation to repeal the inheritance tax for farmers; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Agriculture and Resource Management.

Reps. Spade, Hardman, Sheltroun, Neumann, Vaughn, Martinez, Thomas, Bob Brown, Ehardt, Vear, Scranton, Lemmons, DeVuyst, Jansen, Van Woerkom, Faunce, Sanborn, Koetje, Toy, Jellema, Green, Vander Roest, Birkholz, Julian and Bishop were named co-sponsors of the concurrent resolution.

### Communications from State Officers

The following communication from the Secretary of State was received and read:

#### Notice of Filing Administrative Rules

October 1, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:00 A.M. this date, administrative rule (99-10-06) for the Department of Consumer and Industry Services, Director's Office, entitled "*Nursing Home Administrators*", effective 15 days hereafter.

Sincerely,  
Candice S. Miller  
Secretary of State  
Helen Kruger, Supervisor  
Office of the Great Seal

The communication was referred to the Clerk.

The following communication from the Department of Consumer and Industry Services was received and read:

October 5, 1999

Pursuant to Section 315 of P.A. 122 of 1999, we are enclosing a copy of the special investigation report #9C0115010 conducted on Parmenter Residential Center, Bay City, Michigan. This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,  
John R. Suckow, C.P.A.  
Director, Finance and  
Administrative Services

The communication was referred to the Clerk.

The following communication from the Northeast Michigan Consortium Workforce Development Board was received and read:

October 5, 1999

Transmitted is the final School-to-Work Transitional Plan for program year 1999-2000.

A copy of the Plan is available at Northeast Michigan Consortium, P. O. Box 711, 20709 State Street, Onaway, Michigan 49765. Please address questions or comments to Terry L. Basel, Program Coordinator.

The communication was referred to the Clerk.

The following communication from the Auditor General was received and read:

October 8, 1999

Enclosed is a copy of the following audit report and/or executive digest:  
 Financial Audit  
 Including the Provisions of the Single Audit Act  
 Department of Attorney General  
 October 1, 1996 through September 30, 1998

Sincerely,  
 Thomas H. McTavish, C.P.A.  
 Auditor General

The communication was referred to the Clerk.

### Introduction of Bills

Rep. Scranton introduced

**House Bill No. 4974, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 65i (MCL 791.265i), as added by 1990 PA 353, and by adding section 65j.

The bill was read a first time by its title and referred to the Committee on Local Government and Urban Policy.

Reps. Thomas, Wojno, Hale, Woodward, Basham, Vaughn, Jacobs, Neumann, Brater, DeHart, Bovin, Schermesser, Rivet, Reeves, Bogardus and Lemmons introduced

**House Bill No. 4975, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 490; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Energy and Technology.

Reps. Thomas, Wojno, Hale, Woodward, Basham, Vaughn, Jacobs, Neumann, Brater, DeHart, Bovin, Schermesser, Rivet, Reeves, Bogardus and Lemmons introduced

**House Bill No. 4976, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 490; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Energy and Technology.

Reps. Thomas, Wojno, Hale, Woodward, Basham, Jacobs, Neumann, Brater, DeHart, Bovin, Schermesser, Rivet, Reeves, Bogardus and Lemmons introduced

**House Bill No. 4977, entitled**

A bill to amend 1976 PA 390, entitled "Emergency management act," (MCL 30.401 to 30.420) by adding section 8a; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Energy and Technology.

Reps. Bob Brown, Woodward, Wojno, Neumann, DeHart, Bovin, Schermesser, Rivet, Thomas, Bogardus and Lemmons introduced

**House Bill No. 4978, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 490.

The bill was read a first time by its title and referred to the Committee on Energy and Technology.

Reps. Bob Brown, Woodward, Neumann, DeHart, Bovin, Schermesser, Rivet and Thomas introduced  
**House Bill No. 4979, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2891 (MCL 333.2891), as amended by 1992 PA 78.

The bill was read a first time by its title and referred to the Committee on Energy and Technology.

Rep. Sheltroun introduced

**House Bill No. 4980, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 36505 (MCL 324.36505), as amended by 1998 PA 470.

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Reps. Gielegem, Bob Brown, Woodward, Wojno and Rivet introduced

**House Bill No. 4981, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1997 PA 86; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Prusi, Neumann, Bovin, Hale, Scott and Tesanovich introduced

**House Bill No. 4982, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 669 (MCL 257.669), as amended by 1995 PA 248.

The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Bob Brown, Neumann, Pestka, Frank, Rocca, Howell, Green, Richardville, Allen and Sheltroun introduced

**House Bill No. 4983, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

The bill was read a first time by its title and referred to the Committee on Insurance and Financial Services.

Reps. Gosselin, Richner, Bovin and Bishop introduced

**House Bill No. 4984, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4x.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Gosselin, Hardman, Reeves, Jelinek, Voorhees, Bradstreet, Gilbert, Allen, Garcia, Green, Julian, DeVuyst, Woronchak and Kukuk introduced

**House Bill No. 4985, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203).

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Reps. Spade, Woodward, Bogardus, Dennis, Clark, Schauer, Jacobs and Neumann introduced

**House Bill No. 4986, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 1998 PA 547.

The bill was read a first time by its title and referred to the Committee on Criminal Law and Corrections.

Rep. Richardville introduced

**House Bill No. 4987, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2401, 2402, 2404, 2407, 2411, and 2412 (MCL 339.2401, 339.2402, 339.2404, 339.2407, 339.2411, and 339.2412), sections 2401 and 2411 as amended by 1991 PA 166, sections 2404 and 2407 as amended by 1988 PA 463, and section 2412 as amended by 1980 PA 496.

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Rep. Richardville introduced

**House Bill No. 4988, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 39 (MCL 338.2239), as amended by 1988 PA 461.

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Reps. Pappageorge, Raczkowski, Ruth Johnson, Rocca, Richner, Geiger, Gosselin, Kukuk, Faunce, Shulman, Kowall, Toy, Wojno, Gielegem, Woodward, Bishop, O'Neil, DeHart, Schermesser and Green introduced

**House Bill No. 4989, entitled**

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 10 (MCL 207.630).

The bill was read a first time by its title and referred to the Committee on Economic Development.

Reps. Pappageorge, Raczkowski, Ruth Johnson, Rocca, Richner, Geiger, Gosselin, Kukuk, Faunce, Kowall, Toy, Bishop, O'Neil, DeHart, Schermesser, Green, Julian and Patterson introduced

**House Bill No. 4990, entitled**

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 11 (MCL 207.631), as amended by 1993 PA 58.

The bill was read a first time by its title and referred to the Committee on Economic Development.

Reps. Thomas, Pestka, Clark, Switalski, Jamnick, Hale, Brater, DeHart, Bovin, Bob Brown, Minore, Garza, Schermesser, Gielegem, Rivet and Lemmons introduced

**House Joint Resolution L, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 31 to article V, to provide that the governor meet with the legislature periodically.

The joint resolution was read a first time by its title and referred to the Committee on Constitutional Law and Ethics.

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Rep. Kelly moved that the House adjourn.

The motion prevailed, the time being 4:40 p.m.

Associate Speaker Pro Tempore Patterson declared the House adjourned until Wednesday, October 13, at 2:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives.