

No. 83
STATE OF MICHIGAN
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House of Representatives
90th Legislature
REGULAR SESSION OF 1999

House Chamber, Lansing, Thursday, December 2, 1999.

12:00 Noon.

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—present	LaForge—present	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gielegem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—present
Bogardus—present	Godchaux—present	Lockwood—present	Scott—present
Bovin—present	Gosselin—present	Mans—present	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—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

e/d/s = entered during session

Rev. Dan Alway, from New Life Christian Church in West Branch, offered the following invocation:

“Heavenly Father, as we bow our hearts today before Your presence, we are filled with joy and humbled deeply. We are joyful to be called Your children and to be able to serve You in Your great kingdom in the various capacities that are represented here which You have called us to. We are humbled by the awesomeness of this task and the realization that we stand before You to answer for our words, deeds, and actions. You have declared in Your great scripture that if we lack wisdom, we can ask of You, and You will give us wisdom and not hold it back. Father, we pray for wisdom—wisdom to do what is right before You and the people of this great state of Michigan. Father, we submit ourselves to Your sovereignty and proclaim You as King of Kings and Lord of Lords. We recognize You as the guest of honor in this House today. There is truly a representation of districts here today as well as representations of Your purposes and intents. As we each put our hands to plow of the great calling that You have called us to, we pray a blessing on this Your people, as we believe and know that You hear and answer prayer. We give You the permission, as it were, to pour out upon our hearts what is on Your heart. We place in Your hands the right to lead us as You see fit. We know that as we give our hearts to You, it is only then that You can place Your purpose and will within us. We thank You for the opportunity to be called Your servants and it is with great honor that we do serve You. We also thank You that You declared in Your word that Your desire is to no longer just call us servants, but to call us ‘friends’. Thank You, Lord, for being our friend. Let Your peace and blessings rest upon this meeting and let Your will be done in this House, this meeting, this day, this year, and this new millennium. For the safety and prosperity of Your people, to the glory of God in Jesus’ name. Amen.”

Reports of Standing Committees

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

House Bill No. 4475, entitled

A bill to amend 1976 PA 220, entitled “Persons with disabilities civil rights act,” by amending sections 301 and 303 (MCL 37.1301 and 37.1303), section 301 as amended by 1980 PA 478.

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 4475 To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca,

Nays: Reps. Vaughn, Brater, Garza, Lemmons.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

House Bill No. 4476, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending sections 301 and 303 (MCL 37.2301 and 37.2303), as amended by 1992 PA 70.

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 4476 To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca,

Nays: Reps. Vaughn, Brater, Garza, Lemmons.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bishop, Chair of the Committee on Constitutional Law and Ethics, was received and read:

Meeting held on: Wednesday, December 1, 1999, at 10:30 a.m.,

Present: Reps. Bishop, Patterson, Bradstreet, Green, Rocca, Vaughn, Brater, Garza, Lemmons.

The Committee on Appropriations, by Rep. Geiger, Chair, reported
House Bill No. 4297, entitled

A bill to make appropriations for a capital outlay program for the fiscal year ending September 30, 2000; to implement the appropriations within the budgetary process; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

With the recommendation that the substitute (H-1) 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 4297 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Stamas, Toy, Price, Cherry, Clarke, Frank, Kelly, Martinez, Pestka, Prusi, Stallworth, Tesanovich,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Geiger, Chair of the Committee on Appropriations, was received and read:
 Meeting held on: Wednesday, December 1, 1999, at 10:00 a.m.,

Present: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Stamas, Toy, Price, Cherry, Clarke, Frank, Kelly, Martinez, Pestka, Prusi, Stallworth, Tesanovich,

Absent: Rep. Jansen,

Excused: Rep. Jansen.

Second Reading of Bills

House Bill No. 4475, entitled

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 301 and 303 (MCL 37.1301 and 37.1303), section 301 as amended by 1980 PA 478.

The bill was read a second time.

The question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Constitutional Law and Ethics,

Rep. LaForge demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Constitutional Law and Ethics,

The substitute (H-2) was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1069

Yeas—56

Allen	Geiger	Koetje	Richner
Birkholz	Gilbert	Kowall	Rocca
Bisbee	Godchaux	Kuipers	Sanborn
Bishop	Gosselin	Kukuk	Scranton

Bradstreet	Green	LaSata	Shackleton
Brown, C.	Hager	Mead	Shulman
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Jellema	Perricone	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Johnson, Ruth	Rackowski	Voorhees
Garcia	Julian	Richardville	Woronchak

Nays—52

Baird	Dennis	LaForge	Rison
Basham	Faunce	Lemmons	Rivet
Bogardus	Frank	Lockwood	Schauer
Bovin	Garza	Mans	Schermesser
Brater	Gielegem	Martinez	Scott
Brewer	Hale	Minore	Sheltrown
Brown, B.	Hanley	Neumann	Stallworth
Callahan	Hansen	O'Neil	Switalski
Cherry	Hardman	Pestka	Tesanovich
Clark, I.	Jacobs	Price	Thomas
Clarke, H.	Jamnick	Prusi	Vaughn
Daniels	Kelly	Quarles	Wojno
DeHart	Kilpatrick	Reeves	Woodward

In The Chair: Birkholz

Rep. Rocca moved that Rep. Ruth Johnson be excused temporarily from today's session.
The motion prevailed.

Rep. Brater moved to amend the bill as follows:

1. Amend page 5, line 18, by striking out all of enacting section 2.

The question being on the adoption of the amendment offered by Rep. Brater,

Rep. Brater demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Brater,

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

Roll Call No. 1070**Yeas—87**

Allen	DeWeese	LaForge	Sanborn
Baird	Ehardt	Lemmons	Schauer
Basham	Faunce	Lockwood	Schermesser
Birkholz	Frank	Mans	Scott
Bisbee	Garza	Martinez	Scranton
Bogardus	Gielegem	Mead	Shackleton
Bovin	Gilbert	Middaugh	Sheltrown
Brater	Godchaux	Minore	Shulman

Brewer	Green	Neumann	Spade
Brown, B.	Hager	O'Neil	Switalski
Brown, C.	Hale	Pestka	Tabor
Byl	Hanley	Price	Tesanovich
Callahan	Hansen	Prusi	Thomas
Cassis	Hardman	Pumford	Toy
Caul	Hart	Quarles	Van Woerkom
Cherry	Howell	Raczkowski	Vander Roest
Clark, I.	Jacobs	Reeves	Vaughn
Clarke, H.	Jamnack	Richardville	Vear
Daniels	Julian	Richner	Wojno
DeHart	Kelly	Rison	Woodward
Dennis	Kilpatrick	Rivet	Woronchak
DeRossett	Kowall	Rocca	

Nays—20

Bishop	Gosselin	Koetje	Pappageorge
Bradstreet	Jansen	Kuipers	Patterson
DeVuyst	Jelinek	Kukuk	Perricone
Garcia	Jellema	LaSata	Stamas
Geiger	Johnson, Rick	Mortimer	Voorhees

In The Chair: Birkholz

Rep. Patterson moved to amend the bill as follows:

1. Amend page 3, line 24, after "FACILITY" by inserting "UNLESS BOTH OF THE FOLLOWING CONDITIONS ARE ESTABLISHED:

(i) A CLAIM UNDER THIS ACT ACCRUED PRIOR TO THE SENTENCING.

(ii) A CLAIM UNDER THIS ACT IS UNRELATED TO A PERSON'S STATUS AS A PRISONER OR INMATE".

The question being on the adoption of the amendment offered by Rep. Patterson,

Rep. Frank moved that the bill be re-referred to the Committee on Constitutional Law and Ethics.

The question being on the motion made by Rep. Frank,

Rep. Frank demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Frank,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 1071**Yeas—51**

Baird	Dennis	Lemmons	Schauer
Basham	Frank	Lockwood	Schermesser
Bogardus	Garza	Martinez	Scott
Bovin	Gielegem	Minore	Sheltrown
Brater	Hale	Neumann	Spade
Brewer	Hanley	O'Neil	Stallworth
Brown, B.	Hansen	Pestka	Switalski
Callahan	Hardman	Price	Tesanovich
Cherry	Jacobs	Prusi	Thomas
Clark, I.	Jamnack	Quarles	Vaughn
Clarke, H.	Kelly	Reeves	Wojno
Daniels	Kilpatrick	Rison	Woodward
DeHart	LaForge	Rivet	

Nays—55

Allen	Garcia	Kowall	Rocca
Birkholz	Geiger	Kuipers	Sanborn
Bisbee	Gilbert	Kukuk	Scranton
Bishop	Godchaux	LaSata	Shackleton
Bradstreet	Gosselin	Mead	Shulman
Brown, C.	Hager	Middaugh	Stamas
Byl	Hart	Mortimer	Tabor
Cassis	Howell	Pappageorge	Toy
Caul	Jansen	Patterson	Van Woerkom
DeRossett	Jelinek	Perricone	Vander Roest
DeVuyst	Jellema	Pumford	Vear
DeWeese	Johnson, Rick	Rackowski	Voorhees
Ehardt	Julian	Richardville	Woronchak
Faunce	Koetje	Richner	

In The Chair: Birkholz

The question being on the adoption of the amendment offered previously by Rep. Patterson,
The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Bob Brown moved to amend the bill as follows:

1. Amend page 3, line 24, after "FACILITY" by inserting a comma and "UNLESS THE SENTENCE OF SUCH AN INDIVIDUAL IS LATER OVERTURNED OR".

The question being on the adoption of the amendment offered by Rep. Bob Brown,

Rep. Bob Brown demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Bob Brown,

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

Roll Call No. 1072**Yeas—78**

Baird	Frank	LaForge	Schermesser
Basham	Garza	Lemmons	Scott
Birkholz	Gielegem	Lockwood	Shackleton
Bisbee	Gilbert	Martinez	Sheltrown
Bogardus	Green	Minore	Shulman
Bovin	Hager	Neumann	Spade
Brater	Hale	Pappageorge	Stallworth
Brewer	Hanley	Patterson	Stamas
Brown, B.	Hansen	Pestka	Switalski
Callahan	Hardman	Price	Tabor
Caul	Hart	Prusi	Tesanovich
Cherry	Howell	Quarles	Thomas
Clark, I.	Jacobs	Reeves	Toy
Clarke, H.	Jamnick	Richardville	Van Woerkom
Daniels	Jellema	Rison	Vaughn
DeHart	Julian	Rivet	Vear
Dennis	Kelly	Rocca	Wojno
DeWeese	Kilpatrick	Sanborn	Woodward
Ehardt	Koetje	Schauer	Woronchak
Faunce	Kowall		

Nays—28

Allen	DeVuyst	Johnson, Rick	Perricone
Bishop	Garcia	Kuipers	Pumford
Bradstreet	Geiger	Kukuk	Rackowski
Brown, C.	Godchaux	LaSata	Richner
Byl	Gosselin	Mead	Scranton
Cassis	Jansen	Middaugh	Vander Roest
DeRossett	Jelinek	Mortimer	Voorhees

In The Chair: Birkholz

Rep. Middaugh moved that consideration of the bill be postponed temporarily.
The motion prevailed.

Senate Bill No. 745, entitled

A bill to revise and codify the laws relating to banks, out-of-state banks, and foreign banks; to provide for their regulation and supervision; to prescribe the powers and duties of banks; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Insurance and Financial Services (for amendment, see House Journal No. 80, p. 2292).

The amendment was adopted, a majority of the members serving voting therefor.

Rep. Gielegghem moved that Rep. Minore be excused temporarily from today's session.
The motion prevailed.

Rep. Spade moved that Rep. Mans be excused temporarily from today's session.
The motion prevailed.

Reps. Thomas and Basham moved to amend the bill as follows:

1. Amend page 127, following line 17, by inserting:

“Sec. 4110. (1) As used in this section, “personal information” means 1 or more of the following:

- (a) Name and address.
- (b) Social security number.
- (c) Driver license number.
- (d) Account information.

(2) A bank or a bank affiliate shall not provide a customer's personal information to another person unless required by law or with the customer's prior written consent.

(3) A bank or a bank affiliate shall not deliver or cause to be delivered an envelope or package on the outside of which personal information is placed or on the inside of which personal information is placed that is visible from the outside of the envelope or package.”.

The question being on the adoption of the amendment offered by Reps. Thomas and Basham,

Rep. Thomas demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Thomas and Basham,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 1073**Yeas—52**

Baird	Dennis	Lemmons	Schauer
Basham	Frank	Lockwood	Schermesser

Bogardus	Garza	Martinez	Scott
Bovin	Gielegem	Neumann	Sheltrown
Brater	Hale	O'Neil	Spade
Brewer	Hanley	Pestka	Stallworth
Brown, B.	Hansen	Price	Switalski
Callahan	Hardman	Prusi	Tesanovich
Cherry	Jacobs	Quarles	Thomas
Clark, I.	Jamnick	Reeves	Vaughn
Clarke, H.	Kelly	Rison	Wojno
Daniels	Kilpatrick	Rivet	Woodward
DeHart	LaForge	Rocca	Woronchak

Nays—55

Allen	Garcia	Julian	Richardville
Birkholz	Geiger	Koetje	Richner
Bisbee	Gilbert	Kowall	Sanborn
Bishop	Godchaux	Kuipers	Scranton
Bradstreet	Gosselin	Kukuk	Shackleton
Brown, C.	Green	LaSata	Shulman
Byl	Hager	Mead	Stamas
Cassis	Hart	Middaugh	Tabor
Caul	Howell	Mortimer	Toy
DeRossett	Jansen	Pappageorge	Van Woerkom
DeVuyst	Jelinek	Patterson	Vander Roest
DeWeese	Jellema	Perricone	Vear
Ehardt	Johnson, Rick	Pumford	Voorhees
Faunce	Johnson, Ruth	Raczkowski	

In The Chair: Birkholz

Rep. Basham moved to amend the bill as follows:

1. Amend page 18, line 1, after “of” by striking out “6 months” and inserting “1 year”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Reeves moved that Rep. Garza be excused temporarily from today's session.

The motion prevailed.

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

Rep. Hale moved to amend the bill as follows:

1. Amend page 127, line 20, after “interest” by inserting “not to exceed 25% annually”.

The question being on the adoption of the amendment offered by Rep. Hale,

Rep. Hale demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Hale,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 1074**Yeas—47**

Baird	DeHart	Martinez	Schermesser
Basham	Frank	Neumann	Scott
Bogardus	Gielegem	O'Neil	Sheltrown
Bovin	Hale	Pestka	Spade
Brater	Hansen	Price	Stallworth
Brewer	Hardman	Prusi	Switalski
Brown, B.	Jacobs	Quarles	Tesanovich
Callahan	Jamnack	Reeves	Thomas
Cherry	Kelly	Rison	Vaughn
Clark, I.	LaForge	Rivet	Wojno
Clarke, H.	Lemmons	Rocca	Woodward
Daniels	Lockwood	Schauer	

Nays—54

Allen	Geiger	Koetje	Richardville
Bisbee	Gilbert	Kowall	Sanborn
Bishop	Godchaux	Kuipers	Scranton
Bradstreet	Gosselin	Kukuk	Shackleton
Brown, C.	Green	LaSata	Shulman
Byl	Hager	Mead	Stamas
Cassis	Hart	Middaugh	Tabor
Caul	Howell	Mortimer	Toy
DeRossett	Jansen	Pappageorge	Van Woerkom
DeVuyst	Jelinek	Patterson	Vander Roest
DeWeese	Jellema	Perricone	Vear
Ehardt	Johnson, Rick	Pumford	Voorhees
Faunce	Johnson, Ruth	Rackowski	Woronchak
Garcia	Julian		

In The Chair: Scranton

Rep. Basham moved to amend the bill as follows:

1. Amend page 18, line 1, after "of" by striking out "6" and inserting "11".

The question being on the adoption of the amendment offered by Rep. Basham,
Rep. Basham demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Basham,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 1075**Yeas—51**

Baird	Dennis	Lockwood	Schermesser
Basham	Frank	Martinez	Scott
Bogardus	Gielegem	Minore	Shackleton
Bovin	Hale	Neumann	Sheltrown
Brater	Hanley	Pestka	Spade
Brewer	Hansen	Price	Stallworth
Brown, B.	Hardman	Prusi	Switalski

Callahan	Jacobs	Quarles	Tesanovich
Cherry	Jamnick	Reeves	Thomas
Clark, I.	Kelly	Rison	Vaughn
Clarke, H.	Kilpatrick	Rivet	Wojno
Daniels	Kowall	Rocca	Woodward
DeHart	LaForge	Schauer	

Nays—50

Allen	Gilbert	Koetje	Raczkowski
Bisbee	Godchaux	Kuipers	Richardville
Bishop	Gosselin	Kukuk	Sanborn
Bradstreet	Green	LaSata	Scranton
Brown, C.	Hager	Mead	Shulman
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	O'Neil	Van Woerkom
DeRossett	Jelinek	Pappageorge	Vander Roest
DeVuyst	Jellema	Patterson	Vear
DeWeese	Johnson, Rick	Perricone	Voorhees
Faunce	Johnson, Ruth	Pumford	Woronchak
Garcia	Julian		

In The Chair: Scranton

Rep. Middaugh 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. Middaugh 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. 745, entitled**

A bill to revise and codify the laws relating to banks, out-of-state banks, and foreign banks; to provide for their regulation and supervision; to prescribe the powers and duties of banks; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; and to repeal acts and parts of acts.

Was read a third time and passed, a 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1076**Yeas—103**

Allen	Faunce	Kowall	Rivet
Baird	Frank	Kuipers	Rocca
Basham	Garcia	Kukuk	Sanborn
Birkholz	Geiger	LaForge	Schauer
Bisbee	Gielegem	LaSata	Schermesser
Bishop	Gilbert	Lockwood	Scott
Bogardus	Godchaux	Martinez	Scranton
Bovin	Gosselin	Mead	Shackleton
Bradstreet	Hager	Middaugh	Shulman
Brater	Hale	Minore	Spade
Brown, B.	Hanley	Mortimer	Stallworth

Roll Call No. 1077

Yeas—45

Baird	DeHart	Kilpatrick	Schauer
Basham	Dennis	LaForge	Schermesser
Bogardus	Frank	Lockwood	Scott
Bovin	Gielegem	Neumann	Sheltrown
Brater	Hale	O'Neil	Spade
Brewer	Hanley	Price	Stallworth
Brown, B.	Hansen	Prusi	Switalski
Callahan	Hardman	Quarles	Thomas
Cherry	Jacobs	Reeves	Vaughn
Clark, I.	Jamnick	Rison	Wojno
Clarke, H.	Kelly	Rivet	Woodward
Daniels			

Nays—55

Allen	Garcia	Koetje	Rocca
Birkholz	Geiger	Kowall	Sanborn
Bisbee	Gilbert	Kuipers	Scranton
Bishop	Godchaux	LaSata	Shackleton
Bradstreet	Gosselin	Martinez	Shulman
Brown, C.	Hager	Mead	Stamas
Byl	Hart	Middaugh	Tabor
Cassis	Howell	Mortimer	Toy
Caul	Jansen	Pappageorge	Van Woerkom
DeRossett	Jelinek	Patterson	Vander Roest
DeVuyst	Jellema	Perricone	Vear
DeWeese	Johnson, Rick	Pumford	Voorhees
Ehardt	Johnson, Ruth	Rackowski	Woronchak
Faunce	Julian	Richardville	

In The Chair: Scranton

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 19, following line 10, by inserting:

“Sec. 122. MISCELLANEOUS

Detroit zoological institute - arctic ring of life exhibit.....	\$	3,200,000
GROSS APPROPRIATION.....	\$	<u>3,200,000</u>

Appropriated from:”

and adjusting the subtotals, totals, and part 201 accordingly.

The question being on the adoption of the amendment offered by Rep. Stallworth,

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Stallworth,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 1078

Yeas—47

Baird	Dennis	LaForge	Rivet
Basham	Frank	Lockwood	Schauer

Bovin	Garza	Martinez	Schermesser
Brater	Gielegem	Minore	Scott
Brewer	Godchaux	Neumann	Stallworth
Brown, B.	Hale	O'Neil	Switalski
Callahan	Hanley	Pappageorge	Tesanovich
Cherry	Hansen	Price	Thomas
Clark, I.	Hardman	Prusi	Vaughn
Clarke, H.	Jacobs	Quarles	Wojno
Daniels	Jamnack	Reeves	Woodward
DeHart	Kelly	Rison	

Nays—56

Allen	Garcia	Kowall	Sanborn
Birkholz	Geiger	Kuipers	Scranton
Bisbee	Gilbert	Kukuk	Shackleton
Bishop	Gosselin	LaSata	Sheltrown
Bradstreet	Hager	Mead	Shulman
Brown, C.	Hart	Middaugh	Spade
Byl	Howell	Mortimer	Stamas
Cassis	Jansen	Patterson	Tabor
Caul	Jelinek	Perricone	Toy
DeRossett	Jellema	Pumford	Van Woerkom
DeVuyst	Johnson, Rick	Rackowski	Vander Roest
DeWeese	Johnson, Ruth	Richardville	Vear
Ehardt	Julian	Richner	Voorhees
Faunce	Koetje	Rocca	Woronchak

In The Chair: Scranton

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 19, following line 10, by inserting:

“Sec. 122. HIGHER EDUCATION

WSU Morris W. Hood diabetes center	\$	3,000,000
GROSS APPROPRIATIONS	\$	3,000,000
State general fund/general purpose	\$	3,000,000”

and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendment offered by Rep. Stallworth,

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Stallworth,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 1079

Yeas—48

Baird	Dennis	Lemmons	Richner
Basham	DeWeese	Lockwood	Rison
Bogardus	Frank	Martinez	Schauer
Bovin	Gielegem	Minore	Schermesser
Brater	Hager	Neumann	Scott
Brewer	Hale	O'Neil	Sheltrown
Brown, B.	Hanley	Pestka	Stallworth

Callahan	Hardman	Price	Switalski
Cherry	Jacobs	Prusi	Tesanovich
Clark, I.	Jamnack	Quarles	Thomas
Daniels	Kelly	Reeves	Vaughn
DeHart	LaForge	Richardville	Wojno

Nays—53

Allen	Geiger	Kowall	Sanborn
Birkholz	Gilbert	Kuipers	Scranton
Bisbee	Gosselin	Kukuk	Shackleton
Bishop	Green	LaSata	Shulman
Bradstreet	Hart	Mead	Spade
Brown, C.	Howell	Middaugh	Stamas
Byl	Jansen	Mortimer	Tabor
Cassis	Jelinek	Pappageorge	Toy
Caul	Jellema	Patterson	Van Woerkom
DeRossett	Johnson, Rick	Perricone	Vander Roest
DeVuyst	Johnson, Ruth	Pumford	Vear
Ehardt	Julian	Rackowski	Voorhees
Faunce	Koetje	Rocca	Woronchak
Garcia			

In The Chair: Scranton

Rep. Prusi moved that Rep. Scott be excused from the balance of today's session.
The motion prevailed.

Rep. Quarles moved that Rep. Minore be excused from the balance of today's session.
The motion prevailed.

Rep. Kelly moved that Rep. LaForge be excused temporarily from today's session.
The motion prevailed.

Rep. Tabor moved that Rep. Toy be excused temporarily from today's session.
The motion prevailed.

Rep. Voorhees moved to amend the bill as follows:

1. Amend page 55, line 20, by striking out all of sections 1203 and 1204.

The question being on the adoption of the amendment offered by Rep. Voorhees,

Rep. Voorhees demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Voorhees,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 1080**Yeas—33**

Allen	Gosselin	Kuipers	Sanborn
Birkholz	Green	Kukuk	Stamas

Bishop
Bradstreet
Brown, B.
Byl
Cassis
DeVuyst
DeWeese

Hager
Hart
Jansen
Johnson, Rick
Johnson, Ruth
Kilpatrick

Lemmons
Middaugh
Patterson
Perricone
Pestka
Raczkowski

Thomas
Van Woerkom
Vander Roest
Vaughn
Voorhees
Woronchak

Nays—68

Baird
Basham
Bisbee
Bogardus
Bovin
Brater
Brewer
Brown, C.
Callahan
Caul
Cherry
Clark, I.
Clarke, H.
Daniels
DeHart
Dennis
DeRossett

Ehardt
Faunce
Frank
Garcia
Garza
Geiger
Gielegem
Gilbert
Hale
Hanley
Hansen
Hardman
Howell
Jacobs
Jamnick
Jelinek
Jellema

Julian
Kelly
Kowall
LaSata
Lockwood
Martinez
Mead
Mortimer
Neumann
O'Neil
Pappageorge
Prusi
Pumford
Quarles
Reeves
Richardville
Richner

Rison
Rivet
Rocca
Schauer
Schermesser
Scranton
Shackleton
Sheltrown
Shulman
Spade
Stallworth
Switalski
Tabor
Tesanovich
Vear
Wojno
Woodward

In The Chair: Scranton

Reps. Spade and Richardville moved to amend the bill as follows:

- 1. Amend page 4, following line 15, by inserting:

“World War II veterans memorial..... 403,000”.

- 2. Amend page 4, line 24, by striking out “926,200” and inserting “1,329,200” and adjusting the totals, subtotals, and section 201 accordingly.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Basham moved to amend the bill as follows:

- 1. Amend page 14, following line 25, by inserting:

“Grade crossing upgrade in city of Romulus..... 2,000,000”.

- 2. Amend page 15, line 24, by striking out “11,950,000” and inserting “13,950,000” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments offered by Rep. Basham,

Rep. Basham demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Basham,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 1081

Yeas—44

Baird
Basham

Daniels
DeHart

Kelly
Kilpatrick

Rison
Rivet

Bogardus	Dennis	LaForge	Schauer
Bovin	Garza	Lockwood	Schermesser
Brater	Gielegem	Martinez	Stallworth
Brewer	Hale	O'Neil	Switalski
Brown, B.	Hanley	Patterson	Tesanovich
Callahan	Hansen	Price	Thomas
Cherry	Hardman	Prusi	Vaughn
Clark, I.	Jacobs	Quarles	Wojno
Clarke, H.	Jamnick	Reeves	Woodward

Nays—60

Allen	Geiger	Kowall	Rocca
Birkholz	Gilbert	Kuipers	Sanborn
Bisbee	Godchaux	Kukuk	Scranton
Bishop	Gosselin	LaSata	Shackleton
Bradstreet	Green	Mead	Sheltrown
Brown, C.	Hager	Middaugh	Shulman
Byl	Hart	Mortimer	Spade
Cassis	Howell	Neumann	Stamas
Caul	Jansen	Pappageorge	Tabor
DeRossett	Jelinek	Perricone	Toy
DeVuyst	Jellema	Pestka	Van Woerkom
DeWeese	Johnson, Rick	Pumford	Vander Roest
Ehardt	Johnson, Ruth	Rackowski	Vear
Faunce	Julian	Richardville	Voorhees
Garcia	Koetje	Richner	Woronchak

In The Chair: Scranton

Rep. Hale moved to amend the bill as follows:

1. Amend page 19, following line 10, by inserting:

“Sec. 122. HIGHER EDUCATION

WSU Morris Hood diabetes center.....	\$	2,500,000
GROSS APPROPRIATIONS.....	\$	2,500,000
State general fund/general purpose.....		2,500,000”

and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendment offered by Rep. Hale,

Rep. Hale demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Hale,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 1082

Yeas—47

Baird	Dennis	Kilpatrick	Rivet
Basham	Frank	LaForge	Schauer
Bogardus	Garza	Lemmons	Schermesser
Bovin	Gielegem	Lockwood	Sheltrown
Brater	Hager	Martinez	Stallworth
Brewer	Hale	Neumann	Switalski
Brown, B.	Hanley	O'Neil	Tesanovich

Callahan
Cherry
Clark, I.
Clarke, H.
DeHart

Hansen
Hardman
Jacobs
Jamnick
Kelly

Price
Prusi
Quarles
Reeves
Rison

Thomas
Vaughn
Wojno
Woodward

Nays—55

Allen
Birkholz
Bisbee
Bishop
Bradstreet
Brown, C.
Byl
Cassis
Caul
DeRossett
DeVuyst
DeWeese
Ehardt
Faunce

Garcia
Geiger
Gilbert
Godchaux
Gosselin
Green
Hart
Howell
Jansen
Jelinek
Jellema
Johnson, Rick
Johnson, Ruth
Julian

Koetje
Kowall
Kuipers
Kukuk
LaSata
Mead
Middaugh
Mortimer
Pappageorge
Patterson
Perricone
Pumford
Raczkowski
Richardville

Rocca
Sanborn
Scranton
Shackleton
Shulman
Spade
Tabor
Toy
Van Woerkom
Vander Roest
Vear
Voorhees
Woronchak

In The Chair: Scranton

Rep. Godchaux moved to amend the bill as follows:

1. Amend page 13, following line 6, by inserting:

“Oakland Community College - combined regional emergency services center - for program and planning to be paid for from college revenues.....

100”

and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendment offered by Rep. Godchaux,

Rep. Godchaux demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Godchaux,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 1083

Yeas—55

Allen
Baird
Bisbee
Bishop
Bogardus
Brater
Brewer
Brown, B.
Cassis
Clark, I.
Clarke, H.
Daniels
DeHart
DeWeese

Ehardt
Faunce
Frank
Garza
Godchaux
Gosselin
Hager
Hale
Hansen
Hardman
Hart
Jacobs
Jamnick
Johnson, Rick

Johnson, Ruth
Julian
Kelly
Kilpatrick
Kowall
Lemmons
Lockwood
Martinez
Middaugh
Neumann
Patterson
Price
Quarles
Raczkowski

Reeves
Richner
Rison
Rivet
Rocca
Scranton
Shackleton
Sheltrown
Shulman
Thomas
Vaughn
Woodward
Woronchak

Nays—46

Birkholz	Gielegem	Mead	Spade
Bovin	Gilbert	Mortimer	Stamas
Bradstreet	Green	O'Neil	Switalski
Brown, C.	Howell	Pappageorge	Tabor
Byl	Jansen	Perricone	Tesanovich
Callahan	Jelinek	Pestka	Toy
Caul	Jellema	Prusi	Van Woerkom
Cherry	Koetje	Pumford	Vander Roest
DeRossett	Kuipers	Richardville	Vear
DeVuyst	Kukuk	Sanborn	Voorhees
Garcia	LaForge	Schermesser	Wojno
Geiger	LaSata		

In The Chair: Scranton

Rep. Bob Brown moved to reconsider the vote by which the House did not adopt the amendment.

The question being on the motion made by Rep. Bob Brown,

Rep. Bob Brown demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Bob Brown,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 1084**Yeas—43**

Bishop	Gosselin	Kowall	Rivet
Bogardus	Hale	LaForge	Rocca
Brater	Hanley	Lemmons	Scranton
Brewer	Hansen	Martinez	Sheltrown
Brown, B.	Hardman	Neumann	Shulman
Cassis	Hart	Patterson	Stallworth
Clark, I.	Jacobs	Price	Thomas
Clarke, H.	Jamnick	Quarles	Vaughn
Daniels	Johnson, Ruth	Reeves	Woodward
DeWeese	Julian	Richner	Woronchak
Garza	Kilpatrick	Rison	

Nays—57

Allen	Faunce	Kukuk	Schauer
Basham	Garcia	LaSata	Schermesser
Birkholz	Geiger	Lockwood	Shackleton
Bisbee	Gielegem	Mead	Spade
Bovin	Gilbert	Middaugh	Stamas
Bradstreet	Green	Mortimer	Switalski
Brown, C.	Hager	O'Neil	Tabor
Byl	Howell	Pappageorge	Tesanovich
Callahan	Jansen	Perricone	Toy
Caul	Jelinek	Pestka	Van Woerkom
Cherry	Jellema	Prusi	Vander Roest
DeHart	Johnson, Rick	Pumford	Vear

DeRossett
DeVuyst
Ehardt

Koetje
Kuipers

Richardville
Sanborn

Voorhees
Wojno

In The Chair: Scranton

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

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

Rep. Middaugh moved that Rule 49 be suspended.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4297, entitled

A bill to make appropriations for a capital outlay program for the fiscal year ending September 30, 2000; to implement the appropriations within the budgetary process; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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

Roll Call No. 1085

Yeas—96

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

Nays—10

Bishop
Bradstreet
Gosselin

Johnson, Ruth
Julian
Kowall

Patterson
Raczkowski

Rocca
Vander Roest

In The Chair: Scranton

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 make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal years ending September 30, 2000 and September 30, 2001; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Bradstreet, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

HB 4297 is a bill which has a little something for everyone. There are many worthy projects for every area of the state, some in my own district, and I do support most of the projects listed in this bill. However, in its present form, HB4297 is too pork-laden for me to support. While this is Christmas time, and we should all be in a generous mood in spending our own money, we dare not be in such a generous mood in spending the people’s hard-earned tax dollars. Moreover, Christmas for some of these projects was last June. In June we appropriated \$35 million for the Detroit Institute of Arts. Now we are told that we were really committed (by whom I could not ascertain) to spending \$40 million, so today we are sending an additional \$5 million to the DIA. In June we sent the Grand Rapids Convention Center \$60 million. Now we are told that we really committed to the Grand Rapids Convention Center a total of \$65, so we need to send them another \$5 million. It is unfortunate that this bill contains a mix of items, some of which are the legitimate business of state government and some of which are pure pork. I cannot support the pork for the sake of the worthy projects. My ‘no’ vote, then, is a vote to send this bill back to the Appropriations Committee with the hope that they would strip out those items that, though perhaps worthy projects, are not the business of state government. Taxes are already too high. Fiscal responsibility should be our top priority. After all, it’s not our money.”

By unanimous consent the House returned to the order of

Reports of Select Committees

Senate Bill No. 463, entitled

A bill to amend 1972 PA 230, entitled “State construction code act of 1972,” by amending the title and sections 2, 4, 7, 8, 10, and 22 (MCL 125.1502, 125.1504, 125.1507, 125.1508, 125.1510, and 125.1522), the title and section 4 as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as

amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 463, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending the title and sections 2, 4, 7, 8, 10, and 22 (MCL 125.1502, 125.1504, 125.1507, 125.1508, 125.1510, and 125.1522), the title and section 4 as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending the title and sections 1, 2, 4, 7, 8, 10, and 22 (MCL 125.1501, 125.1502, 125.1504, 125.1507, 125.1508, 125.1510, and 125.1522), the title and section 4 as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to create a construction code commission and prescribe its functions; to authorize the ~~commission~~ DIRECTOR to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; ~~to provide that governmental subdivisions may with exceptions elect not to be subject to certain parts of the act;~~ to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish PENALTIES, remedies, and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation.

Sec. 1. This act shall be known and may be cited as the ~~"state construction code act of 1972"~~ "STILLE-DEROSSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT".

Sec. 2. (1) As used in this act:

(a) "Agricultural or agricultural purposes" means of, or pertaining to, or connected with, or engaged in agriculture or tillage which is characterized by the act or business of cultivating or using land and soil for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

(b) "Application for a building permit" means an application for a building permit submitted to an enforcing agency pursuant to this act and plans, specifications, surveys, statements, and other material submitted to the enforcing agency together or in connection with the application.

(c) "Barrier free design" means design complying with legal requirements for architectural designs which eliminate the type of barriers and hindrances that deter persons with disabilities from having access to and free mobility in and around a building or structure.

(d) "Board of appeals" means the construction board of appeals of a governmental subdivision provided for in section 14.

(e) "Boards" means the state plumbing and electrical administrative boards and the barrier free design board created in section 5 of 1966 PA 1, MCL 125.1355.

(f) "Building" means a combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by persons, animals, or property. ~~The term BUILDING does not include a building, WHETHER TEMPORARY OR PERMANENT, incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade. The term shall be construed as though followed by the words BUILDING INCLUDES THE MEANING "or part or parts of the building and all equipment in the building"~~ unless the context clearly requires a different meaning.

(g) "Building envelope" means the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior.

(h) "Business day" means a day of the year, exclusive of a Saturday, Sunday, or legal holiday.

(i) "Chief elected official" means the chairperson of the county board of commissioners, the city mayor, the village president, or the township supervisor.

(j) "Code" means the state construction code provided for in section 4 or a part thereof OF THAT CODE of limited application ; and includes a modification of or amendment to the code.

(k) "Commission" means the state construction code commission created by section 3.

(l) "Construction" means the construction, erection, reconstruction, alteration, conversion, demolition, repair, moving, or equipping of buildings or structures.

(m) "Construction regulation" means a law, act, rule, resolution, regulation, ordinance, or code, general or special, or compilation thereof, heretofore or hereafter enacted or adopted BEFORE OR AFTER JANUARY 1, 1973, by this state or a county, city, village, or township including a department, board, bureau, commission, or other agency thereof, relating to the design, construction, or use of buildings and structures and the installation of equipment in the building or structure. Construction regulation does not include a zoning ordinance or rule issued pursuant to a zoning ordinance and related to zoning.

(N) "COST-EFFECTIVE", IN REFERENCE TO SECTION 4(3)(F) AND (G), MEANS, USING THE EXISTING ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS AS THE BASE OF COMPARISON, THE ECONOMIC BENEFITS OF THE PROPOSED ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS WILL EXCEED THE ECONOMIC COSTS OF THE REQUIREMENTS OF THE PROPOSED RULES BASED UPON AN INCREMENTAL MULTIYEAR ANALYSIS. ALL OF THE FOLLOWING PROVISIONS APPLY:

(i) THE ANALYSIS SHALL TAKE INTO CONSIDERATION THE PERSPECTIVE OF A TYPICAL FIRST-TIME HOME BUYER.

(ii) THE ANALYSIS SHALL CONSIDER BENEFITS AND COSTS OVER A 7-YEAR TIME PERIOD.

(iii) THE ANALYSIS SHALL NOT ASSUME FUEL PRICE INCREASES IN EXCESS OF THE ASSUMED GENERAL RATE OF INFLATION.

(iv) THE ANALYSIS SHALL ASSURE THAT THE BUYER OF A HOME WHO QUALIFIES TO PURCHASE THE HOME BEFORE THE ADDITION OF THE ENERGY EFFICIENT STANDARDS WOULD STILL QUALIFY TO PURCHASE THE SAME HOME AFTER THE ADDITIONAL COST OF THE ENERGY-SAVING CONSTRUCTION FEATURES.

(v) THE ANALYSIS SHALL ASSURE THAT THE COSTS OF PRINCIPAL, INTEREST, TAXES, INSURANCE, AND UTILITIES WILL NOT BE GREATER AFTER THE INCLUSION OF THE PROPOSED COST OF THE ADDITIONAL ENERGY-SAVING CONSTRUCTION FEATURES REQUIRED BY THE PROPOSED ENERGY EFFICIENCY RULES AS OPPOSED TO THE PROVISIONS OF THE EXISTING ENERGY EFFICIENCY RULES.

(O) ~~(n)~~ "Department" means the department of ~~labor~~ CONSUMER AND INDUSTRY SERVICES.

(P) ~~(o)~~ "Director" means the director of ~~labor~~ THE DEPARTMENT or an authorized representative of the director.

(Q) ~~(p)~~ "Energy conservation" means the efficient use of energy by providing building envelopes with high thermal resistance and low air leakage, and the selection of energy efficient mechanical, electrical service, and illumination systems, equipment, devices, or apparatus.

(R) ~~(q)~~ "Enforcing agency" means the enforcing agency, in accordance with section 8 or 9, which is responsible for administration and enforcement of a nationally recognized model code or this act and the code within a governmental subdivision, except for the purposes of section 19 enforcing agency means the agency in a governmental unit principally responsible for the administration and enforcement of applicable construction regulations.

(S) ~~(r)~~ "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment.

~~(s) "Executive director" means the director of the bureau of construction codes as set forth under section 7.~~

(t) "Governmental subdivision" means a county, city, village, or township which in accordance with section 8 or 9 has assumed responsibility for the administration and enforcement of a nationally recognized model code or this act and the code within its jurisdiction.

(u) "Mobile home" means a vehicular, portable structure built on a chassis PURSUANT TO THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974, TITLE VI OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, PUBLIC LAW 93-383, 42 U.S.C. 5401 TO 5426, and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days.

(v) "Other laws and ordinances" means other laws and ordinances ; whether enacted by this state or by a county, city, village, or township and the rules issued ~~thereunder~~ UNDER THOSE LAWS AND ORDINANCES.

(w) "Owner" means the owner of the freehold of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property or his or her duly authorized agent.

(x) "Person with disabilities" means a individual whose physical characteristics have a particular relationship to that individual's ability to be self-reliant in the individual's movement throughout and use of the building environment.

(y) "Premanufactured unit" means an assembly of materials or products intended to comprise all or part of a building or structure, and which is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to insure uniformity of quality and material content. Premanufactured unit includes a mobile home.

(z) "Structure" means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. Structure does not include a structure incident to the use for agricultural purposes of the land on which the structure is located and does not include works of heavy civil construction including, ~~without limitation~~ BUT NOT LIMITED TO, a highway, bridge, dam, reservoir, lock, mine, harbor, dockside port facility, an airport landing facility and facilities for the generation or transmission, or distribution of electricity. Structure ~~shall be construed as though followed by the words~~ INCLUDES THE MEANING "or part or parts of the structure and all equipment in the structure" unless the context clearly ~~indicates otherwise~~ REQUIRES A DIFFERENT MEANING.

(2) Unless the context clearly indicates otherwise, ~~references~~ A REFERENCE to this act, or to this act and the code, ~~shall refer to~~ MEANS this act and rules promulgated pursuant to this act including the code.

SEC. 2A. (1) AS USED IN THIS ACT:

(A) "AGRICULTURAL OR AGRICULTURAL PURPOSES" MEANS OF, OR PERTAINING TO, OR CONNECTED WITH, OR ENGAGED IN AGRICULTURE OR TILLAGE WHICH IS CHARACTERIZED BY THE ACT OR BUSINESS OF CULTIVATING OR USING LAND AND SOIL FOR THE PRODUCTION OF CROPS FOR THE USE OF ANIMALS OR HUMANS, AND INCLUDES, BUT IS NOT LIMITED TO, PURPOSES RELATED TO AGRICULTURE, FARMING, DAIRYING, PASTURAGE, HORTICULTURE, FLORICULTURE, VITICULTURE, AND ANIMAL AND POULTRY HUSBANDRY.

(B) "APPLICATION FOR A BUILDING PERMIT" MEANS AN APPLICATION FOR A BUILDING PERMIT SUBMITTED TO AN ENFORCING AGENCY PURSUANT TO THIS ACT AND PLANS, SPECIFICATIONS, SURVEYS, STATEMENTS, AND OTHER MATERIAL SUBMITTED TO THE ENFORCING AGENCY TOGETHER OR IN CONNECTION WITH THE APPLICATION.

(C) "BARRIER FREE DESIGN" MEANS DESIGN COMPLYING WITH LEGAL REQUIREMENTS FOR ARCHITECTURAL DESIGNS WHICH ELIMINATE THE TYPE OF BARRIERS AND HINDRANCES THAT DETER PERSONS WITH DISABILITIES FROM HAVING ACCESS TO AND FREE MOBILITY IN AND AROUND A BUILDING OR STRUCTURE.

(D) "BOARD OF APPEALS" MEANS THE CONSTRUCTION BOARD OF APPEALS OF A GOVERNMENTAL SUBDIVISION PROVIDED FOR IN SECTION 14.

(E) "BOARDS" MEANS THE STATE PLUMBING, BOARD OF MECHANICAL RULES, AND ELECTRICAL ADMINISTRATIVE BOARDS AND THE BARRIER FREE DESIGN BOARD CREATED IN SECTION 5 OF 1966 PA 1, MCL 125.1355.

(F) "BUILDING" MEANS A COMBINATION OF MATERIALS, WHETHER PORTABLE OR FIXED, FORMING A STRUCTURE AFFORDING A FACILITY OR SHELTER FOR USE OR OCCUPANCY BY PERSONS, ANIMALS, OR PROPERTY. BUILDING DOES NOT INCLUDE A BUILDING, WHETHER TEMPORARY OR PERMANENT, INCIDENTAL TO THE USE FOR AGRICULTURAL PURPOSES OF THE LAND ON WHICH THE BUILDING IS LOCATED IF IT IS NOT USED IN THE BUSINESS OF RETAIL TRADE. BUILDING INCLUDES THE MEANING "OR PART OR PARTS OF THE BUILDING AND ALL EQUIPMENT IN THE BUILDING" UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING.

(G) "BUILDING ENVELOPE" MEANS THE ELEMENTS OF A BUILDING WHICH ENCLOSE CONDITIONED SPACES THROUGH WHICH THERMAL ENERGY MAY BE TRANSFERRED TO OR FROM THE EXTERIOR.

(H) "BUSINESS DAY" MEANS A DAY OF THE YEAR, EXCLUSIVE OF A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

(I) "CHIEF ELECTED OFFICIAL" MEANS THE CHAIRPERSON OF THE COUNTY BOARD OF COMMISSIONERS, THE CITY MAYOR, THE VILLAGE PRESIDENT, OR THE TOWNSHIP SUPERVISOR.

(J) "CODE" MEANS THE STATE CONSTRUCTION CODE PROVIDED FOR IN SECTION 4 OR A PART OF THAT CODE OF LIMITED APPLICATION AND INCLUDES A MODIFICATION OF OR AMENDMENT TO THE CODE.

(K) "COMMISSION" MEANS THE STATE CONSTRUCTION CODE COMMISSION CREATED BY SECTION 3.

(l) "CONSTRUCTION" MEANS THE CONSTRUCTION, ERECTION, RECONSTRUCTION, ALTERATION, CONVERSION, DEMOLITION, REPAIR, MOVING, OR EQUIPPING OF BUILDINGS OR STRUCTURES.

(M) "CONSTRUCTION REGULATION" MEANS A LAW, ACT, RULE, REGULATION, OR CODE, GENERAL OR SPECIAL, OR COMPILATION THEREOF, ENACTED OR ADOPTED BEFORE OR AFTER JANUARY 1, 1973, BY THIS STATE INCLUDING A DEPARTMENT, BOARD, BUREAU, COMMISSION, OR OTHER AGENCY THEREOF, RELATING TO THE DESIGN, CONSTRUCTION, OR USE OF BUILDINGS AND STRUCTURES AND

THE INSTALLATION OF EQUIPMENT IN THE BUILDING OR STRUCTURE. CONSTRUCTION REGULATION DOES NOT INCLUDE A ZONING ORDINANCE OR RULE ISSUED PURSUANT TO A ZONING ORDINANCE AND RELATED TO ZONING.

(N) "COST-EFFECTIVE", IN REFERENCE TO SECTION 4(3)(F) AND (G), MEANS, USING THE EXISTING ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS AS THE BASE OF COMPARISON, THE ECONOMIC BENEFITS OF THE PROPOSED ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS WILL EXCEED THE ECONOMIC COSTS OF THE REQUIREMENTS OF THE PROPOSED RULES BASED UPON AN INCREMENTAL MULTIYEAR ANALYSIS. ALL OF THE FOLLOWING PROVISIONS APPLY:

(i) THE ANALYSIS SHALL TAKE INTO CONSIDERATION THE PERSPECTIVE OF A TYPICAL FIRST-TIME HOME BUYER.

(ii) THE ANALYSIS SHALL CONSIDER BENEFITS AND COSTS OVER A 7-YEAR TIME PERIOD.

(iii) THE ANALYSIS SHALL NOT ASSUME FUEL PRICE INCREASES IN EXCESS OF THE ASSUMED GENERAL RATE OF INFLATION.

(iv) THE ANALYSIS SHALL ASSURE THAT THE BUYER OF A HOME WHO QUALIFIES TO PURCHASE THE HOME BEFORE THE ADDITION OF THE ENERGY EFFICIENT STANDARDS WOULD STILL QUALIFY TO PURCHASE THE SAME HOME AFTER THE ADDITIONAL COST OF THE ENERGY-SAVING CONSTRUCTION FEATURES.

(v) THE ANALYSIS SHALL ASSURE THAT THE COSTS OF PRINCIPAL, INTEREST, TAXES, INSURANCE, AND UTILITIES WILL NOT BE GREATER AFTER THE INCLUSION OF THE PROPOSED COST OF THE ADDITIONAL ENERGY-SAVING CONSTRUCTION FEATURES REQUIRED BY THE PROPOSED ENERGY EFFICIENCY RULES AS OPPOSED TO THE PROVISIONS OF THE EXISTING ENERGY EFFICIENCY RULES.

(O) "DEPARTMENT" MEANS THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

(P) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR AN AUTHORIZED REPRESENTATIVE OF THE DIRECTOR.

(Q) "ENERGY CONSERVATION" MEANS THE EFFICIENT USE OF ENERGY BY PROVIDING BUILDING ENVELOPES WITH HIGH THERMAL RESISTANCE AND LOW AIR LEAKAGE, AND THE SELECTION OF ENERGY EFFICIENT MECHANICAL, ELECTRICAL SERVICE, AND ILLUMINATION SYSTEMS, EQUIPMENT, DEVICES, OR APPARATUS.

(R) "ENFORCING AGENCY" MEANS THE ENFORCING AGENCY, IN ACCORDANCE WITH SECTION 8A OR 8B, WHICH IS RESPONSIBLE FOR ADMINISTRATION AND ENFORCEMENT OF THE CODE WITHIN A GOVERNMENTAL SUBDIVISION, EXCEPT FOR THE PURPOSES OF SECTION 19 ENFORCING AGENCY MEANS THE AGENCY IN A GOVERNMENTAL UNIT PRINCIPALLY RESPONSIBLE FOR THE ADMINISTRATION AND ENFORCEMENT OF APPLICABLE CONSTRUCTION REGULATIONS.

(S) "EQUIPMENT" MEANS PLUMBING, HEATING, ELECTRICAL, VENTILATING, AIR CONDITIONING, AND REFRIGERATING EQUIPMENT.

(T) "GOVERNMENTAL SUBDIVISION" MEANS A COUNTY, CITY, VILLAGE, OR TOWNSHIP WHICH IN ACCORDANCE WITH SECTION 8 HAS ASSUMED RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE WITHIN ITS JURISDICTION.

(U) "MOBILE HOME" MEANS A VEHICULAR, PORTABLE STRUCTURE BUILT ON A CHASSIS PURSUANT TO THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT 1974, TITLE VI OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, PUBLIC LAW 93-383, 42 U.S.C. 5401 TO 5426, AND DESIGNED TO BE USED WITHOUT A PERMANENT FOUNDATION AS A DWELLING WHEN CONNECTED TO REQUIRED UTILITIES AND WHICH IS, OR IS INTENDED TO BE, ATTACHED TO THE GROUND, TO ANOTHER STRUCTURE, OR TO A UTILITY SYSTEM ON THE SAME PREMISES FOR MORE THAN 30 CONSECUTIVE DAYS.

(V) "OTHER LAWS AND ORDINANCES" MEANS OTHER LAWS AND ORDINANCES WHETHER ENACTED BY THIS STATE OR BY A COUNTY, CITY, VILLAGE, OR TOWNSHIP AND THE RULES ISSUED UNDER THOSE LAWS AND ORDINANCES.

(W) "OWNER" MEANS THE OWNER OF THE FREEHOLD OF THE PREMISES OR LESSER ESTATE IN THE PREMISES, A MORTGAGEE OR VENDEE IN POSSESSION, AN ASSIGNEE OF RENTS, RECEIVER, EXECUTOR, TRUSTEE, LESSEE, OR ANY OTHER PERSON, SOLE PROPRIETORSHIP, PARTNERSHIP, ASSOCIATION, OR CORPORATION DIRECTLY OR INDIRECTLY IN CONTROL OF A BUILDING, STRUCTURE, OR REAL PROPERTY OR HIS OR HER DULY AUTHORIZED AGENT.

(X) "PERSON WITH DISABILITIES" MEANS A INDIVIDUAL WHOSE PHYSICAL CHARACTERISTICS HAVE A PARTICULAR RELATIONSHIP TO THAT INDIVIDUAL'S ABILITY TO BE SELF-RELIANT IN THE INDIVIDUAL'S MOVEMENT THROUGHOUT AND USE OF THE BUILDING ENVIRONMENT.

(Y) "PREMANUFACTURED UNIT" MEANS AN ASSEMBLY OF MATERIALS OR PRODUCTS INTENDED TO COMPRISE ALL OR PART OF A BUILDING OR STRUCTURE, AND WHICH IS ASSEMBLED AT OTHER THAN THE FINAL LOCATION OF THE UNIT OF THE BUILDING OR STRUCTURES BY A REPETITIVE PROCESS

UNDER CIRCUMSTANCES INTENDED TO INSURE UNIFORMITY OF QUALITY AND MATERIAL CONTENT. PREMANUFACTURED UNIT INCLUDES A MOBILE HOME.

(Z) "STRUCTURE" MEANS THAT WHICH IS BUILT OR CONSTRUCTED, AN EDIFICE OR BUILDING OF ANY KIND, OR A PIECE OF WORK ARTIFICIALLY BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER IN SOME DEFINITE MANNER. STRUCTURE DOES NOT INCLUDE A STRUCTURE INCIDENT TO THE USE FOR AGRICULTURAL PURPOSES OF THE LAND ON WHICH THE STRUCTURE IS LOCATED AND DOES NOT INCLUDE WORKS OF HEAVY CIVIL CONSTRUCTION INCLUDING, BUT NOT LIMITED TO, A HIGHWAY, BRIDGE, DAM, RESERVOIR, LOCK, MINE, HARBOR, DOCKSIDE PORT FACILITY, AN AIRPORT LANDING FACILITY AND FACILITIES FOR THE GENERATION OR TRANSMISSION, OR DISTRIBUTION OF ELECTRICITY. STRUCTURE INCLUDES THE MEANING "OR PART OR PARTS OF THE STRUCTURE AND ALL EQUIPMENT IN THE STRUCTURE" UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING.

(2) UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, A REFERENCE TO THIS ACT, OR TO THIS ACT AND THE CODE, MEANS THIS ACT AND RULES PROMULGATED PURSUANT TO THIS ACT INCLUDING THE CODE.

SEC. 3A. (1) THE STATE CONSTRUCTION CODE COMMISSION IS CREATED AND CONSISTS OF A DESIGNEE OF THE OFFICE OF FIRE SAFETY AND THE CHAIRPERSONS OF THE BARRIER FREE DESIGN BOARD, THE ELECTRICAL ADMINISTRATIVE BOARD, THE STATE PLUMBING BOARD, AND THE BOARD OF MECHANICAL RULES, WHO SHALL BE PERMANENT MEMBERS, AND 12 RESIDENTS OF THE STATE TO BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE. APPOINTED MEMBERS OF THE COMMISSION SHALL INCLUDE 1 PERSON FROM EACH OF THE FIELDS OF INDUSTRIAL MANAGEMENT, ARCHITECTURE, PROFESSIONAL ENGINEERING, BUILDING CONTRACTING, ORGANIZED LABOR, PREMANUFACTURED BUILDING, AND 3 MEMBERS REPRESENTING MUNICIPAL BUILDING INSPECTION; 2 PERSONS FROM THE GENERAL PUBLIC; AND A LICENSED RESIDENTIAL BUILDER. A MEMBER OF THE COMMISSION SHALL BE APPOINTED FOR A TERM OF 2 YEARS, EXCEPT THAT A VACANCY SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM. A MEMBER OF THE COMMISSION MAY BE REMOVED FROM OFFICE BY THE GOVERNOR FOR INEFFICIENCY, NEGLECT OF DUTY, OR MISCONDUCT OR MALFEASANCE IN OFFICE. A MEMBER OF THE COMMISSION WHO HAS A PECUNIARY INTEREST IN A MATTER BEFORE THE COMMISSION SHALL DISCLOSE THE INTEREST BEFORE THE COMMISSION TAKES ACTION IN THE MATTER, WHICH DISCLOSURES SHALL BE MADE A MATTER OF RECORD IN ITS OFFICIAL PROCEEDINGS. EACH MEMBER OF THE COMMISSION, EXCEPT THE STATE FIRE MARSHAL OR THE STATE FIRE MARSHAL'S DESIGNEE, SHALL RECEIVE COMPENSATION AND ACTUAL EXPENSES INCURRED BY THE MEMBER IN THE PERFORMANCE OF THE DUTIES AS A MEMBER OF THE COMMISSION. THE PER DIEM COMPENSATION OF THE MEMBERS AND THE SCHEDULE FOR REIMBURSEMENT OF EXPENSES SHALL BE ESTABLISHED ANNUALLY BY THE LEGISLATURE.

(2) NINE MEMBERS OF THE COMMISSION CONSTITUTE A QUORUM. EXCEPT AS OTHERWISE PROVIDED IN THE COMMISSION'S BYLAWS, ACTION MAY BE TAKEN BY THE COMMISSION BY VOTE OF A MAJORITY OF THE MEMBERS PRESENT AT A MEETING. MEETINGS OF THE COMMISSION MAY BE CALLED BY THE CHAIRPERSON OR BY 3 MEMBERS ON 10 DAYS' WRITTEN NOTICE. NOT LESS THAN 1 MEETING SHALL BE HELD EACH CALENDAR QUARTER. A MEETING OF THE COMMISSION MAY BE HELD ANYWHERE IN THIS STATE.

(3) THE COMMISSION SHALL ELECT 1 MEMBER AS CHAIRPERSON, ANOTHER AS VICE-CHAIRPERSON, AND OTHER OFFICERS AS IT DETERMINES APPROPRIATE, FOR THE TERMS AND WITH THE DUTIES AND POWERS AS THE COMMISSION DETERMINES. THE CHAIRPERSON AND VICE-CHAIRPERSON OF THE COMMISSION SHALL BE ELECTED FROM THOSE MEMBERS APPOINTED TO THE COMMISSION BY THE GOVERNOR.

(4) THE COMMISSION IS WITHIN THE DEPARTMENT BUT SHALL EXERCISE ITS STATUTORY FUNCTIONS INDEPENDENTLY OF THE DIRECTOR, EXCEPT THAT BUDGETING, PERSONNEL, AND PROCUREMENT FUNCTIONS OF THE COMMISSION SHALL BE PERFORMED UNDER THE DIRECTION AND SUPERVISION OF THE DIRECTOR. THE DIRECTOR HAS THE SOLE STATUTORY AUTHORITY TO PROMULGATE RULES.

(5) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. PUBLIC NOTICE OF THE TIME, DATE, AND PLACE OF THE MEETING SHALL BE GIVEN IN THE MANNER REQUIRED BY THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

(6) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL FUNCTION SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

Sec. 4. (1) ~~Except as provided in subsection (6), the commission~~ THE DIRECTOR shall prepare and promulgate the state construction code consisting of rules governing the construction, use, and occupation of buildings and structures, including land area incidental to the buildings and structures, the manufacture and installation of building components and equipment, the construction and installation of premanufactured units, the standards and requirements for materials to be used in connection with the units, and other requirements relating to the safety, including safety from fire, and sanitation facilities of the buildings and structures.

(2) ~~The~~ UNTIL THE DATE SECTIONS 2A, 3A, 8A, 8B, AND 9B APPLY, THE code shall consist of nationally recognized model building codes, other nationally recognized model codes and standards, and amendments, additions, or deletions to the building code or other codes and standards as the ~~commission~~ DIRECTOR determines appropriate. AFTER THE DATE SECTIONS 2, 3, 8, 9, AND 9A ARE REPEALED, THE CODE SHALL CONSIST OF THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL PLUMBING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, THE NATIONAL ELECTRICAL CODE PUBLISHED BY THE NATIONAL FIRE PREVENTION ASSOCIATION, AND THE MICHIGAN UNIFORM ENERGY CODE WITH AMENDMENTS, ADDITIONS, OR DELETIONS AS THE DIRECTOR DETERMINES APPROPRIATE.

(3) The code shall be designed to effectuate the general purposes of this act and the following objectives and standards:

(a) To provide standards and requirements for construction and construction materials consistent with nationally recognized standards and requirements.

(b) To formulate standards and requirements, to the extent practicable in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability.

(c) To permit to the fullest extent feasible the use of modern technical methods, devices, and improvements, including premanufactured units, consistent with reasonable requirements for the health, safety, and welfare of the occupants and users of buildings and structures.

(d) To eliminate restrictive, obsolete, conflicting, and unnecessary construction regulations that tend to increase construction costs unnecessarily or restrict the use of new materials, products, or methods of construction, or provide preferential treatment to types or classes of materials or products or methods of construction.

(e) To insure adequate maintenance of buildings and structures throughout this state and to adequately protect the health, safety, and welfare of the people.

(f) To provide standards and requirements for cost-effective energy efficiency that will be effective April 1, 1997.

(g) Upon periodic review, to continue to seek ever-improving, cost-effective energy efficiencies.

(h) The development of a voluntary consumer information system relating to energy efficiencies.

(4) The code shall be divided into sections as the ~~commission~~ DIRECTOR considers appropriate including, without limitation, building, plumbing, electrical, and mechanical sections. The boards shall participate in and work with the staff of the ~~commission~~ DIRECTOR in the preparation of parts relating to their functions. Before the promulgation of an amendment to the code, the boards whose functions relate to that code shall be permitted to draft and recommend to the ~~commission~~ DIRECTOR proposed language. The ~~commission~~ DIRECTOR shall give consideration to all submissions by the boards. However, the ~~commission~~ DIRECTOR has final responsibility for the promulgation of the code.

(5) The code may incorporate the provisions of a code, standard, or other material by reference. The ~~commission~~ DIRECTOR shall add, amend, and rescind rules to update the code not less than once every 3 years to coincide with the national code change cycle.

~~(6) Until March 31, 1997, or until the adoption of changes to the code under subsection (3)(f), the standards for energy conservation in the construction of a building envelope shall be those set forth in Standards 90A-1980 or 90B-1975, as applicable, published by the American society of heating, refrigerating and air conditioning engineers, incorporated, except for section 1.6 of 90A-1980. It is intended that the model energy code contained in rules promulgated by the commission be rescinded on the effective date of this subsection.~~

Sec. 7. (1) After consultation and with the approval of the commission, the director ~~of labor shall appoint an executive director of the commission and~~ may DO THE FOLLOWING:

(a) Subject to civil service requirements, appoint subordinate officers and employees of the commission, including legal counsel, and prescribe their duties and fix their compensation.

(b) Appoint or use experts, consultants, technical advisers, and advisory committees for assistance and recommendations relative to preparation and promulgation of the code and to assist the commission and the ~~executive~~ director in carrying out this act.

(c) Subject to the advice of the commission, do those things necessary or desirable to effectuate the general purposes and specific objectives of this act.

(2) The director ~~of labor~~ shall cooperate with agencies of the federal government, may enter into contracts to receive funds, and may receive grants from the federal government to carry out the purposes of this act.

Sec. 8. (1) ~~This~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 8A AND UNTIL THE PROMULGATION OF THE COMPLETE CODE UPDATE UNDER SECTION 4, THIS act and the code apply throughout the state, except that a governmental subdivision may elect to exempt itself from certain parts of this act and the code by adopting and enforcing a nationally recognized model building code or other nationally recognized model codes. It is not necessary for a governmental subdivision to elect to exempt itself from every part of the code promulgated by the ~~commission~~ DIRECTOR in order to preserve its exemption election as to 1 or more nationally recognized model codes. A governmental subdivision may make this election by the passage of an ordinance adopting by reference or otherwise without amendment a nationally recognized model building code or other nationally recognized model codes. A county ordinance adopted pursuant to this act shall be adopted by the county board of commissioners and shall be signed by the chairperson of the county board of commissioners and certified by the county clerk. A governmental subdivision that elects not to be governed by certain parts of this act and the code shall review and update its codes by amending its ordinance at least once every 3 years by adopting without amendment all changes to those codes and submitting a certified copy of the amended ordinance to the commission. However, a governmental subdivision adopting nationally recognized model codes may approve amendments to those codes by ordinance. The amendments shall become effective 90 days after passage of the ordinance and 90 days after a certified copy of the ordinance is delivered to the commission, unless the commission determines after a public hearing that the codes, as amended, do not adequately protect the health, safety, or welfare of the people of the governmental subdivision, or that the amendments tend to unnecessarily increase construction costs; restrict the use of new materials, products, or methods of construction; provide preferential treatment to types or classes of materials, products, or methods of construction; or obstruct the substantive uniformity of building codes within a region or locality in the state.

(2) Within 10 days after December 30, 1980, the ~~executive~~ director shall provide a notice of intent form to all governmental subdivisions administering and enforcing a nationally recognized model code. This form shall set forth the date return receipt is required, which date shall not be less than 60 days after receipt. The chief elected official of the governmental subdivision that receives this notice shall indicate on the form the intention of the governmental subdivision as to whether it shall continue to administer and enforce its code and transmit this notice to the ~~executive~~ director within the prescribed period. If a governmental subdivision fails to submit a notice of intent to continue to administer and enforce its code within the date set forth in the notice, the ~~executive~~ director shall send a notice by registered mail to the clerk of that governmental subdivision. The registered notice shall indicate that the governmental subdivision has 15 additional days in which to submit a notice of intent to continue to administer and enforce its code. If the governmental subdivision does not respond by the end of the 15 additional days, it shall be conclusively presumed that the governmental subdivision does not intend to continue to administer and enforce its code, and the ~~executive~~ director shall assume the responsibility for administering and enforcing this act and the code in that governmental subdivision, unless the county within which that governmental subdivision is located has submitted a notice of intent to continue to administer and enforce this act and the code. Governmental subdivisions may provide by agreement for joint enforcement of another nationally recognized model code adopted pursuant to subsection (1).

(3) A county that was administering and enforcing this act and the code pursuant to section 9(1) on December 30, 1980, and has submitted a notice of intent to continue to administer and enforce the code to the ~~executive~~ director pursuant to section 9, after December 30, 1980, may exempt itself pursuant to subsection (1) by the passage of an ordinance adopting by reference or otherwise without amendment a nationally recognized model building code or other nationally recognized model codes. However, that action shall not take effect until 90 days after passage of an ordinance to that effect. Before the effective date of this action and the effective date of the ordinance, a county that proposes to adopt an ordinance to this effect shall file the proposed ordinance for approval pursuant to subsection (1) with the commission. The commission shall review the proposed ordinance. If the commission does not approve or disapprove the proposed ordinance within 90 days after it is filed with the commission, the proposed ordinance shall be considered approved unless the county grants the commission additional time to consider the proposed ordinance. The ~~executive~~ director shall notify a county that elects to exempt itself pursuant to subsection (1) of all governmental subdivisions within their jurisdiction that have not submitted a notice of intent to continue to administer and enforce its code. It is the responsibility of that county to administer and enforce that code for all of the governmental subdivisions within the county that have not submitted a notice of intent to continue to administer and enforce its code within its jurisdiction. A structure commenced under an effective code shall be completed under that code. A county that elects to exempt itself in accordance with this subsection may exercise the option to administer and enforce this act and the code pursuant to section 9(1). However, the exercise of this election to administer and enforce this act and the code shall not take effect until 6 months after passage of an ordinance to that effect.

(4) A governmental subdivision that has elected to assume responsibility for the administration and enforcement of this act and the code, and has submitted a notice of intent to continue to administer and enforce the code to the ~~executive~~ director pursuant to section 9, after December 30, 1980, may reverse that election and exempt itself pursuant to subsection (1) by the passage of an ordinance adopting by reference or otherwise without amendment a nationally recognized model building code or other nationally recognized model codes. However, that action shall not take effect until 90 days after passage of an ordinance to that effect. Before the effective date of this action and the effective date of the ordinance, a governmental subdivision that proposes to adopt an ordinance to this effect shall file the proposed

ordinance for approval pursuant to subsection (1) with the commission. The commission shall review the proposed ordinance. If the commission does not approve or disapprove the proposed ordinance within 90 days after it is filed with the commission, the proposed ordinance shall be considered approved unless the governmental subdivision grants the commission additional time to consider the proposed ordinance. A structure commenced under an effective code shall be completed under that code. A governmental subdivision that elects to exempt itself in accordance with this subsection may exercise the option to make itself subject to this act and the code pursuant to section 9(1). However, the exercise of this election to be subject to this act and the code shall not take effect until 6 months after passage of an ordinance to that effect.

(5) A governmental subdivision that has elected to exempt itself pursuant to subsection (1) may reverse that election, making itself subject to the act and the code. However, that action shall not take effect until 60 days after passage of an ordinance to that effect. A structure commenced under an effective code shall be completed under that code. A governmental subdivision that elects to make itself subject to the code in accordance with this subsection may exercise the option to exempt itself pursuant to subsection (1) not later than 3 years after its administration and enforcement of the code. However, that exemption shall not take effect until 1 year after passage of an ordinance to that effect.

(6) A governmental subdivision that before December 30, 1980, has not administered and enforced either this act and the code or another nationally recognized model code may elect to exempt itself from certain parts of this act and the code pursuant to subsection (1) by the passage of an ordinance to that effect. A governmental subdivision that makes this election after December 30, 1980 shall submit, in addition to the ordinance, an application to the commission for approval to administer and enforce that code within its jurisdiction. This application shall be made on the proper form to be provided by the commission. The standards for approval shall include, but not be limited to, the certification by the governmental subdivision that the enforcing agency is qualified by experience or training to administer and enforce that nationally recognized model code and all related acts and rules, that agency personnel are provided as necessary, administrative services are provided, plan review services are provided, and timely field inspection services shall be provided. The ~~executive~~ director shall seek additional information if the ~~executive~~ director considers it necessary. The commission shall render a decision on the application for approval to administer and enforce that code that has been adopted and transmit its findings to that governmental subdivision within 90 days of receipt of the application. The commission shall document its reasons if the commission disapproves an application. A governmental subdivision that receives a disapproval may resubmit its application for approval. Upon receipt of approval from the commission for the administration and enforcement of that adopted code, the governmental subdivision shall administer and enforce that code within its jurisdiction pursuant to the provisions of its approved application.

(7) The state construction code or any of its sections shall take effect 6 months after the code's initial promulgation. The 6-month delay does not apply to rules promulgated to implement sections 13a, 13b, 19, and 21 and the requirements of barrier free design and energy conservation of this act and code. A governmental subdivision may not exempt itself from the requirements of this section, section 9(8) or (10), or section 9a, 10, 13a, 13b, 14, 15, 20, 21a, 22(1), 23, or 23a. The 6-month delay does not apply to amendments to the code or any of the code's sections after the initial promulgation. A governmental subdivision that elects to exempt itself from this act and the code may do so within 6 months after the promulgation of the code in the manner provided in subsection (1), except that any amendments the governmental subdivision adopts at that time are subject to review by the commission as set forth in subsection (1) within 120 days after a copy of the adopted amendments is delivered to the commission by certified mail with return receipt requested.

(8) A governmental subdivision that elects to exempt itself from certain parts of this act and the code pursuant to subsection (1) and is enforcing its code within its jurisdiction pursuant to subsection (1) may rescind that ordinance by which it elected to exempt itself from certain parts of this act and the code, and transfer the responsibility for the administration and enforcement of this act and the code within the governmental subdivision to the ~~executive~~ director. The ~~executive~~ director shall assume the responsibility for administering and enforcing this act and the code in that governmental subdivision, unless the county within which that governmental subdivision is located has submitted a notice of intent to continue to administer and enforce the code. However, that action shall not take effect until 12 months after the passage of an ordinance to that effect. A structure commenced under an effective code shall be completed under that code.

(9) Locally adopted codes do not apply to public or nonpublic schools within the governmental subdivision without concurrence by the school authorities having jurisdiction.

(10) Sections 10, 13a, 13b, 16, 17, 18, 19, 21, 21a, and 23a, subsection (13), and other provisions of this act and code directly relating to the provisions of sections 10, 13a, 13b, 16, 17, 18, 19, 21, 21a, and 23a, subsection (13), and provisions of the code relating to the requirements of barrier free design, energy conservation, and, except as provided in subsection (11), for plans submitted for approval after January 1, 1994 the type and number of plumbing fixtures for men and women required in an assembly building with an occupancy of more than 150 are effective throughout the state without local modifications notwithstanding the exception of subsections (1) to (9). The standards for premanufactured housing shall not be less than the standards required for nonpremanufactured housing, except that

mobile homes shall be considered to have complied with this requirement by compliance with the state code provisions adopting a nationally recognized mobile home code. As used in this subsection, "assembly building" means a theater, sports arena, stadium, food service establishment with or without a liquor license, exhibition hall, library, recreation center, passenger terminal, and outdoor assembly structure which includes an outdoor grandstand, bleacher, colosseum, stadium, amusement park structure, and fair or carnival structure.

(11) With respect to the type and number of plumbing fixtures required for men and women in an assembly building pursuant to subsection (10), the ~~executive~~ director, in his or her sole discretion, may exempt from the effective date provision those projects for which plans were near finalization before January 1, 1994, but were submitted after that date.

(12) The commission may limit the application of a part of the code to include or exclude the following:

(a) Specified classes or types of buildings or structures, according to use, or other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable. The commission shall consider the specific problems of the construction or alteration of a single family, owner-occupied recreational dwelling that is located in a sparsely populated area and that is to be occupied on a part-time basis.

(b) Specified areas of the state based on size, population density, special conditions prevailing in the area, or other factors as may make differentiation or separate classification or regulation necessary, proper, or desirable.

(13) A building or structure that has baby changing stations in the women's restrooms shall have baby changing stations in the men's restrooms.

(14) THE CODE SHALL PROVIDE, WHERE APPROPRIATE, FOR STANDARDS INVOLVING LOCATION AND CONSTRUCTION OF RATWALLS THAT ARE NOT LESS THAN THOSE STANDARDS IN EXISTENCE ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

SEC. 8A. (1) THIS ACT AND THE CODE APPLY THROUGHOUT THE STATE.

(2) WITHIN 10 DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, THE DIRECTOR SHALL PROVIDE A NOTICE OF INTENT FORM TO ALL GOVERNMENTAL SUBDIVISIONS ADMINISTERING AND ENFORCING A NATIONALLY RECOGNIZED MODEL CODE OTHER THAN THE CODE ESTABLISHED BY THE COMMISSION UNDER THIS ACT. THIS FORM SHALL SET FORTH THE DATE RETURN RECEIPT IS REQUIRED, WHICH DATE SHALL NOT BE LESS THAN 60 DAYS AFTER RECEIPT. THE CHIEF ELECTED OFFICIAL OF THE GOVERNMENTAL SUBDIVISION THAT RECEIVES THIS NOTICE SHALL INDICATE ON THE FORM THE INTENTION OF THE GOVERNMENTAL SUBDIVISION AS TO WHETHER IT SHALL ADMINISTER AND ENFORCE THE CODE AND TRANSMIT THIS NOTICE TO THE DIRECTOR WITHIN THE PRESCRIBED PERIOD. IF A GOVERNMENTAL SUBDIVISION FAILS TO SUBMIT A NOTICE OF INTENT TO ADMINISTER AND ENFORCE THE CODE WITHIN THE DATE SET FORTH IN THE NOTICE, THE DIRECTOR SHALL SEND A NOTICE BY REGISTERED MAIL TO THE CLERK OF THAT GOVERNMENTAL SUBDIVISION. THE REGISTERED NOTICE SHALL INDICATE THAT THE GOVERNMENTAL SUBDIVISION HAS 15 ADDITIONAL DAYS IN WHICH TO SUBMIT A NOTICE OF INTENT TO ADMINISTER AND ENFORCE THE CODE. IF THE GOVERNMENTAL SUBDIVISION DOES NOT RESPOND BY THE END OF THE 15 ADDITIONAL DAYS, IT SHALL BE CONCLUSIVELY PRESUMED THAT THE GOVERNMENTAL SUBDIVISION DOES NOT INTEND TO ADMINISTER AND ENFORCE THE CODE, AND THE DIRECTOR SHALL ASSUME THE RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE IN THAT GOVERNMENTAL SUBDIVISION, UNLESS THE COUNTY WITHIN WHICH THAT GOVERNMENTAL SUBDIVISION IS LOCATED HAS SUBMITTED A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE. GOVERNMENTAL SUBDIVISIONS MAY PROVIDE BY AGREEMENT FOR JOINT ENFORCEMENT OF THE CODE.

(3) A GOVERNMENTAL SUBDIVISION THAT HAS ELECTED TO ASSUME RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE, AND HAS SUBMITTED A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THE CODE TO THE DIRECTOR PURSUANT TO SECTION 8B, AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, MAY REVERSE THAT ELECTION.

(4) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION, HAS ELECTED TO EXEMPT ITSELF PURSUANT TO SECTION 8(1) MAY REVERSE THAT ELECTION, MAKING ITSELF SUBJECT TO THE ACT AND THE CODE. HOWEVER, THAT ACTION SHALL NOT TAKE EFFECT UNTIL 60 DAYS AFTER PASSAGE OF AN ORDINANCE TO THAT EFFECT. A STRUCTURE COMMENCED UNDER AN EFFECTIVE CODE SHALL BE COMPLETED UNDER THAT CODE.

(5) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION, HAS NOT ADMINISTERED AND ENFORCED EITHER THIS ACT AND THE CODE OR ANOTHER NATIONALLY RECOGNIZED MODEL CODE MAY ELECT TO ENFORCE THIS ACT AND THE CODE PURSUANT TO SUBSECTION (1) BY THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A GOVERNMENTAL SUBDIVISION THAT MAKES THIS ELECTION AFTER THE EFFECTIVE DATE OF THIS SUBSECTION SHALL SUBMIT, IN ADDITION TO THE ORDINANCE, AN APPLICATION TO THE COMMISSION FOR APPROVAL TO ADMINISTER AND ENFORCE THAT CODE WITHIN ITS JURISDICTION. THIS APPLICATION SHALL BE

MADE ON THE PROPER FORM TO BE PROVIDED BY THE COMMISSION. THE STANDARDS FOR APPROVAL SHALL INCLUDE, BUT NOT BE LIMITED TO, THE CERTIFICATION BY THE GOVERNMENTAL SUBDIVISION THAT THE ENFORCING AGENCY IS QUALIFIED BY EXPERIENCE OR TRAINING TO ADMINISTER AND ENFORCE THE CODE AND ALL RELATED ACTS AND RULES, THAT AGENCY PERSONNEL ARE PROVIDED AS NECESSARY, ADMINISTRATIVE SERVICES ARE PROVIDED, PLAN REVIEW SERVICES ARE PROVIDED, AND TIMELY FIELD INSPECTION SERVICES SHALL BE PROVIDED. THE DIRECTOR SHALL SEEK ADDITIONAL INFORMATION IF THE DIRECTOR CONSIDERS IT NECESSARY. THE COMMISSION SHALL RENDER A DECISION ON THE APPLICATION FOR APPROVAL TO ADMINISTER AND ENFORCE THE CODE THAT HAS BEEN ADOPTED AND TRANSMIT ITS FINDINGS TO THAT GOVERNMENTAL SUBDIVISION WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION. THE COMMISSION SHALL DOCUMENT ITS REASONS IF THE COMMISSION DISAPPROVES AN APPLICATION. A GOVERNMENTAL SUBDIVISION THAT RECEIVES A DISAPPROVAL MAY RESUBMIT ITS APPLICATION FOR APPROVAL. UPON RECEIPT OF APPROVAL FROM THE COMMISSION FOR THE ADMINISTRATION AND ENFORCEMENT OF THE CODE, THE GOVERNMENTAL SUBDIVISION SHALL ADMINISTER AND ENFORCE THE CODE WITHIN ITS JURISDICTION PURSUANT TO THE PROVISIONS OF ITS APPROVED APPLICATION.

(6) THE CODE OR ANY OF ITS SECTIONS SHALL TAKE EFFECT 6 MONTHS AFTER THE CODE'S INITIAL PROMULGATION. THE 6-MONTH DELAY DOES NOT APPLY TO RULES PROMULGATED TO IMPLEMENT SECTIONS 13A, 13B, 13C, 19, AND 21 AND THE REQUIREMENTS OF BARRIER FREE DESIGN AND ENERGY CONSERVATION OF THIS ACT AND CODE. THE 6-MONTH DELAY DOES NOT APPLY TO AMENDMENTS TO THE CODE OR ANY OF THE CODE'S SECTIONS AFTER THE INITIAL PROMULGATION.

(7) THE STANDARDS FOR PREMANUFACTURED HOUSING SHALL NOT BE LESS THAN THE STANDARDS REQUIRED FOR NONPREMANUFACTURED HOUSING, EXCEPT THAT MANUFACTURED HOMES LABELED PURSUANT TO THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974, TITLE VI OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, PUBLIC LAW 93-383, 42 U.S.C. 5401 TO 5426, SHALL BE CONSIDERED TO HAVE COMPLIED WITH THIS REQUIREMENT.

(8) THE COMMISSION MAY LIMIT THE APPLICATION OF A PART OF THE CODE TO INCLUDE OR EXCLUDE THE FOLLOWING:

(A) SPECIFIED CLASSES OR TYPES OF BUILDINGS OR STRUCTURES, ACCORDING TO USE, OR OTHER DISTINCTIONS AS MAY MAKE DIFFERENTIATION OR SEPARATE CLASSIFICATION OR REGULATION NECESSARY, PROPER, OR DESIRABLE. THE COMMISSION SHALL CONSIDER THE SPECIFIC PROBLEMS OF THE CONSTRUCTION OR ALTERATION OF A SINGLE FAMILY, OWNER-OCCUPIED RECREATIONAL DWELLING THAT IS LOCATED IN A SPARSELY POPULATED AREA AND THAT IS TO BE OCCUPIED ON A PART-TIME BASIS.

(B) SPECIFIED AREAS OF THE STATE BASED ON SIZE, POPULATION DENSITY, SPECIAL CONDITIONS PREVAILING IN THE AREA, OR OTHER FACTORS AS MAY MAKE DIFFERENTIATION OR SEPARATE CLASSIFICATION OR REGULATION NECESSARY, PROPER, OR DESIRABLE.

(9) A BUILDING OR STRUCTURE THAT HAS BABY CHANGING STATIONS IN THE WOMEN'S RESTROOMS SHALL HAVE BABY CHANGING STATIONS IN THE MEN'S RESTROOMS.

(10) THE CODE SHALL PROVIDE, WHERE APPROPRIATE, FOR STANDARDS INVOLVING LOCATION AND CONSTRUCTION OF RATWALLS THAT ARE NOT LESS THAN THOSE STANDARDS IN EXISTENCE ON THE EFFECTIVE DATE OF THIS SECTION.

SEC. 8B. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE DIRECTOR IS RESPONSIBLE FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE. A GOVERNMENTAL SUBDIVISION MAY BY ORDINANCE ASSUME RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT WITHIN ITS POLITICAL BOUNDARY. A COUNTY ORDINANCE ADOPTED PURSUANT TO THIS ACT SHALL BE ADOPTED BY THE COUNTY BOARD OF COMMISSIONERS AND SHALL BE SIGNED BY THE CHAIRPERSON OF THE COUNTY BOARD OF COMMISSIONERS AND CERTIFIED BY THE COUNTY CLERK.

(2) A GOVERNMENTAL SUBDIVISION THAT HAS ASSUMED THE RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE MAY, THROUGH ITS CHIEF LEGAL OFFICER, ISSUE A COMPLAINT AND OBTAIN A WARRANT FOR A VIOLATION OF THIS ACT OR THE CODE AND PROSECUTE THE VIOLATION WITH THE SAME POWER AND AUTHORITY IT POSSESSES IN PROSECUTING A LOCAL ORDINANCE VIOLATION. IF PURSUANT TO SECTION 23, A GOVERNMENTAL SUBDIVISION HAS BY ORDINANCE DESIGNATED A VIOLATION OF THE ACT OR CODE AS A MUNICIPAL CIVIL INFRACTION, THE GOVERNMENTAL SUBDIVISION MAY ISSUE A CITATION OR MUNICIPAL ORDINANCE VIOLATION NOTICE PURSUANT TO CHAPTER 87 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.8701 TO 600.8735, FOR A VIOLATION OF THE ACT OR CODE. UNLESS OTHERWISE PROVIDED BY

LOCAL LAW OR ORDINANCE, THE LEGISLATIVE BODY OF A GOVERNMENTAL SUBDIVISION RESPONSIBLE FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE SHALL DESIGNATE AN ENFORCING AGENCY THAT SHALL DISCHARGE THE RESPONSIBILITIES OF THE GOVERNMENTAL SUBDIVISION UNDER THIS ACT. GOVERNMENTAL SUBDIVISIONS MAY PROVIDE BY AGREEMENT FOR JOINT ENFORCEMENT OF THIS ACT.

(3) SUBJECT TO THE OTHER PROVISIONS OF THIS ACT, AN ENFORCING AGENCY IS ANY OFFICIAL OR AGENT OF A GOVERNMENTAL SUBDIVISION THAT IS REGISTERED UNDER THE BUILDING OFFICIALS AND INSPECTORS REGISTRATION ACT, 1986 PA 54, MCL 338.2301 TO 338.2313, QUALIFIED BY EXPERIENCE OR TRAINING TO PERFORM THE DUTIES ASSOCIATED WITH CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT.

(4) BEFORE THE EFFECTIVE DATE OF THIS SECTION, THE DIRECTOR SHALL PROVIDE EACH GOVERNMENTAL SUBDIVISION ADMINISTERING AND ENFORCING THIS ACT AND THE CODE WITH A NOTICE OF INTENT FORM. THIS FORM SHALL SET FORTH THE DATE RETURN RECEIPT IS REQUIRED, WHICH DATE SHALL NOT BE LESS THAN 60 DAYS. THE CHIEF ELECTED OFFICIAL OF THE GOVERNMENTAL SUBDIVISION THAT RECEIVES THIS NOTICE SHALL INDICATE ON THE FORM THE INTENTION OF THE GOVERNMENTAL SUBDIVISION AS TO WHETHER IT SHALL CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE AND TRANSMIT THIS NOTICE TO THE DIRECTOR WITHIN THE PRESCRIBED PERIOD. IF A GOVERNMENTAL SUBDIVISION FAILS TO SUBMIT A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN THE DATE SET FORTH IN THE NOTICE, THE DIRECTOR SHALL SEND A NOTICE BY REGISTERED MAIL TO THE CLERK OF THAT GOVERNMENTAL SUBDIVISION. THIS NOTICE SHALL INDICATE THAT THE GOVERNMENTAL SUBDIVISION HAS 15 ADDITIONAL DAYS IN WHICH TO SUBMIT A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE. IF THE GOVERNMENTAL SUBDIVISION DOES NOT RESPOND BY THE END OF THE 15 ADDITIONAL DAYS, IT SHALL BE CONCLUSIVELY PRESUMED THAT THE GOVERNMENTAL SUBDIVISION DOES NOT INTEND TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE AND THE DIRECTOR SHALL ASSUME THE RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE IN THAT GOVERNMENTAL SUBDIVISION, UNLESS THE COUNTY WITHIN WHICH THE GOVERNMENTAL SUBDIVISION IS LOCATED SUBMITS A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE.

(5) A COUNTY THAT IS ADMINISTERING AND ENFORCING THIS ACT AND THE CODE ON THE EFFECTIVE DATE OF THIS SECTION AND THAT SUBMITS A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE PURSUANT TO SUBSECTION (4) IS RESPONSIBLE FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE FOR EACH GOVERNMENTAL SUBDIVISION WITHIN THE COUNTY THAT DOES NOT SUBMIT A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE. THE DIRECTOR SHALL NOTIFY THE COUNTY OF THOSE GOVERNMENTAL SUBDIVISIONS THAT DO NOT SUBMIT A NOTICE OF INTENT.

(6) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE DATE OF THIS SECTION, DID NOT ADMINISTER AND ENFORCE THIS ACT AND THE CODE MAY ELECT TO ASSUME THE RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE PURSUANT TO SUBSECTION (1) BY THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A GOVERNMENTAL SUBDIVISION THAT MAKES THIS ELECTION AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL SUBMIT, IN ADDITION TO THE ORDINANCE, AN APPLICATION TO THE COMMISSION FOR APPROVAL TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN ITS JURISDICTION. THIS APPLICATION SHALL BE MADE ON THE PROPER FORM TO BE PROVIDED BY THE COMMISSION. THE STANDARDS FOR APPROVAL SHALL INCLUDE, BUT NOT BE LIMITED TO, THE CERTIFICATION BY THE GOVERNMENTAL SUBDIVISION THAT THE ENFORCING AGENCY IS QUALIFIED BY EXPERIENCE OR TRAINING TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE AND ALL RELATED ACTS AND RULES, THAT AGENCY PERSONNEL ARE PROVIDED AS NECESSARY, THAT ADMINISTRATIVE SERVICES ARE PROVIDED, THAT PLAN REVIEW SERVICES ARE PROVIDED, AND THAT TIMELY FIELD INSPECTION SERVICES WILL BE PROVIDED. THE DIRECTOR SHALL SEEK ADDITIONAL INFORMATION IF THE DIRECTOR CONSIDERS IT NECESSARY. THE COMMISSION SHALL RENDER A DECISION ON THE APPLICATION FOR APPROVAL TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE AND TRANSMIT ITS FINDINGS TO THE GOVERNMENTAL SUBDIVISION WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION. THE COMMISSION SHALL DOCUMENT ITS REASONS, IF THE COMMISSION DISAPPROVES AN APPLICATION. A GOVERNMENTAL SUBDIVISION THAT RECEIVES A DISAPPROVAL MAY RESUBMIT ITS APPLICATION FOR APPROVAL. UPON RECEIPT OF APPROVAL FROM THE COMMISSION FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE, THE

GOVERNMENTAL SUBDIVISION SHALL ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN ITS JURISDICTION PURSUANT TO THE PROVISIONS OF THIS ACT AND THE APPLICATION.

(7) A GOVERNMENTAL SUBDIVISION THAT ELECTS TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN ITS JURISDICTION BY THE ADOPTION OF AN ORDINANCE MAY RESCIND THAT ORDINANCE AND TRANSFER THE RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE TO THE DIRECTOR. THE DIRECTOR SHALL ASSUME THE RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE IN THAT GOVERNMENTAL SUBDIVISION, UNLESS THE COUNTY WITHIN WHICH THAT GOVERNMENTAL SUBDIVISION IS LOCATED HAS SUBMITTED A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THE CODE. HOWEVER, THAT ACTION SHALL NOT TAKE EFFECT UNTIL 12 MONTHS AFTER THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A STRUCTURE COMMENCED UNDER AN EFFECTIVE CODE SHALL BE COMPLETED UNDER THAT CODE.

(8) THE DIRECTOR IS RESPONSIBLE FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE FOR BUILDINGS AND STRUCTURES THAT ARE NOT UNDER THE RESPONSIBILITY OF AN ENFORCING AGENCY IN THOSE GOVERNMENTAL SUBDIVISIONS THAT ELECT TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE. A BUILDING OR STRUCTURE OWNED BY THE STATE SHALL NOT BE ERECTED, REMODELED, OR RECONSTRUCTED IN THE STATE, EXCEPT SCHOOL BUILDINGS OR FACILITIES OR INSTITUTIONS OF HIGHER EDUCATION AS DESCRIBED IN SECTION 4 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, UNTIL WRITTEN APPROVAL OF THE PLANS AND SPECIFICATIONS HAS BEEN OBTAINED FROM THE BUREAU OF CONSTRUCTION CODES LOCATED WITHIN THE DEPARTMENT INDICATING THAT THE STATE OWNED FACILITIES SHALL BE DESIGNED AND CONSTRUCTED IN CONFORMANCE WITH THE STATE CONSTRUCTION CODE. THE BUREAU OF CONSTRUCTION CODES SHALL BE THE LEAD AGENCY IN THE COORDINATION AND IMPLEMENTATION OF THIS SUBSECTION. THE BUREAU OF CONSTRUCTION CODES SHALL PERFORM REQUIRED PLAN REVIEWS AND INSPECTIONS AS REQUIRED BY THE STATE CONSTRUCTION CODE. EACH DEPARTMENT SHALL SECURE REQUIRED PLAN APPROVALS AND PERMITS FROM THE BUREAU. FEES CHARGED BY THE BUREAU FOR PERMITS SHALL BE IN ACCORDANCE WITH THE COMMISSION'S APPROVED SCHEDULE OF FEES. STATE DEPARTMENTS AND INSTITUTIONS MAY ALLOW LOCAL INSPECTORS TO INSPECT THE CONSTRUCTION OF STATE OWNED FACILITIES. HOWEVER, AN INSPECTION CONDUCTED BY A LOCAL INSPECTOR SHALL BE OF AN ADVISORY NATURE ONLY.

(9) THIS SECTION DOES NOT AFFECT THE RESPONSIBILITIES OF THE COMMISSION FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT UNDER OTHER SECTIONS OF THIS ACT, OR RESPONSIBILITIES UNDER THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1 TO 29.34, EXCEPT SECTIONS 6 AND 7 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.6 AND 29.7; 1937 PA 306, MCL 388.851 TO 388.855A; THE FIRE FIGHTERS TRAINING COUNCIL ACT OF 1966, 1966 PA 291, MCL 29.361 TO 29.377; 1942 (1ST EX SESS) PA 9, MCL 419.201 TO 419.205; PARTS 215 AND 217 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.21501 TO 333.21799E; AND SECTION 58 OF THE SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.58.

(10) PURSUANT TO PARTS 215 AND 217 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.21501 TO 333.21799E, THE DIRECTOR SHALL DEVELOP CONSISTENT CONSTRUCTION STANDARDS FOR HOSPITALS AND NURSING HOMES. THESE STANDARDS SHALL ENSURE THAT CONSISTENT, UNIFORM, AND EQUITABLE CONSTRUCTION REQUIREMENTS AND STATE SUPERVISION OF THE REQUIREMENTS ARE ACHIEVED. THIS SUBSECTION DOES NOT PRECLUDE A STATE AGENCY OR A GOVERNMENTAL SUBDIVISION FROM CONDUCTING PLAN REVIEWS OR INSPECTIONS NECESSARY TO ENSURE COMPLIANCE WITH APPROVED CONSTRUCTION PLANS.

(11) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THIS ACT DOES NOT LIMIT OR RESTRICT EXISTING POWERS OR AUTHORITY OF GOVERNMENTAL SUBDIVISIONS, AND THIS ACT SHALL BE ENFORCED BY GOVERNMENTAL SUBDIVISIONS IN THE MANNER PRESCRIBED BY LOCAL LAW OR ORDINANCE. TO THE EXTENT NOT INCONSISTENT WITH THIS ACT, LOCAL LAWS AND ORDINANCES RELATING TO ADMINISTRATION AND ENFORCEMENT OF CONSTRUCTION REGULATIONS ENACTED BEFORE THE EFFECTIVE DATE OF THE CODE BY OR FOR A GOVERNMENTAL SUBDIVISION ARE APPLICABLE TO ADMINISTRATION AND ENFORCEMENT OF THE CODE IN THAT GOVERNMENTAL SUBDIVISION.

SEC. 9B. (1) THE DIRECTOR, AS PRESCRIBED IN THIS SECTION, MAY CONDUCT A PERFORMANCE EVALUATION OF AN ENFORCING AGENCY TO ASSURE THAT THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE IS BEING DONE PURSUANT TO EITHER SECTION 8A OR 8B. A PERFORMANCE EVALUATION MAY ONLY BE CONDUCTED EITHER AT THE REQUEST OF THE LOCAL ENFORCING AGENCY OR UPON THE RECEIPT OF A WRITTEN COMPLAINT. IF A PERFORMANCE EVALUATION IS TO BE CONDUCTED UPON THE RECEIPT OF A WRITTEN COMPLAINT, THE DIRECTOR

SHALL FIRST REFER THE WRITTEN COMPLAINT TO THE AFFECTED ENFORCING AGENCY REQUESTING A WRITTEN RESPONSE WITHIN 10 DAYS. IF THE LOCAL ENFORCING AGENCY FAILS TO PROVIDE A WRITTEN RESPONSE, OR IF THE RESPONSE IS CONSIDERED INADEQUATE, THE DIRECTOR SHALL CONSULT WITH THE COMMISSION AND REQUEST APPROVAL TO CONDUCT THE PERFORMANCE EVALUATION. THE DIRECTOR SHALL SUBMIT A WRITTEN RECOMMENDATION TO THE COMMISSION AND SHALL SEND A COPY TO THE AFFECTED ENFORCING AGENCY, ALONG WITH A REASONABLE NOTICE OF THE COMMISSION MEETING AT WHICH THE RECOMMENDATION WILL BE PRESENTED. THE DECISION OF THE COMMISSION TO PROCEED WITH A PERFORMANCE EVALUATION SHALL BE MADE AT A PUBLIC MEETING. THIS DECISION SHALL BE MAILED TO THE ENFORCING AGENCY 10 DAYS IN ADVANCE OF CONDUCTING THE PERFORMANCE EVALUATION.

(2) WHEN CONDUCTING A PERFORMANCE EVALUATION OF AN ENFORCING AGENCY, THE DIRECTOR MAY REQUEST THAT THE LOCAL ENFORCING AGENCY ACCOMPANY THE DIRECTOR OR OTHER STATE INSPECTORS ON INSPECTIONS. THE INSPECTIONS SHALL BE FOR THE ENFORCEMENT OF THIS ACT AND THE CODE. THE ENFORCING AGENCY SHALL MAINTAIN ALL OFFICIAL RECORDS AND DOCUMENTS RELATING TO APPLICATIONS FOR PERMITS, INSPECTION RECORDS INCLUDING CORRECTION NOTICES, ORDERS TO STOP CONSTRUCTION, AND CERTIFICATES OF USE AND OCCUPANCY. THE ENFORCING AGENCY SHALL MAKE AVAILABLE FOR REVIEW ALL OFFICIAL RECORDS BETWEEN 8 A.M. AND 5 P.M. ON BUSINESS DAYS.

(3) UPON COMPLETION OF A PERFORMANCE EVALUATION, THE DIRECTOR SHALL REPORT THE FINDINGS AND ANY RECOMMENDATIONS TO THE COMMISSION AND THE LOCAL ENFORCING AGENCY. THE COMMISSION MAY ISSUE A NOTICE OF INTENT TO WITHDRAW THE RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE FROM A GOVERNMENTAL SUBDIVISION AFTER RECEIVING THE RESULTS OF A PERFORMANCE EVALUATION. THE NOTICE SHALL INCLUDE THE RIGHT TO APPEAL WITHIN 30 BUSINESS DAYS AFTER RECEIPT OF THE NOTICE OF INTENT TO WITHDRAW THE RESPONSIBILITY. THE NOTICE SHALL ALSO INCLUDE THE FINDINGS OF THE DIRECTOR, AFTER COMPLETION OF A PERFORMANCE EVALUATION, THAT THE ENFORCING AGENCY OF THAT GOVERNMENTAL SUBDIVISION HAS FAILED TO FOLLOW THE DUTIES RECOGNIZED UNDER THIS ACT, THE CODE, OR ITS ORDINANCE. FAILURE BY THE ENFORCING AGENCY OR THE CHIEF ELECTED OFFICIAL OF THAT GOVERNMENTAL SUBDIVISION TO REQUEST A HEARING WITHIN 30 BUSINESS DAYS AFTER RECEIPT OF THE NOTICE OF INTENT TO WITHDRAW THE RESPONSIBILITY SHALL BE CONSIDERED TO EXHAUST THE ENFORCING AGENCY'S ADMINISTRATIVE REMEDIES AND THE NOTICE SHALL BE CONSIDERED A FINAL ORDER OF THE COMMISSION UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. THE DIRECTOR SHALL ASSUME RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE, UNLESS THE COUNTY WITHIN WHICH THAT GOVERNMENTAL SUBDIVISION IS LOCATED HAS SUBMITTED A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE, WHEN THE NOTICE IS CONSIDERED A FINAL ORDER OF THE COMMISSION. A STRUCTURE COMMENCED UNDER AN EFFECTIVE CODE SHALL BE COMPLETED UNDER THAT CODE.

(4) IF AN ENFORCING AGENCY OR THE CHIEF ELECTED OFFICIAL OF THE GOVERNMENTAL SUBDIVISION TRANSMITS AN APPEAL OF THE NOTICE OF INTENT TO WITHDRAW THE RESPONSIBILITY ISSUED UNDER SUBSECTION (3), THE COMMISSION CHAIRPERSON SHALL REQUEST APPOINTMENT OF A HEARINGS OFFICER. THE HEARINGS OFFICER SHALL CONDUCT A HEARING OF THE APPEAL PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, AND ISSUE A PROPOSED DECISION WHICH SHALL BE SENT TO THE AFFECTED PARTIES. THE PROPOSED DECISION SHALL BECOME THE FINAL ORDER ISSUED BY THE COMMISSION, UNLESS EXCEPTIONS ARE FILED BY A PARTY WITHIN 30 DAYS AFTER RECEIPT OF THE PROPOSED DECISION. THE COMMISSION SHALL REVIEW THE PROPOSED DECISION WHEN EXCEPTIONS ARE FILED.

(5) THE COMMISSION IN REVIEWING A PROPOSED DECISION MAY AFFIRM, MODIFY, REVERSE, OR REMAND THE PROPOSED DECISION. WHEN THE COMMISSION AFFIRMS, MODIFIES, REVERSES, OR REMANDS A PROPOSED DECISION, THE DECISION OF THE COMMISSION SHALL BE IN WRITING AND CONTAIN THE FINDINGS OF FACT AND CONCLUSIONS OF LAW UPON WHICH ITS DECISION IS BASED. OTHER THAN IN A CASE OF REMAND, THE PERIOD FOR SEEKING JUDICIAL REVIEW OF THE COMMISSION'S DECISION UNDER SECTION 104 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.304, SHALL BEGIN TO RUN UPON RECEIPT BY THE PARTIES OF THE COMMISSION'S WRITTEN DECISION.

Sec. 10. (1) Except as otherwise provided in the code, before construction of a building or structure, the owner, or the owner's builder, architect, engineer, or agent, shall submit an application in writing to the appropriate enforcing agency for a building permit. The application shall be on a form prescribed by the commission and shall be accompanied by payment of the fee established by the enforcing agency. The application shall contain a detailed

statement in writing, verified by affidavit of the person making it, of the specifications for the building or structure, and full and complete copies of the plans drawn to scale of the proposed work. A site plan showing the dimensions, and the location of the proposed building or structure and other buildings or structures on the same premises, shall be submitted with the application. The application shall state in full the name and residence, by street and number, of the owner in fee of the premises on which the building or structure will be constructed, and the purposes for which it will be used.

(2) If construction is proposed to be undertaken by a person other than the owner of the land in fee, the statement shall contain the full name and residence, by street and number, of the owner and also of the person proposing the construction. The affidavit shall state that the specifications and plans are true and complete and contain a correct description of the building or structure, lot, and proposed work. The statements and affidavits may be made by an owner, or the owner's attorney, agent, engineer, architect, or builder, by the person who proposes to make the construction or alteration, or by that person's agent, engineer, architect, or builder. A person shall not be recognized as the agent, attorney, engineer, architect, or builder of another person unless the person files with the enforcing agency a written instrument, which shall be an architectural, engineering or construction contract, power of attorney, or letter of authorization signed by that other person designating the person as the agent, attorney, architect, engineer, or builder and, in case of a residential builder or maintenance and alteration contractor, architect, or engineer, setting forth the person's license number and the expiration date of the license.

(3) A person licensed or required to be licensed as a residential builder or residential maintenance and alteration contractor under the occupational code, ~~Act No. 299 of the Public Acts of 1980, being sections 339.101 to 339.2721 of the Michigan Compiled Laws 1980 PA 299, MCL 339.101 TO 339.2721~~, a master or journeyman plumber pursuant to ~~Act No. 266 of the Public Acts of 1929, being sections 338.901 to 338.917 of the Michigan Compiled Laws 1929 PA 266, MCL 338.901 TO 338.917~~, an electrical contractor or master or journeyman electrician pursuant to the electrical administrative act, ~~Act No. 217 of the Public Acts of 1956, being sections 338.881 to 338.892 of the Michigan Compiled Laws 1956 PA 217, MCL 338.881 TO 338.892~~, or pursuant to a local ordinance, or as a mechanical contractor pursuant to the forbes mechanical contractors act, ~~Act No. 192 of the Public Acts of 1984, being sections 338.971 to 338.988 of the Michigan Compiled Laws 1984 PA 192, MCL 338.971 TO 338.988~~, who applies for a building permit to perform work on a residential building or a residential structure shall, in addition to any other information required pursuant to this act, provide on the building permit application all of the following information:

(a) The occupational license number of the applicant and the expiration date of the occupational license.

(b) One of the following:

(i) The name of each carrier providing worker's disability compensation insurance to the applicant if the applicant is required to be insured pursuant to the worker's disability compensation act of 1969, ~~Act No. 317 of the Public Acts of 1969, being sections 418.101 to 418.941 of the Michigan Compiled Laws 1969 PA 317, MCL 418.101 TO 418.941~~.

(ii) The reasons for exemption from the requirement to be insured ~~pursuant to Act No. 317 of the Public Acts of 1969~~, if the applicant is not required to be insured ~~pursuant to Act No. 317 of the Public Acts of 1969~~ UNDER THE WORKER'S DISABILITY COMPENSATION ACT OF 1969, 1969 PA 317, MCL 418.101 TO 418.941.

(c) One of the following:

(i) The employer identification number, if the applicant is required to have an employer identification number pursuant to section 6109 of the internal revenue code.

(ii) The reasons for exemption from the requirement to have an employer identification number pursuant to section 6109 of the internal revenue code if the applicant is not required to have an employer identification number pursuant to section 6109 of the internal revenue code.

(d) One of the following:

(i) The Michigan employment security commission employer number, if the applicant is required to make contributions pursuant to the Michigan employment security act, ~~Act No. 1 of the Public Acts of the extra session of 1936, being sections 421.1 to 421.73 of the Michigan Compiled Laws 1936 (EX SESS) PA 1, MCL 421.1 TO 421.75~~.

(ii) If the applicant is not required to make contributions, the reasons for exemptions from the requirement to make contributions ~~pursuant to Act No. 1 of the Public Acts of the extra session of 1936~~ UNDER THE MICHIGAN EMPLOYMENT SECURITY ACT, 1936 (EX SESS) PA 1, MCL 421.1 TO 421.75.

(4) The building permit application form shall contain the following statement in 8-point boldfaced type immediately above the location for the applicant's signature:

"Section 23a of the state construction code act of 1972, ~~Act No. 230 of the Public Acts of 1972, being section 125.1523a of the Michigan Compiled Laws 1972 PA 230, MCL 125.1523A~~, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines."

(5) The application for a building permit shall be filed with the enforcing agency and the application and any other writing prepared, owned, used, in the possession of, or retained by the enforcing agency in the performance of an official function shall be made available to the public in compliance with the freedom of information act, ~~Act No. 442~~

~~of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws 1976 PA 442, MCL 15.231 TO 15.246. An application shall not be removed from the custody of the enforcing agency after a building permit has been issued.~~

(6) This section shall be construed to allow the imposition of requirements in the code, or in other laws or ordinances, for additional permits for particular kinds of work, including plumbing and electrical, or in other specified situations. The requirements of the code may provide for issuance of construction permits for certain of the systems of a structure and allow construction to commence on those systems approved under that permit even though the design and approval of all the systems of the structure have not been completed and subsequent construction permits have not been issued.

(7) Notwithstanding this section, a building permit is not required for ordinary repairs of a building and structure.

(8) NOTWITHSTANDING THIS SECTION, A BUILDING PERMIT IS NOT REQUIRED FOR A BUILDING INCIDENTAL TO THE USE FOR AGRICULTURAL PURPOSES OF THE LAND ON WHICH THE BUILDING IS LOCATED IF IT IS NOT USED IN THE BUSINESS OF RETAIL TRADE.

SEC. 13D. (1) NOTWITHSTANDING ANY PROVISION IN THIS ACT AND UNTIL THE PROMULGATION OF THE COMPLETE BUILDING CODE UPDATE AFTER OCTOBER 15, 1999, A GOVERNMENTAL SUBDIVISION SHALL NOT ENFORCE A REQUIREMENT FOR STAIRWELL GEOMETRY IN OCCUPANCIES IN USE GROUP R-3 STRUCTURES AND WITHIN DWELLING UNITS IN OCCUPANCIES IN USE GROUP R-2 STRUCTURES THAT DIFFERS FROM THE STAIRWELL GEOMETRY DESCRIBED IN THIS SECTION.

(2) AS USED IN THIS SECTION:

(A) "STAIRWELL GEOMETRY" REFERS TO THE CONFIGURATION OF A STAIRWELL OF A BUILDING IN WHICH THE MAXIMUM RISER HEIGHT IS 8-1/4 INCHES (210 MM), THE MINIMUM TREAD DEPTH IS 9 INCHES (229 MM), AND A 1-INCH (25 MM) NOSING ON STAIRWELLS WITH SOLID RISERS.

(B) "USE GROUP R-2 STRUCTURES" MEANS ALL MULTIPLE-FAMILY DWELLINGS HAVING MORE THAN 2 DWELLING UNITS INCLUDING, BUT NOT LIMITED TO, BOARDING HOUSES AND SIMILAR BUILDINGS ARRANGED FOR SHELTER AND SLEEPING ACCOMMODATIONS IN WHICH THE OCCUPANTS ARE PRIMARILY NOT TRANSIENT IN NATURE AND DORMITORY FACILITIES THAT ACCOMMODATE MORE THAN 5 PERSONS OVER 2-1/2 YEARS OF AGE.

(C) "USE GROUP R-3 STRUCTURES" MEANS ALL BUILDINGS ARRANGED FOR OCCUPANCY AS 1-FAMILY OR 2-FAMILY DWELLING UNITS INCLUDING, BUT NOT LIMITED TO, NOT MORE THAN 5 LODGERS OR BOARDERS PER FAMILY; MULTIPLE SINGLE-FAMILY DWELLINGS WHERE EACH UNIT HAS AN INDEPENDENT MEANS OF EGRESS AND IS SEPARATED BY A 2-HOUR FIRE SEPARATION ASSEMBLY; AND A CHILD CARE FACILITY THAT ACCOMMODATES 5 OR LESS CHILDREN OF ANY AGE.

Sec. 22. (1) The legislative body of a governmental subdivision shall establish reasonable fees to be charged by the governmental subdivision for acts and services performed by the enforcing agency or construction board of appeals ~~pursuant to~~ UNDER this act, which fees shall be intended to bear a reasonable relation to the cost, including overhead, to the governmental subdivision of the acts and services, including, without limitation, those services and acts as, in case of an enforcing agency, issuance of building permits, examination of plans and specifications, inspection of construction undertaken pursuant to a building permit, and the issuance of certificates of use and occupancy, and, in case of a board of appeals, hearing appeals in accordance with this act. The enforcing agency shall collect the fees established under this subsection. THE LEGISLATIVE BODY OF A GOVERNMENTAL SUBDIVISION SHALL ONLY USE FEES GENERATED UNDER THIS SECTION FOR THE OPERATION OF THE ENFORCING AGENCY OR THE CONSTRUCTION BOARD OF APPEALS, OR BOTH, AND SHALL NOT USE THE FEES FOR ANY OTHER PURPOSE.

(2) To accomplish the objectives of this section and this act, a state construction code fund is created. The director, ~~of labor,~~ after approval by the commission and following a public hearing held by the commission, shall establish reasonable fees to be charged by the commission for acts and services performed by the commission including, without limitation, inspection of plans and specifications, issuance of certificates of acceptability, testing and evaluation of new products, methods and processes of construction or alteration, issuance of building permits, inspection of construction undertaken pursuant to a building permit, the issuance of certificates of use and occupancy, and hearing of appeals. Fees established by the department shall be intended to bear a reasonable relation to the cost, including overhead, of the service or act. Until the director ~~of labor~~ establishes fees pursuant to this act, the fees established pursuant to this subsection shall remain in effect. The state treasurer shall be the custodian of the fund and may invest the surplus of the fund in investments as in the state treasurer's judgment are in the best interest of the fund. Earnings from those investments shall be credited to the fund. The state treasurer shall notify the director and the legislature of interest credited and the balance of the fund as of September 30 of each year. The director shall supervise and administer the fund. Fees received by the department and money collected under this act shall be deposited in the state construction code fund and shall be appropriated by the legislature for the operation of the bureau of construction codes, and indirect overhead expenses in the department. ~~However, this restricted fund shall not be appropriated for the bureau of construction code's performance evaluation program and complaint investigation program. The~~

~~performance evaluation program and complaint investigations mandated in this act shall be funded by appropriations from the general fund.~~ Funds which THAT are unexpended at the end of each fiscal year shall be returned to the state construction code fund. A self-supporting fund shall be established within the commission to provide for the purchase and sale of codes and standards to the general public.

Enacting section 1. The title and sections 2a, 3a, 8a, 8b, and 9b of the state construction code act of 1972, 1972 PA 230, the title as amended and sections 2a, 3a, 8a, 8b, and 9b as added by this amendatory act, are effective upon enactment but apply only to 1 or more of the following codes only upon the effective date of the particular code update promulgated after October 15, 1999:

- (a) The plumbing code, R 408.30701 to 408.30796 of the Michigan administrative code.
- (b) The electrical code, R 408.30801 to 408.30873 of the Michigan administrative code.
- (c) The mechanical code, R 408.30901a to 408.30995a of the Michigan administrative code.
- (d) The building code, R 408.30401 to 408.30499 of the Michigan administrative code.

Enacting section 2. The title and sections 2, 3, 8, 9, and 9a of the state construction code act of 1972, 1972 PA 230, MCL 125.1502, 125.1503, 125.1508, 125.1509, and 125.1509a, the title and sections 2 and 8 as amended by this amendatory act, apply to 1 or more of the following codes until the rules for the code update promulgated after October 15, 1999 for the specific code become effective, at which time each section does not apply to the particular code. Sections 2, 3, 8, 9, and 9a of the state construction code act of 1972, 1972 PA 230, MCL 125.1502, 125.1503, 125.1508, 125.1509, and 125.1509a, are repealed on the effective date of the last of the rules updating the following codes promulgated after October 15, 1999:

- (a) The plumbing code, R 408.30701 to 408.30796 of the Michigan administrative code.
- (b) The electrical code, R 408.30801 to 408.30873 of the Michigan administrative code.
- (c) The mechanical code, R 408.30901a to 408.30995a of the Michigan administrative code.
- (d) The building code, R 408.30401 to 408.30499 of the Michigan administrative code.

Second: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1972 PA 230, entitled "An act to create a construction code commission and prescribe its functions; to authorize the commission to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide that governmental subdivisions may with exceptions elect not to be subject to certain parts of the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish remedies and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation," by amending the title and sections 1, 2, 4, 7, 8, 10, and 22 (MCL 125.1501, 125.1502, 125.1504, 125.1507, 125.1508, 125.1510, and 125.1522), the title and section 4 as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

Thaddeus G. McCotter
Leon Stille
Conferees for the Senate

Gene DeRossett
Sue Rocca
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Middaugh moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the members' desks.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1086

Yeas—75

Allen	Gilbert	Kowall	Rivet
Birkholz	Gosselin	Kuipers	Rocca
Bisbee	Green	Kukuk	Sanborn

Bovin	Hager	LaSata	Schauer
Bradstreet	Hale	Lemmons	Scranton
Brown, C.	Hansen	Mead	Shackleton
Byl	Hart	Middaugh	Sheltrown
Cassis	Howell	Mortimer	Shulman
Caul	Jacobs	Neumann	Spade
Clarke, H.	Jamnick	Pappageorge	Stamas
DeRossett	Jansen	Patterson	Tabor
DeVuyst	Jelinek	Perricone	Tesanovich
DeWeese	Jellema	Pestka	Toy
Ehardt	Johnson, Rick	Price	Van Woerkom
Faunce	Johnson, Ruth	Prusi	Vander Roest
Frank	Julian	Pumford	Vaughn
Garcia	Kelly	Raczkowski	Vear
Geiger	Kilpatrick	Richardville	Voorhees
Gielegem	Koetje	Richner	

Nays—29

Baird	Clark, I.	Hardman	Schermesser
Basham	Daniels	LaForge	Stallworth
Bishop	DeHart	Lockwood	Switalski
Bogardus	Dennis	Martinez	Thomas
Brater	Garza	O'Neil	Wojno
Brown, B.	Godchaux	Reeves	Woodward
Callahan	Hanley	Rison	Woronchak
Cherry			

In The Chair: Scranton

Second Reading of Bills

The House returned to the consideration of

House Bill No. 4475, entitled

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 301 and 303 (MCL 37.1301 and 37.1303), section 301 as amended by 1980 PA 478.

(The bill was considered earlier today, see today's journal, p. 2373.)

Rep. Bishop 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. Middaugh 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

House Bill No. 4475, entitled

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 301 and 303 (MCL 37.1301 and 37.1303), section 301 as amended by 1980 PA 478.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Frank moved that the bill be referred to the Committee on Appropriations.

The question being on the motion made by Rep. Frank,

Rep. Frank demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Frank,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 1087**Yeas—45**

Baird	Dennis	Lemmons	Schauer
Basham	Frank	Lockwood	Schermesser
Bogardus	Garza	Martinez	Sheltrown
Bovin	Gielegem	Neumann	Spade
Brater	Hale	O'Neil	Stallworth
Brown, B.	Hanley	Pestka	Switalski
Callahan	Hansen	Price	Tesanovich
Cherry	Jacobs	Prusi	Thomas
Clark, I.	Kelly	Quarles	Vaughn
Clarke, H.	Kilpatrick	Reeves	Wojno
Daniels	LaForge	Rison	Woodward
DeHart			

Nays—56

Allen	Garcia	Julian	Richardville
Birkholz	Geiger	Koetje	Richner
Bisbee	Gilbert	Kowall	Rocca
Bishop	Godchaux	Kuipers	Sanborn
Bradstreet	Gosselin	Kukuk	Scranton
Brown, C.	Green	LaSata	Shackleton
Byl	Hager	Mead	Shulman
Cassis	Hart	Middaugh	Stamas
Caul	Howell	Mortimer	Tabor
DeRossett	Jansen	Pappageorge	Toy
DeVuyst	Jelinek	Patterson	Van Woerkom
DeWeese	Jellema	Perricone	Vander Roest
Ehardt	Johnson, Rick	Pumford	Voorhees
Faunce	Johnson, Ruth	Rackowski	Woronchak

In The Chair: Scranton

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1088**Yeas—57**

Allen	Godchaux	Kuipers	Rocca
Birkholz	Gosselin	Kukuk	Sanborn
Bisbee	Green	LaSata	Scranton
Bishop	Hager	Mead	Shackleton
Bradstreet	Hart	Middaugh	Shulman
Brown, C.	Howell	Mortimer	Spade
Byl	Jansen	Neumann	Stamas
Cassis	Jelinek	Pappageorge	Tabor

Caul	Jellema	Patterson	Toy
DeRossett	Johnson, Rick	Perricone	Van Woerkom
DeVuyst	Johnson, Ruth	Pumford	Vander Roest
Ehardt	Julian	Raczkowski	Vear
Garcia	Koetje	Richardville	Voorhees
Geiger	Kowall	Richner	Woronchak
Gilbert			

Nays—47

Baird	Dennis	Kilpatrick	Rivet
Basham	Faunce	LaForge	Schauer
Bogardus	Frank	Lemmons	Schermesser
Bovin	Garza	Lockwood	Sheltrown
Brater	Gielegem	Martinez	Stallworth
Brown, B.	Hale	O'Neil	Switalski
Callahan	Hanley	Pestka	Tesanovich
Cherry	Hansen	Price	Thomas
Clark, I.	Hardman	Prusi	Vaughn
Clarke, H.	Jacobs	Quarles	Wojno
Daniels	Jamnack	Reeves	Woodward
DeHart	Kelly	Rison	

In The Chair: Scranton

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 amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 103 and 301 (MCL 37.1103 and 37.1301), section 103 as amended by 1998 PA 20 and section 301 as amended by 1980 PA 478.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Bovin moved that his named be removed as co-sponsor of the bill.

The motion prevailed.

Rep. Brater, having reserved the right to explain her protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

The disabilities civil rights act protects people from being denied access to public accommodations based on conditions arising from illness, injury or congenital birth defects. In a prison setting this means insuring the disabled have access to such facilities as toilets, showers, medical clinics, visiting rooms and chow halls, and to programming, such as religious, educational, treatment, work and recreational activities. It also means having adequate evacuation plans for people in wheelchairs, TDD telephones for the hearing impaired, written notices in type readable by the visually impaired, and misconduct policies that do not penalize the disabled for their inability to comply with rules.

This bill would eliminate prisoners in jails and state prisons (public and private) from the definition of 'person' in this act. This would leave prisoners without a remedy in state law for discrimination. It would also eliminate the deterrent effect the statutes have on those who operate jails and prisons. Few civil rights suits are actually initiated in state court. This bill is a reaction to a handful of cases that have brought the attention of the courts, and the public, to serious claims about the treatment of women prisoners and those with disabilities. I oppose this bill for the following reasons.

- There is no statutory ambiguity to cure. The plain language of the acts does not exclude prisoners and there is no basis for assuming an intent to exclude them. ON THE CONTRARY, why would we protect people from being discriminated against by private clubs, but permit the state to discriminate on the basis of race, gender, religion or disability just because the people involved are prisoners?
- Other remedies available at state law are wholly inadequate. State courts could not award money damages or order other redress for past wrongs. The law is not clear as to whether they could entertain class actions or order injunctive relief necessary to prevent future harm.
- State law should provide remedies for abuses of state power. Elected officials have long complained about the intrusion of federal judges into the management of state prisons and local jails, but these bills would reduce or eliminate the ability of prisoners to seek recourse in state courts and force them to sue in the federal courts.
- Eliminating access to state courts is not about being 'tough on crime'. It is about being tough on the increasing numbers of prisoners who are most vulnerable to the effects of discrimination, negligent treatment, or the outright abuse of power—women, juveniles, the mentally ill, and the physically disabled.”

Rep. Cherry, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I am voting against these bills because they were voted out of committee yesterday and placed on our calendar without notification. These bills have a major impact on prisoners because it removes legal civil rights of prisoners and the debate and impact of this legislation has not been thoroughly considered. I am concerned about the impact of former mental health patients and women who are now prisoners. I am also concerned that these bills are not constitutional.”

Rep. Callahan, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

These bills remove the legal human rights of female inmates to protect themselves and protest the cases of rape, sex abuse and extended video viewing of them showering, dressing, and using bathroom facilities.

I also believe that these bills are unconstitutional.”

Rep. Vaughn, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on this mean spirited, unethical, anti-human rights piece of legislation. How sad that this body of legislators would find it necessary to violate the human rights of any individual in this state, even those in jails and prisons. This bill slaps the face of those incarcerated who suffer from physical handicaps and mental illness. How can you say these people have no rights under the Elliott-Larsen Civil Rights Act? I believe the intent of the legislature when Elliott-Larsen was passed was to include anyone in the state of Michigan whose rights were violated. If they did not want prisoners included they would have said so.

This bill violates the basic human rights of human beings. How sad that you would vote to deny these rights. Instead of dealing with the issue and face international criticism you are trying to cover this scandal up by passing a bill that would keep handicapped and mentally ill persons from remedies.

This bill is not about a rush of complaints by inmates. It is about an effort to cover up the lawsuit an effort to cover up the lawsuit filed by women inmates and former inmates at Scott Correctional Facility.

This diversionary tactic will not work because ‘the Horse is out of the barn’. NBC, CBS, ABC, CNN, Human Rights Watch, Amnesty International and the United Nations have all cited Michigan as a place where basic human rights and civil rights are routinely violated. You can’t cover that up. Neither can this bill cover up this scandal.

I voted no because I am a human being who believes in human rights. Thank you Mr. Speaker.”

Second Reading of Bills

House Bill No. 4476, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending sections 301 and 303 (MCL 37.2301 and 37.2303), as amended by 1992 PA 70.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Constitutional Law and Ethics,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Middaugh moved that Rep. Perricone be excused temporarily from today’s session.
The motion prevailed.

Rep. Brater moved to amend the bill as follows:

1. Amend page 4, line 20, by striking out all of enacting section 2.

The question being on the adoption of the amendment offered by Rep. Brater,

Rep. Brater demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Brater,

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

Roll Call No. 1089

Yeas—83

Allen	DeWeese	Julian	Rivet
Baird	Faunce	Kelly	Rocca
Basham	Frank	Kilpatrick	Schauer
Birkholz	Garza	Kowall	Schermesser
Bisbee	Gielegem	LaForge	Scranton
Bogardus	Gilbert	Lemmons	Shackleton
Bovin	Godchaux	Lockwood	Sheltrown
Brater	Green	Martinez	Shulman
Brown, B.	Hager	Mead	Spade
Brown, C.	Hale	Middaugh	Stallworth
Callahan	Hanley	Neumann	Switalski
Cassis	Hansen	O’Neil	Tabor
Caul	Hardman	Pestka	Tesanovich
Cherry	Hart	Price	Thomas
Clark, I.	Howell	Pumford	Toy
Clarke, H.	Jacobs	Quarles	Van Woerkom
Daniels	Jamnick	Rackowski	Vaughn
DeHart	Jelinek	Reeves	Wojno
Dennis	Jellema	Richardville	Woodward
DeRossett	Johnson, Rick	Richner	Woronchak
DeVuyst	Johnson, Ruth	Rison	

Nays—19

Bishop	Gosselin	LaSata	Stamas
Bradstreet	Jansen	Mortimer	Vander Roest
Byl	Koetje	Pappageorge	Vear
Ehardt	Kuipers	Patterson	Voorhees
Garcia	Kukuk	Sanborn	

In The Chair: Scranton

Rep. Patterson moved to amend the bill as follows:

1. Amend page 2, line 19, after “FACILITY” by inserting “UNLESS BOTH OF THE FOLLOWING CONDITIONS ARE ESTABLISHED:

(i) A CLAIM UNDER THIS ACT ACCRUED PRIOR TO THE SENTENCING.

(ii) A CLAIM UNDER THIS ACT IS UNRELATED TO A PERSON’S STATUS AS A PRISONER OR INMATE”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Bob Brown moved to amend the bill as follows:

1. Amend page 2, line 19, after "FACILITY" by inserting a comma and "UNLESS THE SENTENCE OF SUCH AN INDIVIDUAL IS LATER OVERTURNED OR".

The question being on the adoption of the amendment offered by Rep. Bob Brown,

Rep. Bob Brown demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Bob Brown,

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

Roll Call No. 1090

Yeas—77

Baird	Faunce	Kilpatrick	Rocca
Basham	Frank	Kowall	Schauer
Birkholz	Garza	LaForge	Schermesser
Bisbee	Gielegem	Lemmons	Shackleton
Bogardus	Gilbert	Lockwood	Sheltrown
Bovin	Godchaux	Martinez	Shulman
Brater	Gosselin	Middaugh	Spade
Brown, B.	Green	Neumann	Stallworth
Brown, C.	Hager	O'Neil	Stamas
Byl	Hale	Pappageorge	Switalski
Callahan	Hansen	Patterson	Tabor
Cherry	Hardman	Pestka	Tesanovich
Clark, I.	Hart	Price	Thomas
Clarke, H.	Howell	Prusi	Toy
Daniels	Jacobs	Quarles	Van Woerkom
DeHart	Jamnick	Reeves	Vaughn
Dennis	Jellema	Richardville	Wojno
DeRossett	Julian	Rison	Woodward
DeWeese	Kelly	Rivet	Woronchak
Ehardt			

Nays—25

Allen	Geiger	Kukuk	Rackowski
Bishop	Jansen	LaSata	Richner
Bradstreet	Jelinek	Mead	Sanborn
Cassis	Johnson, Rick	Mortimer	Vander Roest
Caul	Johnson, Ruth	Perricone	Vear
DeVuyst	Kuipers	Pumford	Voorhees
Garcia			

In The Chair: Scranton

Rep. Bishop 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. Middaugh 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

House Bill No. 4476, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 301 and 303 (MCL 37.2301 and 37.2303), as amended by 1992 PA 70.

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

Roll Call No. 1091**Yeas—58**

Allen	Geiger	Kowall	Rocca
Birkholz	Gilbert	Kuipers	Sanborn
Bisbee	Godchaux	Kukuk	Scranton
Bishop	Gosselin	LaSata	Shackleton
Bradstreet	Green	Mead	Shulman
Brown, C.	Hager	Middaugh	Spade
Byl	Hart	Mortimer	Stamas
Cassis	Howell	Pappageorge	Tabor
Caul	Jansen	Patterson	Toy
DeRossett	Jelinek	Perricone	Van Woerkom
DeVuyst	Jellema	Pumford	Vander Roest
DeWeese	Johnson, Rick	Raczkowski	Vear
Ehardt	Johnson, Ruth	Richardville	Voorhees
Faunce	Julian	Richner	Woronchak
Garcia	Koetje		

Nays—47

Baird	Dennis	LaForge	Rivet
Basham	Frank	Lemmons	Schauer
Bogardus	Garza	Lockwood	Schermesser
Bovin	Gielegem	Martinez	Sheltrown
Brater	Hale	Neumann	Stallworth
Brown, B.	Hanley	O'Neil	Switalski
Callahan	Hansen	Pestka	Tesanovich
Cherry	Hardman	Price	Thomas
Clark, I.	Jacobs	Prusi	Vaughn
Clarke, H.	Jamnick	Quarles	Wojno
Daniels	Kelly	Reeves	Woodward
DeHart	Kilpatrick	Rison	

In The Chair: Scranton

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 amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 103 and 301 (MCL 37.2103 and 37.2301), section 103 as amended by 1992 PA 124 and section 301 as amended by 1992 PA 70.

The motion prevailed.

The House agreed to the title as amended.

Rep. Bovin moved that his named be removed as co-sponsor of the bill.

The motion prevailed.

Rep. Brater, having reserved the right to explain her protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

The Elliott-Larsen civil rights act protects people from being denied access to public accommodations based on their race, gender, religion, ethnic origin, age or marital status. In the prison setting this means that people cannot be harassed or mistreated because they are non-white or foreign-born, that individuals cannot be forced to violate

sincerely held religious beliefs, that some prisoners cannot be denied access to services and programs because they are too old or too young, and that women cannot be sexually harassed and assaulted because they are women.

This bill would eliminate prisoners in jails and state prisons (public and private) from the definition of 'person' in this act. This would leave prisoners without a remedy in state law for discrimination. It would also eliminate the deterrent effect the statutes have on those who operate jails and prisons. Few civil rights suits are actually initiated in state court. This bill is a reaction to a handful of cases that have brought the attention of the courts, and the public, to serious claims about the treatment of women prisoners and those with disabilities. I oppose this bill for the following reasons.

- There is no statutory ambiguity to cure. The plain language of the acts does not exclude prisoners and there is no basis for assuming an intent to exclude them. ON THE CONTRARY, why would we protect people from being discriminated against by private clubs, but permit the state to discriminate on the basis of race, gender, religion or disability just because the people involved are prisoners?
- Other remedies available at state law are wholly inadequate. State courts could not award money damages or order other redress for past wrongs. The law is not clear as to whether they could entertain class actions or order injunctive relief necessary to prevent future harm.
- State law should provide remedies for abuses of state power. Elected officials have long complained about the intrusion of federal judges into the management of state prisons and local jails, but these bills would reduce or eliminate the ability of prisoners to seek recourse in state courts and force them to sue in the federal courts.
- Eliminating access to state courts is not about being 'tough on crime'. It is about being tough on the increasing numbers of prisoners who are most vulnerable to the effects of discrimination, negligent treatment, or the outright abuse of power—women, juveniles, the mentally ill, and the physically disabled."

Rep. Cherry, having reserved the right to explain her protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I am voting against these bills because they were voted out of committee yesterday and placed on our calendar without notification. These bills have a major impact on prisoners because it removes legal civil rights of prisoners and the debate and impact of this legislation has not been thoroughly considered. I am concerned about the impact of former mental health patients and women who are now prisoners. I am also concerned that these bills are not constitutional."

Rep. Callahan, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

These bills remove the legal human rights of female inmates to protect themselves and protest the cases of rape, sex abuse and extended video viewing of them showering, dressing, and using bathroom facilities.

I also believe that these bills are unconstitutional."

Rep. Basham, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I cannot vote for a bill that takes away basic human rights. Female prisoners are being raped and sodomized and this bill is an attempt to cover up the state's apparent attempt to not allow redress from these and other types of abuses in the prison system."

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

The question being on the motion made by Rep. Middaugh,

Rep. Kilpatrick demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Middaugh,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 1092

Yeas—54

Allen
Birkholz

Gilbert
Godchaux

Kuipers
Kukuk

Rocca
Sanborn

Bisbee	Green	LaSata	Scranton
Bishop	Hager	Mead	Shackleton
Bradstreet	Hart	Middaugh	Shulman
Brown, C.	Howell	Mortimer	Stamas
Cassis	Jansen	Pappageorge	Tabor
Caul	Jelinek	Patterson	Toy
DeRossett	Jellema	Perricone	Van Woerkom
DeVuyst	Johnson, Rick	Pumford	Vander Roest
Ehardt	Johnson, Ruth	Raczkowski	Vear
Faunce	Julian	Richardville	Voorhees
Garcia	Koetje	Richner	Woronchak
Geiger	Kowall		

Nays—49

Baird	DeWeese	LaForge	Rivet
Basham	Frank	Lemmons	Schauer
Bogardus	Garza	Lockwood	Schermesser
Bovin	Gielegem	Martinez	Sheltrown
Brater	Hale	Neumann	Spade
Brown, B.	Hanley	O'Neil	Stallworth
Callahan	Hansen	Pestka	Switalski
Cherry	Hardman	Price	Tesanovich
Clark, I.	Jacobs	Prusi	Thomas
Clarke, H.	Jamnack	Quarles	Vaughn
Daniels	Kelly	Reeves	Wojno
DeHart	Kilpatrick	Rison	Woodward
Dennis			

In The Chair: Scranton

Rep. Jacobs moved that Reps. Baird, Basham, Bogardus, Bovin, Brater, Brewer, Bob Brown, Callahan, Cherry, Clark, Clarke, Daniels, DeHart, Dennis, Frank, Garza, Gielegem, Hale, Hanley, Hansen, Hardman, Jamnick, Kelly, Kilpatrick, LaForge, Lemmons, Lockwood, Mans, Martinez, Neumann, O'Neil, Pestka, Price, Prusi, Quarles, Reeves, Rison, Rivet, Schauer, Schermesser, Sheltrown, Spade, Stallworth, Switalski, Tesanovich, Thomas, Vaughn, Wojno and Woodward be excused temporarily from today's session.

The motion prevailed.

Rep. Jacobs asked and obtained a temporary excuse from today's session.

Quorum Call

Rep. Middaugh questioned the presence of a quorum and moved that the roll be called and printed in the Journal. The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 1093**Yeas—100**

Allen	Ehardt	Koetje	Richner
Baird	Faunce	Kowall	Rison

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

In The Chair: Scranton

Second Reading of Bills

House Bill No. 4305, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(The bill was read a second time, committee substitute (H-1) adopted, amended, amendments offered and bill postponed temporarily on November 30, see House Journal No. 81, p. 2348.)

The question being on the adoption of the amendments offered previously by Rep. Clarke,

Rep. Geiger moved to amend the Clarke amendments as follows:

1. Amend Rep. Clarke's Amendment No. 1, page 5, following line 26, section 103, after "Sec. 103." by striking out "**DEPARTMENT OF EDUCATION**" and inserting "**DEPARTMENT OF MANAGEMENT AND BUDGET**".

2. Amend Rep. Clarke's Amendment No. 3, page 12, following line 2, section 501, after "Sec. 501." and inserting "(1)".

3. Amend Rep. Clarke's Amendment No. 3, page 12, following line 2, section 501, after "for fiscal year 1999-2000 to the department of" by striking out "education" and inserting "management and budget".

4. Amend Rep. Clarke's Amendment No. 3, page 12, following line 2, section 501, after "demolition to the department of" by striking out "education" and inserting "management and budget".

5. Amend Rep. Clarke's Amendment No. 3, page 12, following line 2, section 501, after "Funds allocated" by striking out "under this section are for measures".

6. Amend Rep. Clarke's Amendment No. 3, page 12, following line 2, section 501, after "to improve school security" by striking out "and for measures" and inserting "shall be expended".

7. Amend Rep. Clarke's Amendment No. 3, page 12, following line 2, section 501, after "abandoned buildings within a" by striking out "5-mile radius of any high school building. Measures to improve security shall include, but not be limited to, additional patrols to a district's security department. A district receiving these funds may contract with faith-based organizations to provide security patrols and should do so whenever feasible. The district" and inserting "1-mile radius of any school building. The state".

8. Amend Rep. Clarke’s Amendment No. 3, page 12, following line 2, following section 501, by inserting:
 “(2) The department of management and budget shall, to the extent allowable by statute and rules, expedite the demolition of city-owned buildings authorized in subsection (1). It is the intent of the legislature that the city of Detroit provide an initial prioritized inventory of abandoned property to the department of management and budget within ten days of enactment of this bill, and that the demolition program created by this section shall be completed by March 1, 2000.”.

The question being on the adoption of the amendments offered by Rep. Geiger,
 Rep. Byl demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Geiger,

The amendments were adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1094

Yeas—68

Baird	Faunce	Kowall	Rocca
Basham	Frank	LaForge	Schauer
Bogardus	Garza	Lemmons	Schermesser
Bovin	Geiger	Lockwood	Scranton
Brater	Gielegthem	Martinez	Shackleton
Brewer	Gilbert	Middaugh	Spade
Brown, B.	Hager	Neumann	Stallworth
Callahan	Hanley	O’Neil	Switalski
Caul	Hansen	Pappageorge	Tabor
Cherry	Hardman	Price	Tesanovich
Clark, I.	Howell	Prusi	Thomas
Clarke, H.	Jacobs	Quarles	Van Woerkom
Daniels	Jamnick	Reeves	Vander Roest
DeHart	Johnson, Ruth	Richardville	Vaughn
Dennis	Julian	Richner	Wojno
DeVuyst	Kelly	Rison	Woodward
DeWeese	Kilpatrick	Rivet	Woronchak

Nays—36

Allen	Ehardt	Johnson, Rick	Pumford
Birkholz	Garcia	Koetje	Rackowski
Bisbee	Godchaux	Kuipers	Sanborn
Bishop	Gosselin	Kukuk	Sheltrown
Bradstreet	Green	LaSata	Shulman
Brown, C.	Hart	Mead	Stamas
Byl	Jansen	Mortimer	Toy
Cassis	Jelinek	Patterson	Vear
DeRossett	Jellema	Perricone	Voorhees

In The Chair: Scranton

Rep. LaForge asked and obtained an excuse from the balance of today’s session.

The question being on the adoption of the amendments offered previously by Rep. Clarke,
 After debate,

Rep. Byl demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"
 The previous question was ordered.

The question being on the adoption of the amendments offered previously by Rep. Clarke,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 1095

Yeas—48

Baird	Dennis	Kelly	Rivet
Basham	DeWeese	Kilpatrick	Rocca
Bogardus	Faunce	Lemmons	Schauer
Bovin	Frank	Lockwood	Schermesser
Brater	Garza	Martinez	Stallworth
Brewer	Geiger	O'Neil	Switalski
Callahan	Gielegem	Price	Tesanovich
Cherry	Hanley	Prusi	Thomas
Clark, I.	Hansen	Quarles	Vaughn
Clarke, H.	Hardman	Reeves	Wojno
Daniels	Jacobs	Richner	Woodward
DeHart	Jamnick	Rison	Woronchak

Nays—55

Allen	Gilbert	Kuipers	Sanborn
Birkholz	Gosselin	Kukuk	Scranton
Bisbee	Green	LaSata	Shackleton
Bishop	Hager	Mead	Sheltrown
Bradstreet	Hart	Middaugh	Shulman
Brown, B.	Howell	Mortimer	Spade
Brown, C.	Jansen	Neumann	Stamas
Byl	Jelinek	Pappageorge	Tabor
Cassis	Jellema	Patterson	Toy
Caul	Johnson, Rick	Perricone	Van Woerkom
DeRossett	Johnson, Ruth	Pestka	Vander Roest
DeVuyst	Julian	Pumford	Vear
Ehardt	Koetje	Raczkowski	Voorhees
Garcia	Kowall	Richardville	

In The Chair: Scranton.

Rep. DeHart moved that Rep. Schermesser be excused temporarily from today's session.
 The motion prevailed.

Rep. Schauer moved to amend the bill as follows:

1. Amend page 5, following line 26, by inserting:

"Sec. 103. DEPARTMENT OF EDUCATION

(1) APPROPRIATION SUMMARY:

GROSS APPROPRIATION.....	\$	100
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfer.....		0

ADJUSTED GROSS APPROPRIATION	\$	100
Special revenue funds:		
Total other state restricted revenues	\$	0
State general fund/general purpose	\$	100

(2) GRANTS AND DISTRIBUTIONS STATE PROGRAMS:

School security and building demolition	\$	100
GROSS APPROPRIATION	\$	100
State general fund/general purpose	\$	100".

2. Amend page 6, following line 25, by inserting:

 "School security and building demolition..... 100"

and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 12, following line 2, by inserting:

"DEPARTMENT OF EDUCATION

GRANT AND DISTRIBUTIONS STATE PROGRAMS

Sec. 501. The appropriation in part 1 for school security and building demolition to the department of education provides funds in an amount not to exceed \$100 for fiscal year 1999-2000 to the department of education for a district that is a school district of the first class under the revised school code. Funds allocated under this section are for measures to improve student security and for measures to demolish abandoned buildings within a 5-mile radius of any high school building. Measures to improve security shall include, but not be limited to, additional patrols to a district's security department. A district receiving these funds may contract with faith-based organizations to provide security patrols and should do so whenever feasible. The district shall work in cooperation with the city of Detroit to identify those abandoned buildings which will be demolished."

The question being on the adoption of the amendments offered by Rep. Schauer,

Rep. Schauer demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Schauer,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 1096

Yeas—44

Baird	DeHart	Kilpatrick	Rison
Basham	Dennis	Kowall	Rivet
Bogardus	Faunce	Lemmons	Rocca
Bovin	Garza	Lockwood	Schauer
Brater	Gielegthem	Martinez	Sheltrown
Brewer	Hanley	O'Neil	Stallworth
Brown, B.	Hansen	Price	Switalski
Cherry	Hardman	Prusi	Tesanovich
Clark, I.	Jacobs	Quarles	Thomas
Clarke, H.	Jamnack	Reeves	Woodward
Daniels	Kelly	Richner	Woronchak

Nays—59

Allen	Garcia	Koetje	Sanborn
Birkholz	Geiger	Kuipers	Scranton
Bisbee	Gilbert	Kukuk	Shackleton
Bishop	Godchaux	LaSata	Shulman
Bradstreet	Gosselin	Mead	Spade
Brown, C.	Green	Middaugh	Stamas
Byl	Hager	Mortimer	Tabor
Callahan	Hart	Neumann	Toy
Cassis	Howell	Pappageorge	Van Woerkom
Caul	Jansen	Patterson	Vander Roest
DeRossett	Jelinek	Perricone	Vaughn

DeVuyst
DeWeese
Ehardt
Frank

Jellema
Johnson, Rick
Johnson, Ruth
Julian

Pestka
Pumford
Rackowski
Richardville

Vear
Voorhees
Wojno

In The Chair: Scranton

Rep. Byl 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. Middaugh 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

House Bill No. 4305, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Roll Call No. 1097

Yeas—93

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

Nays—9

Brewer	Garza	Reeves	Vander Roest
Clark, I.	Hardman	Stallworth	Vaughn
Daniels			

In The Chair: Scranton

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 make, supplement, and adjust appropriations for the department of environmental quality for the fiscal year ending September 30, 2000 and other fiscal periods; to prescribe the powers and duties of certain state agencies and officials; and to provide for the expenditure of the appropriations.

The motion prevailed.

The House agreed to the title as amended.

Rep. Vander Roest, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I have been a Michigan State Senate employee for 14 and a half years and now a State Representative for almost a year and a half and have yet to see any major effort to address the lead abatement problem in many houses in this state. I believe it’s important that we put ahead the safety and welfare of children who live in these homes that contain lead-base paint instead of waterfront development. I voted no in order to send a message to my colleagues to make our children’s health needs our highest priority before any other development or clean-up.”

Rep. Reeves, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

My no vote is in direct protest to the rejection of this legislative body’s decision not to provide assistance to the school children in the city of Detroit by assisting in the demolition of abandoned buildings in close proximity to schools.”

Rep. Vaughn, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on this appropriation for the department of Environmental Quality because it does not respect the needs of the people of the city of Detroit. We asked for a mere \$10,000,000 to tear down abandoned buildings—many owned by the state of Michigan—in the city of Detroit. We want to tear down these buildings because of the school girl rape crisis in our city. These buildings are sometimes used by the rapists to lurk in or drag their victims into. This appropriation could have helped to solve this crisis but once again this legislature turned its back on the people who suffer the most and need the most.

By not passing this \$10,000,000 appropriation this body failed to live up to its Human Mission.

An emphatic no to this shallow appropriation bill!”

Rep. Middaugh moved that when the House adjourns today it stand adjourned until Tuesday, December 7, at 10:00 a.m.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Price, Baird, Quarles, Switalski, Lemmons, Woodward, Jacobs, Cherry, Schermesser, Tesanovich, Brater, Vaughn, Reeves, Schauer, Prusi, Scott, DeHart, Pappageorge, Hale, Stallworth, Daniels, Rick Johnson, Allen, Kelly, LaForge, Brewer, Pestka, Rison, Basham, Frank, Clark, Hardman, Sheltrown, Neumann, Ruth Johnson, Howell, Caul, Hansen, Kowall, Hanley, Spade, LaSata, Jannick, Birkholz, Bovin, DeRossett, Rivet, Ehardt, Martinez, Bogardus, Jansen, Koetje and Minore offered the following resolution:

House Resolution No. 232.

A resolution honoring Dr. Robert E. Bailey.

Whereas, This year marks the twenty-fifth anniversary of the outstanding pastorate of the Reverend Dr. Robert E. Bailey with the Trinity Missionary Baptist Church in Pontiac. We proudly join with this loyal and energetic congregation in marking this milestone. As we salute the Reverend Bailey, we also wish to acknowledge his leadership in religious and community endeavors far beyond Pontiac's boundaries; and

Whereas, Ordained in 1968, the Reverend Dr. Robert E. Bailey came to Trinity Missionary Baptist Church after having served the people of historic Tabernacle Missionary Baptist Church in Detroit. A man with administrative skills equal to his considerable spiritual gifts, he has been a dynamic leader at Trinity. Dramatic growth in facilities, church membership, programs, and outreach are a direct reflection of his vision and the unity of this exemplary family of worshippers; and

Whereas, Known throughout our state and country, Dr. Bailey is now in his 39th year of ministry. He has served as Vice President of the Wolverine State Missionary Baptist Convention of Michigan; a member of the Child Abuse Commission for the State of Michigan (appointed by Governor James Blanchard); Chairman of the Board for Opportunity Industrialization Center of Pontiac (OIC); Division Lecturer for the National Baptist Congress of Christian Education for twenty (20) years; and Division Lecturer for the Moderators Department of the National Baptist Convention USA, Inc.; and

Whereas, Other examples of Dr. Bailey's leadership include lecturing for the general assembly of the National Baptist Congress of Christian Education held in Memphis, Tennessee, and preached in the general assembly of the National Baptist Convention held in Washington, D.C. He has served as moderator of the Crystal Lake Missionary Baptist District Association (Pontiac, Michigan) and as an Assistant Dean of the Metropolitan District Congress of Christian Education. He currently serves as Vice President of the Michigan Baptist Association. Also, he is a guest preacher/lecturer for churches, associations, and conventions across the nation; now, therefore, be it

Resolved by the House of Representatives, That tribute be accorded to honor the Reverend Dr. Robert E. Bailey as he marks twenty-five years of leadership with the Trinity Missionary Baptist Church in Pontiac; and be it further

Resolved, That a copy of this resolution be transmitted to him as evidence of our esteem.

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. Howell, Hansen, DeHart, Tesanovich, Kowall, DeVuyst, Julian, Hanley, Mead, Spade, Stamas, LaSata, Kukuk, Jamnick, Middaugh, Vander Roest, Birkholz, Sheltroun, DeRossett, Kelly, Rivet, Frank, Lemmons, Ehardt, Scranton, LaForge, Faunce, Van Woerkom, Baird, Scott, Jansen, Cassis, Koetje, Toy and Neumann offered the following resolution:

House Resolution No. 233.

A resolution honoring the players, coaches, families, and the community of the State Division 6 High School Football Championship Team, the St. Charles Bulldogs.

Whereas, In a dominating display of skill, teamwork, determination, and spirit, the St. Charles High School Football Team has laid claim to the State Division 6 Football Championship and brought home to St. Charles the coveted trophy that the Bulldogs have fought for years to obtain; and

Whereas, At the beginning of the 1999 season, few outside of the St. Charles area thought that the Bulldogs would be able to regain primacy over Division 6, but Coach Bob Welzein and his team set their sights on their goal and began the long, arduous struggle to the top; and

Whereas, Unlike previous years, this year's Bulldogs had a perfect season and capped it off with an undefeated ending. In a thrilling match-up with Hopkins, the St. Charles Bulldogs rewarded their steadfast fans for their years of loyal support with a hard fought 21-14 championship victory at the Silverdome; now, therefore, be it

Resolved by the House of Representatives, That the highest praise and admiration be accorded to the players and coaches of the 1999 Division 6 State High School Football Champions, the St. Charles High School Bulldogs; and be it further

Resolved, That a copy of this resolution be transmitted to St. Charles High School on behalf of the following players and coaches:

Players: Rob Anthony, Andy Bolf, Jason Dinninger, Keith Dombrowski, Jared Duquette, Andy Fisk, J.J. Goidosik, Ryan Griffus, Sean Gustavison, Josh Hafner, Andy Heister, Tom Kremer, Gavin Lynch, Aaron Louchart, Kyle Marietta, Brian Mead, Pat Mishler, Seth McKillop, Eric Rehmann, Mike Reinke, Brandon Revell, Ed Tithof, Nate Trier, Adam Turner, Neil Turner, Jon Unger, Scott Wicke, Pat Wilding, Ryan Williams, and Jake Wood; Head Coach: Robert Welzein; Assistant Coaches: Roger Delemeester, Roger Henninger, Larry Mishler, Jim Mroz, Pat Rusz, Jim Swartzendruber and Bill Wood; Manager: Emily Swartzendruber; and Trainer: Tricia Douglas.

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. Gosselin, DeHart, Tesanovich, Kowall, DeVuyst, Julian, Hanley, Mead, Spade, LaSata, Kukuk, Jamnick, Vander Roest, Birkholz, Bovin, DeRossett, Kelly, Lemmons, Ehardt, Scranton, LaForge, Faunce, Van Woerkom, Baird, Scott, Jansen, Cassis, Koetje, Toy, Minore and Neumann offered the following resolution:

House Resolution No. 234.

A resolution celebrating the 75th Anniversary of St. Lucy Croatian Catholic Church.

Whereas, We join with His Eminence Adam Cardinal Maida, Father Slaven H. Mijatovic, the parishioners of the St. Lucy Croatian Catholic Church, and the greater Croatian-American community in Troy in celebrating the church's 75th Anniversary; and

Whereas, Croatsians were the first Slavic people to accept Christianity over 1,300 years ago earning the title, "Croatia-Bulwark of Christianity"; and

Whereas, St. Lucy Croatian Catholic Church was founded in December 1924 by committed individuals wishing to worship with others who share their Catholic faith and Croatian heritage; and

Whereas, With a current worshipping membership of over 300 individuals, the spirit of unity which characterized early members of St. Lucy Croatian Catholic Church has grown stronger with each passing year. The church remains a strong and vibrant congregation, ready to serve the Croatian-American community in southeast Michigan; and

Whereas, While the members of the Croatian community celebrate their history, ethnicity, faith, and the triumphs they have shared, as well as the challenges they have overcome, we are reminded of and made thankful for the many ways in which they have touched and enriched the lives of the Troy community; now, therefore, be it

Resolved by the House of Representatives, That we join with His Eminence Adam Cardinal Maida, Father Slaven H. Mijatovic, the members of St. Lucy Croatian Catholic Church, and the greater Croatian-American community in celebrating the church's 75th Anniversary. May God continue to bless your congregation.

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.

Reports of Standing Committees

The Committee on Transportation, by Rep. Rick Johnson, Chair, reported

Senate Bill No. 46, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 1993 PA 22.

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

SB 46 To Report Out:

Yeas: Reps. Rick Johnson, Gilbert, Hart, Ruth Johnson, Middaugh, Patterson, Shackleton, Tabor, Kilpatrick, Bovin, Jamnick, Reeves, Schermesser,

Nays: None.

The Committee on Transportation, by Rep. Rick Johnson, Chair, reported

Senate Bill No. 581, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 717 (MCL 257.717), as amended by 1999 PA 63.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 581 To Report Out:

Yeas: Reps. Rick Johnson, Gilbert, Hart, Ruth Johnson, Middaugh, Patterson, Shackleton, Bovin, Jamnick, Lemmons, Reeves, Schermesser,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rick Johnson, Chair of the Committee on Transportation, was received and read:

Meeting held on: Wednesday, December 1, 1999, at 9:00 a.m.,

Present: Reps. Rick Johnson, Gilbert, Hart, Ruth Johnson, Middaugh, Patterson, Shackleton, Tabor, Kilpatrick, Bovin, Jamnick, Lemmons, Reeves, Schermesser,

Absent: Reps. DeVuyst, Garcia, Brewer,

Excused: Reps. DeVuyst, Garcia, Brewer.

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported

Senate Bill No. 550, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20126 (MCL 324.20126), as amended by 1996 PA 115.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 550 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Allen, Green, Middaugh, Sanborn, Basham, Gielegghem, Mans, Sheltroun,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeVuyst, Chair of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Thursday, December 2, 1999, at 8:00 a.m.,

Present: Reps. DeVuyst, Tabor, DeRossett, Allen, Green, Middaugh, Sanborn, Basham, Gielegghem, Mans, Sheltroun,

Absent: Reps. Kowall, Patterson, Callahan, Brater,

Excused: Reps. Kowall, Patterson, Callahan, Brater.

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported

Senate Bill No. 831, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 23 (MCL 78.23), as amended by 1982 PA 373.

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

1. Amend page 3, line 10, after "clerk." by inserting "A VILLAGE SHALL NOT ENFORCE ANY PROVISION ADOPTED BY REFERENCE FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS GREATER THAN 93 DAYS."

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

Favorable Roll Call

SB 831 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves,

Nays: None.

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported

Senate Bill No. 832, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending sections 1, 4, and 5 (MCL 41.181, 41.184, and 41.185), section 1 as amended by 1994 PA 315, section 4 as amended by 1994 PA 14, and section 5 as added by 1989 PA 78.

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

1. Amend page 3, line 12, after "ORDINANCE." by inserting "A TOWNSHIP SHALL NOT ENFORCE ANY PROVISION ADOPTED BY REFERENCE FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS GREATER THAN 93 DAYS."

2. Amend page 5, line 14, after "OBTAINED." by inserting "A TOWNSHIP SHALL NOT ENFORCE ANY PROVISION ADOPTED BY REFERENCE FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS GREATER THAN 93 DAYS."

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

Favorable Roll Call

SB 832 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves,
Nays: None.

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported

Senate Bill No. 833, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 4 of chapter VI (MCL 66.4), as amended by 1998 PA 255.

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

1. Amend page 2, line 23, after "clerk." by inserting "A VILLAGE SHALL NOT ENFORCE ANY PROVISION ADOPTED BY REFERENCE FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS GREATER THAN 93 DAYS."

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

Favorable Roll Call

SB 833 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves,
Nays: None.

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported

Senate Bill No. 834, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 3 (MCL 117.3), as amended by 1993 PA 207.

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

1. Amend page 6, line 2, after "public." by inserting "A CITY SHALL NOT ENFORCE ANY PROVISION ADOPTED BY REFERENCE FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS GREATER THAN 93 DAYS."

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

Favorable Roll Call

SB 834 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves,
Nays: None.

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported
Senate Bill No. 867, entitled

A bill to create certain authorities; to authorize creation of certain funds; to authorize expenditures from the funds; to finance the purchase of land and the development of certain convention facilities and of public improvements or related facilities; and to prescribe the powers and duties of certain state and local officials.

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

1. Amend page 3, line 2, after "500,000" by inserting "that contains a qualified city, and".
2. Amend page 3, line 3, after "government" by striking out the balance of the subdivision and inserting a period.
3. Amend page 4, following line 27, by inserting:

"(5) Notwithstanding a charter provision of a qualified city to the contrary, a member of the legislative body or other city official of the qualified city is eligible to serve as a member of a board established under this act."

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

Favorable Roll Call

SB 867 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jannick, Minore, Reeves,
 Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Birkholz, Chair of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Thursday, December 2, 1999, at 9:00 a.m.,

Present: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jannick, Minore, Reeves.

The Committee on Health Policy, by Rep. Law, Chair, reported

House Bill No. 4727, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20165 and 20175 (MCL 333.20165 and 333.20175), section 20165 as amended by 1998 PA 108 and section 20175 as amended by 1993 PA 79, and by adding section 20173.

The committee recommended that the bill be referred to the Committee on Senior Health, Security and Retirement.

Favorable Roll Call

HB 4727 To Report Out:

Yeas: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Ruth Johnson, Rocca, Vear, Schauer, Baird, Dennis, Jacobs, Neumann, Reeves, Woodward,

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on Senior Health, Security and Retirement.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Law, Chair of the Committee on Health Policy, was received and read:

Meeting held on: Thursday, December 2, 1999, at 10:30 a.m.,

Present: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Raczkowski, Rocca, Vear, Schauer, Baird, Dennis, Jacobs, Neumann, Reeves, Woodward.

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

Senate Bill No. 877, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending the title and sections 5, 7, 7a, 8, 24, 25, 33, 36, 40, 41a, 42, 44, 45, 46, 47, 48, 52, 53, 55, 56, 57, 58, and 59 (MCL 24.205, 24.207, 24.207a, 24.208, 24.224, 24.225, 24.233, 24.236, 24.240, 24.241a, 24.242, 24.244, 24.245, 24.246, 24.247, 24.248, 24.252, 24.253, 24.255, 24.256, 24.257, 24.258, and 24.259), the title as amended by 1993 PA 7, sections 5, 24, 52, and 56 as

amended by 1982 PA 413, section 7 as amended by 1996 PA 489, sections 7a, 40, and 53 as added by 1984 PA 273, sections 8 and 57 as amended by 1988 PA 333, sections 42, 44, 45, and 46 as amended by 1993 PA 141, sections 48, 55, and 58 as amended by 1986 PA 292, and section 59 as amended by 1995 PA 178, and by adding sections 28, 34, 39, 39a, 45a, and 54.

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

1. Amend page 29, line 2, after "CHAIR" by striking out the balance of the line through "CHAIR" on line 3 and inserting a comma and "THE ALTERNATE CHAIR, OR ANY MEMBER OF THE COMMITTEE".
2. Amend page 29, line 4, after the second "THE" by inserting "BILL OR".
3. Amend page 29, line 22, after "OF" by striking out "EITHER HOUSE" and inserting "BOTH HOUSES".
4. Amend page 29, line 22, after "HOUSE." by inserting "IF 1 CHAMBER HAS PASSED THE BILL PRIOR TO THE RECESS OF BOTH CHAMBERS UNDER THIS SUBDIVISION, THE TIME PERIOD SHALL BEGIN ON THE RETURN OF THE CHAMBER THAT HAS NOT PASSE THE BILL.".
5. Amend page 30, line 3, after "OF" by striking out "EITHER HOUSE" and inserting "BOTH HOUSES".
6. Amend page 30, line 4, after "HOUSE." by inserting "IF 1 CHAMBER HAS PASSED THE BILL PRIOR TO THE RECESS OF BOTH CHAMBERS UNDER THIS SUBDIVISION, THE TIME PERIOD SHALL BEGIN ON THE RETURN OF THE CHAMBER THAT HAS NOT PASSED THE BILL.".
7. Amend page 33, line 19, after "BY" by striking out "JANUARY" and inserting "APRIL".
8. Amend page 40, line 19, by striking out "January" and inserting "April".

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

Favorable Roll Call

SB 877 To Report Out:

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

Nays: Reps. Baird, Switalski, Schermesser.

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

Senate Bill No. 878, entitled

A bill to amend 1970 PA 193, entitled "An act to provide for the compilation of the general laws of this state and the compilation and revision of state administrative rules; and to prescribe the functions of the legislative council relative thereto," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 (MCL 8.41, 8.42, 8.43, 8.44, 8.45, 8.46, 8.47, and 8.48).

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

1. Amend page 6, line 9, by striking out "January" and inserting "April".

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

Favorable Roll Call

SB 878 To Report Out:

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

Nays: Reps. Baird, Switalski, Schermesser.

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

Senate Bill No. 879, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending sections 201, 202, and 203 (MCL 4.1201, 4.1202, and 4.1203), section 203 as amended by 1999 PA 101.

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

1. Amend page 4, line 14, by striking out "January" and inserting "April".

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

Favorable Roll Call

SB 879 To Report Out:

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

Nays: Reps. Baird, Switalski, Schermesser.

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, December 2, 1999, at 9:00 a.m.,

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, December 2:

House Bill Nos.	5135	5136	5137	5138	5139	5140	5141	5142	5143	5144	5145	5146	5147	5148
	5149	5150	5151	5152	5153	5154								

The Clerk announced that the following Senate bills had been received on Thursday, December 2:

Senate Bill Nos.	120	135	136	137	523	588	605	705	732	782	802	866	885
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By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 120, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 285. The Senate has passed the bill.

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

Senate Bill No. 135, entitled

A bill to amend 1929 PA 48, entitled "An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes," by amending section 14 (MCL 205.314), as amended by 1994 PA 307.

The Senate has passed the bill.

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

Senate Bill No. 136, entitled

A bill to amend 1929 PA 48, entitled "An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes," (MCL 205.301 to 205.317) by adding section 14b.

The Senate has passed the bill.

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

Senate Bill No. 137, entitled

A bill to amend 1929 PA 48, entitled "An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes," (MCL 205.301 to 205.317) by adding section 14a.

The Senate has passed the bill.

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

Senate Bill No. 523, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Otsego county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

The Senate has passed the bill.

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

Senate Bill No. 588, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 1996 PA 553.

The Senate has passed the bill.

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

Senate Bill No. 605, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 701, 702, 705, 706, and 711 (MCL 38.2651, 38.2652, 38.2655, 38.2656, and 38.2661), sections 701 and 702 as amended by 1998 PA 66 and sections 705, 706, and 711 as added by 1996 PA 523.

The Senate has passed the bill.

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

Senate Bill No. 705, entitled

A bill to regulate the ownership, possession, and care of certain wolf-dog crosses; to prohibit the ownership and possession of certain wolf-dog crosses; to impose fees; to prescribe the powers and duties of certain governmental entities and officials; and to prescribe penalties and provide remedies.

The Senate has passed the bill.

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

Senate Bill No. 732, entitled

A bill to amend 1998 PA 116, entitled "Personal watercraft safety act," by amending section 31 (MCL 281.1431).

The Senate has passed the bill.

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

Senate Bill No. 782, entitled

A bill to regulate the ownership, possession, and care of certain large carnivores; to prohibit the ownership and possession of certain large carnivores; to impose fees; to prescribe the powers and duties of certain governmental entities and officials; and to prescribe penalties and provide remedies.

The Senate has passed the bill.

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

Senate Bill No. 802, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 32 (MCL 388.1632), as added by 1999 PA 119.

The Senate has passed the bill.

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

Senate Bill No. 866, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending section 4b (MCL 124.284b), as added by 1985 PA 178.

The Senate has passed the bill.

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

Senate Bill No. 885, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16o of chapter XVII (MCL 777.16o), as added by 1998 PA 317.

The Senate has passed the bill.

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

Senate Bill No. 198, entitled

A bill to prohibit governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion.

The Senate has nonconcurred in the House substitute (H-10) and appointed Senators DeGrow, Bennett and V. Smith as conferees.

The message was referred to the Clerk for record.

Senate Concurrent Resolution No. 28.

A concurrent resolution to urge the United States Environmental Protection Agency to make its regulatory decisions under the Food Quality Protection Act on the basis of sound science and to approve the use of certain products.

Whereas, The Environmental Protection Agency (EPA) is in the process of making regulatory decisions under the provisions of the Food Quality Protection Act of 1996. This review process, which involves seeking public comment, requires the EPA to consider the impact, uses, benefits, and risks of a host of chemicals available for use at various stages of growing and processing agricultural products; and

Whereas, One of the first classes of pesticides the EPA is reviewing is organophosphate insecticides. This group of compounds includes chlorpyrifos, the active ingredient in Lorsban, a widely used insecticide that is important to Michigan agriculture and a well-respected tool for many farmers; and

Whereas, In its review, the EPA should base its decision and set tolerance levels in response to scientific data reflecting real-world use of the products. The standards should not be based on hypothetical situations. Determinations should be based on a weight of evidentiary evaluation of all scientific data provided. The EPA should avoid overly conservative decisions that put Michigan and growers across the United States at a competitive disadvantage to producers of other nations. In addition, the review process must also include full information on the extent that the various products contribute to the success of modern farming; and

Whereas, Chlorpyrifos is an important tool in the effort to control pests in agriculture. Its use and impact are supported by a large body of scientific data. Those who rely on this material in their operations worry that federal decision-making agencies may not understand fully the extent of the use and the importance of this material; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Environmental Protection Agency to make its regulatory decisions under the Food Quality Protection Act on the basis of sound science and to approve the use of chlorpyrifos products; and be it further

Resolved, That a copy of this resolution be transmitted to the United States Environmental Protection Agency.

The Senate has adopted the concurrent resolution.

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

Reps. Tesanovich, Kowall, DeVuyst, Julian, Kuipers, Mead, LaSata, Kukuk, Jamnick, Middaugh, Vander Roest, Birkholz, Sheltrown, DeRossett, Kelly, Rivet, Frank, Lemmons, Ehardt, Scranton, Faunce, Van Woerkom, Jansen, Cassis, Toy and Neumann were named co-sponsors of the concurrent resolution.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Family and Civil Law from further consideration of **House Bill No. 4965**.

Rep. Gielegem

Introduction of Bills

Reps. Hale, Bogardus, Hardman, Clark, Garza, Bovin, Daniels, Thomas, Stallworth, Quarles, Rison, Brewer, Vaughn, Prusi, Scott, LaForge, Jamnick, Schermesser, DeHart, Basham, Clarke, Price, Kelly, Wojno, Hansen, Gielegem, Neumann, Brater, Martinez, Reeves, Dennis, Rivet, Tesanovich, Kilpatrick and Lemmons introduced

House Bill No. 5155, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2021, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2114, 2118, 2120, 2127, 2236, 2400, 2406, 2430, 2436, 2438, 2458, 2462, 2472, 2600, 2606,

2608, 2616, 2628, 2630, 2636, 2652, 2654, 2664, 2930, 3020, 3321, and 3340 (MCL 500.2021, 500.2105, 500.2106, 500.2107, 500.2108, 500.2109, 500.2110, 500.2111, 500.2114, 500.2118, 500.2120, 500.2127, 500.2236, 500.2400, 500.2406, 500.2430, 500.2436, 500.2438, 500.2458, 500.2462, 500.2472, 500.2600, 500.2606, 500.2608, 500.2616, 500.2628, 500.2630, 500.2636, 500.2652, 500.2654, 500.2664, 500.2930, 500.3020, 500.3321, and 500.3340), section 2021 as added and section 2436 as amended by 1982 PA 7, section 2111 as amended by 1996 PA 98, section 2118 as amended by 1988 PA 43, section 2120 as amended by 1984 PA 350, sections 2236 and 2406 as amended by 1993 PA 200, section 2400 as amended by 1982 PA 8, section 2458 as amended by 1988 PA 262, section 3020 as amended by 1998 PA 410, and section 3340 as amended by 1986 PA 10, and by adding sections 2026a, 2094, 2103a, 2106a, 2107a, 2109a, 2109b, 2111c, 2128, 2128a, 2128b, 2128c, 2128d, 2128e, 2128f, and 3105a; and to repeal acts and parts of acts. The bill was read a first time by its title and referred to the Committee on Insurance and Financial Services.

Reps. Raczkowski, Gosselin and Kukuk introduced

House Bill No. 5156, entitled

A bill to amend 1978 PA 59, entitled "Condominium act", by amending section 54 (MCL 559.154), as amended by 1982 PA 538.

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

Reps. Julian, Richner, Ehardt, Law, Mortimer, DeHart, Rick Johnson, Howell, Toy, Bradstreet, Van Woerkom and Vear introduced

House Bill No. 5157, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 73 and 77 (MCL 750.73 and 750.77), section 77 as amended by 1998 PA 312.

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

Reps. Van Woerkom, Hart, Gilbert, Richardville, Kuipers, DeWeese, Pappageorge, Voorhees, Garcia, Kukuk, Richner, Hager, Ehardt, Shackleton, O'Neil, Pestka and Jansen introduced

House Bill No. 5158, entitled

A bill to create the office of faith community liaison in the executive branch; and to prescribe its powers and duties. The bill was read a first time by its title and referred to the Committee on Family and Children Services.

Reps. Van Woerkom, Kuipers, Green, Pappageorge, Voorhees, Gosselin, Garcia, Mans, Richner and Shackleton introduced

House Bill No. 5159, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 501 (MCL 436.1501), as amended by 1998 PA 416.

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

Rep. Hager moved that the House adjourn.
The motion prevailed, the time being 10:20 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Tuesday, December 7, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives.

