

**No. 85**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**90th Legislature**  
**REGULAR SESSION OF 1999**

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House Chamber, Lansing, Wednesday, December 8, 1999.

10:00 a.m.

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

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

|                        |                       |                      |                      |
|------------------------|-----------------------|----------------------|----------------------|
| Allen—present          | Frank—present         | Kuipers—present      | Rison—present        |
| Baird—present          | Garcia—present        | Kukuk—present        | Rivet—present        |
| Basham—present         | Garza—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. Curnell Graham, Pastor of Washington Heights United Methodist Church and Community Ministries in Battle Creek, offered the following invocation:

“Gracious eternal God, we give You thanksgiving and praise for this day that You have made. We thank You Lord because as we slept through the night, You sent Your Angels to protect us and keep us safe from all hurt, harm, and danger. We thank You, O God, for waking us up this morning, giving us health and strength. We praise You, O God, as we begin this day to honor You and glorify You in all that we say and do. Lord, we pray now for Your presence, wisdom, and grace to be upon this legislative body as they tackle a heavy agenda, come close to the end of this session and of this year, prepare to go forth into a new millennium, and as we enter this time of celebration—the holiday season when families will gather from far and near to remember Your goodness. We pray, O God, that Your grace will be upon us. We ask now, Lord, that Your grace and guidance will guide this chamber today. We pray, O God, that the things that will take place in this room will help to make a difference in the lives of many in our state, in our country, and throughout the world. We thank You, and we pray that Your guidance and grace be upon us. This we ask in the name of our Creator, God Almighty. Amen.”

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Rep. Raczkowski moved that House Committees be given leave to meet during the balance of today’s session. The motion prevailed.

### Reports of Standing Committees

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

**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.

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

**SB 523** To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Allen, Kowall, Middaugh, Callahan, 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: Wednesday, December 8, 1999, at 8:00 a.m.,

Present: Reps. DeVuyst, Tabor, DeRossett, Allen, Kowall, Middaugh, Callahan, Basham, Gielegghem, Mans, Sheltroun,

Absent: Reps. Green, Patterson, Sanborn, Brater,

Excused: Reps. Green, Patterson, Sanborn, Brater.

The Committee on Insurance and Financial Services, by Rep. Sanborn, Chair, reported

**Senate Bill No. 668, entitled**

A bill to amend 1988 PA 161, entitled “Consumer financial services act,” by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 19 (MCL 487.2052, 487.2053, 487.2054, 487.2055, 487.2056, 487.2057, 487.2058, 487.2059, 487.2060, 487.2061, 487.2062, 487.2064, 487.2065, 487.2066, 487.2067, and 487.2069), sections 5, 7, 8, 11, 12, and 15 as amended by 1992 PA 76, and by adding sections 10a, 10b, 10c, 10d, 10e, 16a, and 16b; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

#### Favorable Roll Call

**SB 668** To Report Out:

Yeas: Reps. Sanborn, Bisbee, Bishop, DeVuyst, Ehardt, Hager, Rick Johnson, Julian, Richner, Van Woerkom, Basham, Bob Brown, Clark, Hale, O’Neil, Scott, Thomas,

Nays: None.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sanborn, Chair of the Committee on Insurance and Financial Services, was received and read:

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

Present: Reps. Sanborn, Bisbee, Bishop, DeVuyst, Ehardt, Hager, Rick Johnson, Julian, Richner, Van Woerkom, Basham, Bob Brown, Clark, Hale, O'Neil, Scott, Thomas,

Absent: Reps. Law, Shackleton, Wojno, Daniels,

Excused: Reps. Law, Shackleton, Wojno, Daniels.

**Introduction of Bills**

Reps. Jellema, Pappageorge, Kelly, Jelinek, Kuipers, Stamas and Richner introduced

**House Bill No. 5173, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 104a (MCL 38.1404a), as amended by 1998 PA 213.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. Switalski, Prusi, Sheltroun, DeHart, Spade, Hale, Kelly, Shackleton, Woodward, Garcia, Rivet, Richardville and Lemmons introduced

**House Bill No. 5174, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 1998 PA 384.

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

Reps. Switalski, Prusi, DeHart, Spade, Hale, Martinez, Kelly, Dennis, Woodward, Minore, Rivet and Lemmons introduced

**House Bill No. 5175, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1999 PA 116.

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

Reps. Switalski, Prusi, Wojno, Hale, Martinez, Kelly, Dennis, Basham, Julian, Woodward, Rivet, Richardville and Lemmons introduced

**House Bill No. 5176, entitled**

A bill to provide for compulsory arbitration of labor disputes between county corrections officers and their employers; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority of arbitration panels; and to provide for the enforcement and review of awards of those panels.

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

Reps. Switalski, Prusi, Hale, Dennis, Basham, Kowall, Woodward and Rivet introduced

**House Bill No. 5177, entitled**

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

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

Reps. Switalski, Prusi, Hale, Kowall and Rivet introduced

**House Bill No. 5178, entitled**

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

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

Reps. Switalski, Julian and Woodward introduced

**House Bill No. 5179, entitled**

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 11 and 12 (MCL 46.411 and 46.412), as amended by 1982 PA 504.

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

Reps. Switalski, Julian and Woodward introduced

**House Bill No. 5180, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 51, 71, 91, 131, 161, 191, 281, 327, 342, 383, 391, 409, 411, 431, and 467 (MCL 168.51, 168.71, 168.91, 168.131, 168.161, 168.191, 168.281, 168.327, 168.342, 168.383, 168.391, 168.409, 168.411, 168.431, and 168.467), as amended by 1982 PA 505.

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

Reps. Dennis, Schauer, Spade, Wojno, Gielegem, Bovin, Garza, Clark, Hardman, Reeves, Sheltroun, Rivet, Pestka, Frank, Woodward, Quarles, Lockwood, Callahan, Jacobs, Thomas, Martinez, Brater, Schermesser, DeHart, Scott, Hale, LaForge, Daniels, Rison, Neumann, Stallworth, Basham and Lemmons introduced

**House Bill No. 5181, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21052c.

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

By unanimous consent the House returned to the order of

**Messages from the Senate**

**Senate Bill No. 605, entitled**

A bill to amend 1992 PA 234, entitled "An act to establish a judges retirement system; to provide for the administration and maintenance of the retirement system; to create a retirement board; to prescribe the powers and duties of the retirement board; to establish certain reserves for the retirement system; to establish certain funds; to prescribe the powers and duties of certain state departments and certain state and local officials and employees; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," by amending sections 104, 108, 202, 306, 401a, 504, 506, 508, 701, 705, 706, 711, 713, 714, 715, and 716 (MCL 38.2104, 38.2108, 38.2202, 38.2306, 38.2401a, 38.2504, 38.2506, 38.2508, 38.2651, 38.2655, 38.2656, 38.2661, 38.2663, 38.2664, 38.2665, and 38.2666), section 104 as amended by 1995 PA 193, sections 401a, 705, 706, 711, 713, and 714 as added by 1996 PA 523, and sections 701, 715, and 716 as amended by 1998 PA 66, and by adding sections 214a, 504a, 701a, 701b, and 702a; and to repeal acts and parts of acts.

The Senate has nonconcurrent in the House amendments and appointed Senators Van Regenmorter, Emmons, and Emerson as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Richner, Shulman and Baird. The message was referred to the Clerk for record.

**Quorum Call**

Rep. Raczkowski 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. 1125**

**Yeas—110**

Allen  
Baird

Frank  
Garcia

Kuipers  
Kukuk

Rison  
Rivet

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

In The Chair: Birkholz

By unanimous consent the House returned to the order of  
**Reports of Select Committees**

**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 adopted the report of the Committee of Conference.

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. 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.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

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

A bill to restrict certain 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 PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 1. As used in this act:

(a) "Public employer" means a county, township, village, city, authority, school district, or other political subdivision of this state and includes any entity jointly created by 2 or more public employers.

(b) "School district" means a school district, local act school district, or intermediate school district as those terms are defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or a public school academy established under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

Sec. 2. (1) Except as provided in subsection (2), a public employer shall not require, by collective bargaining agreement or otherwise, that a person reside within a specified geographic area or within a specified distance or travel time from his or her place of employment as a condition of employment or promotion by the public employer.

(2) Subsection (1) does not prohibit a public employer from requiring, by collective bargaining agreement or otherwise, that a person reside within a specified distance from the nearest boundary of the public employer. However, the specified distance shall be 20 miles or another specified distance greater than 20 miles.

(3) A requirement described in subsection (2) does not apply to a person if the person is married and both of the following conditions are met:

(a) The person's spouse is employed by another public employer.

(b) The person's spouse is subject to a condition of employment or promotion that, if not for this section, would require him or her to reside a distance of less than 20 miles from the nearest boundary of the public employer.

(4) Subsection (1) does not apply if the person is a volunteer or paid on-call firefighter, an elected official, or an unpaid appointed official.

Sec. 3. This act applies only to employment contracts entered into, renewed, or renegotiated after the effective date of this act, in accordance with the prohibition against impairment of contracts provided by section 10 of article I of the state constitution of 1963.

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

A bill to restrict certain 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.

Dan L. DeGrow  
Loren Bennett  
Conferees for the Senate

Charles Perricone  
Robert Gosselin  
Conferees for the House

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

Rep. Byl 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. 1126

### Yeas—66

|            |               |             |              |
|------------|---------------|-------------|--------------|
| Allen      | Ehardt        | Koetje      | Richardville |
| Basham     | Faunce        | Kowall      | Richner      |
| Birkholz   | Frank         | Kukuk       | Rison        |
| Bisbee     | Garcia        | LaForge     | Rivet        |
| Bishop     | Geiger        | LaSata      | Rocca        |
| Bovin      | Gielegthem    | Law         | Sanborn      |
| Bradstreet | Gilbert       | Mead        | Schauer      |
| Brewer     | Gosselin      | Mortimer    | Schermesser  |
| Brown, B.  | Green         | Neumann     | Scranton     |
| Callahan   | Hager         | O'Neil      | Sheltrown    |
| Cassis     | Hart          | Pappageorge | Shulman      |
| Caul       | Howell        | Patterson   | Tabor        |
| Cherry     | Jansen        | Perricone   | Toy          |
| DeHart     | Jelinek       | Pestka      | Van Woerkom  |
| DeRossett  | Johnson, Rick | Prusi       | Wojno        |
| DeVuyst    | Johnson, Ruth | Rackowski   | Woronchak    |
| DeWeese    | Julian        |             |              |

**Nays—44**

|            |            |            |              |
|------------|------------|------------|--------------|
| Baird      | Hale       | Lockwood   | Spade        |
| Bogardus   | Hanley     | Mans       | Stallworth   |
| Brater     | Hansen     | Martinez   | Stamas       |
| Brown, C.  | Hardman    | Middaugh   | Switalski    |
| Byl        | Jacobs     | Minore     | Tesanovich   |
| Clark, I.  | Jamnack    | Price      | Thomas       |
| Clarke, H. | Jellema    | Pumford    | Vander Roest |
| Daniels    | Kelly      | Quarles    | Vaughn       |
| Dennis     | Kilpatrick | Reeves     | Vear         |
| Garza      | Kuipers    | Scott      | Voorhees     |
| Godchaux   | Lemmons    | Shackleton | Woodward     |

In The Chair: Birkholz

Rep. Byl moved that Rule 45 be suspended.  
The motion prevailed, 3/5 of the members present voting therefor.

**Notices**

I hereby give notice that on the next legislative session day I will move to reconsider the vote by which the House adopted the Conference Report on the matters of difference between the two Houses concerning **Senate Bill No. 198**.  
Rep. Kilpatrick

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**Senate Bill No. 404, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923, 333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, and sections 20920, 20921, and 20965 as amended by 1997 PA 78.

(The bill was returned from the Senate in accordance with the request of the House, motion made to reconsider the vote by which the House passed the bill and motion postponed for the day on December 7, see House Journal No. 84, p. 2466.)

The question being on the motion made previously by Rep. Raczkowski,  
The motion prevailed, a majority of the members serving voting therefor.

Rep. Byl moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.  
The motion prevailed, a majority of the members present voting therefor.

**Second Reading of Bills****Senate Bill No. 404, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923, 333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915,

20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, and sections 20920, 20921, and 20965 as amended by 1997 PA 78.

Rep. Law moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

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. Byl 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. 404, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923, 333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, and sections 20920, 20921, and 20965 as amended by 1997 PA 78.

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. 1127

#### Yeas—100

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

#### Nays—9

|            |         |            |            |
|------------|---------|------------|------------|
| Bovin      | Neumann | Rison      | Sheltrown  |
| Bradstreet | Prusi   | Shackleton | Tesanovich |
| LaForge    |         |            |            |

In The Chair: Birkholz

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 4618, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2441 (MCL 600.2441). (The bill was received from the Senate on November 30 with amendments and full title inserted by the Senate, consideration of which, under the rules, was postponed until December 1, see House Journal No. 81, p. 2331.)

The question being on concurring in the amendments made to the bill by the Senate,

Rep. Rick Johnson moved to amend the Senate amendments as follows:

1. Amend Senate Amendment No. 1, page 2, line 5, after “inserting” by striking out “\$100.00” and inserting “\$150.00”.

2. Amend Senate Amendment No. 2, page 2, line 10, after “inserting” by striking out “\$50.00” and inserting “\$75.00”.

3. Amend Senate Amendment No. 3, page 2, line 12, after “April 1,” by striking out “2001” and inserting “2000”.

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

The question being on concurring in the Senate amendments, as amended,

The Senate amendments, as amended, were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 1128

#### Yeas—104

|            |          |           |             |
|------------|----------|-----------|-------------|
| Allen      | Ehardt   | Kowall    | Rivet       |
| Baird      | Faunce   | Kuipers   | Rocca       |
| Basham     | Garcia   | Kukuk     | Sanborn     |
| Birkholz   | Garza    | LaForge   | Schauer     |
| Bisbee     | Geiger   | LaSata    | Schermesser |
| Bishop     | Gielegem | Law       | Scott       |
| Bogardus   | Gilbert  | Lemmons   | Scranton    |
| Bovin      | Godchaux | Lockwood  | Shackleton  |
| Bradstreet | Gosselin | Mans      | Sheltrown   |
| Brater     | Hager    | Martinez  | Shulman     |
| Brewer     | Hale     | Mead      | Spade       |
| Brown, B.  | Hansen   | Middaugh  | Stallworth  |
| Brown, C.  | Hardman  | Minore    | Stamas      |
| Byl        | Hart     | Mortimer  | Switalski   |
| Callahan   | Howell   | Neumann   | Tabor       |
| Cassis     | Jacobs   | Patterson | Tesanovich  |

|            |               |              |              |
|------------|---------------|--------------|--------------|
| Caul       | Jamnick       | Perricone    | Thomas       |
| Cherry     | Jansen        | Pestka       | Toy          |
| Clark, I.  | Jelinek       | Price        | Van Woerkom  |
| Clarke, H. | Jellema       | Prusi        | Vander Roest |
| Daniels    | Johnson, Rick | Pumford      | Vaughn       |
| DeHart     | Johnson, Ruth | Quarles      | Vear         |
| Dennis     | Julian        | Raczkowski   | Voorhees     |
| DeRossett  | Kelly         | Reeves       | Wojno        |
| DeVuyst    | Kilpatrick    | Richardville | Woodward     |
| DeWeese    | Koetje        | Richner      | Woronchak    |

**Nays—0**

In The Chair: Birkholz

The House agreed to the full title of the bill.

The Speaker laid before the House

**House Bill No. 4600, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2835 (MCL 333.2835).

(The bill was received from the Senate on December 7 with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 84, p. 2474.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1129****Yeas—72**

|            |               |             |              |
|------------|---------------|-------------|--------------|
| Allen      | Frank         | Kuipers     | Richardville |
| Basham     | Garcia        | Kukuk       | Richner      |
| Birkholz   | Geiger        | LaSata      | Rivet        |
| Bisbee     | Gilbert       | Law         | Rocca        |
| Bishop     | Gosselin      | Lockwood    | Sanborn      |
| Bovin      | Green         | Mans        | Shackleton   |
| Bradstreet | Hager         | Mead        | Sheltrown    |
| Brown, B.  | Hart          | Middaugh    | Shulman      |
| Brown, C.  | Howell        | Mortimer    | Spade        |
| Byl        | Jansen        | Neumann     | Stamas       |
| Callahan   | Jelinek       | O'Neil      | Switalski    |
| Cassis     | Jellema       | Pappageorge | Tabor        |
| Caul       | Johnson, Rick | Patterson   | Van Woerkom  |
| DeRossett  | Johnson, Ruth | Perricone   | Vander Roest |
| DeVuyst    | Julian        | Pestka      | Vear         |
| DeWeese    | Kelly         | Pumford     | Voorhees     |
| Ehardt     | Koetje        | Raczkowski  | Wojno        |
| Faunce     | Kowall        | Reeves      | Woronchak    |

**Nays—37**

|          |          |         |             |
|----------|----------|---------|-------------|
| Baird    | Garza    | LaForge | Schermesser |
| Bogardus | Gielegem | Lemmons | Scott       |

|            |            |          |            |
|------------|------------|----------|------------|
| Brater     | Godchaux   | Martinez | Scranton   |
| Brewer     | Hale       | Minore   | Stallworth |
| Cherry     | Hansen     | Price    | Tesanovich |
| Clark, I.  | Hardman    | Prusi    | Thomas     |
| Clarke, H. | Jacobs     | Quarles  | Toy        |
| Daniels    | Jamnick    | Rison    | Vaughn     |
| DeHart     | Kilpatrick | Schauer  | Woodward   |
| Dennis     |            |          |            |

In The Chair: Birkholz

The House agreed to the full title of the bill.

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

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

Rep. Jacobs demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 1130**

**Yeas—67**

|            |               |              |              |
|------------|---------------|--------------|--------------|
| Allen      | Frank         | Kukuk        | Richner      |
| Basham     | Garcia        | LaSata       | Rivet        |
| Birkholz   | Geiger        | Law          | Rocca        |
| Bisbee     | Gilbert       | Lockwood     | Sanborn      |
| Bishop     | Gosselin      | Mans         | Shackleton   |
| Bovin      | Hager         | Mead         | Sheltrown    |
| Bradstreet | Hart          | Middaugh     | Shulman      |
| Brown, B.  | Howell        | Mortimer     | Spade        |
| Brown, C.  | Jansen        | Neumann      | Stamas       |
| Callahan   | Jelinek       | O'Neil       | Tabor        |
| Cassis     | Jellema       | Pappageorge  | Van Woerkom  |
| Caul       | Johnson, Rick | Patterson    | Vander Roest |
| DeRossett  | Julian        | Perricone    | Vear         |
| DeVuyst    | Kelly         | Pestka       | Voorhees     |
| DeWeese    | Koetje        | Pumford      | Wojno        |
| Ehardt     | Kowall        | Rackowski    | Woronchak    |
| Faunce     | Kuipers       | Richardville |              |

**Nays—37**

|            |               |          |             |
|------------|---------------|----------|-------------|
| Baird      | Gielegem      | LaForge  | Schauer     |
| Bogardus   | Godchaux      | Lemmons  | Schermesser |
| Brater     | Hale          | Martinez | Scott       |
| Brewer     | Hansen        | Minore   | Scranton    |
| Clark, I.  | Hardman       | Price    | Switalski   |
| Clarke, H. | Jacobs        | Prusi    | Thomas      |
| Daniels    | Jamnick       | Quarles  | Toy         |
| DeHart     | Johnson, Ruth | Reeves   | Vaughn      |
| Dennis     | Kilpatrick    | Rison    | Woodward    |
| Garza      |               |          |             |

In The Chair: Birkholz

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

### Second Reading of Bills

#### House Bill No. 4525, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520d, and 520e (MCL 750.520a, 750.520d, and 750.520e), section 520a as amended by 1983 PA 158 and sections 520d and 520e as amended by 1996 PA 155, and by adding section 520n.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Law and Corrections (for amendment, see House Journal No. 79, p. 2260),

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

Rep. Jellema moved to substitute (H-1) the bill.

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

Rep. Jellema moved to amend the bill as follows:

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

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

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

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.

#### House Bill No. 4526, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 1987 PA 255.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Law and Corrections (for amendment, see House Journal No. 79, p. 2261),

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

Rep. Richner 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. Byl 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. 4526, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 1987 PA 255.

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

#### Roll Call No. 1131

#### Yeas—104

|            |          |          |             |
|------------|----------|----------|-------------|
| Allen      | Faunce   | Kowall   | Richner     |
| Baird      | Frank    | Kuipers  | Rivet       |
| Basham     | Garcia   | Kukuk    | Rocca       |
| Birkholz   | Garza    | LaForge  | Sanborn     |
| Bisbee     | Geiger   | LaSata   | Schauer     |
| Bishop     | Gielegem | Law      | Schermesser |
| Bogardus   | Gilbert  | Lemmons  | Scott       |
| Bovin      | Godchaux | Lockwood | Scranton    |
| Bradstreet | Gosselin | Mans     | Shackleton  |
| Brater     | Hager    | Martinez | Sheltrown   |
| Brewer     | Hale     | Mead     | Shulman     |
| Brown, B.  | Hansen   | Middaugh | Spade       |
| Brown, C.  | Hardman  | Mortimer | Stallworth  |

|            |               |              |              |
|------------|---------------|--------------|--------------|
| Byl        | Hart          | Neumann      | Stamas       |
| Callahan   | Howell        | O'Neil       | Switalski    |
| Cassis     | Jacobs        | Pappageorge  | Tabor        |
| Cherry     | Jamnack       | Patterson    | Tesanovich   |
| Clark, I.  | Jansen        | Perricone    | Thomas       |
| Clarke, H. | Jelinek       | Pestka       | Toy          |
| Daniels    | Jellema       | Price        | Van Woerkom  |
| DeHart     | Johnson, Rick | Prusi        | Vander Roest |
| Dennis     | Johnson, Ruth | Pumford      | Vaughn       |
| DeRossett  | Julian        | Quarles      | Vear         |
| DeVuyst    | Kelly         | Rackowski    | Voorhees     |
| DeWeese    | Kilpatrick    | Reeves       | Wojno        |
| Ehardt     | Koetje        | Richardville | Woronchak    |

### Nays—2

Caul Rison

In The Chair: Birkholz

The House agreed to the title of the bill.  
Rep. Byl moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

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

Rep. Byl moved that **House Bill No. 4525** be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

### House Bill No. 4525, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520d, and 520e (MCL 750.520a, 750.520d, and 750.520e), section 520a as amended by 1983 PA 158 and sections 520d and 520e as amended by 1996 PA 155, and by adding section 520n.

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

### Roll Call No. 1132

### Yeas—84

|            |          |          |             |
|------------|----------|----------|-------------|
| Allen      | Faunce   | Kuipers  | Rocca       |
| Baird      | Frank    | Kukuk    | Sanborn     |
| Birkholz   | Garcia   | LaForge  | Schauer     |
| Bisbee     | Geiger   | LaSata   | Schermesser |
| Bishop     | Gielegem | Law      | Scranton    |
| Bogardus   | Gilbert  | Lockwood | Shackleton  |
| Bovin      | Godchaux | Mans     | Sheltrown   |
| Bradstreet | Gosselin | Martinez | Shulman     |
| Brewer     | Hager    | Mead     | Spade       |
| Brown, B.  | Hansen   | Middaugh | Stamas      |
| Brown, C.  | Hart     | Mortimer | Switalski   |

|           |               |              |              |
|-----------|---------------|--------------|--------------|
| Byl       | Howell        | Neumann      | Tabor        |
| Callahan  | Jacobs        | O'Neil       | Tesanovich   |
| Cassis    | Jansen        | Pappageorge  | Thomas       |
| Cherry    | Jelinek       | Patterson    | Toy          |
| DeHart    | Jellema       | Perricone    | Van Woerkom  |
| Dennis    | Johnson, Rick | Pestka       | Vander Roest |
| DeRossett | Johnson, Ruth | Pumford      | Vear         |
| DeVuyst   | Julian        | Richardville | Voorhees     |
| DeWeese   | Kelly         | Richner      | Wojno        |
| Ehardt    | Kowall        | Rivet        | Woronchak    |

**Nays—22**

|            |            |            |            |
|------------|------------|------------|------------|
| Basham     | Hale       | Minore     | Reeves     |
| Caul       | Hanley     | Price      | Rison      |
| Clark, I.  | Hardman    | Prusi      | Scott      |
| Clarke, H. | Kilpatrick | Quarles    | Stallworth |
| Daniels    | Koetje     | Raczkowski | Vaughn     |
| Garza      | Lemmons    |            |            |

In The Chair: Scranton

The House agreed to the title of the bill.

Reps. Cassis, Howell, Julian, Kuipers, LaSata, Law, Richardville, Van Woerkom, Vander Roest and Voorhees were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 4640, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 34 of chapter IX and sections 31, 43, 46, and 48 of chapter XVII (MCL 769.34, 777.31, 777.43, 777.46, and 777.48), section 34 of chapter IX as amended and sections 31, 43, 46, and 48 of chapter XVII as added by 1998 PA 317.

(The bill was received from the Senate on December 1 with amendments, title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 2, see House Journal No. 82, p. 2366.)

The question being on concurring in the amendments made to the bill by the Senate,

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

**Roll Call No. 1133****Yeas—106**

|            |          |          |             |
|------------|----------|----------|-------------|
| Allen      | Faunce   | Kukuk    | Rison       |
| Baird      | Frank    | LaForge  | Rivet       |
| Basham     | Garcia   | LaSata   | Rocca       |
| Birkholz   | Garza    | Law      | Sanborn     |
| Bisbee     | Geiger   | Lemmons  | Schauer     |
| Bishop     | Gielegem | Lockwood | Schermesser |
| Bogardus   | Gilbert  | Mans     | Scott       |
| Bovin      | Godchaux | Martinez | Scranton    |
| Bradstreet | Gosselin | Mead     | Shackleton  |
| Brater     | Hager    | Middaugh | Sheltrown   |

|            |               |              |             |
|------------|---------------|--------------|-------------|
| Brewer     | Hale          | Minore       | Shulman     |
| Brown, B.  | Hansen        | Mortimer     | Spade       |
| Brown, C.  | Hardman       | Neumann      | Stallworth  |
| Byl        | Hart          | O'Neil       | Stamas      |
| Callahan   | Howell        | Pappageorge  | Switalski   |
| Cassis     | Jacobs        | Patterson    | Tabor       |
| Caul       | Jansen        | Perricone    | Tesanovich  |
| Cherry     | Jelinek       | Pestka       | Thomas      |
| Clark, I.  | Jellema       | Price        | Toy         |
| Clarke, H. | Johnson, Rick | Prusi        | Van Woerkom |
| Daniels    | Johnson, Ruth | Pumford      | Vaughn      |
| DeHart     | Julian        | Quarles      | Vear        |
| Dennis     | Kelly         | Raczkowski   | Voorhees    |
| DeRossett  | Kilpatrick    | Reeves       | Wojno       |
| DeVuyst    | Koetje        | Richardville | Woodward    |
| DeWeese    | Kowall        | Richner      | Woronchak   |
| Ehardt     | Kuipers       |              |             |

### Nays—0

In The Chair: Scranton

The House agreed to the title as amended.

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

### Second Reading of Bills

#### 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.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Conservation and Outdoor Recreation,

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

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. Byl 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. 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.

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

### Roll Call No. 1134

### Yeas—108

|        |        |         |       |
|--------|--------|---------|-------|
| Allen  | Frank  | Kuipers | Rison |
| Baird  | Garcia | Kukuk   | Rivet |
| Basham | Garza  | LaForge | Rocca |

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

### Nays—0

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 authorize the department of natural resources to convey certain state owned property in Otsego county; to authorize the state administrative board to convey certain state owned property in Wayne county; to prescribe conditions for the conveyances; to provide for disposition of the revenue from the conveyances; and to create a fund.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### Senate Bill No. 596, entitled

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," by amending section 8 (MCL 490.8), as amended by 1992 PA 246.

The bill was read a second time.

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. Byl 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. 596, entitled**

A bill to amend 1925 PA 285, entitled “An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions,” by amending section 8 (MCL 490.8), as amended by 1992 PA 246.

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

**Roll Call No. 1135**

**Yeas—90**

|            |               |              |              |
|------------|---------------|--------------|--------------|
| Allen      | Frank         | LaForge      | Richner      |
| Baird      | Garcia        | LaSata       | Rivet        |
| Basham     | Geiger        | Law          | Rocca        |
| Bisbee     | Gielegem      | Lockwood     | Sanborn      |
| Bogardus   | Gilbert       | Mans         | Schauer      |
| Bovin      | Godchaux      | Martinez     | Schermesser  |
| Bradstreet | Gosselin      | Mead         | Scranton     |
| Brater     | Hager         | Middaugh     | Shackleton   |
| Brewer     | Hansen        | Minore       | Sheltrown    |
| Brown, B.  | Hart          | Mortimer     | Shulman      |
| Brown, C.  | Howell        | Neumann      | Spade        |
| Byl        | Jacobs        | O’Neil       | Stamas       |
| Callahan   | Jansen        | Pappageorge  | Tabor        |
| Cassis     | Jelinek       | Patterson    | Tesanovich   |
| Caul       | Jellema       | Perricone    | Toy          |
| Cherry     | Johnson, Rick | Pestka       | Van Woerkom  |
| Clarke, H. | Johnson, Ruth | Price        | Vander Roest |
| DeHart     | Julian        | Prusi        | Vear         |
| Dennis     | Kelly         | Pumford      | Voorhees     |
| DeRossett  | Koetje        | Quarles      | Wojno        |
| DeWeese    | Kowall        | Raczkowski   | Woodward     |
| Ehardt     | Kuipers       | Richardville | Woronchak    |
| Faunce     | Kukuk         |              |              |

**Nays—13**

|           |            |         |            |
|-----------|------------|---------|------------|
| Clark, I. | Hardman    | Lemmons | Stallworth |
| Daniels   | Jamnick    | Reeves  | Thomas     |
| Garza     | Kilpatrick | Scott   | Vaughn     |
| Hale      |            |         |            |

In The Chair: Scranton

The House agreed to the title of the bill.  
 Rep. Byl moved that the bill be given immediate effect.  
 The motion prevailed, 2/3 of the members serving voting therefor.

### Second Reading of Bills

#### Senate Bill No. 315, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as added by 1988 PA 251.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Criminal Law and Corrections,

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

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. Byl moved that the bill be placed on its immediate passage.

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

Rep. Mortimer moved that Rep. Garcia be excused temporarily from today's session.  
The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 315, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as added by 1988 PA 251.

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

#### Roll Call No. 1136

#### Yeas—109

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

DeWeese  
Ehardt  
Faunce

Koetje  
Kowall

Richardville  
Richner

Woodward  
Woronchak

**Nays—0**

In The Chair: Scranton

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

**Reports of Standing Committees**

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

**House Bill No. 5153, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 9c (MCL 211.9c).

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 5153** To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vear,

Nays: Reps. Vander Roest, Quarles, Basham, Garza, Jammick, Minore, Switalski.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

**Senate Bill No. 888, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 39c (MCL 208.39c), as added by 1998 PA 534.

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

**SB 888** To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Vander Roest, Vear, Quarles, Basham, Garza, Minore, O’Neil, Switalski,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

**Senate Bill No. 889, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 266 (MCL 206.266), as added by 1998 PA 535.

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

**SB 889 To Report Out:**

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Vander Roest, Vear, Quarles, Basham, Jannick, Minore, O'Neil, Switalski,

Nays: None.

## COMMITTEE ATTENDANCE REPORT

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

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

Present: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vander Roest, Vear, Quarles, Basham, Garza, Jannick, Minore, O'Neil, Switalski.

The Speaker Pro Tempore resumed the Chair.

**Second Reading of Bills****Senate Bill No. 888, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 39c (MCL 208.39c), as added by 1998 PA 534.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Tax Policy,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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.

**Senate Bill No. 889, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 266 (MCL 206.266), as added by 1998 PA 535.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Tax Policy,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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.

**Senate Bill No. 246, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 904.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Education,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Gielegem moved to amend the bill as follows:

1. Amend page 2, line 10, after "(B)" by striking out "DURING" and inserting "AT".

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

Rep. Hansen moved to amend the bill as follows:

1. Amend page 2, line 11, after "THE" by striking out "ADMINISTRATOR OF THAT SCHOOL" and inserting "SUPERINTENDENT OF THE SCHOOL DISTRICT OR, IF THE SCHOOL IS NOT OPERATED BY A SCHOOL DISTRICT, THE ADMINISTRATOR OF THE SCHOOL, OR HIS OR HER DESIGNEE,".

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

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. Byl moved that the bill be placed on its immediate passage.  
 The motion prevailed, a majority of the members serving voting therefor.

Rep. Jacobs moved that Rep. Kilpatrick be excused temporarily from today's session.  
 The motion prevailed.

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**Senate Bill No. 246, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 904.

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

**Roll Call No. 1137**

**Yeas—107**

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

**Nays—0**

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”.

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

### Messages from the Senate

#### Senate Bill No. 663, entitled

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

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 2, line 17, after “TO” by striking out “EACH OF”.
2. Amend page 2, line 25, by striking out all of subparagraph (ii) and inserting:

“(ii) A PUBLIC SCHOOL ADMINISTRATOR EMPLOYED BY A SCHOOL DISTRICT THAT IS A SCHOOL DISTRICT OF THE FIRST CLASS UNDER THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852, IS NOT A PUBLIC EMPLOYEE FOR THE PURPOSES OF THIS ACT. THIS EXCEPTION DOES NOT PROHIBIT THE CHIEF EXECUTIVE OFFICER OR BOARD OF A SCHOOL DISTRICT OF THE FIRST CLASS OR ITS DESIGNEE FROM HAVING INFORMAL MEETINGS WITH PUBLIC SCHOOL ADMINISTRATORS TO DISCUSS WAGES AND WORKING CONDITIONS.”.

The Senate has concurred in the House substitute (H-1) as amended.

The question being on concurring in the amendments made to the House substitute (H-1) by the Senate,

Rep. Godchaux moved to amend the Senate amendments to House substitute (H-1) as follows:

1. Amend Senate Amendment No. 2, page 2, line 25, after ““(ii)” by striking out “A PUBLIC SCHOOL ADMINISTRATOR EMPLOYED BY A SCHOOL DISTRICT THAT IS A SCHOOL DISTRICT OF THE FIRST CLASS UNDER THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852, IS NOT A PUBLIC EMPLOYEE FOR THE PURPOSES OF THIS ACT.” and inserting “IF, WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH, A PUBLIC SCHOOL EMPLOYER THAT IS THE CHIEF EXECUTIVE OFFICER SERVING IN A SCHOOL DISTRICT OF THE FIRST CLASS UNDER PART 5A OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.371 TO 380.376, ISSUES AN ORDER DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE SCHOOL DISTRICT, THEN A PUBLIC SCHOOL ADMINISTRATOR EMPLOYED BY A SCHOOL DISTRICT THAT IS A SCHOOL DISTRICT OF THE FIRST CLASS UNDER THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852, IS NOT A PUBLIC EMPLOYEE FOR PURPOSES OF THIS ACT. THE EXCEPTION UNDER THIS SUBPARAGRAPH APPLIES TO PUBLIC SCHOOL ADMINISTRATORS EMPLOYED BY THAT SCHOOL DISTRICT AFTER THE DATE OF THE ORDER DESCRIBED IN THIS SUBPARAGRAPH WHETHER OR NOT THE CHIEF EXECUTIVE OFFICER REMAINS IN PLACE IN THE SCHOOL DISTRICT.”.

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

Rep. Dennis 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 adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1138****Yeas—56**

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

**Nays—53**

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

In The Chair: Birkholz

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

The question being on concurring in the Senate amendments to House substitute (H-1), as amended,  
The Senate amendments, as amended, were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1139****Yeas—56**

|          |          |         |              |
|----------|----------|---------|--------------|
| 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 | Rackowski   | Woronchak    |

**Nays—53**

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

In The Chair: Birkholz

**Third Reading of Bills**

Rep. Rackowski moved that **Senate Bill No. 888** be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

**Senate Bill No. 888, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 39c (MCL 208.39c), as added by 1998 PA 534.

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

**Roll Call No. 1140****Yeas—110**

|            |          |          |             |
|------------|----------|----------|-------------|
| Allen      | Frank    | Kuipers  | Rison       |
| Baird      | Garcia   | Kukuk    | Rivet       |
| Basham     | Garza    | LaForge  | Rocca       |
| Birkholz   | Geiger   | LaSata   | Sanborn     |
| Bisbee     | Gielegem | Law      | Schauer     |
| Bishop     | Gilbert  | Lemmons  | Schermesser |
| Bogardus   | Godchaux | Lockwood | Scott       |
| Bovin      | Gosselin | Mans     | Scranton    |
| Bradstreet | Green    | Martinez | Shackleton  |

|            |               |              |              |
|------------|---------------|--------------|--------------|
| Brater     | Hager         | Mead         | Sheltrown    |
| Brewer     | Hale          | Middaugh     | Shulman      |
| Brown, B.  | Hanley        | Minore       | Spade        |
| Brown, C.  | Hansen        | Mortimer     | Stallworth   |
| Byl        | Hardman       | Neumann      | Stamas       |
| Callahan   | Hart          | O'Neil       | Switalski    |
| Cassis     | Howell        | Pappageorge  | Tabor        |
| Caul       | Jacobs        | Patterson    | Tesanovich   |
| Cherry     | Jamnack       | Perricone    | Thomas       |
| Clark, I.  | Jansen        | Pestka       | Toy          |
| Clarke, H. | Jelinek       | Price        | Van Woerkom  |
| Daniels    | Jellema       | Prusi        | Vander Roest |
| DeHart     | Johnson, Rick | Pumford      | Vaughn       |
| Dennis     | Johnson, Ruth | Quarles      | Vear         |
| DeRossett  | Julian        | Raczkowski   | Voorhees     |
| DeVuyst    | Kelly         | Reeves       | Wojno        |
| DeWeese    | Kilpatrick    | Richardville | Woodward     |
| Ehardt     | Koetje        | Richner      | Woronchak    |
| Faunce     | Kowall        |              |              |

### Nays—0

In The Chair: Birkholz

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

“An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.”.

The House agreed to the full title.

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

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

Rep. Raczkowski moved that **Senate Bill No. 889** be placed on its immediate passage.

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

### Senate Bill No. 889, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 266 (MCL 206.266), as added by 1998 PA 535.

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

### Roll Call No. 1141

### Yeas—107

|          |            |          |             |
|----------|------------|----------|-------------|
| Allen    | Faunce     | Kowall   | Rivet       |
| Baird    | Frank      | Kuipers  | Rocca       |
| Basham   | Garcia     | Kukuk    | Sanborn     |
| Birkholz | Garza      | LaForge  | Schauer     |
| Bisbee   | Geiger     | LaSata   | Schermesser |
| Bishop   | Gielegthem | Law      | Scott       |
| Bogardus | Gilbert    | Lemmons  | Scranton    |
| Bovin    | Godchaux   | Lockwood | Shackleton  |

|            |               |              |              |
|------------|---------------|--------------|--------------|
| Bradstreet | Gosselin      | Mans         | Sheltrown    |
| Brater     | Green         | Martinez     | Shulman      |
| Brewer     | Hager         | Mead         | Spade        |
| Brown, B.  | Hale          | Middaugh     | Stallworth   |
| Brown, C.  | Hanley        | Minore       | Stamas       |
| Byl        | Hardman       | Mortimer     | Switalski    |
| Callahan   | Hart          | Neumann      | Tabor        |
| Cassis     | Howell        | O'Neil       | Tesanovich   |
| Caul       | Jacobs        | Pappageorge  | Thomas       |
| Cherry     | Jamnick       | Patterson    | Toy          |
| Clark, I.  | Jansen        | Pestka       | Van Woerkom  |
| Clarke, H. | Jelinek       | Price        | Vander Roest |
| Daniels    | Jellema       | Prusi        | Vaughn       |
| DeHart     | Johnson, Rick | Pumford      | Vear         |
| Dennis     | Johnson, Ruth | Quarles      | Voorhees     |
| DeRossett  | Julian        | Reeves       | Wojno        |
| DeVuyst    | Kelly         | Richardville | Woodward     |
| DeWeese    | Kilpatrick    | Richner      | Woronchak    |
| Ehardt     | Koetje        | Rison        |              |

### Nays—0

In The Chair: Birkholz

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

### Messages from the Senate

#### House Bill No. 4475, entitled

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 Senate has amended the bill as follows:

1. Amend page 3, line 21, after “agency” by striking out the balance of the subdivision and inserting a period.
2. Amend page 5, line 12, after “is” by striking out the balance of the line through line 14 and inserting “curative and intended to correct any misinterpretation of legislative intent in the court of appeals decision in Doe v Department of Corrections, 236 Mich App 801 (1999). This legislation further expresses”.

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

The question being on concurring in the amendments made to the bill by the Senate,

Rep. Brater moved to amend the Senate amendments as follows:

1. Amend Senate Amendment No. 2, page 5, line 12, after “inserting” by inserting “not”.
2. Amend Senate Amendment No. 2, page 5, line 12, after “curative and” by inserting “not”.
3. Amend Senate Amendment No. 2, page 5, line 12, after “any” by striking out “misinterpretation” and inserting “interpretation”.

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

Rep. Brater demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 1142****Yeas—54**

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

**Nays—51**

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

In The Chair: Birkholz

The question being on concurring in the amendments made to the bill by the Senate,

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

**Roll Call No. 1143****Yeas—59**

|            |          |          |            |
|------------|----------|----------|------------|
| Allen      | Geiger   | Kowall   | Rocca      |
| Birkholz   | Gilbert  | Kuipers  | Sanborn    |
| Bisbee     | Godchaux | Kukuk    | Scranton   |
| Bishop     | Gosselin | LaSata   | Shackleton |
| Bradstreet | Green    | Law      | Shulman    |
| Brown, C.  | Hager    | Mead     | Spade      |
| 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 | Raczkowski   | Voorhees     |
| Faunce    | Julian        | Richardville | Woronchak    |
| Garcia    | Koetje        | Richner      |              |

### Nays—51

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

In The Chair: Birkholz

The House agreed to the full title of the bill.

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

Rep. Bob Brown, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bills 4475 and 4476 because the Senate stripped out a necessary amendment that I offered to each of these bills, both of which amendments were originally adopted by the House. Without my amendments, these bills will take away the rights of a certain class of innocent persons under the Elliott-Larsen Civil Rights Act and the Persons with Disabilities Civil Rights Act—those persons who are falsely convicted of a crime but who are later found to be innocent and who have their sentences overturned in court. My amendment would have restored the rights of these innocent people. Without my amendments, these bills do an injustice to these innocent people.”

#### House Bill No. 4476, entitled

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 Senate has amended the bill as follows:

1. Amend page 2, line 16, after “entity” by striking out the balance of the subdivision and inserting a period.
2. Amend page 3, following line 14, by inserting:

“Sec. 205a. (1) An employer, employment agency, or labor organization, other than a law enforcement agency of ~~the~~ THIS state or a political subdivision of ~~the~~ THIS state, shall not in connection with an application for employment ; ~~personnel~~, or membership, or in connection with the terms, conditions, or privileges ~~of~~ OF employment , ~~personnel~~, or membership request, make, or maintain a record of information regarding ~~an~~ A MISDEMEANOR arrest, detention, or disposition ~~of a violation of law in which~~ WHERE a conviction did not result. A person ~~shall~~ IS not ~~be held~~ guilty of perjury or otherwise FOR giving a false statement by failing to recite or acknowledge information the person has a

civil right to withhold by this section. This section ~~shall~~ DOES not apply to information relative to a felony charge before conviction or dismissal.

(2) AS USED IN THIS SECTION, "LAW ENFORCEMENT AGENCY" INCLUDES THE STATE DEPARTMENT OF CORRECTIONS."

3. Amend page 4, line 15, after "intent" by inserting "in the court of appeals decision Neal v Department of Corrections, 232 Mich App 730 (1998)".

The Senate has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1976 PA 453, entitled "An act to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; to provide for fees; and to repeal certain acts and parts of acts," by amending sections 103, 205a, and 301 (MCL 37.2103, 37.2205a, and 37.2301), section 103 as amended by 1992 PA 124, section 205a as amended by 1982 PA 45, and section 301 as amended by 1992 PA 70.

The question being on concurring in the amendments made to the bill by the Senate,

Rep. Brater moved to amend the Senate amendments as follows:

1. Amend Senate Amendment No. 3, page 4, line 15, after "inserting" by striking out "in the court of appeals decision" and inserting "but notwithstanding the general legislative intent conveyed by this enacting section, shall not be interpreted to affect the ongoing court case entitled".

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

**Roll Call No. 1144**

**Yeas—52**

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

**Nays—55**

|            |               |             |              |
|------------|---------------|-------------|--------------|
| Allen      | Gilbert       | Kuipers     | Rocca        |
| Birkholz   | Godchaux      | Kukuk       | Sanborn      |
| Bisbee     | Gosselin      | LaForge     | Scranton     |
| Bishop     | Green         | LaSata      | Shackleton   |
| Bradstreet | Hager         | Law         | Shulman      |
| Brown, C.  | Hart          | Mead        | Stamas       |
| Byl        | Jansen        | Middaugh    | Tabor        |
| Cassis     | Jelinek       | Mortimer    | Toy          |
| DeRossett  | Jellema       | Pappageorge | Van Woerkom  |
| DeVuyst    | Johnson, Rick | Patterson   | Vander Roest |

Ehardt  
Faunce  
Garcia  
Geiger

Johnson, Ruth  
Julian  
Koetje  
Kowall

Pumford  
Raczkowski  
Richardville  
Richner

Vear  
Voorhees  
Woronchak

In The Chair: Birkholz

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

Rep. Daniels moved that Rep. Quarles be excused temporarily from today's session.  
The motion prevailed.

The question being on concurring in the amendments made to the bill by the Senate,  
The Senate amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1145**

**Yeas—59**

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

Gilbert  
Godchaux  
Gosselin  
Green  
Hager  
Hart  
Howell  
Jansen  
Jelinek  
Jellema  
Johnson, Rick  
Johnson, Ruth  
Julian  
Koetje  
Kowall

Kuipers  
Kukuk  
LaSata  
Law  
Mead  
Middaugh  
Mortimer  
Neumann  
Pappageorge  
Patterson  
Perricone  
Pumford  
Raczkowski  
Richardville  
Richner

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

**Nays—49**

Baird  
Basham  
Bogardus  
Bovin  
Brater  
Brewer  
Brown, B.  
Callahan  
Cherry  
Clark, I.  
Clarke, H.  
Daniels  
DeHart

Dennis  
Frank  
Garza  
Gielegem  
Hale  
Hanley  
Hansen  
Hardman  
Jacobs  
Jamnick  
Kelly  
Kilpatrick

LaForge  
Lemmons  
Lockwood  
Mans  
Martinez  
Minore  
O'Neil  
Pestka  
Price  
Prusi  
Reeves  
Rison

Rivet  
Schauer  
Schermesser  
Scott  
Sheltrown  
Stallworth  
Switalski  
Tesanovich  
Thomas  
Vaughn  
Wojno  
Woodward

In The Chair: Birkholz

The House agreed to the title as amended.  
The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Rep. Bob Brown, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bills 4475 and 4476 because the Senate stripped out a necessary amendment that I offered to each of these bills, both of which amendments were originally adopted by the House. Without my amendments, these bills will take away the rights of a certain class of innocent persons under the Elliott-Larsen Civil Rights Act and the Persons with Disabilities Civil Rights Act—those persons who are falsely convicted of a crime but who are later found to be innocent and who have their sentences overturned in court. My amendment would have restored the rights of these innocent people. Without my amendments, these bills do an injustice to these innocent people.”

### Second Reading of Bills

#### Senate Bill No. 829, entitled

A bill to amend 1982 PA 249, entitled “An act to establish the state children’s trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund,” by amending section 1 (MCL 21.171), as amended by 1997 PA 34.

The bill was read a second time.

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 829, entitled

A bill to amend 1982 PA 249, entitled “An act to establish the state children’s trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund,” by amending section 1 (MCL 21.171), as amended by 1997 PA 34.

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

#### Roll Call No. 1146

#### Yeas—109

|            |               |             |              |
|------------|---------------|-------------|--------------|
| Allen      | Frank         | Kowall      | Richner      |
| Baird      | Garcia        | Kuipers     | Rison        |
| Basham     | Garza         | Kukuk       | Rivet        |
| Birkholz   | Geiger        | LaForge     | Rocca        |
| Bisbee     | Gielegthem    | LaSata      | Sanborn      |
| Bishop     | Gilbert       | Law         | Schauer      |
| Bogardus   | Godchaux      | Lemmons     | Schermesser  |
| Bovin      | Gosselin      | Lockwood    | Scott        |
| Bradstreet | Green         | Mans        | Scranton     |
| Brater     | Hager         | Martinez    | Shackleton   |
| Brewer     | Hale          | Mead        | Sheltrown    |
| Brown, B.  | Hanley        | Middaugh    | Shulman      |
| Brown, C.  | Hansen        | Minore      | Spade        |
| Byl        | Hardman       | Mortimer    | Stamas       |
| Callahan   | Hart          | Neumann     | Switalski    |
| Cassis     | Howell        | O’Neil      | Tabor        |
| Caul       | Jacobs        | Pappageorge | Tesanovich   |
| Cherry     | Jamnack       | Patterson   | Thomas       |
| Clark, I.  | Jansen        | Perricone   | Toy          |
| Clarke, H. | Jelinek       | Pestka      | Van Woerkom  |
| Daniels    | Jellema       | Price       | Vander Roest |
| DeHart     | Johnson, Rick | Prusi       | Vaughn       |

Dennis  
DeRossett  
DeVuyst  
DeWeese  
Ehardt  
Faunce

Johnson, Ruth  
Julian  
Kelly  
Kilpatrick  
Koetje

Pumford  
Quarles  
Rackowski  
Reeves  
Richardville

Vear  
Voorhees  
Wojno  
Woodward  
Woronchak

### Nays—0

In The Chair: Birkholz

The House agreed to the title of the bill.

### Second Reading of Bills

#### Senate Bill No. 827, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811j. The bill was read a second time.

The question being on the adoption of the proposed amendments previously recommended by the Committee on Transportation (for amendments, see House Journal No. 76, p. 2160),

Rep. Schauer demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the proposed amendments previously recommended by the Committee on Transportation,

Rep. Kilpatrick moved that consideration of the bill be postponed for the day. The motion prevailed.

By unanimous consent the House returned to the order of

### Messages from the Senate

#### House Bill No. 4177, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24f (MCL 211.24f), as amended by 1994 PA 189.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4) and pursuant to Joint Rule 20, inserted the full title.

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

#### House Bill No. 4297, entitled

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 Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.

The motion prevailed.

#### **House Bill No. 4305, entitled**

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 Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to make, supplement, and adjust appropriations for the departments of environmental quality and management and budget 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.

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.

The motion prevailed.

#### **House Bill No. 4424, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2970; and to repeal acts and parts of acts.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.

The motion prevailed.

#### **House Bill No. 4469, entitled**

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

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding section 7b; and to repeal acts and parts of acts.

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.

The motion prevailed.

**House Bill No. 4588, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 1996 PA 143, and by adding section 7a; and to repeal acts and parts of acts.

The Senate has amended the bill as follows:

1. Amend page 7, line 16, by striking out "DIRECTLY OR INDIRECTLY".

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

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.

The motion prevailed.

**House Bill No. 4708, entitled**

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

The Senate has amended the bill as follows:

1. Amend page 12, following line 8, following subdivision (E), by inserting:

"(F) IF THE RESPONDENT IS IDENTIFIED IN THE PLEADINGS AS BEING A PERSON WHO MAY HAVE ACCESS TO INFORMATION CONCERNING THE PETITIONER OR A CHILD OF THE PETITIONER OR RESPONDENT AND THAT INFORMATION IS CONTAINED IN FRIEND OF THE COURT RECORDS, NOTIFY THE FRIEND OF THE COURT FOR THE COUNTY IN WHICH THE INFORMATION IS LOCATED ABOUT THE EXISTENCE OF THE PERSONAL PROTECTION ORDER."

2. Amend page 21, following line 27, following subdivision (E), by inserting:

"(F) IF THE RESPONDENT IS IDENTIFIED IN THE PLEADINGS AS BEING A PERSON WHO MAY HAVE ACCESS TO INFORMATION CONCERNING THE PETITIONER OR A CHILD OF THE PETITIONER OR RESPONDENT AND THAT INFORMATION IS CONTAINED IN FRIEND OF THE COURT RECORDS, NOTIFY THE FRIEND OF THE COURT FOR THE COUNTY IN WHICH THE INFORMATION IS LOCATED ABOUT THE EXISTENCE OF THE PERSONAL PROTECTION ORDER."

3. Amend page 26, following line 17, by inserting:

"(28) A COURT SHALL NOT ISSUE A PERSONAL PROTECTION ORDER UNDER THIS SECTION IF THE PETITIONER IS A PRISONER. IF A PERSONAL PROTECTION ORDER IS ISSUED IN VIOLATION OF THIS SUBSECTION, A COURT SHALL RESCIND THE PERSONAL PROTECTION ORDER UPON NOTIFICATION AND VERIFICATION THAT THE PETITIONER IS A PRISONER." and renumbering the remaining subsection.

4. Amend page 26, following line 27, by inserting:

"(C) "PRISONER" MEANS A PERSON SUBJECT TO INCARCERATION, DETENTION, OR ADMISSION TO A PRISON WHO IS ACCUSED OF, CONVICTED OF, SENTENCED FOR, OR ADJUDICATED DELINQUENT FOR VIOLATIONS OF FEDERAL, STATE, OR LOCAL LAW OR THE TERMS AND CONDITIONS OF PAROLE, PROBATION, PRETRIAL RELEASE, OR A DIVERSIONARY PROGRAM."

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

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.

The motion prevailed.

**House Bill No. 4737, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by amending the title and by adding section 2969; and to repeal acts and parts of acts.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.

The motion prevailed.

**House Bill No. 4959, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 15 and 602.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and amended the title to read as follows:

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 371, 372, 374a, 402, 501, 502, 503, 504, 504a, 507, 1311b, 1311d, 1311g and 1311h (MCL 380.371, 380.372, 380.374a, 380.402, 380.501, 380.502, 380.503, 380.504, 380.504a, 380.507, 380.1311b, 380.1311d, 380.1311g, and 380.1311h), sections 371, 372, and 374a as added and section 402 as amended by 1999 PA 10, sections 501, 502, 503, 504a, and 507 as amended by 1995 PA 289, section 504 as amended by 1994 PA 416, and sections 1311b, 1311d, 1311g and 1311h as added by 1999 PA 23, and by adding sections 15, 501b, 502a, 503b, 503c, 504c, and 602.

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.

The motion prevailed.

**House Bill No. 5054, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 42, 73, 74, 283, 284, 393, 394, 509n, 544b, 662, 686, 686a, 759a, and 879 (MCL 168.2, 168.42, 168.73, 168.74, 168.283, 168.284, 168.393, 168.394, 168.509n, 168.544b, 168.662, 168.686, 168.686a, 168.759a, and 168.879), section 284 as amended by 1990 PA 7, section 509n as added by 1994 PA 441, sections 662 and 759a as amended by 1996 PA 207, section 686a as amended by 1988 PA 116, and section 879 as amended by 1995 PA 261, and by adding section 30; and to repeal acts and parts of acts.

The Senate has amended the bill as follows:

1. Amend page 7, following line 3, by inserting:

"SEC. 613C. (1) NOTWITHSTANDING ANY LAW OR CHARTER PROVISION TO THE CONTRARY, IF A NEW CITY OR VILLAGE IS ESTABLISHED DUE TO THE CONSOLIDATION OF EXISTING CITIES OR VILLAGES AND IF AN EXISTING CITY OR VILLAGE IS SCHEDULED TO CONDUCT A CITY OR VILLAGE ELECTION WITHIN 31 DAYS OF A SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION, THE LEGISLATIVE BODY OF EACH EXISTING CITY OR VILLAGE MAY BY RESOLUTION CHANGE THE DATE OF THE CITY OR VILLAGE ELECTION TO THE DATE OF THE SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION OR MAY CANCEL A SCHEDULED CITY OR VILLAGE ELECTION. IN THE YEAR 2000 ONLY, THE RESOLUTION SHALL BE ADOPTED NOT LESS THAN 40 DAYS BEFORE THE PRESIDENTIAL PRIMARY OR CITY OR VILLAGE ELECTION, WHICHEVER IS EARLIER. A RESOLUTION THAT WAS ADOPTED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND THAT SUBSTANTIALLY COMPLIES WITH THIS SUBSECTION IS VALIDATED. IN THE YEAR 2004 AND THEREAFTER, IF A CITY OR VILLAGE IS SCHEDULED TO CONDUCT A CITY OR VILLAGE ELECTION WITHIN 31 DAYS OF A SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION, THE LEGISLATIVE BODY OF THE CITY OR VILLAGE MAY BY RESOLUTION CHANGE THE DATE OF THE CITY OR VILLAGE ELECTION TO THE DATE OF THE SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION OR MAY CANCEL A SCHEDULED CITY OR VILLAGE ELECTION. THE RESOLUTION SHALL BE ADOPTED SUFFICIENTLY IN ADVANCE OF THE SCHEDULED PRESIDENTIAL PRIMARY ELECTION TO ALLOW TIMELY CERTIFICATION OF BALLOT WORDING AND CANDIDATES UNDER SECTION 646A.

(2) IF A RESOLUTION DESCRIBED IN SUBSECTION (10) IS ADOPTED, ALL OF THE FOLLOWING APPLY:

(A) THE LEGISLATIVE BODY OF THE CITY OR VILLAGE SHALL IMMEDIATELY FILE THE RESOLUTION WITH THE CITY OR VILLAGE CLERK. THE CITY OR VILLAGE CLERK SHALL IMMEDIATELY NOTIFY THE CLERK OF THE COUNTY IN WHICH THE CITY OR VILLAGE IS LOCATED OF THE ADOPTION OF THE RESOLUTION.

(B) IF THE DATE OF THE CONSOLIDATION OF EXISTING CITIES AND VILLAGES TO ESTABLISH A NEW CITY OR VILLAGE IS AFTER THE DATE OF THE SCHEDULED PRESIDENTIAL PRIMARY, THE TERMS OF

CURRENTLY SERVING ELECTIVE CITY OR VILLAGE OFFICES IN EACH EXISTING CITY OR VILLAGE MAY CONTINUE UNTIL THE EFFECTIVE DATE OF THE CONSOLIDATION.”.

The Senate has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 2, 42, 73, 74, 283, 284, 393, 394, 509n, 544b, 662, 686, 686a, 759a, and 879 (MCL 168.2, 168.42, 168.73, 168.74, 168.283, 168.284, 168.393, 168.394, 168.509n, 168.544b, 168.662, 168.686, 168.686a, 168.759a, and 168.879), section 284 as amended by 1990 PA 7, section 509n as added by 1994 PA 441, sections 662 and 759a as amended by 1996 PA 207, section 686a as amended by 1988 PA 116, and section 879 as amended by 1995 PA 261, and by adding sections 30 and 613c; and to repeal acts and parts of acts.

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

#### **House Bill No. 5057, entitled**

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 15, 33, 34, and 35 (MCL 169.215, 169.233, 169.234, and 169.235), section 15 as amended by 1996 PA 590, section 33 as amended by 1995 PA 264, and sections 34 and 35 as amended by 1989 PA 95.

The Senate has amended the bill as follows:

1. Amend page 8, following line 9, by inserting:

“SEC. 18. (1) THE SECRETARY OF STATE SHALL DEVELOP AND IMPLEMENT AN ELECTRONIC FILING AND INTERNET DISCLOSURE SYSTEM THAT PERMITS COMMITTEES THAT ARE REQUIRED TO FILE STATEMENTS OR REPORTS UNDER THIS ACT WITH THE SECRETARY OF STATE TO FILE THOSE STATEMENTS OR REPORTS ELECTRONICALLY AND THAT PROVIDES INTERNET DISCLOSURE OF ELECTRONICALLY FILED STATEMENTS OR REPORTS ON A WEBSITE.

(2) BY JULY 1, 2000, THE SECRETARY OF STATE SHALL OFFER EACH COMMITTEE REQUIRED TO FILE WITH THE SECRETARY OF STATE THE OPTION OF FILING CAMPAIGN STATEMENTS OR REPORTS ELECTRONICALLY, AS DESCRIBED IN SUBSECTION (1).

(3) THE ELECTRONIC FILING ADVISORY BOARD IS CREATED WITHIN THE DEPARTMENT OF STATE. THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

(A) ONE MEMBER OF THE SENATE APPOINTED BY THE SENATE MAJORITY LEADER.

(B) ONE MEMBER OF THE SENATE APPOINTED BY THE SENATE MINORITY LEADER.

(C) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE.

(D) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE HOUSE MINORITY LEADER.

(E) THE SECRETARY OF STATE OR HIS OR HER DESIGNEE.

(4) THE MEMBERS FIRST APPOINTED TO THE BOARD SHALL BE APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. MEMBERS OF THE BOARD SHALL SERVE FOR THE LIFE OF THE BOARD.

(5) IF A MEMBER OF THE BOARD APPOINTED UNDER SUBSECTION (3)(A), (B), (C), OR (D) VACATES HIS OR HER OFFICE AS A MEMBER OF THE BOARD, A SUCCESSOR SHALL BE APPOINTED IN THE SAME MANNER AS THE VACATING MEMBER WAS APPOINTED.

(6) A MEMBER OF THE BOARD APPOINTED UNDER SUBSECTION (3)(A), (B), (C), OR (D) MAY BE REMOVED FROM OFFICE AS A MEMBER OF THE BOARD BY THE OFFICER WHO APPOINTED HIM OR HER, FOR INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

(7) THE FIRST MEETING OF THE BOARD SHALL BE CALLED BY THE SECRETARY OF STATE. AT THE FIRST MEETING, THE BOARD SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE BOARD SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 2 OR MORE MEMBERS.

(8) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE BOARD. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE BOARD.

(9) THE BUSINESS THAT THE BOARD MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE BOARD HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

(10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE BOARD IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(11) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE BOARD MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE BOARD.

(12) THE DEPARTMENT OF STATE SHALL PROVIDE STAFF FOR THE BOARD.

(13) THE BOARD SHALL DO ALL OF THE FOLLOWING:

(A) MONITOR THE VOLUNTARY ELECTRONIC FILING OF CAMPAIGN STATEMENTS UNDER SUBSECTION (2) IN THE 2000 AND 2002 ELECTION CYCLE BY CANDIDATE COMMITTEES THAT RECEIVED OR EXPENDED MORE THAN \$20,000.00 IN THE PRECEDING ELECTION CYCLE.

(B) MONITOR THE INTERNET DISCLOSURE OF ELECTRONICALLY FILED CAMPAIGN STATEMENTS DESCRIBED IN SUBDIVISION (A).

(C) BY FEBRUARY 1, 2003, PREPARE AND SUBMIT TO MEMBERS OF THE LEGISLATURE A REPORT ON THE EFFECTIVENESS AND EASE OF USE OF THE ELECTRONIC FILING AND INTERNET DISCLOSURE SYSTEM.

(14) THE BOARD IS DISSOLVED 60 DAYS AFTER ISSUING THE REPORT UNDER SUBSECTION (13).

(15) BEGINNING WITH THE ANNUAL CAMPAIGN STATEMENT DUE JANUARY 31, 2004, EACH COMMITTEE REQUIRED TO FILE WITH THE SECRETARY OF STATE THAT RECEIVED OR EXPENDED \$20,000.00 OR MORE IN THE PRECEDING CALENDAR YEAR OR EXPECTS TO RECEIVE OR EXPEND \$20,000.00 OR MORE IN THE CURRENT CALENDAR YEAR SHALL ELECTRONICALLY FILE ALL STATEMENTS AND REPORTS REQUIRED UNDER THIS ACT, AS DESCRIBED IN SUBSECTION (1).

(16) IF A COMMITTEE WAS NOT REQUIRED TO FILE A CAMPAIGN STATEMENT UNDER SUBSECTION (15) ONLY BECAUSE IT DID NOT MEET THE APPLICABLE THRESHOLD OF RECEIVING OR EXPENDING \$20,000.00 OR MORE, BUT THE COMMITTEE LATER REACHES THAT THRESHOLD, THE COMMITTEE SHALL NOTIFY THE SECRETARY OF STATE WITHIN 10 BUSINESS DAYS AFTER REACHING THAT THRESHOLD AND SHALL SUBSEQUENTLY FILE ELECTRONICALLY ALL STATEMENTS AND REPORTS REQUIRED UNDER THIS ACT.

(17) THE SECRETARY OF STATE SHALL PERMIT A COMMITTEE TO ELECTRONICALLY FILE STATEMENTS AND REPORTS REQUIRED UNDER THIS ACT, AS DESCRIBED IN SUBSECTION (1), EXCEPT AN ORIGINAL STATEMENT OF ORGANIZATION, AFTER THE COMMITTEE TREASURER AND, FOR A CANDIDATE COMMITTEE, THE CANDIDATE HAS SIGNED AND FILED A FORM DESIGNED BY THE SECRETARY OF STATE TO SERVE AS THE SIGNATURE VERIFYING THE ACCURACY AND COMPLETENESS OF EACH STATEMENT OR REPORT FILED ELECTRONICALLY.”

The Senate has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1976 PA 388, entitled “An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts,” by amending sections 15, 33, 34, and 35 (MCL 169.215, 169.233, 169.234, and 169.235), section 15 as amended by 1996 PA 590, section 33 as amended by 1995 PA 264, and sections 34 and 35 as amended by 1989 PA 95, and by adding section 18.

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.

The motion prevailed.

#### **House Bill No. 5060, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 53, 71, 161, 163, 191, 193, 224, 254, 281, 322, 342, 349, 391, 404, 409, 409b, 409c, 409l, 411, 413, 413a, 414, 424, 424a, 426b, 426d, 431, 433,

433a, 434, 444, 467, 467b, 467c, 467d, 467m, 544d, 624, 644f, 667, and 795 (MCL 168.53, 168.71, 168.161, 168.163, 168.191, 168.193, 168.224, 168.254, 168.281, 168.322, 168.342, 168.349, 168.391, 168.404, 168.409, 168.409b, 168.409c, 168.409l, 168.411, 168.413, 168.413a, 168.414, 168.424, 168.424a, 168.426b, 168.426d, 168.431, 168.433, 168.433a, 168.434, 168.444, 168.467, 168.467b, 168.467c, 168.467d, 168.467m, 168.544d, 168.624, 168.644f, 168.667, and 168.795), sections 53, 163, 193, 224, 254, 322, 349, 409b, 413, 426d, 433, 467b, and 624 as amended by 1996 PA 583, sections 71, 161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended by 1982 PA 505, sections 409l, 424, 424a, 444, 467c, and 467m as amended by 1990 PA 32, section 544d as amended by 1988 PA 116, section 644f as amended by 1990 PA 7, and section 795 as amended by 1998 PA 21, and by adding section 544f; and to repeal acts and parts of acts.

The Senate has amended the bill as follows:

1. Amend page 34, line 1, after the first "the" by striking out "SIXTEENTH" and inserting "twelfth".
2. Amend page 35, line 16, by striking out all of section 667.

The Senate has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 53, 71, 161, 163, 191, 193, 224, 254, 281, 322, 342, 349, 391, 404, 409, 409b, 409c, 409l, 411, 413, 413a, 414, 424, 424a, 426b, 426d, 431, 433, 433a, 434, 444, 467, 467b, 467c, 467d, 467m, 544d, 624, 644f, and 795 (MCL 168.53, 168.71, 168.161, 168.163, 168.191, 168.193, 168.224, 168.254, 168.281, 168.322, 168.342, 168.349, 168.391, 168.404, 168.409, 168.409b, 168.409c, 168.409l, 168.411, 168.413, 168.413a, 168.414, 168.424, 168.424a, 168.426b, 168.426d, 168.431, 168.433, 168.433a, 168.434, 168.444, 168.467, 168.467b, 168.467c, 168.467d, 168.467m, 168.544d, 168.624, 168.644f, and 168.795), sections 53, 163, 193, 224, 254, 322, 349, 409b, 413, 426d, 433, 467b, and 624 as amended by 1996 PA 583, sections 71, 161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended by 1982 PA 505, sections 409l, 424, 424a, 444, 467c, and 467m as amended by 1990 PA 32, section 544d as amended by 1988 PA 116, section 644f as amended by 1990 PA 7, and section 795 as amended by 1998 PA 21, and by adding section 544f; and to repeal acts and parts of acts.

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.

The motion prevailed.

#### **House Bill No. 5061, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 471, 472a, 474a, 475, 476, 477, 544c, and 961 (MCL 168.471, 168.472a, 168.474a, 168.475, 168.476, 168.477, 168.544c, and 168.961), section 544c as amended by 1993 PA 137 and section 961 as amended by 1982 PA 456, and by adding sections 9a and 473b.

The Senate has amended the bill as follows:

1. Amend page 2, line 4, after "UPON." by inserting "REFERENDUM PETITIONS UNDER SECTION 9 OF ARTICLE II OF THE STATE CONSTITUTION OF 1963 SHALL BE FILED WITH THE SECRETARY OF STATE NOT MORE THAN 90 DAYS FOLLOWING THE FINAL ADJOURNMENT OF THE LEGISLATIVE SESSION AT WHICH THE LAW THAT IS THE SUBJECT OF THE REFERENDUM WAS ENACTED."

2. Amend page 6, line 11, after the first "OF" by striking out the balance of the line through "ONCE" on line 13 and inserting "THE SECOND PARAGRAPH OF SECTION 9 OF ARTICLE II OF THE STATE CONSTITUTION OF 1963, A LAW THAT IS THE SUBJECT OF THE REFERENDUM CONTINUES TO BE EFFECTIVE UNTIL THE REFERENDUM IS PROPERLY INVOKED, WHICH OCCURS WHEN".

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

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.

The motion prevailed.

#### **House Bill No. 5088, entitled**

A bill to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act.

The Senate has amended the bill as follows:

1. Amend page 6, line 27, after “the” by striking out “attorney general” and inserting “department of treasury”.  
The Senate has passed the bill as amended and ordered that it be given immediate effect.

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

#### **Senate Bill No. 404, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923, 333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, and sections 20920, 20921, and 20965 as amended by 1997 PA 78.

The Senate has amended the House substitute (H-2) as follows:

1. Amend page 46, line 11, by striking out all of section 20965 and inserting:

“Sec. 20965. (1) Unless an act or omission is the result of gross negligence or willful misconduct, the acts or omissions of a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, ~~or~~ medical director of a medical control authority or his or her designee, OR AN INDIVIDUAL ACTING AS A CLINICAL PRECEPTOR OF A DEPARTMENT-APPROVED EDUCATION PROGRAM SPONSOR while providing services to a patient outside a hospital, ~~or~~ in a hospital before transferring patient care to hospital personnel, OR IN A CLINICAL SETTING that are consistent with the individual’s licensure or additional training required by the ~~local~~ medical control authority INCLUDING, BUT NOT LIMITED TO, SERVICES DESCRIBED IN SUBSECTION (2), OR CONSISTENT WITH AN APPROVED PROCEDURE FOR THAT PARTICULAR EDUCATION PROGRAM do not impose liability in the treatment of a patient on those individuals or any of the following persons:

- (a) The authorizing physician or physician’s designee.
- (b) The medical director and individuals serving on the GOVERNING BOARD, advisory body, OR COMMITTEE of the medical control authority AND AN EMPLOYEE OF THE MEDICAL CONTROL AUTHORITY.
- (c) The person providing communications services or lawfully operating or utilizing supportive electronic communications devices.
- (d) The life support agency or an officer, member of the staff, or other employee of the life support agency.
- (e) The hospital or an officer, member of the staff, nurse, or other employee of the hospital.
- (f) The authoritative governmental unit or units.
- (g) Emergency personnel from outside the state.
- (H) THE EDUCATION PROGRAM MEDICAL DIRECTOR.
- (I) THE EDUCATION PROGRAM INSTRUCTOR-COORDINATOR.
- (J) THE EDUCATION PROGRAM SPONSOR AND EDUCATION PROGRAM SPONSOR ADVISORY COMMITTEE.
- (K) THE STUDENT OF A DEPARTMENT-APPROVED EDUCATION PROGRAM WHO IS PARTICIPATING IN AN EDUCATION PROGRAM-APPROVED CLINICAL SETTING.
- (l) AN INSTRUCTOR OR OTHER STAFF EMPLOYED BY OR UNDER CONTRACT TO A DEPARTMENT-APPROVED EDUCATION PROGRAM FOR THE PURPOSE OF PROVIDING TRAINING OR INSTRUCTION FOR THE DEPARTMENT-APPROVED EDUCATION PROGRAM.
- (M) THE LIFE SUPPORT AGENCY OR AN OFFICER, MEMBER OF THE STAFF, OR OTHER EMPLOYEE OF THE LIFE SUPPORT AGENCY PROVIDING THE CLINICAL SETTING DESCRIBED IN SUBDIVISION (K).
- (N) THE HOSPITAL OR AN OFFICER, MEMBER OF THE MEDICAL STAFF, OR OTHER EMPLOYEE OF THE HOSPITAL PROVIDING THE CLINICAL SETTING DESCRIBED IN SUBDIVISION (K).
- (2) SUBSECTION (1) APPLIES TO SERVICES CONSISTING OF THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR ON AN INDIVIDUAL WHO IS IN OR IS EXHIBITING SYMPTOMS OF CARDIAC DISTRESS.
- (3) UNLESS AN ACT OR OMISSION IS THE RESULT OF GROSS NEGLIGENCE OR WILLFUL MISCONDUCT, THE ACTS OR OMISSIONS OF ANY OF THE PERSONS NAMED BELOW, WHILE PARTICIPATING IN THE DEVELOPMENT OF PROTOCOLS UNDER THIS PART, IMPLEMENTATION OF PROTOCOLS UNDER THIS PART, OR HOLDING A PARTICIPANT IN THE EMERGENCY MEDICAL SERVICES SYSTEM ACCOUNTABLE FOR DEPARTMENT-APPROVED PROTOCOLS UNDER THIS PART, DOES NOT IMPOSE LIABILITY IN THE PERFORMANCE OF THOSE FUNCTIONS:

(A) THE MEDICAL DIRECTOR AND INDIVIDUALS SERVING ON THE GOVERNING BOARD, ADVISORY BODY, OR COMMITTEES OF THE MEDICAL CONTROL AUTHORITY OR EMPLOYEES OF THE MEDICAL CONTROL AUTHORITY.

(B) A PARTICIPATING HOSPITAL OR FREESTANDING SURGICAL OUTPATIENT FACILITY IN THE MEDICAL CONTROL AUTHORITY OR AN OFFICER, MEMBER OF THE MEDICAL STAFF, OR OTHER EMPLOYEE OF THE HOSPITAL OR FREESTANDING SURGICAL OUTPATIENT FACILITY.

(C) A PARTICIPATING AGENCY IN THE MEDICAL CONTROL AUTHORITY OR AN OFFICER, MEMBER OF THE MEDICAL STAFF, OR OTHER EMPLOYEE OF THE PARTICIPATING AGENCY.

(D) A NONPROFIT CORPORATION THAT PERFORMS THE FUNCTIONS OF A MEDICAL CONTROL AUTHORITY.

(4) ~~(2) Subsection (1) does~~ SUBSECTIONS (1) AND (3) DO not limit immunity from liability otherwise provided by law for any of the persons listed in ~~subsection~~ SUBSECTIONS (1) AND (3).”.

The Senate has concurred in the House substitute (H-2) as amended and ordered that it be given immediate effect.

Rep. Raczkowski moved that consideration of the bill be postponed temporarily.

The motion prevailed.

#### **House Bill No. 4231, entitled**

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by repealing section 49 (MCL 169.249).

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

#### **House Bill No. 4587, entitled**

A bill to protect against interest, fines, penalties, and other fees and finance charges by political subdivisions for billing errors caused by computer date failures; and to repeal acts and parts of acts.

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

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

#### **House Bill No. 4592, entitled**

A bill to amend 1941 PA 207, entitled “Fire prevention code,” by amending section 7 (MCL 29.7).

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

#### **House Bill No. 5055, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 558, 826, 845, and 933 (MCL 168.558, 168.826, 168.845, and 168.933), sections 558 and 933 as amended by 1997 PA 137 and section 826 as amended by 1995 PA 261.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

#### **House Bill No. 5056, entitled**

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 16 and 32 (MCL 169.216 and 169.232), section 16 as amended by 1992 PA 188 and section 32 as amended by 1995 PA 264.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 5059, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 5, 22, 24, 26, 28, 29, 41, and 42 (MCL 169.205, 169.222, 169.224, 169.226, 169.228, 169.229, 169.241, and 169.242), sections 5, 26, and 29 as amended by 1995 PA 264, section 22 as amended by 1989 PA 95, and sections 24, 28, 41, and 42 as amended by 1994 PA 117, and by adding section 18; and to repeal acts and parts of acts.

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

The House agreed to the full title.

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

**House Bill No. 5064, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 552, 961a, and 963 (MCL 168.31, 168.552, 168.961a, and 168.963), section 31 as amended by 1998 PA 215, section 552 as amended by 1990 PA 7, and sections 961a and 963 as amended by 1982 PA 456.

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

The House agreed to the full title.

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

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Raczkowski, Spade, Lockwood, Hanley, Toy, Julian, Faunce, Rocca, LaForge, Birkholz, Van Woerkom, Voorhees, Shulman, Kukuk, Gosselin, Pappageorge, Howell, Richner, Jamnick, Mead, LaSata, Jacobs, Bovin, Kelly, Cherry, Scott, Baird, Tesanovich, Caul, Cassis, DeHart, Hale, Scranton, Kilpatrick, Ehardt, Martinez, Garcia, Vander Roest and Allen offered the following resolution:

**House Resolution No. 240.**

A resolution commending and congratulating the Harrison Hawks Varsity Football Team and its coaching staff for their achievements and the realization of their goal for securing the title of State Class A Football Champions.

Whereas, The skill, dedication and determination of each player and the motivation, knowledge and experience of Coaches John Herrington, Bob Sutter, John Witkowski, Steve Dollaway, Ron Brown and Brian Lee and their staff shall be recognized; and

Whereas, The families, students, fans and school administration have given their support to cheer on their home team and help it to overcome obstacles and celebrate its victories; and

Whereas, The sport of football has helped to instill character, perseverance and hope within the sport's athletes and coaches; and

Whereas, Coaches John Herrington, Bob Sutter, John Witkowski, Steve Dollaway, Ron Brown and Brian Lee have been committed to their players and to Harrison High School for the enhancement of each for many years; now, therefore, be it

Resolved by the House of Representatives, In this 90th Legislature, that tribute be accorded to salute the Harrison High School Football Team, Class A State Champions, and its coaching staff, on their outstanding season and championship victory; and be it further

Resolved, That a copy of this resolution be transmitted to Harrison High School, each team member and each coach as evidence of our congratulations.

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. Baird, Godchaux, Hansen, Spade, Hanley, Faunce, Neumann, LaForge, Birkholz, Bogardus, Kuipers, Jamnick, Mead, Jacobs, Gielegem, Minore, Dennis, Woodward, Daniels, Kelly, Cherry, Scott, Tesanovich, DeHart, Rivet, Clark, Hale, Thomas, Kilpatrick, Ehardt and Martinez offered the following resolution:

**House Resolution No. 241.**

A resolution to memorialize the Congress of the United States to increase efforts to fight human rights violations around the world.

Whereas, Citizens of this country and many people around the world have expressed their outrage over violations of fundamental human rights in numerous countries and regions. The level of oppression of civilians in certain places is

beyond what most Americans can imagine. Our country has repeatedly expressed frustration with the horrendous practices that seem to be continuous in many locales; and

Whereas, Among the most disturbing examples of human rights violations are China's suppression of Tibet and Buddhism, the mutilation of women in certain parts of Africa, genocide in the troubled Balkan Peninsula, and a host of offenses in the workplace; and

Whereas, Human rights violators include any country that engages in cultural or racial genocide, any country that injures its own citizens without due process of law, any country that restricts freedom of religion for its people, and any country that forces assimilation of certain groups of people. Unfair labor practices that are considered human rights violations by the community of nations include the use of child or slave labor, the failure to pay full and appropriate wages due workers, the deliberate exposure of workers to unsafe conditions without the disclosure of known risks, and the use of force and militias against union activities or organizations; and

Whereas, With the level of known abuses in many areas of the world, strong steps need to be taken to encourage nations to extend basic human rights to their citizens; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to increase efforts to fight human rights violations around the world. We urge Congress to include in its strategy to combat human rights violations such measures as withholding or withdrawing Most Favored Nation status, opposing actions by the World Bank that ignore human rights violations, opposing trade pacts through the World Trade Organization, placing tariffs on goods made with child labor or slave labor, and imposing embargoes when necessary; and be it further

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

The resolution was referred to the Committee on House Oversight and Operations.

Reps. DeHart, Scott, Kelly, Hale, Switalski, Basham, Schermesser, Dennis, Rocca, Clark, O'Neil, Pappageorge, Martinez, Thomas, Hansen, Spade, Hanley, Toy, Julian, Faunce, Neumann, LaForge, Birkholz, Bogardus, Howell, Richner, Jamnick, Mead, LaSata, Jacobs, Gielegem, Minore, Bovin, Woodward, Daniels, Cherry, Baird, Tesanovich, Rivet, Kilpatrick, Ehardt, Garcia and Allen offered the following resolution:

**House Resolution No. 242.**

A resolution to honor the memory of Joan Marie Petitpren, who passed away Friday, October 15, 1999.

Whereas, Joan Petitpren was born on September 17, 1932, to Gordon and Mollie (Brennan) Phillips in Detroit, Michigan. She showed kindness and generosity to all who came in contact with her from the very beginning. This was evident when her family moved from their home in Detroit to Mt. Clemens when she was just thirteen years old. She immediately made friends and excelled in school. Joan graduated Valedictorian from St. Mary's High School in Mt. Clemens. She attended Eastern Michigan University for two years before marrying her first love, Vincent Petitpren, a naval officer, on October 6, 1951; and

Whereas, Together with Vince, Joan moved to Great Lakes Naval Base in Illinois. The arrival of their first son, Vincent Donald, marked a new challenge in Joan's life. She graciously accepted all the demands motherhood had to offer. Shortly after the birth of their son, Joan and her new family were transferred to Pearl Harbor Naval Base. After her return to the mainland in 1955, Joan and Vincent welcomed the arrival of their second child, Victoria, and moved to Westland (Nankin Township), Michigan; and

Whereas, Joan completed her undergraduate degree at Eastern Michigan University in 1958 with a teaching degree. She immediately began work as an elementary teacher for the Wayne School District. While teaching, she celebrated the arrival of a second son, Peter, and completed her Master's degree from the University of Michigan. In 1965, Joan became an assistant professor at Eastern Michigan University in the Department of Education. Shortly after accepting this prestigious position, she gave birth to a set of twin girls, Patricia and Paula. She then went on to write and institute "The Professional Development Program," a program still being implemented today at top ten colleges and universities throughout the nation; and

Whereas, Being married to a former legislator, Dr. Vincent Petitpren, Joan knew the importance of public service. She took full advantage of every opportunity to assist her husband with his numerous public duties. Joan showed her support by organizing fundraising events, attending meetings, and assisting with constituent relations; and

Whereas, Civic affairs were among Joan's many passions. She was actively involved in the Civil Service Commission. Joan devoted much of her time to the Hospital Task Force for Wayne County and was a member of the Michigan Democratic Party Commission for Revision of the Constitution. She also participated in other organizations with great enthusiasm. These include Life Directions, Inc., Detroit, Most Holy Trinity of Detroit, Arcade Club of Wayne, United Negro College Fund, Black United Fund, Coleman A. Young Foundation, United Way Coordinator, St. Peter and Paul Jesuit Church, McNamara Scholarship Fund, Wayne County Senior Citizen Picnic, Goodfellows, and the NAACP; and

Whereas, Joan's efforts were not fruitless. She was recognized on numerous occasions for her tireless endeavors. Among her awards and achievements are the Humanitarian Award for Wayne County, The Child in the Hand Award

from Life Directions, the Award of Appreciation from the Government Administrators Association four years in a row, 1994, '95, '96, and '97, and also the St. Boniface Human Services Award. Joan also served as the first woman commissioner in thirty years on the Wayne County Board of Commissioners; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body and the people of the State of Michigan honor and recognize the life of Joan Marie Petitpren. It is with deep sorrow that we bid farewell to a woman with such incredible strength and grace; and be it further

Resolved, That copies of this resolution be transmitted to Joan's family as an expression of our deepest sympathy for their loss. There will be a tremendous void as the result of the loss of Joan.

The question being on the adoption of the resolution,

The resolution was adopted.

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

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

|                                |            |            |            |            |            |            |            |            |            |            |            |            |            |            |
|--------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| <b>Senate Bill Nos.</b>        | <b>890</b> | <b>891</b> | <b>892</b> | <b>893</b> | <b>894</b> | <b>895</b> | <b>896</b> | <b>897</b> | <b>898</b> | <b>899</b> | <b>900</b> | <b>901</b> | <b>902</b> | <b>904</b> |
|                                | <b>905</b> |            |            |            |            |            |            |            |            |            |            |            |            |            |
| <b>Senate Joint Resolution</b> | <b>O</b>   |            |            |            |            |            |            |            |            |            |            |            |            |            |

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, December 3:

|                         |            |            |
|-------------------------|------------|------------|
| <b>Senate Bill Nos.</b> | <b>903</b> | <b>906</b> |
|-------------------------|------------|------------|

The Clerk announced that the following bills had been printed and placed upon the files of the members, Wednesday, December 8:

|                        |             |             |             |             |             |             |             |             |             |             |             |             |             |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>House Bill Nos.</b> | <b>5160</b> | <b>5161</b> | <b>5162</b> | <b>5163</b> | <b>5164</b> | <b>5165</b> | <b>5166</b> | <b>5167</b> | <b>5168</b> | <b>5169</b> | <b>5170</b> | <b>5171</b> | <b>5172</b> |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|

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Associate Speaker Pro Tempore Scranton resumed the Chair.

By unanimous consent the House returned to the order of

### **Reports of Select Committees**

#### **Senate Bill No. 605, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 104, 108, 202, 306, 401a, 504, 506, 508, 701, 705, 706, 711, 713, 714, 715, and 716 (MCL 38.2104, 38.2108, 38.2202, 38.2306, 38.2401a, 38.2504, 38.2506, 38.2508, 38.2651, 38.2655, 38.2656, 38.2661, 38.2663, 38.2664, 38.2665, and 38.2666), section 104 as amended by 1995 PA 193, sections 401a, 705, 706, 711, 713, and 714 as added by 1996 PA 523, and sections 701, 715, and 716 as amended by 1998 PA 66, and by adding sections 214a, 504a, 701a, 701b, and 702a; 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. 605, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 104, 108, 202, 306, 401a, 504, 506, 508, 701, 705, 706, 711, 713, 714, 715, and 716 (MCL 38.2104, 38.2108, 38.2202, 38.2306, 38.2401a, 38.2504, 38.2506, 38.2508, 38.2651, 38.2655, 38.2656, 38.2661, 38.2663, 38.2664, 38.2665, and 38.2666), section 104 as amended by 1995 PA 193, sections 401a, 705, 706, 711, 713, and 714 as added by 1996 PA 523, and sections 701, 715, and 716 as amended by 1998 PA 66, and by adding sections 214a, 504a, 701a, 701b, and 702a; and to repeal acts and parts of acts.

Recommends:

First: That the House recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, and 8, which read as follows:

1. Amend page 18, line 8, after "THROUGH" by striking out "JUNE 30" and inserting "DECEMBER 31".
2. Amend page 18, line 27, by striking out "JULY" and inserting "JANUARY".
3. Amend page 19, line 2, after "OF" by striking out "JULY" and inserting "JANUARY".
4. Amend page 19, line 4, after "FROM" by striking out "JULY" and inserting "JANUARY".
5. Amend page 34, line 16, by striking out all of subsection (7).
6. Amend page 35, line 18, after "1998" by inserting "OR DECEMBER 31, 1998, AS SPECIFIED IN THE WRITTEN ELECTION".
7. Amend page 35, line 20, after "1998" by inserting "OR JANUARY 1, 1999, AS APPROPRIATE PURSUANT TO THE DATE SPECIFIED BY THE MEMBER UNDER SUBDIVISION (A)".
8. Amend page 35, line 24, after "ON" by striking out "JUNE 30, 1998" and inserting "THE DATE SPECIFIED BY THE MEMBER UNDER SUBDIVISION (A)".

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

A bill to amend 1992 PA 234, entitled "An act to establish a judges retirement system; to provide for the administration and maintenance of the retirement system; to create a retirement board; to prescribe the powers and duties of the retirement board; to establish certain reserves for the retirement system; to establish certain funds; to prescribe the powers and duties of certain state departments and certain state and local officials and employees; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," by amending sections 104, 108, 202, 306, 401a, 504, 506, 508, 701, 705, 706, 711, 713, 714, 715, and 716 (MCL 38.2104, 38.2108, 38.2202, 38.2306, 38.2401a, 38.2504, 38.2506, 38.2508, 38.2651, 38.2655, 38.2656, 38.2661, 38.2663, 38.2664, 38.2665, and 38.2666), section 104 as amended by 1995 PA 193, sections 401a, 705, 706, 711, 713, and 714 as added by 1996 PA 523, and sections 701, 715, and 716 as amended by 1998 PA 66, and by adding sections 214a, 504a, 701a, 701b, and 702a; and to repeal acts and parts of acts.

William Van Regenmorter  
Joanne G. Emmons  
Conferees for the Senate

Andrew Richner  
Marc Shulman  
Conferees for the House

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

### Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **House Bill No. 4963**.

Rep. Martinez

Rep. Raczkowski moved that when the House adjourns today it stand adjourned until Thursday, December 9, at 12:05 a.m.

The motion prevailed.

Rep. Raczkowski moved that the House adjourn.  
The motion prevailed, the time being 11:55 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Thursday, December 9, at 12:05 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives.