

**No. 86**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**90th Legislature**  
**REGULAR SESSION OF 1999**

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House Chamber, Lansing, Thursday, December 9, 1999.

12:05 a.m.

The House was called to order by Associate Speaker Pro Tempore Scranton.

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—absent	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

Rep. Mark Jansen, from the 72nd District, and Rep. Triette Reeves, from the 13th District, offered the following invocations:

Rep. Jansen:

“Heavenly Father, we thank You for this day as we come to You this morning to serve You. We ask, Lord, that You would give us insight and clear thoughts as we finish this 1999 Legislature so that we can look at the mirror in front of us and ask ourselves, have we really honored and served You? If we have not, can You forgive us for our failures? We ask that we be challenged in the year ahead—in the year 2000, and that we would truly serve, honor and obey You. I thank and praise You for the friends we have in this House. Lord, above all we give our praise to You. Amen.”

Rep. Reeves:

“Father, we take this time to ask Your mercy and Your forgiveness for all that we have done to fall short of that which You have sent us here to do—for not representing Your interest and for failing to represent the interest of those who sent us here. Father, for all the things which we have done that were not in Your will, we ask Your mercy and Your forgiveness right now in the name of Jesus. Father, I ask that You trammel us in our sinful ways and renew in us a right spirit so that we would trammel in our wrong doings. Give us wisdom on how to regain our focus on You and those who choose You. Lord, I ask You to bless us. For those who do not choose You, Lord, I ask You to have mercy. I praise You and all things. We ask You to bless us that we will have a safe holiday. Bless every household represented. Bless every representative represented. This we ask in the name of our Lord and Savior, Jesus. Amen.”

### Messages from the Senate

The Speaker laid before the House

#### 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 bill was received from the Senate on December 8 with amendment, title amendment and immediate effect given by the Senate, consideration of which was postponed temporarily, see House Journal No. 85, p. 2511.)

The question being on concurring in the adoption of the amendment made to the bill by the Senate,

Reps. Tesanovich and Mortimer moved to amend the Senate amendment as follows:

1. Amend the Senate Amendment, page 7, following line 3, section 613C, after the first “IF” by striking out the balance of the section and inserting “2 CITIES AND A VILLAGE ARE TO BE CONSOLIDATED AS A NEW CITY IN 2000 AND THE NEW CITY IS SCHEDULED TO ELECT OFFICERS ON MARCH 7, 2000, THE GOVERNING BODY OF ANY OF THE LOCAL UNITS THAT ARE TO BE CONSOLIDATED MAY, BY RESOLUTION ADOPTED BEFORE JANUARY 14, 2000, CANCEL AN ELECTION OF OFFICERS OF THAT LOCAL UNIT. IF THE ELECTION IS CANCELED, TERMS OF OFFICE THAT WOULD HAVE EXPIRED AFTER THAT ELECTION ARE EXTENDED UNTIL THE EFFECTIVE DATE OF THE CONSOLIDATION.”.

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

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

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

#### Roll Call No. 1147

#### Yeas—104

Allen	Ehardt	Kelly	Richardville
Baird	Faunce	Kilpatrick	Richner
Basham	Frank	Koetje	Rison
Birkholz	Garcia	Kowall	Rivet
Bisbee	Garza	Kuipers	Rocca



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

#### Nays—4

Brater	Cherry	LaForge	Scott
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In The Chair: Scranton

The House agreed to the title as amended.

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

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

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

The Speaker laid before the House

#### 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 bill was received from the Senate on December 8 with amendments, title amendment and immediate effect given by the Senate, consideration of which was postponed temporarily, see House Journal No. 85, p. 2513.)

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. 1149

#### Yeas—61

Allen	Geiger	Kowall	Rocca
Birkholz	Gilbert	Kuipers	Sanborn
Bisbee	Godchaux	Kukuk	Scranton

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

**Nays—48**

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

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.

The Speaker laid before the House

**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 bill was received from the Senate on December 8 with amendments and full title inserted by the Senate, consideration of which was postponed temporarily, see House Journal No. 85, p. 2514.)

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. 1150****Yeas—58**

Allen	Geiger	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Green	Law	Shackleton
Brown, C.	Hager	Mead	Shulman

Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Jellema	Perricone	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Johnson, Ruth	Rackowski	Voorhees
Faunce	Julian	Richardville	Woronchak
Garcia	Koetje		

**Nays—51**

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

In The Chair: Scranton

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.

The Speaker laid before the House

**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 bill was received from the Senate on December 8 with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which was postponed temporarily, see House Journal No. 85, p. 2509.)

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

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 1151****Yeas—3**

Bisbee	DeRossett	DeWeese
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**Nays—104**

Allen	Garza	Kuipers	Rison
Baird	Geiger	Kukuk	Rivet
Basham	Gielegem	LaForge	Rocca

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

In The Chair: Scranton

The Speaker laid before the House

**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 bill was received from the Senate on December 8 with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which was postponed temporarily, see House Journal No. 85, p. 2509.)

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. 1152**

**Yeas—109**

Allen	Frank	Kowall	Rison
Baird	Garcia	Kuipers	Rivet
Basham	Garza	Kukuk	Rocca
Birkholz	Geiger	LaForge	Sanborn
Bisbee	Gielegem	LaSata	Schauer
Bishop	Gilbert	Law	Schermesser
Bogardus	Godchaux	Lemmons	Scott
Bovin	Gosselin	Lockwood	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			

### Nays—0

In The Chair: Scranton

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.

The Speaker laid before the House

#### **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 bill was received from the Senate on December 8 with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which was postponed temporarily, see House Journal No. 85, p. 2509.)

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. 1153**

#### **Yeas—108**

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

Cassis	Hart	O'Neil	Tabor
Caul	Howell	Pappageorge	Tesanovich
Cherry	Jacobs	Patterson	Thomas
Clark, I.	Jamnack	Perricone	Toy
Clarke, H.	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	Kilpatrick	Richner	Woronchak

### 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.

The Speaker laid before the House

#### **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 bill was received from the Senate on December 8 with amendment and immediate effect given by the Senate, consideration of which was postponed temporarily, see House Journal No. 85, p. 2510.)

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

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

#### **Roll Call No. 1154**

#### **Yeas—108**

Allen	Faunce	Kowall	Rison
Baird	Frank	Kuipers	Rivet
Basham	Garcia	Kukuk	Rocca
Birkholz	Geiger	LaForge	Sanborn
Bisbee	Gielegem	LaSata	Schauer
Bishop	Gilbert	Law	Schermesser
Bogardus	Godchaux	Lemmons	Scott
Bovin	Gosselin	Lockwood	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

### Nays—1

Garza

In The Chair: Scranton

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

The Speaker laid before the House

#### **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 bill was received from the Senate on December 8 with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which was postponed temporarily, see House Journal No. 85, p. 2510.)

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. 1155**

#### **Yeas—105**

Allen	Frank	Koetje	Richardville
Baird	Garcia	Kowall	Richner
Basham	Garza	Kuipers	Rivet
Birkholz	Geiger	Kukuk	Rocca
Bisbee	Gielegem	LaForge	Sanborn
Bishop	Gilbert	LaSata	Schauer
Bogardus	Godchaux	Law	Schermesser
Bovin	Gosselin	Lemmons	Scranton
Bradstreet	Green	Lockwood	Shackleton
Brater	Hager	Martinez	Sheltrown
Brown, B.	Hale	Mead	Shulman
Brown, C.	Hanley	Middaugh	Spade
Byl	Hansen	Minore	Stallworth
Callahan	Hardman	Mortimer	Stamas
Cassis	Hart	Neumann	Switalski
Caul	Howell	O'Neil	Tabor
Cherry	Jacobs	Pappageorge	Tesanovich
Clark, I.	Jamnack	Patterson	Thomas
Clarke, H.	Jansen	Perricone	Toy
Daniels	Jelinek	Pestka	Van Woerkom

DeHart	Jellema	Price	Vander Roest
Dennis	Johnson, Rick	Prusi	Vear
DeRossett	Johnson, Ruth	Pumford	Voorhees
DeVuyst	Julian	Quarles	Wojno
DeWeese	Kelly	Raczkowski	Woodward
Ehardt	Kilpatrick	Reeves	Woronchak
Faunce			

**Nays—3**

Brewer	Scott	Vaughn
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In The Chair: Scranton

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.

The Speaker laid before the House

**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 bill was received from the Senate on December 8 with amendments and full title inserted by the Senate, consideration of which was postponed temporarily, see House Journal No. 85, p. 2510.)

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. 1156****Yeas—106**

Allen	Faunce	Kuipers	Rison
Baird	Frank	Kukuk	Rivet
Basham	Garcia	LaForge	Rocca
Birkholz	Garza	LaSata	Sanborn
Bisbee	Geiger	Law	Schauer
Bishop	Gilbert	Lemmons	Schermesser
Bogardus	Godchaux	Lockwood	Scott
Bovin	Gosselin	Martinez	Scranton
Bradstreet	Green	Mead	Shackleton
Brater	Hager	Middaugh	Sheltrown
Brewer	Hale	Minore	Shulman
Brown, B.	Hanley	Mortimer	Spade
Brown, C.	Hansen	Neumann	Stallworth
Byl	Hart	O'Neil	Stamas
Callahan	Howell	Pappageorge	Switalski
Cassis	Jacobs	Patterson	Tabor
Caul	Jamnick	Perricone	Tesanovich
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  
DeVuyst  
DeWeese  
Ehardt

Kelly  
Kilpatrick  
Koetje  
Kowall

Reeves  
Richardville  
Richner

Wojno  
Woodward  
Woronchak

### Nays—0

In The Chair: Scranton

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.

The Speaker laid before the House

#### **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 bill was received from the Senate on December 8 with substitute (S-1) and immediate effect given by the Senate, consideration of which was postponed temporarily, see House Journal No. 85, p. 2508.)

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

Rep. Schauer moved to amend the Senate substitute (S-1) as follows:

1. Amend page 13, line 19, after “Kellogg Community College” by striking out “for a project to be determined” and inserting “West Michigan for Manufacturing Research #1”.

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

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. 1157**

#### **Yeas—87**

Allen  
Baird  
Basham  
Birkholz  
Bisbee  
Bishop  
Bogardus  
Bovin  
Brater  
Brewer  
Brown, B.

Ehardt  
Faunce  
Frank  
Garcia  
Geiger  
Gielegem  
Gilbert  
Godchaux  
Green  
Hager  
Hanley

Kowall  
Kuipers  
Kukuk  
LaSata  
Law  
Lockwood  
Martinez  
Mead  
Middaugh  
Minore  
Mortimer

Rison  
Rivet  
Sanborn  
Schauer  
Schermesser  
Scranton  
Shackleton  
Sheltrown  
Spade  
Stamas  
Switalski

Brown, C.	Hansen	Neumann	Tabor
Byl	Hart	O'Neil	Tesanovich
Callahan	Howell	Pappageorge	Toy
Caul	Jacobs	Perricone	Van Woerkom
Cherry	Jamnack	Pestka	Vander Roest
Clarke, H.	Jansen	Price	Vear
DeHart	Jelinek	Prusi	Voorhees
Dennis	Jellema	Pumford	Wojno
DeRossett	Johnson, Rick	Raczkowski	Woodward
DeVuyst	Julian	Richardville	Woronchak
DeWeese	Koetje	Richner	

**Nays—22**

Bradstreet	Hale	Lemmons	Scott
Cassis	Hardman	Patterson	Shulman
Clark, I.	Johnson, Ruth	Quarles	Stallworth
Daniels	Kelly	Reeves	Thomas
Garza	Kilpatrick	Rocca	Vaughn
Gosselin	LaForge		

In The Chair: Scranton

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

The Speaker laid before the House

**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 bill was received from the Senate on December 8 with substitute (S-4) and full title inserted by the Senate, consideration of which was postponed temporarily, see House Journal No. 85, p. 2508.)

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1158****Yeas—107**

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

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

### Nays—0

In The Chair: Scranton

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.

### Second Reading of Bills

#### Senate Bill No. 856, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219, 222, 233, 240, 319, 605, and 904d (MCL 257.219, 257.222, 257.233, 257.240, 257.319, 257.605, and 257.904d), sections 219, 233, and 605 as amended by 1999 PA 73, section 222 as amended by 1993 PA 300, section 319 as amended by 1999 PA 118, and section 904d as amended by 1999 PA 51.

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. 856, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219, 222, 233, 240, 319, 605, and 904d (MCL 257.219, 257.222, 257.233, 257.240, 257.319, 257.605, and 257.904d), sections 219, 233, and 605 as amended by 1999 PA 73, section 222 as amended by 1993 PA 300, section 319 as amended by 1999 PA 118, and section 904d as amended by 1999 PA 51.

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

### Roll Call No. 1159

### Yeas—103

Allen	Faunce	Kuipers	Rocca
Baird	Frank	Kukuk	Sanborn
Basham	Garcia	LaForge	Schauer
Birkholz	Garza	LaSata	Schermesser
Bisbee	Gielegem	Law	Scott
Bishop	Gilbert	Lemmons	Scranton
Bogardus	Godchaux	Lockwood	Shackleton

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

### Nays—0

In The Chair: Scranton

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### Senate Bill No. 831, entitled

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

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Local Government and Urban Policy (for amendment, see House Journal No. 83, p. 2424),

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

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

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

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**Senate Bill No. 831, entitled**

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

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

**Roll Call No. 1160**

**Yeas—107**

Allen	Faunce	Kuipers	Rivet
Baird	Frank	Kukuk	Rocca
Basham	Garcia	LaForge	Sanborn
Birkholz	Garza	LaSata	Schauer
Bisbee	Gielegem	Law	Schermesser
Bishop	Gilbert	Lemmons	Scott
Bogardus	Godchaux	Lockwood	Scranton
Bovin	Gosselin	Martinez	Shackleton
Bradstreet	Green	Mead	Sheltrown
Brater	Hager	Middaugh	Shulman
Brewer	Hale	Minore	Spade
Brown, B.	Hansen	Mortimer	Stallworth
Brown, C.	Hardman	Neumann	Stamas
Byl	Hart	O'Neil	Switalski
Callahan	Howell	Pappageorge	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
Ehardt	Kowall	Rison	

**Nays—0**

In The Chair: Scranton

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

"An act to provide for the incorporation of villages and for revising and amending their charters; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness; to validate bonds issued and obligations previously incurred; and to prescribe penalties and provide remedies,".

The House agreed to the full title.

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

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

### Second Reading of Bills

#### Senate Bill No. 832, entitled

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

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Local Government and Urban Policy (for amendments, see House Journal No. 83, p. 2425),

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 832, entitled

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

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

#### Roll Call No. 1161

#### Yeas—109

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

### Nays—0

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### Senate Bill No. 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.

The bill was read a second time.

Rep. Sanborn moved to amend the bill as follows:

1. Amend page 31, line 23, by inserting:

"(a) The business of a real estate broker or real estate salesperson licensed under article 25 of the occupational code, ~~Act No. 299 of the Public Acts of 1980, being sections 339.2501 to 339.2515 of the Michigan Compiled Laws~~ 1980 PA 299, MCL 339.2501 TO 339.2515." and relettering the remaining subdivisions.

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 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.

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

**Roll Call No. 1162****Yeas—108**

Allen	Frank	Kowall	Rison
Baird	Garcia	Kuipers	Rivet
Basham	Garza	Kukuk	Rocca
Birkholz	Geiger	LaForge	Sanborn
Bisbee	Gielegem	LaSata	Schauer
Bishop	Gilbert	Law	Schermesser
Bogardus	Godchaux	Lemmons	Scott
Bovin	Gosselin	Lockwood	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
Clark, I.	Jamnack	Perricone	Thomas
Clarke, H.	Jansen	Pestka	Toy
Daniels	Jelinek	Price	Van Woerkom
DeHart	Jellema	Prusi	Vander Roest
Dennis	Johnson, Rick	Pumford	Vaughn
DeRossett	Johnson, Ruth	Quarles	Vear
DeVuyst	Julian	Raczkowski	Voorhees
DeWeese	Kelly	Reeves	Wojno
Ehardt	Kilpatrick	Richardville	Woodward
Faunce	Koetje	Richner	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 regulate the providing of certain consumer financial services; to provide for licensing of certain financial institutions; to prescribe powers and duties of certain state departments and agencies; to prohibit certain activities; and to provide for remedies and penalties.”.

The House agreed to the full title.

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

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

**Second Reading of Bills****Senate Bill No. 833, entitled**

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

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Local Government and Urban Policy (for amendment, see House Journal No. 83, p. 2425),

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

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

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

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**Senate Bill No. 833, entitled**

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

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

**Roll Call No. 1163**

**Yeas—108**

Allen	Frank	Kowall	Rison
Baird	Garcia	Kuipers	Rivet
Basham	Garza	Kukuk	Rocca
Birkholz	Geiger	LaForge	Sanborn
Bisbee	Gielegem	LaSata	Schauer
Bishop	Gilbert	Law	Schermesser
Bogardus	Godchaux	Lemmons	Scott
Bovin	Gosselin	Lockwood	Scranton
Bradstreet	Green	Martinez	Shackleton
Brater	Hager	Mead	Sheltrown
Brown, B.	Hale	Middaugh	Shulman
Brown, C.	Hanley	Minore	Spade
Byl	Hansen	Mortimer	Stallworth
Callahan	Hardman	Neumann	Stamas
Cassis	Hart	O'Neil	Switalski
Caul	Howell	Pappageorge	Tabor
Cherry	Jacobs	Patterson	Tesanovich
Clark, I.	Jamnick	Perricone	Thomas
Clarke, H.	Jansen	Pestka	Toy
Daniels	Jelinek	Price	Van Woerkom
DeHart	Jellema	Prusi	Vander Roest
Dennis	Johnson, Rick	Pumford	Vaughn
DeRossett	Johnson, Ruth	Quarles	Vear
DeVuyst	Julian	Raczkowski	Voorhees
DeWeese	Kelly	Reeves	Wojno
Ehardt	Kilpatrick	Richardville	Woodward
Faunce	Koetje	Richner	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 provide for the government of certain villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages subject to this act; to define the powers and duties of certain state and local officers and entities; to define the application of this act and provide for its amendment by villages subject to this act; to validate prior amendments and certain prior actions taken and bonds issued by villages subject to this act; to provide for the disincorporation of villages; and to prescribe penalties and provide remedies."

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  
**Motions and Resolutions**

Rep. Kilpatrick moved 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**.

(For first notice see House Journal No. 85, p. 2481.)

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

The motion did not prevail, a majority of the members serving not voting therefor.

### Second Reading of Bills

#### **Senate Bill No. 834, entitled**

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

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Local Government and Urban Policy (for amendment, see House Journal No. 83, p. 2425),

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

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

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

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

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

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

#### **Senate Bill No. 834, entitled**

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

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

### Roll Call No. 1164

### Yeas—104

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

DeVuyst  
DeWeese  
Ehardt  
Faunce

Kelly  
Kilpatrick  
Koetje  
Kowall

Rackowski  
Reeves  
Richardville  
Richner

Voorhees  
Wojno  
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 provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates.”

The House agreed to the full title.

Rep. Rackowski 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. 855, entitled

A bill to amend 1925 PA 289, entitled “An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act,” by amending section 3 (MCL 28.243), as amended by 1999 PA 77.

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

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

Rep. Rackowski 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. Rackowski 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. 855, entitled

A bill to amend 1925 PA 289, entitled “An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act,” by amending section 3 (MCL 28.243), as amended by 1999 PA 77.

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

### Roll Call No. 1165

### Yeas—92

Allen  
Baird  
Basham  
Birkholz

DeWeese  
Ehardt  
Faunce  
Frank

Kelly  
Koetje  
Kowall  
Kuipers

Richner  
Rivet  
Rocca  
Sanborn

Bisbee	Garcia	Kukuk	Schauer
Bishop	Gielegghem	LaSata	Schermesser
Bogardus	Gilbert	Law	Scranton
Bovin	Godchaux	Lockwood	Shackleton
Bradstreet	Gosselin	Martinez	Sheltrown
Brater	Green	Mead	Shulman
Brewer	Hager	Middaugh	Spade
Brown, B.	Hanley	Mortimer	Stamas
Brown, C.	Hansen	Neumann	Switalski
Byl	Hart	O'Neil	Tabor
Callahan	Howell	Pappageorge	Tesanovich
Cassis	Jacobs	Patterson	Toy
Caul	Jamnick	Perricone	Van Woerkom
Cherry	Jansen	Pestka	Vander Roest
Clarke, H.	Jelinek	Price	Vear
DeHart	Jellema	Prusi	Voorhees
Dennis	Johnson, Rick	Pumford	Wojno
DeRossett	Johnson, Ruth	Raczkowski	Woodward
DeVuyst	Julian	Richardville	Woronchak

#### Nays—15

Clark, I.	Kilpatrick	Quarles	Stallworth
Garza	LaForge	Reeves	Thomas
Hale	Lemmons	Rison	Vaughn
Hardman	Minore	Scott	

In The Chair: Scranton

The House agreed to the title of the bill.

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

The Speaker laid before the House

#### 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 bill was received from the Senate on December 8 with amendment and immediate effect given by the Senate, consideration of which was postponed temporarily, see House Journal No. 85, p. 2514.)

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

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

#### Roll Call No. 1166

#### Yeas—106

Allen	Garcia	Kukuk	Rivet
Baird	Garza	LaForge	Rocca
Basham	Gielegghem	LaSata	Sanborn
Birkholz	Gilbert	Law	Schauer

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

### Nays—1

Cherry

In The Chair: Scranton

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

### Second Reading of Bills

#### Senate Bill No. 519, entitled

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending section 5 (MCL 213.55), as amended by 1996 PA 474.

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. 519, entitled

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending section 5 (MCL 213.55), as amended by 1996 PA 474.

The bill was read a third time.

The question being on the passage of the bill,

### Point of Order

Rep. Kilpatrick requested a ruling from the Chair on whether **Senate Bill No. 519** is a private purpose bill requiring a vote 2/3 of the members elected and serving for passage.

The Chair ruled that the bill was not a private purpose bill under Art. IV, § 30 of the Michigan Constitution.

The question being on the passage of the bill,  
Rep. Raczkowski moved that consideration of the bill be postponed for the day.  
The motion prevailed.

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

The Speaker laid before the House the conference report relative to  
**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 conference report was received from the Senate on December 8, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 85, p. 2519.)

The question being on the adoption of the conference report,

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

### Roll Call No. 1167

### Yeas—56

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

### Nays—53

Baird	Frank	Lockwood	Schermesser
Basham	Garza	Martinez	Scott
Bogardus	Gielegem	Minore	Sheltrown

Bovin	Hale	Neumann	Spade
Brater	Hanley	O'Neil	Stallworth
Brown, B.	Hansen	Pestka	Switalski
Callahan	Hardman	Price	Tesanovich
Cherry	Jacobs	Prusi	Thomas
Clark, I.	Jamnick	Quarles	Vander Roest
Clarke, H.	Kelly	Reeves	Vaughn
Daniels	Kilpatrick	Rison	Wojno
DeHart	LaForge	Rivet	Woodward
Dennis	Lemmons	Schauer	Woronchak
Faunce			

In The Chair: Scranton

Rep. Raczkowski moved to reconsider the vote by which the House adopted the Conference Report.

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

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. 1168**

**Yeas—56**

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

**Nays—51**

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

In The Chair: Scranton

### Second Reading of Bills

#### Senate Bill No. 810, entitled

A bill to provide for the redistricting of congressional districts; and to establish guidelines for the decennial adoption of a redistricting plan for congressional districts.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Family and Civil Law (for amendment, see House Journal No. 79, p. 2258),

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

Rep. Richner moved to substitute (H-3) the bill.

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 810, entitled

A bill to provide for the redistricting of congressional districts; and to establish guidelines for the decennial adoption of a redistricting plan for congressional districts.

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

#### Roll Call No. 1169

#### Yeas—58

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

#### Nays—50

Baird	Dennis	Lemmons	Schauer
Basham	Frank	Lockwood	Schermesser
Bogardus	Garza	Martinez	Scott
Bovin	Gielegem	Minore	Sheltrown
Brater	Hale	Neumann	Spade
Brewer	Hanley	O'Neil	Stallworth
Brown, B.	Hansen	Pestka	Switalski
Callahan	Hardman	Price	Tesanovich

Cherry  
Clark, I.  
Clarke, H.  
Daniels  
DeHart

Jacobs  
Jamnick  
Kelly  
Kilpatrick  
LaForge

Prusi  
Quarles  
Reeves  
Rison

Thomas  
Vaughn  
Wojno  
Woodward

In The Chair: Scranton

The House agreed to the title of the bill.

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

“Mr. Speaker and members of the House:

I voted no on SB 810 and the rest of the bills in this package for reasons including the following:

Politically, because minority populations lean more to the Democratic Party than to the Republican Party, Republicans believe that using sampling methods to bring about a more accurate count of the nation’s population will harm their political interests. This concern was demonstrated by a memo from the Republican National Committee dated May 20, 1997 to all state republican chairpersons stating that *it is vital that Republicans be united in opposing statistical sampling because it will clearly benefit Democrats.*

This package of bills also imports the ‘Apol criteria’ from state legislative redistricting into congressional redistricting. These criteria stress the preservation of county, city and township lines. The list of Apol criteria is neither accurate nor fair to Democrats or minority populations. The Apol criteria do not reflect the criteria historically recognized by federal courts in Michigan congressional redistricting. Those non-prioritized factors were articulated in the case of *Good v. Austin*, 800 F. Supp. 557 & n.6 (1992) and are as follows:

compactness, contiguity, preservation of the integrity of county and municipal boundaries, maintenance of the cores of existing districts, preservation of cultural, social, and economic communities of interest, and political and racial fairness.

The Apol criteria will result in the severe dilution of African-American voting strength in particular and thus clearly do not promote political and racial fairness.

Redistricting criteria which limit the ability to split jurisdictions are detrimental to the construction of plans which are fair to minority populations. Limiting the splitting of jurisdictions is designed to pack as many Democrats and particularly African American and other minority voters into as few districts as possible.

The Voting Rights Act Prohibits packing and if the Apol standards are adopted for congressional redistricting it will allow packing to occur and thus lead to a violation of the Voting Rights Act.

The U.S. Supreme Court has held in *Burns v. Richardson*, 384 U.S. 73 (1966), and in *Fortson v. Dorsey*, 379 U.S. 433 (1965), that apportionment plans will constitute invidious discrimination when it is shown that ‘designedly or otherwise’ the apportionment ‘would operate to minimize or cancel out the voting strength of racial or political elements of the voting population.’

Finally, adoption of this package will undoubtedly lead to costly and acrimonious litigation.”

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

“Mr. Speaker and members of the House:

I voted no on SB 810 and the other bills in this package in part because the House Democratic Task Force on redistricting was excluded from participating in the committee process.

Speaker Perricone and Rep. Richner were well aware that I chaired the task force on redistricting for the House Democratic Caucus. Rep. Richner and I attended an NCSL conference on redistricting last winter.

Despite the Republicans’ knowledge of my involvement in redistricting on behalf of our caucus, the bills were referred to a committee on which I did not sit (and which in fact has nothing to do with redistricting.) Therefore my input into the redistricting bills as a legislator and as a member of the House Democratic task force was severely limited.

At the committee hearing President Bush’s Director of the Census Bureau testified that the bills will result in an undercount of minorities. The committee to which the bills were assigned - Family and Civil Law - did not solicit the

testimony of this witness, a Michigan resident, and one of the most authoritative experts on census issues in the country. Instead the committee solicited testimony from a state demographer who has publically affiliated himself with a Republican-oriented think tank. It is clear from the committee testimony that the bills will result in the dilution of minority participation in the election process.

Even though the voting rights of minorities will be profoundly affected by these bills they were referred to a legislative committee with no minority representation.

Therefore my “no” vote can be attributed in part to the majority’s intentional efforts to limit my involvement and the involvement of minority legislators in shaping these bills that profoundly affect the voting rights of so many citizens of this state.”

### Second Reading of Bills

#### Senate Bill No. 811, entitled

A bill to confer original jurisdiction on the supreme court to hear and decide cases on congressional redistricting; and to allow the supreme court to review and order congressional redistricting plans.

The bill was read a second time.

Rep. Richner moved to amend the bill as follows:

1. Amend page 1, line 2, after “decide” by striking out “any case or controversy” and inserting “all cases and controversies in Michigan’s 1 court of justice”.

2. Amend page 1, line 3, after “controversy” by inserting “in Michigan’s 1 court of justice”.

3. Amend page 1, line 4, after “commenced” by striking out “or heard in” and inserting “in or heard by”.

4. Amend page 2, line 12, after “November” by striking out “1” and inserting “2”.

5. Amend page 3, line 21, after “than” by striking out “March 31” and inserting “April 1”.

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 811, entitled

A bill to confer original jurisdiction on the supreme court to hear and decide cases on congressional redistricting; and to allow the supreme court to review and order congressional redistricting plans.

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

#### Roll Call No. 1170

#### Yeas—58

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

## Nays—50

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

In The Chair: Scranton

The House agreed to the title of the bill.

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

“Mr. Speaker and members of the House:

I voted no on SB 811 because, despite the Senate floor amendments to this bill, the bill as written still appears to conflict with federal law and arguably attempts to interfere with the jurisdiction of the federal courts regarding congressional redistricting.

I voted against SB 810, 811, 813 and 814 because they violate the federal Voting Rights Act and the federal Census Act, and because contrary to the claims of the bills’ proponents, this legislation is not in accordance with federal case law on the issue.

Section 2 of the Voting Rights Act, 2 USC Section 1973, prohibits any practice or procedure by a state which results in denial or abridgement of the right to vote (such as vote dilution) based on race or color. Intent to discriminate is not required.

It has been conclusively demonstrated that the undercount that occurs during ‘actual enumeration’ disproportionately impacts African-Americans, Latinos, and other racial minorities through dilution of their votes. The federal courts have held that during the redistricting process if a state knows that census data undercounts minorities it must utilize data such as that obtained from sampling to comply with the Voting Rights Act. *Senate of State of California v. Mosbacher*, 968 F.2d 974, 979 (9th Cir., 1992)

Furthermore, although proponents of this legislation have suggested otherwise, in fact neither the United States Constitution nor the U.S. Supreme Court has required that “actual enumeration” data be used for the purpose of redistricting. *Redistricting* is not the same as *apportionment*. The leading Supreme Court case on this issue (*Department of Commerce v. United States House of Representatives*, decided January 25, 1999) held that the federal Census Act requires that “actual enumeration” data must be used in apportioning the 435 congressional seats among the states. It did *not* hold that ‘actual enumeration’ data must be used for any other purpose. In fact, the Supreme Court noted in that case to the contrary that the Census Act *requires* the use of sampling *for all other purposes* other than the apportionment of the 435 congressional seats among the states when the Secretary of Commerce deems it feasible. The Secretary of Commerce has declared that sampling procedures are feasible and must be used for all other purposes, including congressional redistricting within the states.”

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

“Mr. Speaker and members of the House:

I voted against Sbs 810, 811, 813 and 814 because they violate the Voting Rights Act.

The state's use for redistricting purposes of uncorrected data that disproportionately undercounts minority populations will result in oversized districts for Latino and African-American populations in particular, and as such will illegally deviate from the one person/one vote standard.

The Census Bureau has long been trying to reduce the undercount, first measured by demographic analysis in 1940. The impetus for this first analysis was that more males, and particularly black males, ages 18 to 45 registered for the draft than had been counted in the 1940 census. By a continuous cycle of following each census with evaluation, research and introducing method changes, the Census Bureau successfully reduced the total national undercount from 5.4% to 1.2% between 1940 and 1980. Then in 1990, despite more intensive efforts than in 1980, it crept back up to 1.6%. More disconcerting than the 0.4% increase was that the gap between the proportion of blacks and non-blacks counted widened, after having progressively narrowed for five censuses.

Following the 1990 census, the Census Bureau conducted two kinds of research—demographic analysis and post-enumeration survey. Estimates based on the post-enumeration survey indicated, as expected, that African-Americans had been undercounted in greater proportion than whites (-4.4% compared to -1.2%). However, for the first time there was also data on the undercount of Hispanics (-5.0%), Asians (-2.3%), and American Indians (-4.5%).

By enacting this package of legislation, the Legislature is effectively mandating the use of racially-skewed population-based data for redistricting purposes. The state cannot offer a non-racial justification for this package that is anything but disingenuous, because the overwhelming testimony this body has received makes it clear that minorities will be under-counted by the “actual enumeration” that the package will require the state to use.

Moreover, there has not been consultation with language or minority groups in developing this legislation. The only “consultation” has been in the form of testimony before the House Committee on Family & Civil Law by a handful of groups representing minority interests—all of whom testified in opposition to the legislation.”

### Second Reading of Bills

#### Senate Bill No. 814, entitled

A bill to amend 1996 PA 463, entitled “An act to establish guidelines for the decennial adoption of redistricting plans for the senate and house of representatives; to provide original jurisdiction to the supreme court to review redistricting plans enacted by the legislature for compliance with those guidelines; and to provide a procedure for the supreme court to use to redistrict the senate and house of representatives under certain circumstances,” by amending section 2 (MCL 4.262) and by adding section 1a.

The bill was read a second time.

Rep. Richner 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. 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. 814, entitled

A bill to amend 1996 PA 463, entitled “An act to establish guidelines for the decennial adoption of redistricting plans for the senate and house of representatives; to provide original jurisdiction to the supreme court to review redistricting plans enacted by the legislature for compliance with those guidelines; and to provide a procedure for the supreme court to use to redistrict the senate and house of representatives under certain circumstances,” by amending section 2 (MCL 4.262) and by adding section 1a.

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

#### Roll Call No. 1171

Yeas—58

Allen  
Birkholz  
Bisbee

Geiger  
Gilbert  
Godchaux

Kowall  
Kuipers  
Kukuk

Rison  
Rocca  
Sanborn

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

### Nays—50

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

In The Chair: Scranton

The House agreed to the title of the bill.

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

“Mr. Speaker and members of the House:

The fact that Republicans voted for these bills demonstrates that they are willing to toss aside accuracy in the drawing of political districts. They voted instead to knowingly allow the state to use inaccurate population data that undercounts minorities. The legislators who did so acted in the face of concerns uniformly expressed by minority interest groups and statistical experts that the use of uncorrected ‘actual enumeration’ census data will most inevitably result in the under-representation of minority populations.

The following representatives of the scientific community have attested that statistical sampling is a reliable scientific method and that it will allow the Census Bureau to produce the most accurate census count possible:

- The United States Census Bureau  
*Dr. Barbara Bryant, former director of the Census Bureau under President Bush, provided written testimony to the House Committee on Family & Civil Law 11/4/99*
- National Academy of Sciences  
*Report of the Panel on Census Requirements in the Year 2000 and Beyond, Committee on National Statistics (1995)*
- American Statistical Association  
*Report of the Blue Ribbon Panel on the Census (September 1996)*

- Population Association of America  
*Douglas S. Massey, President (June 1996)*
- National Research Council  
*“Preparing for the 2000 Census: Interim Report II” of the Panel to Evaluate Alternative Census Methodologies (June 1997)*
- U.S. General Accounting Office (1995)
- U.S. Department of Commerce Inspector General Frank DeForge (October 1995)”

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

“Mr. Speaker and members of the House:

I voted against Senate Bills 810, 811, 813 and 814 because as I similarly noted in my No Vote Explanations for the previous bills in this package, this legislation will violate the Voting Rights Act by diluting the ‘one person/one vote standard.’ The state’s use for redistricting purposes of uncorrected data that disproportionately undercounts minority populations will result in significantly oversized districts for Latino, African-American and other minority populations, and as such it will illegally deviate from the one person/one vote standard. Federal courts have held that during the redistricting process, if a state knows that census data undercounts minorities it must utilize more accurate data (such as that obtained from corrected data) to comply with the Voting Rights Act.

Nevertheless, this legislation prohibits the use of modern statistical methods widely regarded as the means for producing the most accurate count possible, and instead requires the state to use uncorrected figures for redistricting. This body has been advised through ample committee testimony that the relying on the ‘actual enumeration’ figures referred to in the legislation has been known to produce an undercount in the past and will most inevitably produce an undercount in the 2000 census. Republican proponents of these bills want to require the state to use so-called ‘actual enumeration’ census data because that data disproportionately undercounts minorities. Republicans know that using the corrected census data that more accurately counts African-Americans, Latinos and other minorities will likely lead to the creation of more political seats in parts of the state where more minorities live. Because minority voters tend to vote for Democratic political candidates over Republicans, the Republicans are afraid that accurately counting minority populations will result in more Democrats getting elected.

It is morally and ethically wrong for this state to have in place a policy that will result in the blatant political underrepresentation of African-Americans, Latinos, Asian-Americans and other minorities. In 1790, black slaves were counted as three-fifths of a person. In the 1990 census, black males were counted as nine-tenths; one in 10 was missed. Despite the fact that the 1990 census surpassed all previous censuses in terms of design, execution and resources expended, for the first time since 1940 the 1990 census failed to be more accurate than its predecessor. The 1990 census failed to count more than 66,000 people in Michigan. More than 44,000 were African-Americans. More than 5,400 were Latinos.

Furthermore, the bills’ incorporation of the ‘Apol criteria’ limits the splitting of jurisdictions and is designed to pack as many African-American and other minority voters into as few districts as possible. These criteria will have a racially discriminatory effect and do not reflect the criteria historically recognized by federal courts regarding congressional redistricting as set forth in *Good v. Austin*, 800 F.Supp 557 (1992).”

### Second Reading of Bills

#### Senate Bill No. 813, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 302 (MCL 600.302), as amended by 1993 PA 190.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Family and Civil Law (for amendments, see House Journal No. 79, p. 2259),

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

Rep. Richner moved to substitute (H-3) the bill.

The question being on the adoption of the substitute (H-3) offered by Rep. Richner,

Rep. Baird demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-3) offered by Rep. Richner,

### Point of Order

Rep. Frank requested a ruling from the Chair regarding the germaneness of the substitute (H-3) offered by Rep. Richner.

The Chair ruled that the substitute (H-3) is germane.

Rep. Kilpatrick appealed the decision of the Chair.

The question being, "Shall the judgment of the Chair stand as the judgment of the House?"

The judgment of the Chair stood as the judgment of the House, a majority of the members present and voting, voting therefor, by yeas and nays, as follows:

#### Roll Call No. 1172

#### Yeas—58

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

#### Nays—50

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

In The Chair: Scranton

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Rep. Hale moved that Rep. Vaughn be excused temporarily from today's session.  
The motion prevailed.

The question being on the adoption of the substitute (H-3) offered previously by Rep. Richner,  
The substitute (H-3) was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1173****Yeas—58**

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

**Nays—50**

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

In The Chair: Scranton

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. 813, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 302 (MCL 600.302), as amended by 1993 PA 190.

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

**Roll Call No. 1174****Yeas—58**

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

**Nays—50**

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

In The Chair: Scranton

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

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

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," (MCL 600.101 to 600.9948) by adding section 216.

The motion prevailed.

The House agreed to the title as amended.

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

"Mr. Speaker and members of the House:

I voted no on this bill for two reasons. First, the bill goes against the interests of my constituents and the rest of the citizens of Michigan. Additionally, on the previous bill, Senate Bill 814, I mistakenly voted Yea when I meant to vote Nay. I was not allowed to change my vote, even though I was opposed to the bill, and even though the Republican

leadership has repeatedly extended that courtesy to their Members in this session. As a matter of fact, it happened earlier this morning, when a Republican Member did not vote on a bill. After the bill was passed, it was voted on again so that she could record her vote. I am sad that the same courtesy was not extended to me.

Again, my Yea vote on Senate Bill 814 was not my intent, and should not be taken as evidence of bipartisan support for this very partisan bill.”

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

“Mr. Speaker and members of the House:

SB 813 violates Art. IV Sec. 24 of the Michigan Constitution in that its purposed changed through an amendment identified as H-3. Originally the bill amended section 302 of the RJA as passed the amended section 216.”

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

“Mr. Speaker and members of the House:

I voted ‘no’ on SBs 810, 811, 813 and 814 based in large part on the testimony of Barbara Bryant, who was President Bush’s Director of the Census Bureau during the 1990 census. She said:

‘It is not possible to directly enumerate everyone either in Michigan or in the United States in the decennial census of population. Our society is too diverse and too mobile to count those who do not respond to census questionnaires, or those who through apathy, ignorance, fear, or intention are unwilling to be counted.’

‘None of us knows what the magnitude of that shortfall might be. *That is why I ask you not to lock our state into mandated use of the count from ‘actual enumeration’* before you can consider the second count. That second count will include the “actual enumeration” PLUS statistical estimates based on the post-census Accuracy and Coverage Evaluation survey that will determine the numbers and characteristics of those not counted, and those counted twice. If the actual enumeration is very complete, there will be small differences between the two counts. If, however, some proportion of the residents of Michigan do not cooperate by mailing back their census forms—or do not respond to the enumerators who will call in-person on the households that do not return those forms—then you will want to be able to consider use of the enhanced second count.’

‘Michigan will best be served in the coming decade by knowing as accurately as possible how many of us there are, where we live, and what the characteristics of our population are. Whether the census data are used for redistricting; for planning by school districts, cities, townships, health providers, social agencies; or for businesses deciding where to locate, we will limp into next millennium if we use data that are less than the best available. We do not know how accurate the 2000 census will be. We will not know until the research that evaluates the enumeration is completed and is used to produce a best estimate of the population. The deadline for that is April 1, 2001.’

‘The proportion that return mailed questionnaires is anticipated to decline further in 2000. Further societal change may be offset to some extent by improved questionnaire design, better mailing procedures, and—for the first time—use of a paid advertising campaign. To directly enumerate those who don’t send back their census forms will require an estimated half a million census takers calling on 46 million households.’

‘We don’t know yet how well the residents of this state and nation will respond to the 2000 census. That is why we should not rule out the possibility that the enumerated count enhanced by a statistical estimate of those missed will be a more accurate count of Michigan than the enumerated count alone. We should retain the option of looking at both counts. In the long run, our state will best be served by accuracy.’ ”

## Second Reading of Bills

### Senate Bill No. 205, entitled

A bill to amend 1981 PA 93, entitled “Michigan right to farm act,” by amending section 4 (MCL 286.474), as amended by 1995 PA 94.

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

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

Rep. Green moved to substitute (H-7) the bill.

The motion prevailed and the substitute (H-7) was adopted, a majority of the members serving voting therefor.

Rep. Hansen moved to amend the bill as follows:

1. Amend page 4, line 8, after “(5)” by striking out “EXCEPT AS PROVIDED IN SUBSECTION (6), THIS” and inserting “This”.

2. Amend page 5, following line 2, by inserting:

“(7) SUBSECTION (6) DOES NOT APPLY TO A LOCAL ORDINANCE, REGULATION, OR RESOLUTION THAT REGULATES OR PROHIBITS A FARM OR FARM OPERATION WITH 1,000 OR MORE ANIMAL UNITS, AS DEFINED IN APPENDIX B TO PART 122 OF TITLE 40 OF THE CODE OF FEDERAL REGULATIONS.” and renumbering the remaining subsections.

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

Rep. Hansen demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 1175**

**Yeas—44**

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

**Nays—62**

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

In The Chair: Scranton

Rep. Brater moved to amend the bill as follows:

1. Amend page 4, line 20, by striking out all of subsection (6) and renumbering the remaining subsections.

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. 1176****Yeas—41**

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

**Nays—62**

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

In The Chair: Scranton

Rep. LaForge moved to amend the bill as follows:

1. Amend page 6, line 19, after "REQUEST." by striking out the balance of the subsection.

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

Rep. LaForge demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 1177****Yeas—49**

Baird	Dennis	LaForge	Rison
Basham	Frank	Lemmons	Schauer
Bogardus	Garza	Lockwood	Schermesser
Bovin	Gielegem	Martinez	Scott
Brater	Hale	Minore	Spade
Brown, B.	Hanley	Neumann	Stallworth

Byl	Hansen	O'Neil	Switalski
Callahan	Hardman	Pestka	Tesanovich
Cherry	Jacobs	Price	Thomas
Clark, I.	Jamnick	Prusi	Vaughn
Clarke, H.	Jellema	Quarles	Wojno
Daniels	Kelly	Reeves	Woodward
DeHart			

**Nays—58**

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

In The Chair: Scranton

Rep. LaForge moved to amend the bill as follows:

1. Amend page 3, line 1, after "CHANGES" by striking out "SHOULD" and inserting "SHALL".

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

Rep. LaForge demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 1178****Yeas—44**

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

**Nays—63**

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

In The Chair: Scranton

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. 205, entitled**

A bill to amend 1981 PA 93, entitled "Michigan right to farm act," by amending section 4 (MCL 286.474), as amended by 1995 PA 94.

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

**Roll Call No. 1179****Yeas—61**

Allen	Gilbert	Kukuk	Rocca
Birkholz	Godchaux	LaSata	Sanborn
Bisbee	Gosselin	Law	Scranton
Bishop	Green	Lemmons	Shackleton
Bovin	Hager	Mead	Sheltrown
Bradstreet	Hart	Middaugh	Shulman
Brown, C.	Howell	Mortimer	Spade
Cassis	Jansen	O'Neil	Stamas
Caul	Jelinek	Pappageorge	Tabor
DeRossett	Jellema	Patterson	Tesanovich
DeVuyst	Johnson, Rick	Perricone	Toy
DeWeese	Julian	Raczkowski	Van Woerkom
Ehardt	Kilpatrick	Richardville	Vear
Faunce	Koetje	Richner	Voorhees
Garcia	Kuipers	Rivet	Woronchak
Geiger			

**Nays—48**

Baird	DeHart	Kelly	Reeves
Basham	Dennis	Kowall	Rison
Bogardus	Frank	LaForge	Schauer
Brater	Garza	Lockwood	Schermesser
Brewer	Gielegem	Martinez	Scott
Brown, B.	Hale	Minore	Stallworth
Byl	Hanley	Neumann	Switalski
Callahan	Hansen	Pestka	Thomas
Cherry	Hardman	Price	Vander Roest
Clark, I.	Jacobs	Prusi	Vaughn
Clarke, H.	Jamnick	Pumford	Wojno
Daniels	Johnson, Ruth	Quarles	Woodward

In The Chair: Scranton

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

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

A bill to amend 1981 PA 93, entitled “An act to define certain farm uses, operations, practices, and products; to provide certain disclosures; to provide for circumstances under which a farm shall not be found to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons,” by amending section 4 (MCL 286.474), as amended by 1995 PA 94; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

“Mr. Speaker and members of the House:

As an owner of a small farm and as a former township supervisor, I have a deep appreciation for the issues at the heart of the SB 205 debate. Based on my personal experiences, the conversations I have had with residents, the meetings with various organizations, and the information given to me, I felt that the best way to resolve the conflicts of this bill was to help foster a compromise and to bring a balance between all the concerned parties.

Unfortunately, despite efforts made by the Michigan Farm Bureau, Michigan Department of Agriculture and Michigan Townships Association to achieve an agreement, they fell short of a final compromise. Therefore, I voted against the bill for this and several other reasons. First, I did not like the way in which the bill as been pushed so quickly through the process with little public input and comment. Second, the rules and regulations for GAAMPS has not been completely written, but is incorporated within the bill as a minimum standard. I understand that there is a commitment by the Department of Agriculture that the standards for GAAMPS will be drafted however, how can we be accountable and responsive to our residents by voting for a law that still needs to be written? Third, there is no mechanism by which the public can register a complaint against an intensive livestock operation violating those, as yet, to be drafted minimum standards.

The unsuccessful attempt in drafting and developing a compromise, lead me to no other choice but to vote against the proposed legislation. I believe that a common ground still exists on this issue between all the parties involved. Unfortunately, the legislation adopted by the House does not reach this goal. As public officials I believe it is our civic duty to minimize community conflicts and try our best to help create partnerships and cooperation between all citizens. I could not in good conscience support this legislation because it does not strike the necessary balance between the needs of local farms and members of that community.”

By unanimous consent the House returned to the order of  
**Motions and Resolutions**

Rep. Raczkowski moved that Rule 77 be suspended.

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

Rep. Kilpatrick demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1180****Yeas—56**

Allen	Garcia	Julian	Richner
Birkholz	Geiger	Koetje	Rocca
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	Pumford	Vear
Ehardt	Johnson, Rick	Raczkowski	Voorhees
Faunce	Johnson, Ruth	Richardville	Woronchak

**Nays—47**

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

In The Chair: Scranton

By unanimous consent the House considered **House Concurrent Resolution No. 75** out of numerical order.

Rep. Raczkowski offered the following concurrent resolution:

**House Concurrent Resolution No. 75.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives and Senate adjourn on Friday, December 10, 1999, it stand adjourned without day.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Rep. Raczkowski moved that pursuant to House Rule 20, the Clerk of the House shall be authorized to enroll a House bill while the House is not in session.

The motion prevailed.

Rep. Raczkowski moved that when the House adjourns today it stand adjourned until Friday, December 10, at 11:30 a.m. The motion prevailed.

Reps. Clarke, Hardman, Vaughn, Clark, Daniels, Thomas, Stallworth, Kilpatrick, Lemmons, Spade, Jelinek, Switalski, Raczkowski, Hansen, DeHart, LaForge, Scott, DeWeese, Kowall, Garcia, DeRossett, Dennis, Hanley, Jamnick, Baird, Kelly, Brater, Prusi, Jacobs, Hager, Toy, Jansen, Schermesser, Schauer, Bogardus, Birkholz and Bovin offered the following resolution:

**House Resolution No. 243.**

A resolution honoring Dr. Mohau Pheko.

Whereas, It is a pleasure to offer special recognition to Dr. Mohau Pheko for her 15 plus years of progressive accomplishments in strong planning and leadership skills with senior level service in the areas of economic policy formulation, operations, macroeconomics analysis, strategic-planning, funding, budgeting, negotiations, cost containment, and programme evaluation/design/development/implementation. With the record that this talented and energetic trainer/educator/researcher has compiled over the years, this is a most fitting symbol of excellence in an endeavor of great importance to every citizen, business, and institution in this state—the education of our young people; and

Whereas, Michigan has a long tradition of belief in the value of education. Dr. Mohau Pheko, who is the Convener of the African Caucus of the World Trade Organization and a Board member of the Third World Women's Chamber of Commerce, is coming to Michigan to discuss the Globalization of Africa: Its Impact on Culture, Gender, African Domestic Economies and Class at the Sankore Marine High School Academy in Detroit; and

Whereas, In receiving special recognition, Dr. Mohau Pheko is being singled out for her efforts in several areas. In addition to specific innovations in the classroom, study units, and programs, she is being honored for success in the most fundamental component of learning—motivating young people. We applaud the dedication she has consistently displayed and offer our thanks for the manner in which both students and other educators benefit from all of this hard work; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body join in honoring Dr. Mohau Pheko upon her selection for special recognition honors; and be it further

Resolved, That a copy of this resolution be transmitted to Dr. Mohau Pheko as a token of our respect for her fine work.

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. Bishop, Cassis, Mead, Pumford, Garcia, Mortimer, Vander Roest, Shulman, Kowall, Allen, Spade, Jelinek, Kilpatrick, Switalski, Raczkowski, Ehardt, Reeves, Hansen, Richardville, DeHart, Scott, Rocca, Kuipers, Gosselin, DeVuyst, Koetje, Julian, DeWeese, Voorhees, Faunce, Van Woerkom, DeRossett, Tabor, Patterson, Vear, Shackleton, Woronchak, Vaughn, Garza, Jamnick, Baird, Kelly, Prusi, Rison, Gielegem, Minore, Jacobs, Hager, Toy, Kukuk, Jansen, Caul, Pappageorge, Schermesser, Jellema, Howell, Richner, Schauer, Bogardus, Birkholz, Scranton, Middaugh and Bovin offered the following resolution:

**House Resolution No. 244.**

A resolution to commemorate March 2000 as Teacher Appreciation Month in Michigan.

Whereas, One of the most important tasks of our society is the education of our youth. Today's school students are vital to the future of our state and nation. Each generation must rely on the next for the leaders and workers of tomorrow, and our children, our most precious resource, deserve the best educational foundation that we can provide; and

Whereas, Teachers are dedicated educators who possess a concern for students, a commitment to excellence, and an enthusiastic approach to education, qualities which have inspired students, colleagues, and parents; and

Whereas, Teachers give generously of their time and talents to direct young scholars on the path to success in both their academic endeavors and the course of their lives. Teachers can take pride in the knowledge that the leadership, guidance, and sense of direction they offer to countless youngsters prepare them for the future; and

Whereas, Teachers do their best to make education fun, to help students increase their self-esteem, and to instill in them a desire to learn; and

Whereas, The people of Michigan acknowledge and recognize the tremendous efforts of teachers and we thank them and encourage them to keep up the great work; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate March 2000 as Teacher Appreciation Month in Michigan. We encourage all citizens of the Great Lakes State to write and thank their favorite teachers for their commitment, hard work, and valuable contributions to our young people; and be it further

Resolved, That a copy of this resolution be transmitted to Superintendent Arthur E. Ellis, State of Michigan Department of Education, as a symbol of the high esteem in which our teachers are held by the members of the Michigan House of Representatives.

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. Switalski, Gielegem, Hager, Raczkowski, Jelinek, Kilpatrick, Reeves, Richardville, Scott, Gosselin, Voorhees, DeRossett, Dennis, Rivet, Hanley, Vaughn, Jamnick, Daniels, Kelly, Prusi, Thomas, Rison, Quarles and Bovin offered the following resolution:

**House Resolution No. 245.**

A resolution to memorialize the Congress of the United States to enact legislation to make anthrax vaccinations in the military voluntary rather than mandatory.

Whereas, In 1997, the United States Department of Defense adopted a policy of vaccinating all military personnel against anthrax. This action was taken in response to information indicating that groups in certain countries are prepared to use bacterial agents; and

Whereas, Since that time, however, significant opposition has developed against the idea of mandatory vaccination against anthrax for all the military. This opposition includes data indicating that the vaccine may pose risks to the health of those being immunized. Some health officials, including military medical personnel, strongly believe that the vaccine holds far greater potential for harm than good for some people. Others question whether the vaccine could do any good anyway in fighting an actual attack; and

Whereas, With emerging information on the Gulf War Syndrome and the concerns over the vaccination, members of the military are voicing objections. Some have refused the vaccine. Those who have taken this step do so in spite of the threat of severe disciplinary actions; and

Whereas, While military life is, by its nature, fraught with peril, there is no justification for exposing members of the Armed Forces to unnecessary risks. Injecting potentially dangerous substances into our soldiers, sailors, Marines, and Air Force personnel, especially when the immunization may be ineffective anyway, is unwise at best. There are measures before the Congress to halt the mandatory immunization for anthrax. Making the shots voluntary is clearly a far more appropriate approach; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to make anthrax vaccinations in the military voluntary rather than mandatory; and be it further

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

The resolution was referred to the Committee on Veterans Affairs.

Reps. Thomas, Rivet, Martinez, Kilpatrick, Switalski, Raczkowski, Reeves, DeHart, LaForge, Woodward, Dennis, Price, Hanley, Vaughn, Hardman, Jamnick, Callahan, Baird, Daniels, Kelly, Brater, Prusi, Clark, Rison, Quarles, Gielegem, Minore, Jacobs, Toy, Schermesser and Bogardus offered the following resolution:

**House Resolution No. 246.**

A resolution to urge the Michigan Department of Treasury and the State Tax Commission to delay the implementation of new depreciation rates for gas and electric utility transmission and distribution systems and to examine options for local units of government to recover losses.

Whereas, Earlier this year, following completion of a major study, the State Tax Commission released recommendations for new tables of depreciation for personal property. The move to update the manner in which the taxable value of equipment and machinery is determined was needed to reflect the great changes taking place in all areas of commerce; and

Whereas, In addition to the general agreement for the need to modernize depreciation tables, there was concern raised over the impact that the new personal property tax tables could have on local units of government. Because of the potential for substantial revenue losses for local units, the implementation of the new tables for utilities was delayed; and

Whereas, On November 23, 1999, with little or no input from the local units of government that stand to lose a great deal of revenue from the new rates, the State Tax Commission adopted new tables for the valuation of utility assets. This move came without any agreement on an alternate means for the local units to make up the severe loss of revenues. The communities jeopardized by the new depreciation rates have had little chance to prepare or develop other means to protect financial resources needed for services; now, therefore, be it

Resolved by the House of Representatives, That we urge the Michigan Department of Treasury and the State Tax Commission to delay the implementation of new depreciation rates for utilities and to examine options for local units of government to recover losses; and be it further

Resolved, That copies of this resolution be transmitted to the State Treasurer and the State Tax Commission.

The resolution was referred to the Committee on Tax Policy.

Reps. Thomas, Price, Martinez, Rivet, Kilpatrick, Switalski, Raczkowski, Reeves, DeHart, LaForge, Scott, Woodward, Dennis, Hanley, Vaughn, Garza, Hardman, Jammick, Callahan, Baird, Daniels, Kelly, Brater, Prusi, Clark, Rison, Quarles, Gielegem, Minore, Jacobs, Toy, Schermesser and Bogardus offered the following concurrent resolution:

**House Concurrent Resolution No. 74.**

A concurrent resolution to urge the Michigan Department of Treasury and the State Tax Commission to delay the implementation of new depreciation rates for gas and electric utility transmission and distribution systems and to examine options for local units of government to recover losses.

Whereas, Earlier this year, following completion of a major study, the State Tax Commission released recommendations for new tables of depreciation for personal property. The move to update the manner in which the taxable value of equipment and machinery is determined was needed to reflect the great changes taking place in all areas of commerce; and

Whereas, In addition to the general agreement for the need to modernize depreciation tables, there was concern raised over the impact that the new personal property tax tables could have on local units of government. Because of the potential for substantial revenue losses for local units, the implementation of the new tables for utilities was delayed; and

Whereas, On November 23, 1999, with little or no input from the local units of government that stand to lose a great deal of revenue from the new rates, the State Tax Commission adopted new tables for the valuation of utility assets. This move came without any agreement on an alternate means for the local units to make up the severe loss of revenues. The communities jeopardized by the new depreciation rates have had little chance to prepare or develop other means to protect financial resources needed for services; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Michigan Department of Treasury and the State Tax Commission to delay the implementation of new depreciation rates for utilities and to examine options for local units of government to recover losses; and be it further

Resolved, That copies of this resolution be transmitted to the State Treasurer and the State Tax Commission.

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

**Notices**

Public Hearing

Select Committee on Strategies to Reduce Teen Pregnancies

Date: Tuesday, December 14, 1999

Time: 9:00 a.m.

Place: Lake Ontario Room, Cisler Center, Lake Superior State University, Sault Ste. Marie, Michigan

Rep. Howell,  
Chair

Agenda: regarding presentations by various local organizations  
and any/or all business properly before this select committee.

### Introduction of Bills

Reps. Lemmons, Switalski, Mans, Vaughn, Hansen, Neumann, Allen, Daniels, Pappageorge, Howell, Rocca, DeWeese, Rick Johnson, Bishop, Pumford, Bradstreet, Van Woerkom, Byl, Hart, DeRossett, Mortimer, Gosselin, Rivet, Kilpatrick, Sheltroun and Rison introduced

**House Bill No. 5182, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 3a.

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

Reps. Hale, Scott, Bogardus, Garza, Stallworth, Clark, Hardman, Rison, Quarles, Brewer, Vaughn, Schermesser, DeHart, Prusi, Cherry, Price, Tesanovich, Thomas, Kilpatrick, Switalski, Schauer, Jamnick, Kelly, Hansen, Clarke, Dennis, Jacobs, Bovin, Hanley, Lockwood, LaForge, Lemmons and Daniels introduced

**House Bill No. 5183, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 1996 PA 226.

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

Reps. DeRossett, Howell, Jamnick and O'Neil introduced

**House Bill No. 5184, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 18a to chapter XVII.

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

Reps. O'Neil, DeRossett, Howell and Jamnick introduced

**House Bill No. 5185, entitled**

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," by amending section 6 (MCL 752.796), as amended by 1996 PA 326.

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

Reps. Howell, DeRossett, Jamnick and O'Neil introduced

**House Bill No. 5186, entitled**

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," by amending section 7 (MCL 752.797), as amended by 1996 PA 326.

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

Reps. Jamnick, DeRossett, Howell and O'Neil introduced

**House Bill No. 5187, entitled**

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," (MCL 752.791 to 752.797) by adding section 8.

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

Reps. Brewer, Dennis, Schermesser and Hale introduced

**House Bill No. 5188, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531d.

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

Reps. Hager, Faunce, Frank, Rocca, Patterson, Caul, Kowall, Allen, Toy, DeVuyst, Pappageorge, Tabor, Lockwood, Woodward, Sheltroun and Gielegem introduced

**House Bill No. 5189, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21054u. The bill was read a first time by its title and referred to the Committee on Insurance and Financial Services.

Reps. Faunce, Hager, Frank, Rocca, Patterson and LaSata introduced

**House Bill No. 5190, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 418a.

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

Reps. Kowall, Bishop, Rick Johnson, Spade, Gosselin and Kukuk introduced

**House Bill No. 5191, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 1999 PA 53.

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

Reps. Ruth Johnson and Allen introduced

**House Bill No. 5192, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11512 (MCL 324.11512), as amended by 1996 PA 358.

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

Rep. Geiger introduced

**House Bill No. 5193, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80163 (MCL 324.80163), as added by 1995 PA 58.

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

Reps. Kowall, Bishop, Rick Johnson, Hager, Gilbert, Shackleton, DeRossett, Richner, Shulman, Allen, Koetje, Gosselin and Bradstreet introduced

**House Bill No. 5194, entitled**

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

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

Reps. Ruth Johnson, Vear, Law, Gilbert, Hager, Hart, Allen, Pappageorge, Jellema, Mortimer, Voorhees, Green, Scott, Jansen, Shulman and Cassis introduced

**House Bill No. 5195, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 12601 and 12909 (MCL 333.12601 and 333.12909), section 12601 as amended by 1988 PA 315 and section 12909 as amended by 1982 PA 324, and by adding sections 12606 and 12606a; and to repeal acts and parts of acts.

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

Reps. Ruth Johnson, Law, Vear, Gilbert, Hager, Van Woerkom, Ehardt, Allen, Geiger, Pappageorge, Jellema, Cameron Brown, Middaugh, Richner, Mortimer, Julian, DeRossett, Garcia, Green, Rocca, Caul, Bovin, DeHart, Scott, Toy, Bisbee, Rivet, Schermesser, Hart, Jansen, Shulman, DeVuyst and Cassis introduced

**House Bill No. 5196, entitled**

A bill to codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale food or drink for human consumption; to prescribe powers and duties of the department of agriculture; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the

labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts.

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

Reps. Jacobs, Bovin, Gielegem, Prusi, Switalski, Hale, Kowall, Woodward, Basham and Dennis introduced  
**House Bill No. 5197, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 2 (MCL 722.622), as amended by 1998 PA 531.

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

Reps. Jacobs, Bovin, Gielegem, Prusi, Switalski, Hale, Kowall, Woodward, Basham and Dennis introduced  
**House Bill No. 5198, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1578, 1586, and 1599 (MCL 380.1578, 380.1586, and 380.1599).

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

Reps. Jacobs, Bovin, Gielegem, Prusi, Switalski, Hale, Kowall, Woodward, Basham and Dennis introduced  
**House Bill No. 5199, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2, 6, 6a, and 11 of chapter XIIA (MCL 712A.2, 712A.6, 712A.6a, and 712A.11), section 2 as amended by 1998 PA 530, sections 6 and 11 as amended by 1996 PA 409, and section 6a as added by 1996 PA 252, and by adding sections 11a and 17e to chapter XIIA.

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

Reps. Jacobs, Bovin, Gielegem, Prusi, Switalski, Hale, Kowall, Woodward and Dennis introduced  
**House Bill No. 5200, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303 and 319 (MCL 257.303 and 257.319), section 303 as amended by 1999 PA 73 and section 319 as amended by 1999 PA 118.

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

Reps. Middaugh, Bisbee, Bradstreet, Birkholz, Howell, Kuipers, Stallworth, Toy and Mortimer introduced  
**House Bill No. 5201, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by amending the title, as amended by 1989 PA 2, and by adding sections 9a, 9b, and 9c.

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

Reps. Middaugh, Bradstreet, Howell, Stallworth, Kuipers, Birkholz, Toy and Mortimer introduced  
**House Bill No. 5202, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and

hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding sections 9d and 9e.

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

Reps. Thomas, Middaugh, Birkholz, Howell, Bishop, Kuipers, Bradstreet, Allen, Faunce, Van Woerkom, Tabor, Stallworth, Toy, Woodward, Schauer, Hale, Hansen, Daniels and Neumann introduced

**House Bill No. 5203, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding section 9f.

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

Reps. Kowall, Hager, Allen, Julian, Shulman, Middaugh, Stallworth, Shackleton, Switalski, Mortimer, Voorhees, Tabor, Faunce, Van Woerkom, Bradstreet, Bishop, Basham, Hale, Jamnick, Minore, Wojno, Callahan, Hansen, Bovin, Woodward, Sheltroun, Woronchak, Garcia, Ruth Johnson, Thomas, Schauer, O'Neil, Mans, Spade, Gielegem, Martinez, Richardville, Birkholz, Sanborn, Cassis and Lemmons introduced

**House Bill No. 5204, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding section 9g.

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

Reps. Bradstreet, Stallworth, Middaugh, Birkholz, Howell, Toy and Mortimer introduced

**House Bill No. 5205, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding sections 9h, 9i, and 9j.

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

Reps. Spade, Neumann, Middaugh, Howell, Birkholz, Bishop, Kuipers, Bradstreet, Allen, Faunce, Van Woerkom, Tabor, Stallworth, Ruth Johnson, Thomas, Woodward, Gielegem, Schauer, Hale, Hansen, Daniels and Richardville introduced

**House Bill No. 5206, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and

define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding section 9l.

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

Reps. Garcia, Bisbee, Middaugh, Bradstreet, Birkholz, Howell, Kuipers, Stallworth, Toy, Ruth Johnson, Thomas, Mortimer and Richardville introduced

**House Bill No. 5207, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding section 9k.

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

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Rep. Gosselin moved that the House adjourn.  
The motion prevailed, the time being 6:10 a.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Friday, December 10, at 11:30 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives.

