

No. 23
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
90th Legislature
REGULAR SESSION OF 2000

House Chamber, Lansing, Tuesday, March 14, 2000.

2:00 p.m.

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

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

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

e/d/s = entered during session

Rev. J. Louis Felton, Pastor of Galilee Baptist Church in Kalamazoo, offered the following invocation:

“Eternal God, we come to You in gratitude not only for the pleasant peninsulas of Michigan—its geography, history, culture, inventions, business and industry—but we also come to You for sufficient grace to overcome the challenges in life. We thank You for the leadership of this state from Lewis Cass, to John Engler, to each one of the Representatives and Senators and every person that is a civil servant. We pray also for those whose lives have been touched by tragedy. We remember dearly the family of Kayla Roland. We thank You for the marriage between church and state, and though we are separated, we are not divorced. We pray that we will continue to exert a sensible balance upon each other. May Your continued grace and guidance be upon us as we continue to make life’s journey. We pray these blessings in the name of Our Blessed Lord. Amen.”

Rep. Scott moved that Reps. DeHart and Thomas be excused from today’s session.
The motion prevailed.

Reports of Standing Committees

The Committee on Appropriations, by Rep. Geiger, Chair, reported

House Bill No. 5273, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 5273 To Report Out:

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

Nays: None.

The Committee on Appropriations, by Rep. Geiger, Chair, reported

House Bill No. 5280, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 5280 To Report Out:

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

Nays: None.

The Committee on Appropriations, by Rep. Geiger, Chair, reported
House Bill No. 5364, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 5364 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jansen, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Stamas, Toy, Price, Cherry, Clarke, Kelly, Martinez, Pestka, Stallworth,
Nays: None.

The Committee on Appropriations, by Rep. Geiger, Chair, reported
House Concurrent Resolution No. 88.

A concurrent resolution to waive the legislative prior notice requirement for increases in rates of compensation for certain employees in the state classified service.

(For text of resolution, see House Journal No. 20, p. 318.)

With the recommendation that the concurrent resolution be adopted.

The Speaker announced that under Rule 77 the concurrent resolution would lie over one day.

Favorable Roll Call

HCR 88 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jansen, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Toy, Price, Cherry, Clarke, Frank, Kelly, Martinez, Pestka, Prusi, Stallworth,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Geiger, Chair of the Committee on Appropriations, was received and read:
Meeting held on: Thursday, March 9, 2000, at 2:30 p.m.,

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

Absent: Rep. Tesanovich,

Excused: Rep. Tesanovich.

The Speaker laid before the House

House Concurrent Resolution No. 88.

A concurrent resolution to waive the legislative prior notice requirement for increases in rates of compensation for certain employees in the state classified service.

(For text of resolution, see House Journal No. 20, p. 318.)

(The concurrent resolution was reported by the Committee on Appropriations on March 14, see today's journal, p. 363.)

The question being on the adoption of the concurrent resolution,

Rep. Raczkowski moved that Rule 77 be suspended.

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Second Reading of Bills

House Bill No. 5485, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23e of chapter X and sections 2, 18, and 19b of chapter XIIA (MCL 710.23e, 712A.2, 712A.18, and 712A.19b), section 23e of chapter X as amended by 1994 PA 373, sections 2 and 19b of chapter XIIA as amended by 1998 PA 530, and section 18 of chapter XIIA as amended by 1999 PA 86.

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. 22, p. 351),

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

Rep. Richner moved to amend the bill as follows:

1. Amend page 25, line 5, by striking out all of section 19b.

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

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

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

House Bill No. 5486, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 816, 841, 880, 880b, 880c, 1021, 1517, and 2922 (MCL 600.816, 600.841, 600.880, 600.880b, 600.880c, 600.1021, 600.1517, and 600.2922), section 816 as amended by 1995 PA 14, sections 841 and 1517 as amended and section 1021 as added by 1996 PA 388, section 880 as amended and sections 880b and 880c as added by 1993 PA 189, and section 2922 as amended by 1985 PA 93.

The bill was read a second time.

Rep. Richner moved to amend the bill as follows:

1. Amend page 2, line 16, after "allegedly" by striking out "legally incapacitated person" and inserting "INCAPACITATED INDIVIDUAL".

2. Amend page 11, line 20, after "allegedly" by striking out "legally incapacitated person" and inserting "INCAPACITATED INDIVIDUAL".

3. Amend page 15, line 6, after "person" by striking out the balance of the line through "person" on line 10 and inserting a comma and "OR AN INCAPACITATED INDIVIDUAL".

4. Amend page 15, line 14, after "or" by striking out the balance of the line and inserting "INCAPACITATED INDIVIDUAL".

5. Amend page 16, line 2, after "or" by striking out the balance of the line and inserting "AN INCAPACITATED INDIVIDUAL".

6. Amend page 17, line 2, after "MCL" by striking out "700.3934" and inserting "700.3924".

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

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

The motion prevailed.

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

House Bill No. 5280, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

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

Rep. Hale moved to amend the bill as follows:

1. Amend page 3, following line 13, by inserting:

“Sensitivity training and screening 50,000”

and adjusting totals, subtotals, and section 201 accordingly.

2. Amend page 12, following line 22, by inserting:

“Sec. 218. From the funds appropriated for sensitivity training and screening in section 103., the department shall ensure that all active national guard members receive sensitivity training and screening on an annual basis.”.

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

Rep. Hale demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 109

Yeas—45

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

Nays—61

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

In The Chair: Scranton

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

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

The Speaker laid before the House

House Bill No. 5144, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2, 7, 8, and 8d (MCL 722.622, 722.627, 722.628, and 722.628d), section 2 as amended by 1998 PA 531, section 7 as amended by 1998 PA 485, and section 8 as amended and section 8d as added by 1998 PA 484.

(The bill was received from the Senate on March 9 with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 22, p. 358.)

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. 110

Yeas—106

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

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

The House returned to the consideration of

House Bill No. 5280, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

(The bill was considered earlier today, see today's journal, p. 364.)

Rep. Frank moved to amend the bill as follows:

1. Amend page 2, line 23, after "volunteers" by inserting "and civil air patrol".
2. Amend page 2, line 23, by striking out "5,000" and inserting "25,000" and adjusting the totals, subtotals, in section 201 accordingly.
3. Amend page 13, following line 7, by inserting:
 "Sec. 303. Of the funds appropriated in section 102 for Michigan emergency volunteers and civil air patrol, \$20,000.00 shall be appropriated for the civil air patrol and \$5,000.00 shall be appropriated for the Michigan emergency volunteers. The appropriations for the civil air patrol shall be used for the purchase of search and rescue equipment."

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

Rep. Frank demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 111

Yeas—56

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

Nays—49

Allen	Gilbert	Koetje	Pumford
Birkholz	Godchaux	Kowall	Richner
Bisbee	Gosselin	Kuipers	Rocca
Bishop	Green	Kukuk	Sanborn
Brown, C.	Hager	LaSata	Shulman
Byl	Hart	Law	Stamas
Cassis	Howell	Mead	Tabor
Caul	Jansen	Middaugh	Toy
DeRossett	Jelinek	Mortimer	Van Woerkom
DeVuyst	Jellema	Pappageorge	Vear

DeWeese
Garcia
Geiger

Johnson, Rick
Johnson, Ruth

Patterson
Perricone

Voorhees
Woronchak

In The Chair: Scranton

Rep. Geiger moved to reconsider the vote by which the House adopted the amendments.
The question being on the motion made by Rep. Geiger,
Rep. Geiger moved that consideration of the motion be postponed temporarily.
The motion prevailed.

House Bill No. 5273, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

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

Reps. Julian and Howell moved to amend the bill as follows:

1. Amend page 8, line 20, by striking out “774,200” and inserting “1,274,200” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendment offered by Reps. Julian and Howell,
Rep. Tesanovich demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Julian and Howell,

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

Roll Call No. 112

Yeas—105

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

DeVuyst
DeWeese
Ehardt
Faunce

Kilpatrick
Koetje
Kowall

Raczkowski
Reeves
Richardville

Wojno
Woodward
Woronchak

Nays—1

Gosselin

In The Chair: Scranton

Rep. Schauer moved to amend the bill as follows:

1. Amend page 5, line 2, by striking out “112.0” and inserting “117.0”.

2. Amend page 5, line 3, by striking out “9,360,800” and inserting “9,612,300” and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Schauer demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 113

Yeas—53

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

Garza
Gielegem
Hager
Hale
Hanley
Hansen
Hardman
Jacobs
Jamnick
Kelly
Kilpatrick
Kowall
LaForge

Lemmons
Lockwood
Mans
Martinez
Minore
Neumann
O’Neil
Pestka
Price
Prusi
Quarles
Reeves
Rison

Rivet
Schauer
Schermesser
Scott
Shackleton
Sheltrown
Spade
Stallworth
Switalski
Tesanovich
Vaughn
Wojno
Woodward

Nays—55

Allen
Birkholz
Bisbee
Bishop
Bradstreet
Brown, C.
Byl
Cassis
Caul
DeRossett

Garcia
Geiger
Gilbert
Godchaux
Gosselin
Green
Hart
Howell
Jansen
Jelinek

Koetje
Kuipers
Kukuk
LaSata
Law
Mead
Middaugh
Mortimer
Pappageorge
Patterson

Richner
Rocca
Sanborn
Scranton
Shulman
Stamas
Tabor
Toy
Van Woerkom
Vander Roest

DeVuyst
DeWeese
Ehardt
Faunce

Jellema
Johnson, Rick
Johnson, Ruth
Julian

Perricone
Pumford
Rackowski
Richardville

Vear
Voorhees
Woronchak

In The Chair: Scranton

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 8, following line 25, by inserting:

“Alternative fuels research 1,000,000”

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

2. Amend page 26, following line 16, by inserting:

“Sec. 706. From the funds appropriated in section 109 for alternative fuels research, the department, in collaboration with representatives from higher education, industry, commodity groups, and food processing groups, shall engage in a research program on alternative fuels, including, but not limited to, corn and soy.”.

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

Rep. Bogardus demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 114

Yeas—50

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

Frank
Garza
Gielegem
Hale
Hanley
Hansen
Hardman
Jacobs
Jamnick
Kelly
Kilpatrick
Kowall
LaForge

Lemmons
Lockwood
Mans
Martinez
Minore
Neumann
O’Neil
Pestka
Price
Prusi
Quarles
Reeves

Rison
Schauer
Schermesser
Scott
Sheltrown
Spade
Stallworth
Switalski
Tesanovich
Vaughn
Wojno
Woodward

Nays—58

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

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

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

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

In The Chair: Scranton

Rep. Voorhees moved to amend the bill as follows:

1. Amend page 18, line 5, by striking out all of section 219.

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

Rep. Basham moved to amend the bill as follows:

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

“Sec. 606. By December 1, 2000, the department shall provide the house and senate appropriations subcommittee on agriculture and the house and senate standing committees having jurisdiction over agriculture, an annual report that outlines grants funded under the migrant labor housing program, the number of inspections conducted, and any compliance actions taken.”.

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

Rep. Basham demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 115

Yeas—53

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

Nays—55

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

Rep. Baird moved that Rep. Switalski be excused temporarily from today's session.
The motion prevailed.

Rep. Voorhees moved to reconsider the vote by which the House did not adopt the amendment offered previously by Rep. Voorhees.

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

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

The demand was supported.

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

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

Roll Call No. 116**Yeas—37**

Allen	DeVuyst	Kuipers	Sanborn
Birkholz	Garcia	Kukuk	Shulman
Bisbee	Gosselin	Middaugh	Stamas
Bishop	Green	Pappageorge	Toy
Bradstreet	Hart	Patterson	Van Woerkom
Brown, B.	Jansen	Perricone	Vander Roest
Brown, C.	Jellema	Pestka	Vear
Byl	Johnson, Rick	Raczkowski	Voorhees
Cassis	Johnson, Ruth	Richardville	Woronchak
DeRossett			

Nays—70

Baird	Geiger	LaForge	Richner
Basham	Gielegem	LaSata	Rison
Bogardus	Gilbert	Law	Rivet
Bovin	Godchaux	Lemmons	Rocca
Brater	Hager	Lockwood	Schauer
Brewer	Hale	Mans	Schermesser
Callahan	Hanley	Martinez	Scott
Caul	Hansen	Mead	Scranton
Cherry	Hardman	Minore	Shackleton
Clark, I.	Howell	Mortimer	Sheltrown
Clarke, H.	Jacobs	Neumann	Spade
Daniels	Jamnick	O'Neil	Stallworth
Dennis	Jelinek	Price	Tabor
DeWeese	Julian	Prusi	Tesanovich
Ehardt	Kelly	Pumford	Vaughn
Faunce	Kilpatrick	Quarles	Wojno
Frank	Koetje	Reeves	Woodward
Garza	Kowall		

In The Chair: Scranton

Rep. Pumford 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

House Bill No. 5273, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

Roll Call No. 117

Yeas—98

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

Nays—7

Bradstreet	Gosselin	LaForge	Voorhees
Cassis	Johnson, Ruth	Rocca	

In The Chair: Scranton

The House agreed to the title of the bill.

Rep. Gosselin, 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:

Our friends from the beef producing areas of the state tell me we need to grow this area of government by 10 percent, or more than triple the rate of inflation, because of a bovine TB problem. I have no problem with more money being spent to address this issue, so long as it is not taxpayer dollars. Yesterday we read news stories that consumer spending on beef rose five percent last year to \$49.2 billion. This does not sound like an industry that needs a big government handout at this time.”

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

“Mr. Speaker and members of the House:

We have today intentionally passed a bill which contains a direct conflict between an existing statute, PA73 of 1997, and boilerplate within the bill.

PA 73 provides for funding of help for problem gamblers. PA 73 requires that unexpended funds at year end be retained in the fund. In direct conflict, section 219 of HB 5273 requires that unexpended funds be transferred to a special interest which promotes para-mutual betting.

The reason we allow this is that it is easier to bury this in boilerplate than it would be to change the statute in the proper manner and in the light of day.

This bill, while mostly good, needs to be corrected of this glaring conflict.”

Rep. Voorhees, 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 could not support House Bill 5273 because of the language in Section 219 of the bill which would take the funds left in the Compulsive Gaming and Prevention Fund at the end of the fiscal year and give them to the equine industry in Michigan. Public Act 70 of 1997 clearly states that ‘funds remaining in the compulsive gaming prevention fund at the close of the fiscal year shall remain in the compulsive gambling prevention fund and shall not lapse to the general fund.’ These funds are in the Compulsive Gaming Prevention Fund for a purpose, to help people who have found that addiction to gambling is destroying their lives, their families, and their careers. We should not send these funds back to an industry that contributes to this addiction. If the Legislature wishes to change the formula by which the horse racing industry contributes to the fund, then the appropriate changes need to be made in Public Act 73 of 1997.”

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

Second Reading of Bills

The House returned to the consideration of
House Bill No. 5280, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

(The bill was considered earlier today, see today’s journal, p. 367.)

The question being on the motion made previously by Rep. Geiger,
Rep. Jacobs demanded the yeas and nays.

The demand was supported.

The question being on the motion made previously by Rep. Geiger,

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

Roll Call No. 118

Yeas—56

Allen	Gilbert	Kowall	Richner
Birkholz	Godchaux	Kuipers	Rocca
Bisbee	Gosselin	Kukuk	Sanborn
Bishop	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	Vander Roest
Faunce	Johnson, Ruth	Pumford	Vear
Garcia	Julian	Rackowski	Voorhees
Geiger	Koetje	Richardville	Woronchak

Nays—49

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

In The Chair: Scranton

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

The demand was supported.

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

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

Roll Call No. 119**Yeas—59**

Baird	Frank	Lemmons	Rivet
Basham	Garza	Lockwood	Schauer
Bogardus	Gielegem	Mans	Schermesser
Bovin	Hager	Martinez	Scott
Bradstreet	Hale	Minore	Scranton
Brater	Hanley	Neumann	Shackleton
Brewer	Hansen	O'Neil	Sheltrown
Brown, B.	Hardman	Pestka	Spade
Callahan	Howell	Price	Stallworth
Cassis	Jacobs	Prusi	Tesanovich
Cherry	Jamnick	Quarles	Vaughn
Clark, I.	Julian	Rackowski	Vear
Clarke, H.	Kelly	Reeves	Wojno
Daniels	Kilpatrick	Richardville	Woodward
Dennis	LaForge	Rison	

Nays—47

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

Bishop	Gosselin	LaSata	Shulman
Brown, C.	Green	Law	Stamas
Byl	Hart	Mead	Tabor
Caul	Jansen	Middaugh	Toy
DeRossett	Jelinek	Mortimer	Van Woerkom
DeVuyst	Jellema	Pappageorge	Vander Roest
DeWeese	Johnson, Rick	Patterson	Voorhees
Faunce	Johnson, Ruth	Perricone	Woronchak
Garcia	Koetje	Pumford	

In The Chair: Scranton

Rep. Cameron Brown 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.

Rep. Bisbee moved that Rep. Cassis be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5280, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

Roll Call No. 120

Yeas—103

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

Clarke, H.	Jellema	Price	Vander Roest
Daniels	Johnson, Rick	Prusi	Vaughn
Dennis	Johnson, Ruth	Pumford	Vear
DeRossett	Julian	Quarles	Voorhees
DeVuyst	Kelly	Raczkowski	Wojno
DeWeese	Kilpatrick	Reeves	Woodward
Faunce	Koetje	Richardville	Woronchak
Frank	Kowall	Richner	

Nays—1

Gosselin

In The Chair: Scranton

The House agreed to the title of the bill.

Rep. Gosselin, 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:

Here we go again. The rate of inflation last year was 2.2 percent. In the Detroit metro area it was boosted by a building and real estate boom to 2.8 percent. This budget increases 4.1 percent, which is 46 percent above the more generous Detroit rate of inflation, and 86 percent above the national rate which covers the rest of the state. How can this be? We are not at war. The state faces no dire external threat. So why should we grow this area of government?

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Ruth Johnson, Hansen, Neumann, Birkholz, Hale, Prusi, Wojno, Baird, Allen, Dennis, Schermesser, Richner, Cherry, Spade, Rivet, Mead, Ehardt, Kukuk, Richardville, Raczkowski, Kelly, Schauer, Van Woerkom, Basham, Pappageorge, Tesanovich, Faunce, Sheltroun, Jamnick, Clark, Callahan, Woodward, Brater, Scott, LaSata, Voorhees, Shulman, Jacobs, Jellema, Hardman, Tabor, Koetje, Toy, Bogardus, Howell, Minore, Vander Roest, Lemmons, Perricone, DeRossett, Switalski, Lockwood, Mans and Bishop offered the following resolution:

House Resolution No. 298.

A resolution commemorating May 2000 as Motorcycle Safety Awareness Month.

Whereas, It is most appropriate to join with the members of the Gold Wing Touring Association in commemorating May 2000 as Motorcycle Safety Awareness Month. This worthwhile observance provides all Michigan motorists with an opportunity to rededicate themselves to the highest standards of highway safety; and

Whereas, The coming of spring marks the return of motorcycle enthusiasts to our state’s highways. An international association of motorcycle operators with nearly 300 members in Michigan, the Gold Wing Touring Association has

been at the forefront of efforts to promote the wise and sensible use of this most enjoyable mode of travel. Indeed, the disproportionate number of motorcycle fatalities makes it vitally important to encourage motorists to understand and practice the highest degree of safety as well as to remind other drivers that highway safety is a two-way street; and

Whereas, Motorcycle Safety Awareness Month encourages motorcycle operators to be properly outfitted with crash helmets and other protective gear, to keep their motorcycles in good operating condition, to adhere to the laws of the road, and to adopt the driving techniques which provide an extra measure of safety. In addition, car and truck drivers are made aware of the seasonal return of motorcyclists and are urged to be particularly alert and careful when approaching or overtaking a motorcycle on the highway. It is truly a pleasure to take this opportunity to, once again, remind all of those who share our highways that safety is every driver's responsibility; now, therefore, be it

Resolved by the House of Representatives, That we commemorate May 2000 as Motorcycle Safety Awareness Month and transmit a copy of this special tribute to the Gold Wing Touring Association as evidence of support for this praiseworthy endeavor; and be it further

Resolved, That a copy of the resolution be transmitted to the Gold Wing Touring Association as a token of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Wojno, Hansen, Neumann, Birkholz, Hale, Prusi, Baird, Allen, Dennis, Schermesser, Richner, Cherry, Spade, Rivet, Ehardt, Bovin, Kelly, Schauer, Van Woerkom, Pappageorge, Tesanovich, Faunce, Gielegem, Sheltroun, Jamnick, Clark, Callahan, Woodward, Brater, Scott, LaSata, Voorhees, Shulman, Jacobs, Jellema, Toy, Howell, Minore, Lemmons, DeRossett, Switalski, Lockwood and Bishop offered the following resolution:

House Resolution No. 299.

A resolution honoring Deborah Michon of St. Clement High School in Center Line upon being selected Principal of the Year by the Catholic Association for Secondary Administrators.

Whereas, It is a pleasure to offer congratulations to Principal Deborah Michon of St. Clement Catholic High School upon her selection as Principal of the Year by the Catholic Association for Secondary Administrators (CASA). With the record that this talented and energetic principal has compiled over the past seven 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, Mrs. Michon was selected by her peers for her outstanding leadership role in the education of our young people. She has demonstrated concern and care for her students while encouraging them to strive for their personal best. As a teacher at St. Clement Catholic High School for 14 years, Deborah Michon was a most effective motivator to her students. In 1993, she became principal of St. Clement High, a position she has filled with great enthusiasm and competence. As a board member for CASA, Mrs. Michon has played a vital role in the leadership of the association; and

Whereas, In receiving the Principal of the Year honors, Deborah Michon is being applauded for her efforts in several areas. In addition to specific innovations in administration, personnel supervision, and public affairs, 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; and

Whereas, We salute Deborah Michon upon her selection for the Principal of the Year by the Catholic Association for Secondary Administrators. May she continue her record of excellence in the education of our young people; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body recognize Principal Deborah Michon of St. Clement Catholic High School as she receives this honor as Principal of the Year from the Catholic Association of Secondary Administrators; and be it further

Resolved, That a copy of this resolution be transmitted to Deborah Michon of St. Clement Catholic High School as evidence of our highest esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Select Committees

First Conference Report

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

Recommends:

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

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

A bill to make, supplement, and adjust appropriations for the department of community health and 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 PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of environmental quality to supplement former appropriations for the fiscal year ending September 30, 2000, from the following funds:

APPROPRIATION SUMMARY:

Full-time equated classified positions	8.0		
GROSS APPROPRIATION		\$	84,270,000
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			0
ADJUSTED GROSS APPROPRIATION		\$	84,270,000
Federal revenues:			
Total federal revenues			0
Special revenue funds:			
Total local revenues			0
Total private revenues			0
Total other state restricted revenues			84,270,000
State general fund/general purpose		\$	0

Sec. 102. DEPARTMENT OF COMMUNITY HEALTH

(1) APPROPRIATION SUMMARY:

GROSS APPROPRIATION		\$	5,000,000
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			0
ADJUSTED GROSS APPROPRIATION		\$	5,000,000
Special revenue funds:			
Clean Michigan initiative fund - lead abatement.....			5,000,000
Total other state restricted revenues			5,000,000
State general fund/general purpose		\$	0

(2) LOCAL HEALTH ADMINISTRATION AND GRANTS

Lead abatement program.....		\$	5,000,000
GROSS APPROPRIATION		\$	5,000,000

Appropriated from:

Special revenue funds:

Clean Michigan initiative fund - lead abatement.....			5,000,000
State general fund/general purpose		\$	0

Sec. 103. DEPARTMENT OF ENVIRONMENTAL QUALITY

(1) APPROPRIATION SUMMARY:

Full-time equated classified positions	8.0		
GROSS APPROPRIATION		\$	79,270,000

Interdepartmental grant revenues:

	For Fiscal Year Ending Sept. 30, 2000
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 79,270,000
Special revenue funds:	
Clean Michigan initiative fund - administration	750,000
Clean Michigan initiative fund - clean water fund	26,700,000
Clean Michigan initiative fund - contaminated sediments	5,220,000
Clean Michigan initiative fund - nonpoint source	100,000
Clean Michigan initiative fund - pollution prevention activities	3,000,000
Clean Michigan initiative fund - response activities	13,000,000
Clean Michigan initiative fund - waterfront improvements	30,000,000
Retired engineers technical assistance fund	500,000
Total other state restricted revenues	79,270,000
State general fund/general purpose	\$ 0
(2) EXECUTIVE	
Environmental education curriculum	\$ 1,000,000
GROSS APPROPRIATION	\$ 1,000,000
Appropriated from:	
Special revenue funds:	
Clean Michigan initiative fund - pollution prevention activities	1,000,000
State general fund/general purpose	\$ 0
(3) FINANCIAL AND BUSINESS SERVICES	
Financial support services	\$ 150,000
GROSS APPROPRIATION	\$ 150,000
Appropriated from:	
Special revenue funds:	
Clean Michigan initiative fund - administration	150,000
State general fund/general purpose	\$ 0
(4) SURFACE WATER QUALITY	
Full-time equated classified positions	7.0
Water quality monitoring program support—7.0 FTE positions	\$ 525,000
Water quality monitoring program	1,500,000
Contaminated lake and river sediments cleanup program	5,220,000
Voluntary storm water permit grants	3,000,000
Failing on-site septic systems	5,000,000
Protecting high quality waters	3,000,000
Illicit storm sewer connection grant program	5,000,000
Remedial action plan and lakewide management plan implementation grant program	5,000,000
Conservation reserve enhancement program match	3,000,000
Volunteer river, stream, and creek cleanup program	100,000
GROSS APPROPRIATION	\$ 31,345,000
Appropriated from:	
Special revenue funds:	
Clean Michigan initiative fund - administration	525,000
Clean Michigan initiative fund - clean water fund	25,500,000
Clean Michigan initiative fund - contaminated sediments	5,220,000
Clean Michigan initiative fund - nonpoint source	100,000
State general fund/general purpose	\$ 0
(5) ENVIRONMENTAL RESPONSE	
Brownfield grants and loans program	\$ 13,000,000
Waterfront redevelopment program	30,000,000
GROSS APPROPRIATION	\$ 43,000,000
Appropriated from:	
Special revenue funds:	
Clean Michigan initiative fund - response activities	13,000,000
Clean Michigan initiative fund - waterfront improvements	30,000,000
State general fund/general purpose	\$ 0
(6) DRINKING WATER PROTECTION AND RADIOLOGICAL HEALTH	
Abandoned well management grants program	\$ 1,200,000
GROSS APPROPRIATION	\$ 1,200,000

For Fiscal Year
Ending Sept. 30,
2000

Appropriated from:	
Special revenue funds:	
Clean Michigan initiative fund - clean water fund	1,200,000
State general fund/general purpose	\$ 0
(7) ENVIRONMENTAL ASSISTANCE DIVISION	
Full-time equated classified positions1.0	
Pollution prevention program support—1.0 FTE position	\$ 75,000
Retired engineers technical assistance program.....	500,000
Household hazardous waste collection program.....	1,000,000
Regional pollution prevention grant program.....	1,000,000
GROSS APPROPRIATION.....	\$ 2,575,000
Appropriated from:	
Special revenue funds:	
Clean Michigan initiative fund - administration.....	75,000
Clean Michigan initiative fund - pollution prevention activities	2,000,000
Retired engineers technical assistance fund	500,000
State general fund/general purpose	\$ 0

**PART 2
PROVISIONS CONCERNING APPROPRIATIONS**

GENERAL SECTIONS

Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending in this appropriation act is \$84,270,000.00 and state appropriations to be paid to local units of government are estimated at \$64,200,000.00. The following itemized statement identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF ENVIRONMENTAL QUALITY

GRANTS

Abandoned well management grants program.....	1,200,000
Brownfield grants and loans program	13,000,000
Failing on-site septic systems	5,000,000
Household hazardous waste collection program.....	1,000,000
Illicit storm sewer connection grant program.....	5,000,000
Protecting high quality waters.....	3,000,000
Remedial action plan and lakewide management plan implementation grant program	2,500,000
Voluntary stormwater permit grants	3,000,000
Volunteer river, stream, and creek cleanup program.....	100,000
Water quality monitoring program	400,000
Waterfront redevelopment program.....	30,000,000
TOTAL	\$ 64,200,000

(2) If it appears to the principal executive officer of a department or agency that state spending to local units of government will be less than the amount that was projected to be expended under subsection (1), the principal executive officer shall immediately give notice of the approximate shortfall to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies.

Sec. 202. As used in this act:

- (a) "Department" means the department of environmental quality.
- (b) "FTE" means full-time equated.

Sec. 203. The expenditures and fund sources authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charges authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) From funds appropriated under part 1, the department shall prepare the following reports:

(a) A report, to be made available on the department's website, that lists all of the following regarding grant, loan, or grant and loan programs administered by the department for the fiscal year ending on September 30, 2000:

- (i) The name of each program.
- (ii) The goals, the criteria, including filing fees, and the nominating procedures, eligibility requirements, processes, and deadlines for each program.
- (iii) The maximum and minimum grant and loan available and whether there is a match requirement for each program.
- (iv) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.

(v) Information pertaining to the application process, timeline for each program, and the contact people within the department.

(vi) The source of funds for each program, including the citation of pertinent authorizing acts.

(vii) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(b) A report that lists all recipients of grants or loans awarded by the department by type and the amount of the grant or loan.

(2) The reports required under subsection (1)(a) shall be available on the department's website not less than 30 days after the appropriations are enacted. Notification of the availability of the report on the department's website shall be submitted to the senate and house appropriations committees and the senate and house fiscal agencies 30 days after appropriations are enacted. The reports required under subsection (1)(b) shall be submitted to the senate and house appropriations committees and the senate and house fiscal agencies not less than 5 business days before notice of grant awards are provided to grant applicants.

Sec. 206. The state budget director shall provide a list of proposed work projects funded, in whole or in part, from appropriations in this act to the house and senate appropriations committees on November 15, 2000. This list shall provide detailed information including a description of project activities and services, the total work project funding level, spending for the fiscal year ending September 30, 2000, and the amount of budget authority required to complete the project.

Sec. 207. (1) The department shall report all of the following information relative to allocations made in part 1 of this act, the brownfield grants and loans program, the national priority list municipal landfill match grants program, the waterfront redevelopment grant program, the contaminated lake and river sediments cleanup program, the nonpoint source pollution prevention and control projects program, and the environmental projects under section 19508(7) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19508, to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies:

(a) The name of location of the site for which an allocation is made.

(b) The nature of the problem encountered at the site.

(c) The estimated time necessary to prepare plans or complete any necessary study if the allocation is for plans or a study.

(d) A brief description of how the problem will be resolved if the allocation is for a response activity.

(e) The estimated time to complete the response activity if the allocation is for a response activity.

(f) The amount of the allocation, or the anticipated financing for the site.

(g) A summary of the sites and the total amount of funds expended at the sites at the conclusion of the fiscal year.

(h) The number of sites that would qualify as brownfields that were redeveloped.

(2) The report prepared under subsection (1) shall also include the status of all sites that are on the list compiled under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, in which the state is liable under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(3) The report prepared under this section shall be made available by June 2000.

Sec. 208. The appropriations in part 1 for environmental education curriculum, contaminated lake and river sediments cleanup, voluntary stormwater permit grants, failing on-site septic systems, protecting high quality waters, illicit storm sewer connection grants, remedial action plan and lakewide management plan implementation grants, volunteer river, stream, and creek cleanup grants, brownfield grants and loans, waterfront redevelopment, abandoned well management grants, household hazardous waste collection, and regional pollution prevention grants are appropriated for the period October 1, 1999 through September 30, 2002. Any unexpended or unencumbered funds shall lapse to the clean Michigan initiative fund and be subject to reappropriation.

Sec. 209. By March 1, 2000, the department of environmental quality shall submit to the senate and house of representatives appropriations committees and the standing committees of the senate and house of representatives with jurisdiction over issues primarily pertaining to natural resources and the environment, a plan for reporting on the expenditure of the proceeds of bonds issued under the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108. The plan shall contain a proposal for preparation and distribution of reports to be issued beginning in 2003 and every 5 years thereafter until all bond proceeds have been expended and a final report that shall be issued within 1 year after all bond proceeds have been expended. The reports shall include, but are not limited to, all of the following:

(a) A cumulative update on the progress and accomplishments attributable to the expenditure of bond proceeds.

(b) The amount of bonds sold.

(c) The amount of bond proceeds expended.

(d) The number of and locations of sites in which bond proceeds have been expended.

(e) The number of and locations of sites that have been redeveloped with bond proceeds.

(f) A summary of the data collected with bond proceeds.

(g) A summary of the overall effectiveness of bond proceed expenditures.

EXECUTIVE

Sec. 301. The appropriation in part 1 for environmental education curriculum shall be used to support educator training, education material development, and distribution of environmental education curriculum materials. The department shall work with the department of education and a technical advisory committee to develop and distribute environmental education curriculum. The department shall not distribute materials that duplicate materials currently used by middle school educators.

SURFACE WATER QUALITY

Sec. 401. The department shall expend not less than \$146,000.00 for contracts and grants to local health departments or other nonprofit agencies to monitor critical bathing beaches including, but not limited to, those located in state parks and state recreation areas. The department shall begin development of a centralized statewide database to track bathing beach monitoring and results that will be made available electronically to the public. The department shall implement this section in accordance with the department's document entitled "A strategic environmental quality monitoring program for Michigan's surface waters", dated January 1997, which is the first priority for the expenditure of the clean water fund as specified under section 8807 of 1998 PA 287.

Sec. 402. The appropriation in part 1 for the volunteer river, stream, and creek cleanup program shall be granted for river debris cleanup projects. The local matching requirement in section 8802(4) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8802, may be satisfied by local contributions, landfill fee credits, and donated equipment.

Sec. 403. Grants or contracts awarded by the department under the clean Michigan initiative clean water fund, nonpoint source pollution prevention and control funds, and contaminated lake and river sediments remediation funds shall be tracked by the corresponding watershed.

DEPARTMENT OF COMMUNITY HEALTH

Sec. 501. The funds appropriated in part 1 for lead abatement shall be spent by the department of community health for a statewide program to abate lead in the residences of children who have been tested and show high blood lead levels, according to a plan that shall be prepared by the department of community health and submitted to the appropriations subcommittees on community health in the house and senate for approval. The department of community health shall continue to pursue grants from EPA and HUD to continue the federally funded lead abatement. The plan shall include exploration of the possibility of applying to the department of health and human services for the opportunity to use Medicaid funding to pay for the replacement of doors and windows that are contaminated with lead and require replacement as part of the abatement.

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

A bill to make, supplement, and adjust appropriations for the department of community health and 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.

William Byl
David Mead
Deborah Cherry
Conferees for the House

Loren Bennett
Harry Gast
Alma Wheeler Smith
Conferees for the Senate

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

Reports of Standing Committees

The Committee on Economic Development, by Rep. Garcia, Chair, reported

House Bill No. 4400, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2, 3, 4, 5, 8, 13, 15, 16, and 19 (MCL 125.2652, 125.2653, 125.2654, 125.2655, 125.2658, 125.2663, 125.2665, 125.2666, and 125.2669).

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

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

Favorable Roll Call

HB 4400 To Report Out:

Yeas: Reps. Garcia, Kowall, Bisbee, Richardville, Van Woerkom, Bob Brown, Lockwood, Mans, Vaughn,
Nays: None.

The Committee on Economic Development, by Rep. Garcia, Chair, reported

House Bill No. 5443, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending the title and sections 3, 6, 7, and 8 (MCL 207.803, 207.806, 207.807, and 207.808) and by adding section 7a.

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

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

Favorable Roll Call

HB 5443 To Report Out:

Yeas: Reps. Garcia, Kowall, Bisbee, Richardville, Van Woerkom, Bob Brown, Lockwood, Mans, Vaughn,
Nays: None.

The Committee on Economic Development, by Rep. Garcia, Chair, reported

House Bill No. 5444, entitled

A bill to provide for the establishment of obsolete property rehabilitation districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of certain local government officials; and to provide penalties.

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

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

Favorable Roll Call

HB 5444 To Report Out:

Yeas: Reps. Garcia, Kowall, Bisbee, Richardville, Van Woerkom, Bob Brown, Lockwood, Mans, Vaughn,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Garcia, Chair of the Committee on Economic Development, was received and read:

Meeting held on: Wednesday, March 8, 2000, at 10:30 a.m.,

Present: Reps. Garcia, Kowall, Bisbee, Richardville, Van Woerkom, Bob Brown, Lockwood, Mans, Vaughn.

The Committee on Economic Development, by Rep. Garcia, Chair, reported

House Bill No. 5445, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9i.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 5445 To Report Out:

Yeas: Reps. Garcia, Kowall, Bisbee, Richardville, Van Woerkom, Bob Brown,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Garcia, Chair of the Committee on Economic Development, was received and read:

Meeting held on: Tuesday, March 14, 2000, at 9:00 a.m.,

Present: Reps. Garcia, Kowall, Bisbee, Richardville, Van Woerkom, Bob Brown,

Absent: Reps. Lockwood, Mans, Vaughn,

Excused: Reps. Lockwood, Mans, Vaughn.

The Committee on Education, by Rep. Allen, Chair, reported

House Bill No. 5272, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1233 (MCL 380.1233), as amended by 1995 PA 289.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5272 To Report Out:

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

Nays: Rep. Hansen.

The Committee on Education, by Rep. Allen, Chair, reported

House Bill No. 5351, entitled

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

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5351 To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 14, 2000, at 10:30 a.m.,

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

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

House Bill No. 5260, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 35 (MCL 205.735), as amended by 1994 PA 254.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5260 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vander Roest, Vear, Quarles, Basham, Garza, Jammick, Minore, O'Neil, Switalski,
Nays: None.

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

House Bill No. 5322, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 30 (MCL 211.30), as amended by 1994 PA 415.

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

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

Favorable Roll Call

HB 5322 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Koetje, Patterson, Vander Roest, Vear, Quarles, Basham, Garza, Jammick, Minore, O'Neil, Switalski,
Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 14, 2000, at 9:00 a.m.,

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 14, 2000, at 10:30 a.m.,

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

Announcement by the Clerk of Printing and Enrollment

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

Senate Bill Nos. 1057 1058 1059 1060 1061 1062 1063 1064 1162

The Clerk announced the enrollment printing and presentation to the Governor on Friday, March 10, for his approval of the following bills:

Enrolled House Bill No. 4742 at 2:18 p.m.

Enrolled House Bill No. 4969 at 2:20 p.m.

The Clerk announced the enrollment printing and presentation to the Governor on Monday, March 13, for his approval of the following bills:

Enrolled House Bill No. 4769 at 1:30 p.m.

Enrolled House Bill No. 5145 at 1:32 p.m.

Enrolled House Bill No. 5389 at 1:34 p.m.

Enrolled House Bill No. 5393 at 1:36 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, March 13:

House Bill Nos. 5500 5501 5502 5503 5504

The Clerk announced that the following Senate bills had been received on Tuesday, March 14:

Senate Bill Nos. 1006 1007 1013

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 826, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 803^l and 804 (MCL 257.803^l and 257.804), section 803^l as amended by 1998 PA 68 and section 804 as amended by 1995 PA 129, and by adding sections 6d, 17b, 30b, 811d, 811e, 811f, 811g, and 811h; and to repeal acts and parts of acts.

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

1. Amend page 2, following line 23, by inserting:

"Sec. 625. (1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if either of the following applies:

(a) The person is under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(b) The person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person who is under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance, who has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or whose ability to operate the motor vehicle is visibly impaired due to the consumption of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1) or (3) and by the operation of that motor vehicle causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(5) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1) or (3) and by the operation of that motor vehicle causes a serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence. As used in this subsection, "serious impairment of a body function" includes, but is not limited to, 1 or more of the following:

(a) Loss of a limb or use of a limb.

(b) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.

(c) Loss of an eye or ear or use of an eye or ear.

(d) Loss or substantial impairment of a bodily function.

(e) Serious visible disfigurement.

(f) A comatose state that lasts for more than 3 days.

(g) Measurable brain damage or mental impairment.

(h) A skull fracture or other serious bone fracture.

(i) Subdural hemorrhage or subdural hematoma.

(6) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the

parking of vehicles, within this state if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as a part of a generally recognized religious service or ceremony.

(7) A person, whether licensed or not, is subject to the following requirements:

(a) He or she shall not operate a vehicle in violation of subsection (1), (3), (4), or (5) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a crime punishable as follows:

(i) Except as provided in subparagraph (ii), a person who violates this subdivision is guilty of a misdemeanor and shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment shall be served consecutively. This term of imprisonment shall not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

(ii) If the violation occurs within 7 years of a prior conviction or within 10 years of 2 or more prior convictions, a person who violates this subdivision is guilty of a felony and shall be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(A) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(B) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this imprisonment shall be served consecutively. This term of imprisonment shall not be suspended.

(b) He or she shall not operate a vehicle in violation of subsection (6) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows:

(i) Except as provided in subparagraph (ii), a person who violates this subdivision may be sentenced to 1 or more of the following:

(A) Community service for not more than 60 days.

(B) A fine of not more than \$500.00.

(C) Imprisonment for not more than 93 days.

(ii) If the violation occurs within 7 years of a prior conviction or within 10 years of 2 or more prior convictions, a person who violates this subdivision shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment shall be served consecutively. This term of imprisonment shall not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

(c) In the judgment of sentence under subdivision (a)(i) or (b)(i), the court may, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (a)(ii) or (b)(ii), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(d) This subsection does not prohibit a person from being charged with, convicted of, or punished for a violation of subsection (4) or (5) that is committed by the person while violating this subsection. However, points shall not be assessed under section 320a for both a violation of subsection (4) or (5) and a violation of this subsection for conduct arising out of the same transaction.

(8) If a person is convicted of violating subsection (1), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(i) Community service for not more than 45 days.

(ii) Imprisonment for not more than 93 days.

(iii) A fine of not less than \$100.00 or more than \$500.00.

(b) If the violation occurs within 7 years of a prior conviction, the person shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph shall be served consecutively.

(ii) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs within 10 years of 2 or more prior convictions, the person is guilty of a felony and shall be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph shall be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) shall not be suspended.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(9) A person who is convicted of violating subsection (2) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$100.00 or more than \$500.00, or both.

(b) If the person operating the motor vehicle violated subsection (4), a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,500.00 or more than \$10,000.00, or both.

(c) If the person operating the motor vehicle violated subsection (5), a felony punishable by imprisonment for not more than 2 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.

(10) If a person is convicted of violating subsection (3), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(i) Community service for not more than 45 days.

(ii) Imprisonment for not more than 93 days.

(iii) A fine of not more than \$300.00.

(b) If the violation occurs within 7 years of 1 prior conviction, the person shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00, and 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph shall be served consecutively.

(ii) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs within 10 years of 2 or more prior convictions, the person is guilty of a felony and shall be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and either of the following:

(i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph shall be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) shall not be suspended.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(11) If a person is convicted of violating subsection (6), all of the following apply:

(a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor punishable by 1 or both of the following:

(i) Community service for not more than 45 days.

(ii) A fine of not more than \$250.00.

(b) If the violation occurs within 7 years of 1 or more prior convictions, the person may be sentenced to 1 or more of the following:

(i) Community service for not more than 60 days.

(ii) A fine of not more than \$500.00.

(iii) Imprisonment for not more than 93 days.

(12) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 776.22.

(13) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(14) If the prosecuting attorney intends to seek an enhanced sentence under this section or a sanction under section 625n ~~or 904d~~ based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions.

(15) If a person is charged with a violation of subsection (1), (3), (4), (5), or (7) or section 625m, the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (6) in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the prosecuting attorney's motion.

(16) A prior conviction shall be established at sentencing by 1 or more of the following:

- (a) An abstract of conviction.
- (b) A copy of the defendant's driving record.
- (c) An admission by the defendant.

(17) Except as otherwise provided in subsection (19), if a person is charged with operating a vehicle while under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection (1) or a local ordinance substantially corresponding to subsection (1), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(18) Except as otherwise provided in subsection (19), if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection (3) or a local ordinance substantially corresponding to subsection (3), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.

(19) A special verdict described in subsections (17) and (18) is not required if a jury is instructed to make a finding solely as to either of the following:

- (a) Whether the defendant was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.
- (b) Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(20) If a jury or court finds under subsection (17), (18), or (19) that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance and an intoxicating liquor, the court shall do both of the following:

- (a) Report the finding to the secretary of state.
- (b) On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under section 625n or 904d.

(21) Except as otherwise provided by law, a record described in subsection (20)(b) is a public record and the department of state police shall retain the information contained on that record for not less than 7 years.

(22) In a prosecution for a violation of subsection (6), the defendant bears the burden of proving that the consumption of intoxicating liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

(23) Subject to subsection (25), as used in this section, "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection (24), a violation or attempted violation of subsection (1), (3), (4), (5), (6), or (7), section 625m, former section 625(1) or (2), or former section 625b.

(b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(24) Except for purposes of the enhancement described in subsection (11)(b), only 1 violation or attempted violation of subsection (6), a local ordinance substantially corresponding to subsection (6), or a law of another state substantially corresponding to subsection (6) may be used as a prior conviction.

(25) If 2 or more convictions described in subsection (23) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction."

2. Amend page 12, following line 18, by inserting:

"Sec. 904. (1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state.

(2) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the

parking of vehicles, within this state by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license, except as permitted under this act.

(3) Except as otherwise provided in this section, a person who violates subsection (1) or (2) is guilty of a misdemeanor punishable as follows:

(a) For a first violation, by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(b) For a violation that occurs after a prior conviction, by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(4) A person who operates a motor vehicle in violation of subsection (1) and who, by operation of that motor vehicle, causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment pursuant to section 321a.

(5) A person who operates a motor vehicle in violation of subsection (1) and who, by operation of that motor vehicle, causes the serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment pursuant to section 321a. As used in this subsection and subsection (7), "serious impairment of a body function" includes, but is not limited to, 1 or more of the following:

- (a) Loss of a limb or loss of use of a limb.
- (b) Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.
- (c) Loss of an eye or ear or loss of use of an eye or ear.
- (d) Loss or substantial impairment of a bodily function.
- (e) Serious visible disfigurement.
- (f) A comatose state that lasts for more than 3 days.
- (g) Measurable brain or mental impairment.
- (h) A skull fracture or other serious bone fracture.
- (i) Subdural hemorrhage or subdural hematoma.

(6) In addition to being subject to any other penalty provided for in this act, if a person is convicted under subsection (4) or (5), the court may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(7) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state, by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never been licensed except as permitted by this act. If a person permitted to operate a motor vehicle in violation of this subsection causes the serious impairment of a body function of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 2 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. If a person permitted to operate a motor vehicle in violation of this subsection causes the death of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.

(8) If the prosecuting attorney intends to seek an enhanced sentence under this section ~~or a sanction under section 904d~~ based upon the defendant having 1 or more prior convictions, ~~or suspensions or revocations under this section,~~ the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions. ~~-, suspensions, or revocations.~~

(9) A prior conviction ~~-, a suspension, or a revocation~~ under this section shall be established at or before sentencing by 1 or more of the following:

- (a) An abstract of conviction.
- (b) A copy of the defendant's driving record.
- (c) An admission by the defendant.

(10) Upon receiving a record of a person's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the person's operator's or chauffeur's license

is suspended or revoked, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the person is approved for a license following a revocation.

(11) Upon receiving a record of a person's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the person's operator's or chauffeur's license is indefinitely suspended or whose application for a license has been denied, the secretary of state immediately shall impose a 30-day period of suspension or denial.

(12) Upon receiving a record of the conviction, bond forfeiture, or a civil infraction determination of a person for unlawful operation of a motor vehicle requiring a vehicle group designation while the designation is suspended pursuant to section 319a or 319b, or revoked, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length, if the violation occurs before the person is approved for a license following a revocation, or if the person operates a commercial vehicle while disqualified under the commercial motor vehicle safety act of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170.

(13) If the secretary of state receives records of more than 1 conviction or civil infraction determination resulting from the same incident, all of the convictions or civil infraction determinations shall be treated as a single violation for purposes of imposing an additional period of suspension or revocation under subsection (10), (11), or (12).

(14) Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the person's driving record from the secretary of state and shall furnish the record to the court. The driving record of the person may be obtained from the secretary of state's computer information network.

(15) This section does not apply to a person who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered and summoning prompt aid is essential.

(16) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this act, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle within this state, except as permitted under this act, while any of those conditions exist is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not less than 3 days or more than 93 days or a fine of not more than \$100.00, or both.

(17) If a person has a second or subsequent suspension or revocation under this section within 7 years as indicated on the person's Michigan driving record, the court shall proceed as provided in section 904d.

(18) Any period of suspension or revocation required under subsection (10), (11), or (12) does not apply to a person who has only 1 currently effective suspension or denial on his or her Michigan driving record under section 321a and was convicted of or received a civil infraction determination for a violation that occurred during that suspension or denial. This subsection may only be applied once during the person's lifetime.

(19) For purposes of this section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again."

3. Amend page 12, line 25, by striking out all of enacting section 3.

The Senate has concurred in the House substitute (H-1) as amended and amended the title to read as follows:

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625, 803l, 804, and 904 (MCL 257.625, 257.803l, 257.804, and 257.904), sections 625 and 904 as amended by 1999 PA 73, 803l, as amended by 1998 PA 68, and section 804 as amended by 1995 PA 129, and by adding sections 6d, 17b, 30b, 811d, 811e, 811f, 811g, and 811h; and to repeal acts and parts of acts.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Senate Bill No. 857, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 660 (MCL 257.660), as amended by 1994 PA 348, and by adding section 25b.

The Senate has amended the House substitute (H-3) as follows:

1. Amend page 1, line 2, after "VEHICLE" by inserting "DESIGNED TO BE OPERATED AT A SPEED NOT TO EXCEED 35 MILES PER HOUR".

2. Amend page 10, line 6, by striking out "49 C.F.R. 571.216" and inserting "49 C.F.R. 571.500".

3. Amend page 17, line 27, after "operations" by inserting "OR A TRUCK USED EXCLUSIVELY TO HAUL MILK FROM THE FARM TO THE FIRST POINT OF DELIVERY".

The Senate has concurred in the House substitute (H-3) as amended.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Senate Bill No. 1006, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 204a and 210 (MCL 330.1204a and 330.1210), section 204a as added and section 210 as amended by 1995 PA 290.

The Senate has passed the bill.

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

Senate Bill No. 1007, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 2 (MCL 124.502), as amended by 1995 PA 108.

The Senate has passed the bill.

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

Senate Bill No. 1013, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 226 (MCL 330.1226), as amended by 1998 PA 417.

The Senate has passed the bill.

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

Messages from the Governor

The following message from the Governor was received March 10, 2000 and read:

EXECUTIVE ORDER

No. 2000 - 5

**Commission on Spanish-Speaking Affairs
Office of Spanish-Speaking Affairs
Interagency Council on Spanish-Speaking Affairs****Department of Civil Rights
Department of Career Development**

WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Commission on Spanish-Speaking Affairs ("Commission"), the Office of Spanish-Speaking Affairs ("Office"), and the Interagency Council on Spanish-Speaking Affairs ("Council") were created by Act No. 164 of the Public Acts of 1975, being Sections 18.301 *et seq.* of the Michigan Compiled Laws; and

WHEREAS, the Commission, Office and Council are currently located within the Department of Civil Rights pursuant to Executive Order 1991-29; and

WHEREAS, Michigan's Spanish-Speaking community has made many significant contributions to our state's culture and economy; and

WHEREAS, the Commission is dedicated to doing all it can to enable Michigan's Spanish-Speaking community to realize its full potential in our dynamic, rapidly expanding economy; and

WHEREAS, the Department of Career Development was established by Executive Order 1999-1 in order to develop a system that provides Michigan's workforce with the required skills to maintain and enhance Michigan's economy; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

1. All the statutory authority, powers, duties, functions, and responsibilities of the Commission on Spanish-Speaking Affairs and the Office of Spanish-Speaking Affairs set forth in Act No. 164 of the Public Acts of 1975, being Section 18.301 *et seq.* of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Career Development by a Type I transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the statutory authority, powers, duties, functions, and responsibilities of the Interagency Council on Spanish-Speaking Affairs set forth in Act No. 164 of the Public Acts of 1975, being Section 18.301 *et seq.* of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Career Development by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. The Director of the Department of Career Development shall provide executive direction and supervision for the implementation of the transfers. The assigned functions of the Interagency Council on Spanish-Speaking Affairs shall be administered by the Director of the Department of Career Development.

4. The Chairperson of the Commission on Spanish-Speaking Affairs and the Director of the Department of Career Development shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Commission on Spanish-Speaking Affairs and the Office of Spanish-Speaking Affairs.

5. The Director of the Department of Career Development shall make internal organizational changes as may be administratively necessary to complete the realignment of the responsibilities prescribed by this Order.

6. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the year.

7. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Commission on Spanish-Speaking Affairs, the Office of Spanish-Speaking Affairs and the Interagency Council on Spanish-Speaking Affairs for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the Director of the Department of Career Development.

8. All rules, orders, contracts and agreements related to the assigned functions that were lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

9. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirements of Article V, Section 2 of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days after filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 10th day of March, in the Year of our Lord, Two Thousand.

John Engler
Governor
By the Governor:
Candice S. Miller
Secretary of State

The message was referred to the Clerk.

The following messages from the Governor, approving and signing the following bills at the times designated below, were received and read:

Date: March 10, 2000

Time: 1:05 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5067 (Public Act No. 21, I.E.), being

An act to amend 1974 PA 258, entitled "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending section 214 (MCL 330.1214).

(Filed with the Secretary of State March 13, 2000, at 9:25 a.m.)

Date: March 10, 2000
Time: 1:15 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4903 (Public Act No. 22, I.E.), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 18802 and 18838 (MCL 333.18802 and 333.18838), section 18802 as amended by 1982 PA 353.

(Filed with the Secretary of State March 13, 2000, at 9:27 a.m.)

Date: March 10, 2000
Time: 1:45 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4807 (Public Act No. 23, I.E.), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding sections 18826 and 18827.

(Filed with the Secretary of State March 13, 2000, at 9:29 a.m.)

Communications from State Officers

The following communications from the Auditor General were received and read:

March 9, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit, Including the Provisions
of the Single Audit Act, of the
Department of Education
October 1, 1995 through September 30, 1997

March 9, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the
G. Robert Cotton Correctional Facility
and Camp Waterloo
Department of Corrections
March 2000

March 13, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the
Legal and Hearings Division
Department of Treasury
March 2000

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Operations.

Introduction of Bills

Reps. Jellema, Scranton, Kuipers, Pappageorge, Gosselin, Spade, Vear, Voorhees, Kukuk, Basham, Rick Johnson, Mortimer, Jelinek, Law, Hart, Faunce, Byl, Bradstreet, Patterson, Pumford, Richardville, DeRossett, Kowall, Hager, Green, DeVuyst, LaSata, Shulman, Pestka, Raczkowski, Howell, Caul, Geiger and Ehardt introduced

House Bill No. 5505, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625 (MCL 257.625), as amended by 1999 PA 73.

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

Reps. Sheltroun, Neumann, Rivet and Dennis introduced

House Bill No. 5506, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40109 (MCL 324.40109), as added by 1995 PA 57.

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

Rep. Geiger introduced

House Bill No. 5507, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 1997 PA 173.

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

Reps. Callahan, Bovin, Neumann, Dennis, Basham, Schauer, O'Neil, Woodward, Baird, Jacobs, Switalski, Mans, Wojno, Hansen, Gielegem, Minore, Jamnick, Garza, Sheltroun, Hardman, Reeves, Brewer, Brater, Price, Cherry, Bogardus, Hale, Hanley, Martinez and Lemmons introduced

House Bill No. 5508, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding sections 57m and 57n.

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

Rep. Dennis moved that the House adjourn.

The motion prevailed, the time being 5:05 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Wednesday, March 15, at 2:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.