

**No. 51**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**90th Legislature**  
**REGULAR SESSION OF 2000**

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House Chamber, Lansing, Wednesday, May 31, 2000.

10:00 a.m.

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

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

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

e/d/s = entered during session

Rev. Stephen Tucker, Pastor of First Congregational Church in Otsego, offered the following invocation:

“Our Heavenly Father and our God, thank You for the gift of another day, for the ability to get out of bed and travel here, for the ability to see and think and hear. Thank You, dear God, for the privilege we all have to be in these chambers this day.

May all of us realize that You have given us our particular gifts and experiences that place us here today. You have called us here by many of Your wonderful circumstances in our lives. Thank You for making us the people we are today.

As these representatives of our state of Michigan gather to do the business of this state today, we pray that Your presence would be here in a special way. We pray that each man and woman who represent the various people of our state would know in their heart of hearts that You are here and You have given them great responsibility and ultimately they must answer to You, dear God. So guide them and give them the wisdom, the strength, the discipline and the knowledge to do not only what is right for our state, but what is right in Your sight.

We also ask Your blessing upon the senators, the Governor, those in our judicial system and others You have placed in positions of authority in our state. Bless also those men and women You have placed in similar positions at the federal and local levels of government.

Thank You, dear God, for listening to this prayer. Thank You again for Your presence here in this place. For I pray all these things in the name of my Lord and my Savior, Jesus Christ. Amen and Amen.”

### Motions and Resolutions

By unanimous consent the House considered **House Resolution No. 364** out of numerical order.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 364.**

A resolution to honor the memory of Carl F. Gnodtke, former member of the House.

Whereas, The members and staff of the Michigan Legislature were saddened to learn of the passing of our friend and former colleague, Carl Gnodtke. A gentleman of great warmth and unselfishness who shared many gifts and touched many lives, Carl Gnodtke strengthened his community, Michigan agriculture, and our entire state. To his beloved family, we offer our condolences and hope that their loss will be tempered by the knowledge that this gentleman will long be remembered for his goodness, integrity, and positive impact on public policy; and

Whereas, In many ways, Carl Gnodtke epitomized the timeless values of the America family farmer. His strong roots in southwestern Michigan provided him with a sense of community that he used for the good of others. While he loved nothing better than working on his family farm, he also became a leader in community life in Berrien County. The Farm Bureau, the National Grape Co-op, and the local soil conservation district benefited from his knowledge and dedication. This sense of public-mindedness was especially apparent in his work in numerous township and county elective posts; and

Whereas, In 1979, Carl Gnodtke brought his understanding and commitment to Lansing. As a lawmaker, his friendly ways quickly broke down all barriers of party or geography. As a result, he became an important voice on agriculture and an effective leader throughout his eighteen-year career in Lansing. His achievements included serving as the chair of the House Agriculture and Forestry Committee; and

Whereas, As much as he loved tractors, a good laugh, or helping someone solve a problem, nothing was dearer to Carl Gnodtke than family and faith. A devoted member of Trinity Lutheran Church in Sawyer, he carried his values to all responsibilities he faced. Michigan is far better for his gifts; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our deepest respect for the memory of Carl F. Gnodtke, a member of this legislative body from 1979 to 1996; and be it further

Resolved, That copies of this resolution be transmitted to the Gnodtke family as evidence of the lasting esteem held for his memory.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

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Rep. Vander Roest moved that Rep. Perricone be excused temporarily from today's session.  
The motion prevailed.

### Second Reading of Bills

#### Senate Bill No. 1044, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 8, 11, 11f, 11g, 19, 20, 20j, 21b, 24, 26a, 31a, 31c, 31d, 32, 36, 36a, 39, 40, 41, 51a, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 91c, 94, 99, 101, 102, 104a, 105, 105b, 105c, 107, 147, 151, 152, and 163 (MCL 388.1603, 388.1606, 388.1608, 388.1611, 388.1611f, 388.1611g, 388.1619, 388.1620, 388.1620j, 388.1621b, 388.1624, 388.1626a, 388.1631a, 388.1631c, 388.1631d, 388.1632, 388.1636, 388.1636a, 388.1639, 388.1640, 388.1641, 388.1651a, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1663, 388.1667, 388.1668, 388.1674, 388.1681, 388.1691c, 388.1694, 388.1699, 388.1701, 388.1702, 388.1704a, 388.1705, 388.1705b, 388.1705c, 388.1707, 388.1747, 388.1751, 388.1752, and 388.1763), sections 6, 11, 11f, 11g, 20, 24, 26a, 31a, 31c, 36, 36a, 41, 51a, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 94, 99, 101, 104a, 105, 107, and 147 as amended and sections 20j, 31d, 32, and 105c as added by 1999 PA 119, sections 3 and 151 as amended by 1997 PA 93, sections 8 and 39 as amended by 1997 PA 142, sections 19, 21b, 102, and 163 as amended by 1996 PA 300, section 40 as amended by 1991 PA 118, section 91c as added by 1995 PA 130, section 105b as added by 1997 PA 24, and section 152 as amended by 1993 PA 175, and by adding sections 20l, 22a, 22b, 22c, 51c, 94a, 101b, and 108; and to repeal acts and parts of acts.

(The bill was read a second time, Committee substitute (H-1) adopted, amended and bill postponed temporarily on May 30, see House Journal No. 50, p. 1344.)

Rep. Cassis moved to amend the bill as follows:

1. Amend page 71, line 4, by striking out all of subsection (4) and adjusting section 11 and enacting section 1 accordingly.

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

Rep. Cassis demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 617

#### Yeas—7

Brater	Johnson, Ruth	Switalski	Toy
Cassis	Law	Tesanovich	

#### Nays—102

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

Daniels	Jansen	Price	Vander Roest
DeHart	Jelinek	Prusi	Vaughn
Dennis	Jellema	Pumford	Vear
DeRossett	Johnson, Rick	Quarles	Voorhees
DeVuyst	Julian	Raczkowski	Wojno
DeWeese	Kelly	Reeves	Woodward
Ehardt	Kilpatrick	Richardville	Woronchak
Faunce	Koetje		

In The Chair: Patterson

Rep. Martinez moved to amend the bill as follows:

1. Amend page 91, following line 19, section 32A(2)(C), after "INTERMEDIATE DISTRICT" by inserting "OR DISTRICT".

2. Amend page 91, following line 19, section 32A(3), after "PLANNING" by striking out the comma and inserting "AND".

3. Amend page 91, following line 19, section 32A(3), after "IMPLEMENTATION" by striking out the comma and "AND EVALUATION".

4. Amend page 91, following line 19, section 32A(4), after "YOUNG CHILDREN." by inserting "THE DEPARTMENT SHALL ESTABLISH QUALITY STANDARDS FOR PROGRAMS FUNDED UNDER THIS SECTION."

5. Amend page 91, following line 19, section 32A(7), after "TOOL" by inserting "APPROVED BY THE DEPARTMENT."

6. Amend page 91, following line 19, section 32A(10), after "MORE THAN" by striking out "10% OF THIS MATCHING REQUIREMENT" and inserting "1/2 OF THIS MATCHING REQUIREMENT, UP TO A TOTAL OF 10% OF THE TOTAL PROJECT BUDGET,".

7. Amend page 91, following line 19, section 32A, following subsection (10), by inserting:

"(11) INTERMEDIATE DISTRICTS OR DISTRICTS APPLYING FOR GRANTS TO OPERATE PROGRAMS UNDER THIS SECTION SHALL RECEIVE GRANTS FOR 3 YEARS, CONDITIONAL ON THE APPROVAL AND POSITIVE RECOMMENDATION OF THE DEPARTMENT."

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

Rep. Raczkowski moved to reconsider the vote by which the House did not adopt the amendments.

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

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

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

Rep. Scott moved to amend the bill as follows:

1. Amend page 102, following line 23, by inserting:

"SEC. 42. FROM THE APPROPRIATION IN SECTION 11, THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$1,000,000.00 EACH FISCAL YEAR FOR 2000-2001, 2001-2002, AND 2002-2003, TO DISTRICTS WITH A 1999-2000 PUPIL MEMBERSHIP GREATER THAN 3,500, BUT LESS THAN 3,610 AND WITH A 1999-2000 FOUNDATION ALLOWANCE LESS THAN \$5,701.00. FUNDS ALLOCATED UNDER THIS SECTION SHALL BE FOR LITERACY PROGRAMS AS DEFINED BY THE DEPARTMENT." and adjusting section 11 and enacting section 1 accordingly.

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

Rep. Godchaux moved to amend the bill as follows:

1. Amend page 65, line 8, after "EXCEED" by striking out "\$7,188,100,000.00" and inserting "\$8,987,800,000.00".

2. Amend page 65, line 9, after "EXCEED" by striking out "\$7,091,300,000.00" and inserting "\$9,413,700,000.00".

3. Amend page 65, line 10, after "EXCEED" by striking out "\$7,007,700,000.00" and inserting "\$9,814,600,000.00".

4. Amend page 65, line 7, after "22A." by striking out "(1)".

5. Amend page 65, line 12, after "ACADEMIES" by striking out the balance of the section and inserting "FOR PAYMENTS UNDER THIS SECTION. THE ALLOCATION FOR A DISTRICT UNDER THIS SECTION SHALL BE

AN AMOUNT EQUAL TO THE SUM OF THE AMOUNTS CALCULATED UNDER SECTIONS 20, 20J, 51A(3), AND 51A(12), MINUS THE SUM OF THE ALLOCATIONS TO THE DISTRICT UNDER SECTION 51C. THIS SECTION IS INTENDED TO BE THE LEGISLATED SOLUTION CALLED FOR ON OCTOBER 19, 1999 BY THE COURT OF APPEALS IN DURANT V STATE OF MICHIGAN.”

6. Amend page 70, line 17, by striking out all of section 22B and adjusting section 11 and enacting section 1 accordingly.

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

Rep. Cherry demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 618**

**Yeas—70**

Baird	Gielegem	Lemmons	Sanborn
Basham	Gilbert	Lockwood	Schauer
Bogardus	Godchaux	Martinez	Schermesser
Bovin	Green	Minore	Scott
Brater	Hager	Neumann	Scranton
Brewer	Hale	O’Neil	Shackleton
Brown, B.	Hanley	Patterson	Sheltrown
Callahan	Hansen	Pestka	Spade
Caul	Hardman	Price	Stallworth
Cherry	Howell	Prusi	Switalski
Clark, I.	Jacobs	Quarles	Tesanovich
Clarke, H.	Jamnick	Raczkowski	Thomas
Daniels	Johnson, Ruth	Reeves	Van Woerkom
DeHart	Julian	Richardville	Vaughn
Dennis	Kelly	Richner	Wojno
Faunce	Kilpatrick	Rison	Woodward
Frank	LaForge	Rocca	Woronchak
Garza	Law		

**Nays—38**

Allen	DeWeese	Koetje	Pappageorge
Birkholz	Ehardt	Kowall	Pumford
Bisbee	Garcia	Kuipers	Shulman
Bishop	Geiger	Kukuk	Stamas
Bradstreet	Gosselin	LaSata	Tabor
Brown, C.	Hart	Mans	Toy
Byl	Jansen	Mead	Vander Roest
Cassis	Jelinek	Middaugh	Vear
DeRossett	Jellema	Mortimer	Voorhees
DeVuyst	Johnson, Rick		

In The Chair: Patterson

Rep. Kelly moved to amend the bill as follows:

1. Amend page 91, following 19, section 32E(2), following subdivision (E), by inserting:

“(F) FUNDS ALLOCATED UNDER THIS SUBSECTION MAY BE USED TO REIMBURSE DISTRICTS FOR FUNDS PAID BY DISTRICTS FOR UP TO 1/2 OF THE SALARIES AND BENEFITS FOR EACH TEACHER TRAINED AND CERTIFIED TO PROVIDE A READING IMPROVEMENT PROGRAM.” and adjusting section 11 and enacting section 1 accordingly.

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

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 17, line 12, after "105C" by inserting "AND, EXCEPT FOR ENROLLMENT IN THE MICHIGAN VIRTUAL HIGH SCHOOL, THE EDUCATING DISTRICT IS CONTIGUOUS TO THE PUPIL'S DISTRICT OF RESIDENCE.".

2. Amend page 182, following line 17, by inserting:

"(20) EXCEPT FOR ENROLLMENT IN THE MICHIGAN VIRTUAL HIGH SCHOOL, A NONRESIDENT PUPIL MAY ENROLL UNDER THIS SECTION IN A DISTRICT LOCATED IN ANOTHER INTERMEDIATE DISTRICT ONLY IF THAT DISTRICT IS CONTIGUOUS TO THE PUPIL'S DISTRICT OF RESIDENCE." and renumbering the remaining subsections.

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

Rep. Scott moved to amend the bill as follows:

1. Amend page 91, following line 19, section 32E(1), after "MENTORING PROGRAMS," by inserting "LANGUAGE AND LITERACY OUTREACH PROGRAMS,".

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

Reps. Hanley and Kelly moved to amend the bill as follows:

1. Amend page 63, following line 15, by inserting:

"SEC. 20N. IN ADDITION TO ALL OTHER ALLOCATIONS UNDER THIS ACT FROM THE STATE SCHOOL AID FUND AS APPROPRIATED IN SECTION 11, THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$480,700,000.00 FOR FISCAL YEAR 2000-2001 TO BE PAID TO DISTRICTS ON A MEMBERSHIP BASIS TO BE USED FOR ANY PURPOSE FOR WHICH SEC. 20 FUNDS MAY BE USED.".

The question being on the adoption of the amendment offered by Reps. Hanley and Kelly,

Rep. Hanley demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Hanley and Kelly,

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

### Roll Call No. 619

### Yeas—52

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

### Nays—57

Allen	Geiger	Koetje	Richner
Birkholz	Gilbert	Kowall	Rocca
Bisbee	Godchaux	Kuipers	Sanborn
Bishop	Gosselin	Kukuk	Scranton
Bradstreet	Green	LaSata	Shackleton
Brown, C.	Hager	Law	Shulman
Byl	Hart	Mead	Stamas
Cassis	Howell	Middaugh	Tabor

Caul	Jansen	Mortimer	Toy
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeVuyst	Jellema	Patterson	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Johnson, Ruth	Raczkowski	Voorhees
Faunce	Julian	Richardville	Woronchak
Garcia			

In The Chair: Patterson

Rep. Geiger moved to amend the bill as follows:

1. Amend page 22, line 11, by striking out "\$420,613,500.00" and inserting "\$420,713,500.00".
2. Amend page 22, line 17, by striking out "\$420,613,500.00" and inserting "\$420,713,500.00".
3. Amend page 22, line 23, by striking out "\$420,613,500.00" and inserting "\$420,713,500.00" and adjusting section 11 and enacting section 1 accordingly.

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

Reps. Vear and Jacobs moved to amend the bill as follows:

1. Amend page 73, following line 24, section 25B, after "APPLY:" by striking out all of subdivision (A) and relettering the remaining subdivisions.
  2. Amend page 73, following line 24, section 25B, after "(B) THE PUPIL" by inserting "TRANSFERS FROM 1 OF 3 OTHER DISTRICTS SPECIFIED BY THE EDUCATING DISTRICT AND".
  3. Amend page 73, following line 24, section 25B, by striking out all of subdivision (C) and relettering the remaining subdivisions.
  4. Amend page 73, following line 24, section 25B, subdivision (D), after "THE PUPIL WAS COUNTED IN MEMBERSHIP IN THE" by striking out "PUBLIC SCHOOL ACADEMY OR".
  5. Amend page 73, following line 24, section 25B, subdivision (E), after "WHO ARE DESCRIBED IN SUBDIVISIONS" by striking out "(A) TO (D)" and inserting "(A) AND (B) AND WHO TRANSFERS FROM 1 OF THE 3 OTHER DISTRICTS SPECIFIED BY THE EDUCATING DISTRICT,".
  6. Amend page 73, following line 24, section 25B, subdivision (E), after "EQUAL TO THE GREATER OF" by striking out "50" and inserting "25".
  7. Amend page 73, following line 24, section 25B, subdivision (E), after "OR 1% OF THE" by inserting "EDUCATING".
  8. Amend page 73, following line 24, section 25B, subsection (2), after "(2)" by striking out the balance of the subsection and inserting "IF THE CONDITIONS SPECIFIED IN SUBSECTION (1) ARE MET, AND A PUPIL TRANSFERS FROM 1 OF THE 3 OTHER SPECIFIED DISTRICTS DESCRIBED IN SUBSECTION (1)(C) AND ENROLLS DURING A SCHOOL YEAR IN THE EDUCATING DISTRICT, THE EDUCATING DISTRICT SHALL REPORT THE ENROLLMENT INFORMATION TO THE DEPARTMENT AND TO THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP, AND THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP SHALL PAY TO THE EDUCATING DISTRICT AN AMOUNT EQUAL TO THE AMOUNT OF THE FOUNDATION ALLOWANCE OR PER PUPIL PAYMENT UNDER SECTION 20 RECEIVED BY THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP, PRORATED ACCORDING TO THE NUMBER OF DAYS OF THE SCHOOL YEAR ENDING IN THE FISCAL YEAR THE PUPIL IS EDUCATED IN THE EDUCATING DISTRICT COMPARED TO THE NUMBER OF DAYS OF THE SCHOOL YEAR ENDING IN THE FISCAL YEAR THE PUPIL WAS ACTUALLY ENROLLED IN THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP. IF A DISTRICT DOES NOT MAKE THE PAYMENT REQUIRED UNDER THIS SECTION WITHIN 30 DAYS AFTER RECEIPT OF THE REPORT, THE DEPARTMENT SHALL CALCULATE THE AMOUNT OWED, SHALL DEDUCT THAT AMOUNT FROM THE REMAINING STATE SCHOOL AID PAYMENTS TO THE DISTRICT FOR THAT FISCAL YEAR UNDER THIS ACT, AND SHALL PAY THAT AMOUNT TO THE EDUCATING DISTRICT. THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP AND THE EDUCATING DISTRICT SHALL PROVIDE TO THE DEPARTMENT ALL INFORMATION THE DEPARTMENT REQUIRES TO ENFORCE THIS SECTION.
- (3) AS USED IN THIS SECTION, "EDUCATING DISTRICT" MEANS THE DISTRICT IN WHICH A PUPIL ENROLLS AFTER THE PUPIL MEMBERSHIP COUNT DAY AS DESCRIBED IN SUBSECTION (1)."

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

Rep. Raczkowski moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Stallworth.

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

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

The demand was supported.

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

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

**Roll Call No. 620****Yeas—48**

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

**Nays—62**

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

In The Chair: Patterson

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

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

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

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

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Rep. Vander Roest moved that Rep. DeVuyst be excused temporarily from today's session.

The motion prevailed.

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

**Senate Bill No. 1044, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3, 6, 8, 11, 11f, 11g, 19, 20, 20j, 21b, 24, 26a, 31a, 31c, 31d, 32, 36, 36a, 39, 40, 41, 51a, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 91c, 94, 99, 101, 102, 104a, 105, 105b, 105c, 107, 147, 151, 152, and 163 (MCL 388.1603, 388.1606, 388.1608, 388.1611, 388.1611f, 388.1611g, 388.1619, 388.1620, 388.1620j, 388.1621b, 388.1624, 388.1626a, 388.1631a, 388.1631c, 388.1631d, 388.1632, 388.1636, 388.1636a, 388.1639, 388.1640, 388.1641, 388.1651a, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1663, 388.1667, 388.1668, 388.1674, 388.1681, 388.1691c, 388.1694, 388.1699, 388.1701, 388.1702, 388.1704a, 388.1705, 388.1705b, 388.1705c, 388.1707, 388.1747, 388.1751, 388.1752, and 388.1763), sections 6, 11, 11f, 11g, 20, 24, 26a, 31a, 31c, 36, 36a, 41, 51a, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 94, 99, 101, 104a, 105, 107, and 147 as amended and sections 20j, 31d, 32, and 105c as added by 1999 PA 119, sections 3 and 151 as amended by 1997 PA 93, sections 8 and 39 as amended by 1997 PA 142, sections 19, 21b, 102, and 163 as amended by 1996 PA 300, section 40 as amended by 1991 PA 118, section 91c as added by 1995 PA 130, section 105b as added by 1997 PA 24, and section 152 as amended by 1993 PA 175, and by adding sections 20l, 22a, 22b, 22c, 51c, 94a, 101b, and 108; and to repeal acts and parts of acts.

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

**Roll Call No. 621**

**Yeas—93**

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

**Nays—15**

Clark, I.	Hale	Reeves	Switalski
Clarke, H.	Hardman	Rivet	Thomas
Daniels	Kilpatrick	Scott	Vaughn
Garza	Lemmons	Stallworth	

In The Chair: Patterson

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

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

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 3, 6, 8, 11, 11f, 11g, 17b, 19, 20, 20j, 21b, 24, 25, 26a, 31a, 31d, 32, 39, 40, 41, 51a, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 91c, 94, 99, 101, 102, 105, 105b, 105c, 107, 147, 151, 152, and 163 (MCL 388.1603, 388.1606, 388.1608, 388.1611, 388.1611f, 388.1611g, 388.1617b, 388.1619, 388.1620, 388.1620j, 388.1621b, 388.1624, 388.1625, 388.1626a, 388.1631a, 388.1631d, 388.1632, 388.1639, 388.1640, 388.1641, 388.1651a, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1663, 388.1667, 388.1668, 388.1674, 388.1681, 388.1691c, 388.1694, 388.1699, 388.1701, 388.1702, 388.1705, 388.1705b, 388.1705c, 388.1707, 388.1747, 388.1751, 388.1752, and 388.1763), sections 6, 11, 11f, 11g, 17b, 20, 24, 26a, 31a, 41, 51a, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 94, 99, 101, 105, 107, and 147 as amended and sections 20j, 31d, 32, and 105c as added by 1999 PA 119, sections 3, 25, and 151 as amended by 1997 PA 93, sections 8 and 39 as amended by 1997 PA 142, sections 19, 21b, 102, and 163 as amended by 1996 PA 300, section 40 as amended by 1991 PA 118, section 91c as added by 1995 PA 130, section 105b as added by 1997 PA 24, and section 152 as amended by 1993 PA 175, and by adding sections 11j, 11k, 18b, 18c, 20k, 20l, 22a, 22c, 25b, 32a, 32b, 32c, 32d, 32e, 32f, 32g, 35, 51c, 51d, 84, 94a, 95, 96, 97, 97a, 98, 98a, 98b, 108, and 169c; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

"Mr. Speaker and members of the House:

I voted no on Senate Bill 1044, the School Aid Budget because it fails to fully fund public education in the City of Detroit. There's so much talk about a desire to assist the children in the city to increase MEAP scores and decrease drop out rates, but the Legislature has not kept its promises."

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

"Mr. Speaker and members of the House:

I voted no on SB1044 because we are not addressing the needs of all our students. Yet, we expect the same performance on the MEAP test. Faulty buildings, not equipped for computers. Many language barriers and we are not mandating or fully funding bilingual instructions. However the state wants to take over these schools, as opposed to assisting them where needed."

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

"Mr. Speaker and members of the House:

I voted no on Senate Bill 1044, the School Aid Budget, because it uses a shell game to meet the obligations of the State of pay for special education. Instead of providing the \$420 million needed to fully fund special education, the Governor's proposal included in this bill, shifts the funding around and divides it into three 'buckets'. It does NOT provide for any additional funding and cheats children out of their right to an education. Therefore, I voted no on Senate Bill 1044."

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

"Mr. Speaker and members of the House:

SB 1044 does not consider the plight of the Detroit Public Schools. This house must meet the needs of all the children and instructors. This bill does not go far enough to accomplish this.

I voted no on Senate Bill 1044, the School Aid Budget, because it uses a shell game to meet the obligations of the State of pay for special education. Instead of providing the \$420 million needed to fully fund special education, the Governor's proposal included in this bill, shifts the funding around and divides it into three 'buckets'. It does NOT provide for any additional funding and cheats children out of their right to an education."

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

“Mr. Speaker and members of the House:

I voted no on Senate Bill 1044, the School Aid Budget, because it uses a shell game to meet the obligations of the State of pay for special education. Instead of providing the \$420 million needed to fully fund special education, the Governor’s proposal included in this bill, shifts the funding around and divides it into three ‘buckets’. It does NOT provide for any additional funding and cheats children out of their right to an education. In addition, the introduction of the golden apple award demonstrates an unacceptable new direction in educational incentives that deviates from the basic constitutional philosophy that all students in our state deserve a free and equitable education.”

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

“Mr. Speaker and members of the House:

I voted no on Senate Bill 1044 because it denied the city of Detroit Public Schools needed resources to provide more equity in education in our state. Instead of providing the \$420 million needed to fully fund special education, the Governor’s proposal included in this bill, shifts the funding around and divides it into three ‘buckets’. It does NOT provide for any additional funding and cheats children out of their right to an education. Therefore, I voted no on Senate Bill 1044.”

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

“Mr. Speaker and members of the House:

I voted no on this Anti Detroit, Anti public education bill. You should be ashamed. Yes that is true. You should be ashamed because you stole - that’s right, outright stole - the Detroit Public Schools. However, in order to smooth over the theft you promised the Detroit Public Schools \$15 million plus more funds for the next several years to reduce classroom size, help at risk students and tear down abandoned buildings (many of them state owned) near Detroit public school buildings. These were the ‘pork chops’ you offered to members of the Legislature if they would join you in stealing the Detroit Public Schools. So strange bed fellows The Governor, The Major of Detroit, Labor unions, some Detroit School Board Members, some teachers and Administrators banded together to take away my right to vote for my school board. Outside of the theft of the \$1.5 billion dollar bond issue the Legislature promised the paltry sum of \$15 million dollars in additional school aid to the sellouts. Now the legislature has reneged on that promise in this bill. That is why I voted no! This betrayal should send a message to all who would cut an unholy deal with the devil. As the Old Faust Tales and ‘The Devil and Daniel Webster’ story made clear - If you cut a deal with the devil he always come back to claim your soul! Yes, I voted no and I will continue to vote no until justice is done for the children of Detroit and poor children, especially black children, across this state. Thank you Mr. Speaker.”

Rep. Kilpatrick, 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:

Whether we want to admit it or not, the fundamental question presented through Senate Bill 1044 is whether this Legislature will finally submit to the will of the people of Michigan as it has been expressed through the Headlee Amendment.

It is certainly beyond argument that members of this legislature do not look fondly at attempts by anyone let alone the Michigan electorate to reign in or restrict our discretion when it comes to spending the people’s tax dollars. You can count members from my side of the aisle among those. However, the Headlee Amendment was a voter-approved ballot initiative adopted in November of 1978, which did precisely that.

Thirty years of avoiding the will of the People of Michigan is enough. How many times are we going to force the judicial branch of this government into the political dilemma of again ruling—for the third or fourth time—that one of our school funding enactments is unconstitutional. How many times will we ask the courts to sanction legislative appropriations which are nothing other than a funding shell game. This is an embarrassment of the highest order.

While it appears that our friends on the other side of the aisle have the votes to continue this charade, I want the record very clear that I have had enough of this Constitutional evasion. This was not an initiative which our party inspired or promoted, but nonetheless I stand prepared at this point in time to submit to the expressed will of the people. I stand prepared today to stop playing games and provide the additional funding necessary to comply with the requirements contained in the Headlee Amendment. Make no mistake, there simply is no additional funding supplied under Senate Bill 1044 to fund the mandated special education services provided by local schools.

I will therefore, vote no on this bill for that reason. I am more than prepared to vote in support of the additional foundation allowance revenues provided through this bill, but I will not be a party to the continuing Constitutional charade contained in this bill. The stain of this violation of law is solely on your hands now.”

Rep. Switalski, 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:

The Court of Appeals called the current version of the School Aid Act ‘arcane.’ I call it incomprehensible. With the changes presently being inserted, involving the Governor’s three tier system of funding it can’t be understood without the considerable aid of technicians.

This bill uses foundation allowance revenues to fund our Headlee obligation for special education services. This three tier system of funding is simply an arithmetic exercise designed to assure that local schools will have to use their foundation allowance revenues to solely pay for the ever-increasing costs of special education services. No new or additional money *whatsoever* will pass through to local schools under this Bill in order to make up for the under funding of special education services which the Court of Appeals determined to exist in its October 19, 1999, decision in the *Durant II* litigation. The State Budget Director expressly verified this fact when the three tier system was introduced on January 28, 2000.

Therefore, while it is claimed by the proponents of this Bill that local schools will receive an increase in funding of 5.3% for next school year, that is only true if you *ignore the reality* that the unrelenting 9% increases in the year-to-year costs of providing the special education services must be paid for with these purportedly additional funds. I have read the Court of Appeals’ October 19, 1999, decision. It is very clear to me that the Court ruled that we cannot, through appropriation legislation, use foundation allowance revenues provided to local schools under Proposal A as a funding resource to meet our Headlee Amendment funding obligations for special education services. I do not know how much clearer the Court of Appeals could have been in announcing that point of law.

Yet, here we go again, we pretend the problem in the current version of the School Aid Act was a lack of more cleverly disguising from the courts our scheme to use foundation allowance monies to meet our Headlee obligation.

I do not care to be a party to this deception. I do not wish to be responsible for adopting legislation which is patently violative of the Michigan Constitution. Let us not embarrass ourselves any further.”

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

“Mr. Speaker and members of the House:

I do not support SB 1044 because it does not properly fund districts’ special education costs nor does it sufficiently reduce the inequity in the state’s per-pupil foundation allowance grants. The special education funding scheme in this bill does not comply with the state constitution because it continues to use foundation allowance revenue to fund the state’s obligation under the Headlee Amendment.”

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

Rep. Pappageorge moved that Rep. Green be excused temporarily from today’s session.  
The motion prevailed.

Rep. Frank moved that Rep. Quarles be excused temporarily from today’s session.  
The motion prevailed.

### Second Reading of Bills

#### House Bill No. 4631, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 3 (MCL 722.623), as amended by 1994 PA 177.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Family and Children Services (for amendment, see House Journal No. 44, p. 995),

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

Rep. Jacobs moved to amend the bill as follows:

1. Amend page 4, line 6, after “the” by inserting “CONFIRMED”.
2. Amend page 4, line 7, after “a” by striking out “venereal” and inserting “SEXUALLY TRANSMITTED”.

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

Rep. Jacobs demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 622****Yeas—101**

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

**Nays—0**

In The Chair: Patterson

Rep. Hart moved to amend the bill as follows:

1. Amend page 4, line 7, after “than” by striking out “16” and inserting “14”.

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

Rep. Hart 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. Godchaux moved that Rep. Scranton 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. 4631, entitled**

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 3 (MCL 722.623), as amended by 1994 PA 177.

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

**Roll Call No. 623****Yeas—79**

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

**Nays—26**

Baird	Dennis	Jacobs	Quarles
Bogardus	Garza	Jamnack	Reeves
Brater	Godchaux	LaForge	Rison
Brewer	Hale	Lemmons	Scott
Clark, I.	Hanley	Martinez	Stallworth
Clarke, H.	Hansen	Minore	Vaughn
Daniels	Hardman		

In The Chair: Patterson

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

**Reports of Standing Committees**

The Speaker laid before the House

**House Concurrent Resolution No. 103.**

A concurrent resolution to change the scope of the College of Engineering and Applied Sciences project at Western Michigan University.

(For text of resolution, see House Journal No. 50, p. 1329.)

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Rep. Bob Brown moved that Rep. Thomas be excused temporarily from today's session.  
The motion prevailed.

The Speaker laid before the House

**House Concurrent Resolution No. 104.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Kalamazoo Valley Community College relative to the Kalamazoo Valley Community College Arcadia Commons Campus Phase II.

(For text of resolution, see House Journal No. 50, p. 1329.)

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

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

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

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 624**

**Yeas—105**

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

**Nays—0**

The Speaker laid before the House

**House Concurrent Resolution No. 105.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Community College District of Monroe County relative to the Community College District of Monroe County Business and Technical Center, Library, and Welding and Fastening Project.

(For text of resolution, see House Journal No. 50, p. 1329.)

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

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

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

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 625**

**Yeas—105**

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

**Nays—0**

In The Chair: Patterson

Rep. Brater moved that Rep. Martinez be excused temporarily from today’s session.  
The motion prevailed.

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

### Messages from the Senate

#### House Bill No. 4427, entitled

A bill to define, develop, and regulate privately owned cervidae as an agricultural enterprise in this state; to provide powers and duties of certain state agencies and departments; and to provide for certain penalties and remedies.

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

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

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

Rep. Raczkowski moved that Rule 45 be suspended.

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

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

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

#### Roll Call No. 626

#### Yeas—102

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

#### Nays—0

In The Chair: Patterson

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

Rep. Clark moved that Rep. Lemmons be excused temporarily from today's session.  
The motion prevailed.

**House Bill No. 4428, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103, 41102, and 42702 (MCL 324.40103, 324.41102, and 324.42702), section 40103 as amended by 1999 PA 66 and sections 41102 and 42702 as added by 1995 PA 57; and to repeal acts and parts of acts.

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

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

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

Rep. Raczkowski moved that Rule 45 be suspended.

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

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

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

**Roll Call No. 627**

**Yeas—103**

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

**Nays—0**

In The Chair: Patterson

The House agreed to the full title of the bill.

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

The Speaker laid before the House

**House Bill No. 5232, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2955b.

(The bill was received from the Senate on May 23, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 24, see House Journal No. 47, p. 1152.)

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. 628**

**Yeas—106**

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

**Nays—0**

In The Chair: Patterson

The House agreed to the full title of the bill.

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

The Speaker laid before the House

**House Bill No. 4206, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 1996 PA 320.

(The bill was received from the Senate on May 30, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 50, p. 1333.)

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

**Roll Call No. 629****Yeas—105**

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

**Nays—0**

In The Chair: Patterson

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****House Bill No. 5043, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

(The bill was read a second time, Committee substitute (H-3) offered and bill postponed temporarily on May 30, see House Journal No. 50, p. 1325.)

The question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Tax Policy,

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

Rep. Vear moved to amend the bill as follows:

1. Amend page 6, line 7, after “TO” by striking out the balance of the line through “THE” on line 9 and inserting “A PROGRAM REVIEW EACH YEAR AND AN INDEPENDENT FINANCIAL AUDIT EVERY 3 YEARS AND PROVIDES COPIES OF THE REVIEWS AND AUDITS TO THE DEPARTMENT NOT MORE THAN 3 MONTHS AFTER THE REVIEW OR”.

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

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

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

Rep. 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. 5043, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

**Roll Call No. 630**

**Yeas—104**

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

**Nays—0**

In The Chair: Patterson

The House agreed to the title of the bill.

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

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

Reps. Basham, Birkholz, Bovin, Cameron Brown, Cassis, Caul, Clarke, DeHart, DeRossett, DeVuyst, DeWeese, Ehardt, Frank, Godchaux, Hager, Hansen, Hardman, Jacobs, Jamnick, Jansen, Ruth Johnson, Julian, Koetje, Kowall, Kuipers, Kukuk, LaSata, Law, Lemmons, Middaugh, Minore, Mortimer, O'Neil, Pappageorge, Patterson, Pestka, Pumford, Richardville, Rivet, Rocca, Sanborn, Schauer, Shackleton, Sheltroun, Shulman, Stallworth, Switalski, Toy, Van Woerkom, Vear, Voorhees and Woronchak were named co-sponsors of the bill.

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The Speaker Pro Tempore assumed the Chair.

### Second Reading of Bills

#### House Bill No. 5754, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending sections 12b, 12c, 12d, 13, 13a, 14, 16, 17, 19, 20a, 20c, 20d, and 20e (MCL 38.1132b, 38.1132c, 38.1132d, 38.1133, 38.1133a, 38.1134, 38.1136, 38.1137, 38.1139, 38.1140a, 38.1140c, 38.1140d, and 38.1140e), sections 12b, 12c, and 12d as added and sections 13, 14, 16, 17, 19, 20a, 20d, and 20e as amended by 1996 PA 485, section 13a as added by 1998 PA 343, and section 20c as amended by 1997 PA 42; and to repeal acts and parts of acts.

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

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

Rep. Vander Roest 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.

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Rep. Vander Roest moved that Rep. Hart 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. 5754, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending sections 12b, 12c, 12d, 13, 13a, 14, 16, 17, 19, 20a, 20c, 20d, and 20e (MCL 38.1132b, 38.1132c, 38.1132d, 38.1133, 38.1133a, 38.1134, 38.1136, 38.1137, 38.1139, 38.1140a, 38.1140c, 38.1140d, and 38.1140e), sections 12b, 12c, and 12d as added and sections 13, 14, 16, 17, 19, 20a, 20d, and 20e as amended by 1996 PA 485, section 13a as added by 1998 PA 343, and section 20c as amended by 1997 PA 42; and to repeal acts and parts of acts.

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

#### Roll Call No. 631

#### Yeas—103

Allen	Ehardt	Kukuk	Rivet
Baird	Faunce	LaForge	Rocca
Basham	Frank	LaSata	Sanborn
Birkholz	Garcia	Law	Schauer
Bisbee	Garza	Lemmons	Schermesser
Bishop	Gielegem	Lockwood	Scott

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

### Nays—0

In The Chair: Birkholz

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

Pending the Second Reading of  
**House Bill No. 4190, entitled**

A bill to require certain consumer reporting agencies to disclose certain information to certain consumers without charge; and to provide for certain remedies and penalties.

Rep. Raczkowski moved that the bill be re-referred to the Committee on Insurance and Financial Services.

The motion prevailed.

**Senate Bill No. 734, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4d (MCL 205.94d), as amended by 1992 PA 267.

The bill was read a second time.

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

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

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

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

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Rep. Vander Roest moved that Reps. Ehardt and Julian be excused temporarily from today's session.  
The motion prevailed.

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

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

**Senate Bill No. 734, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4d (MCL 205.94d), as amended by 1992 PA 267.

The bill was read a third time.  
The question being on the passage of the bill,

Rep. Quarles moved that the bill be re-referred to the Committee on Tax Policy.  
The question being on the motion made by Rep. Quarles,  
Rep. Quarles demanded the yeas and nays.  
The demand was supported.

The question being on the motion made by Rep. Quarles,  
The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

**Roll Call No. 632**

**Yeas—51**

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

**Nays—55**

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

In The Chair: Birkholz

The question being on the passage of the bill,

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

**Roll Call No. 633****Yeas—103**

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

**Nays—0**

In The Chair: Birkholz

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

“An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The House agreed to the full title.

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

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

**Second Reading of Bills****Senate Bill No. 773, entitled**

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

The bill was read a second time.

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

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

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

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

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

**Senate Bill No. 773, entitled**

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

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

**Roll Call No. 634**

**Yeas—101**

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

**Nays—0**

In The Chair: Birkholz

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

"An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement

thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The House agreed to the full title.

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

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

### Second Reading of Bills

#### Senate Bill No. 627, entitled

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

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

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

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

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

Rep. Stamas moved that Rep. Jellema be excused temporarily from today’s session.

The motion prevailed.

#### Senate Bill No. 630, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending sections 3a, 4, and 4k (MCL 205.93a, 205.94, and 205.94k), section 3a as amended by 1998 PA 366, section 4 as amended by 1999 PA 117, and section 4k as amended by 1999 PA 70.

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

Rep. Minore moved that the bill be re-referred to the Committee on Tax Policy.

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

Rep. Minore demanded the yeas and nays.

The demand was supported.

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

After debate,

Rep. Shackleton demanded the previous question.

The demand was supported.

The question being, “Shall the main question now be put?”

The previous question was ordered.

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

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

#### Roll Call No. 635

#### Yeas—52

Baird	Dennis	Lemmons	Rivet
Basham	Frank	Lockwood	Schauer
Bogardus	Garza	Mans	Schermesser
Bovin	Gielegem	Martinez	Scott
Brater	Hale	Minore	Sheltrown
Brewer	Hanley	Neumann	Spade
Brown, B.	Hansen	O’Neil	Stallworth
Callahan	Hardman	Pestka	Switalski
Cherry	Jacobs	Price	Tesanovich
Clark, I.	Jamnick	Prusi	Thomas

Clarke, H.  
Daniels  
DeHart

Kelly  
Kilpatrick  
LaForge

Quarles  
Reeves  
Rison

Vaughn  
Wojno  
Woodward

### Nays—54

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

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

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

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

In The Chair: Birkholz

The question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Tax Policy,

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

Rep. Cassis moved to amend the bill as follows:

1. Amend page 9, line 17, after "AIRCRAFT" by striking out "PURCHASED".
2. Amend page 9, line 18, after "BY" by striking out the comma and "OR FOR LEASE TO,".

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

Rep. Cassis 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. 5421, entitled

A bill to designate the part of the bypass of highway US-131 that is located between highway M-115 and Boon road in Wexford county as the "Sidney Ouwinga Memorial Bypass"; and to prescribe the duties of the state transportation department.

(The bill was received from the Senate on May 30, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 50, p. 1334.)

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. 636

### Yeas—107

Allen  
Baird

Faunce  
Frank

Kowall  
Kuipers

Rivet  
Rocca

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

### Nays—0

In The Chair: Birkholz

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### Senate Bill No. 1187, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2000 PA 45.

The bill was read a second time.

Rep. Jacobs moved to amend the bill as follows:

1. Amend page 7, line 16, after "REQUIREMENT." by inserting "THIS SUBSECTION DOES NOT APPLY TO CIRCUMSTANCES THAT ARISE ON OR AFTER THE DATE THAT CHAPTER XII OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712.1 TO 712.20, IS REPEALED."

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

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

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

Rep. DeVuyst, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 621. Had I been present, I would have voted ‘yea’.”

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Reps. Scott, Spade, Daniels, Switalski, Lemmons, Frank, Hardman, Neumann, Vaughn, Schauer, Vear, Kelly, Quarles, Jacobs, Martinez, Hager, Pappageorge, LaForge, Julian, Voorhees, DeHart, Vander Roest, Dennis, Woodward, Tesanovich, Bovin, Schermesser, Baird, Hanley, Price, Rocca, Ehardt, Rison, Hansen, Minore, Kukuk, Scranton, Gielegem, Faunce, Toy, Jansen, Birkholz, Lockwood, Hale, Prusi, Rivet, Brater, Garcia, Clark, Jamnick, DeRossett, Reeves, Clarke, Allen and Thomas offered the following resolution:

#### **House Resolution No. 360.**

A resolution honoring Highland Park Community High School’s Parli Bears.

Whereas, It is with great pleasure we commend the students, coaches, and parents of Highland Park Community High School upon its selection to receive special runner-up honors in the Business Professionals of America Student Parliamentary Procedure Contest. This recognition is a well-earned milestone symbolic of innovation, planning, and the personal commitment of many people who share the belief that education is one of the greatest gifts we can give our children; and

Whereas, Attaining the level of excellence reflected at Highland Park Community High School is attributed to a unity of purpose that brings together all the elements of a successful learning environment. By using a team approach, The Parli Bears won this contest in 1998 and 1999, and this year finished in second place. We are proud of their total accomplishments. The Parli Bears won the school’s 17th state championship in 22 years, 10 national parli-pro titles, and finished as U.S. runner-up six times. They will be able to deal effectively with the wide range of influences necessary to prepare our young people for the challenges of tomorrow; and

Whereas, Superintendent Beulah Mitchell, Ed.D and all the good parents of Highland Park Community High School realize that a key part of achieving great results is by expecting great results, and students have proven this theory by accepting nothing less than their best. Clearly, the fortunate students at Highland Park Community High School are well along the path to quality education; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate the students, coaches, and parents of Highland Park Community High School as they receive honors as runner-up in the Business Professionals of America Student Parliamentary Procedure Contest. We look forward to the continuation of this excellent record; and be it further

Resolved, That a copy of this resolution be transmitted to Highland Park Community High School 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. Richardville, Tabor, Bishop, Mead, Spade, Switalski, Kuipers, Cassis, Lemmons, Frank, Hardman, Neumann, Vaughn, Vear, Scott, Kelly, Jacobs, LaSata, Hager, Pappageorge, Julian, Voorhees, DeHart, Vander Roest, Koetje, Tesanovich, Bovin, Schermesser, Rocca, Raczkowski, Ehardt, Rison, Howell, Gosselin, Kukuk, Scranton, Gielegem, Sheltrown, Faunce, Toy, Jansen, Birkholz, Lockwood, Hale, Prusi, Middaugh, Brater, Garcia, Shulman, Jamnick, DeRossett, Clarke, Allen and Shackleton offered the following resolution:

#### **House Resolution No. 361.**

A resolution designating August 16 as National Airborne Day.

Whereas, It is a pleasure to salute our nation’s paratroopers and air assault troops for the sacrifices they have made, with some even paying the ultimate price; and

Whereas, On August 16, 1940, the first official military parachute jump was completed by the Parachute Test Platoon, which led to the formation of the legendary volunteer airborne forces, including the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions, that have seen service in World War II, the Korean War, the Vietnam War, and other conflicts throughout the world; and

Whereas, During the last sixty years, paratroopers, glider, and air assault troops wearing the “Silver Wings of Courage” have distinguished themselves in battle by making 93 combat jumps, thus earning 68 Congressional Medals of Honor and hundreds of other awards for valor and the respect of the citizens of the United States and foes around the world; and

Whereas, The courage displayed by these men in order to protect our freedom, their willingness to serve when called, and their commitment to the values this nation embraces, have certainly endeared these men to the hearts of all; now, therefore, be it

Resolved by the House of Representatives, That we designate August 16 as National Airborne Day as evidence of support and respect for all paratroopers and air assault troops who serve or have served in the United States Armed Forces; and be it

Resolved, That a copy of the resolution be transmitted to the 82nd Airborne Division Association as a token 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.

Reps. Neumann, Mead, Spade, Daniels, Switalski, Lemmons, Frank, Hardman, Vaughn, Schauer, Vear, Scott, Kelly, Quarles, Jacobs, Martinez, LaSata, Jellema, Hager, Pappageorge, LaForge, Julian, Voorhees, DeHart, Vander Roest, Dennis, Woodward, Tesanovich, Bovin, Schermesser, Richardville, Baird, Hanley, Price, Rocca, Raczkowski, Ehardt, Rison, Hansen, Howell, Minore, Scranton, Gielegghem, Sheltroun, Faunce, Jansen, Birkholz, Lockwood, Hale, Prusi, Rivet, Middaugh, Brater, Garcia, Shulman, Jamnick, DeRossett, Clarke, Callahan, Garza, Allen, Shackleton and Thomas offered the following resolution:

**House Resolution No. 362.**

A resolution designating May 14-20, 2000, as Emergency Medical Services Week.

Whereas, Emergency medical services are a vital public service. The members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

Whereas, Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, Emergency medical services providers have traditionally served as the safety net of America's health care system. Emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others. Approximately two-thirds of all emergency medical services providers are volunteers; and

Whereas, The members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

Whereas, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

Whereas, It is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

Whereas, Injury prevention and the appropriate use of the EMS system will help reduce national health care costs; now, therefore, be it

Resolved by the House of Representatives, That we commemorate the week of May 14-20, 2000, as Emergency Medical Services Week, and encourage the community to observe this week with appropriate programs, ceremonies, and activities.

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. Thomas, Bishop, Spade, Daniels, Switalski, Cassis, Lemmons, Frank, Hardman, Neumann, Vaughn, Schauer, Vear, Scott, Kelly, Quarles, Jacobs, Martinez, LaSata, Jellema, Hager, Pappageorge, LaForge, Julian, Voorhees, DeHart, Vander Roest, Wojno, Dennis, Woodward, Tesanovich, Bovin, Schermesser, Richardville, Baird, Hanley, Price, Rocca, Raczkowski, Ehardt, Rison, Hansen, Minore, Kukuk, Scranton, Gielegghem, Sheltroun, Faunce, Toy, Jansen, Birkholz, Lockwood, Hale, Prusi, Rivet, Middaugh, Brater, Garcia, Shulman, Clark, Jamnick, DeRossett, Clarke, Callahan, Garza and Shackleton offered the following resolution:

**House Resolution No. 363.**

A resolution to commemorate June 10, 2000, as Childhood Cancer Survivors' Day.

Whereas, Today over 200,000 Americans are survivors of childhood cancer thanks to advances in early cancer detection, treatment, and research; and

Whereas, Children's Hospital of Michigan, the oldest and largest hospital caring for the children of Michigan, has an active, productive cancer survivor population, demonstrating that a cancer diagnosis is no longer an automatic death sentence; and

Whereas, Communities all across America will be celebrating life Saturday, June 10, as part of the world's largest cancer survivor event, the 13th annual National Cancer Survivors' Day; now, therefore, be it

Resolved by the House of Representatives, That June 10, 2000, be commemorated as Childhood Cancer Survivors' Day in the State of Michigan and we urge all citizens to join in this joyous celebration of life; and be it further

Resolved, That a copy of this resolution be transmitted to Children's Hospital of Michigan as evidence of our support for their endeavors.

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.

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

The Clerk announced that the following bill had been printed and placed upon the files of the members, Thursday, May 25:

**Senate Bill No. 1291**

The Clerk announced that the following bill had been printed and placed upon the files of the members, Friday, May 26:

**Senate Bill No. 1290**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Wednesday, May 31:

**House Bill Nos. 5848 5849 5850 5851 5852 5853 5854 5855 5856 5857 5858 5859 5860 5861  
5862 5863**

The Clerk announced that the following Senate bills had been received on Wednesday, May 31:

**Senate Bill Nos. 651 772 806 911 1184 1205 1264 1265 1266 1274**

By unanimous consent the House returned to the order of

### **Reports of Standing Committees**

The Committee on Senior Health, Security and Retirement, by Rep. Vander Roest, Chair, reported

**House Bill No. 5844, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21723.

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 5844** To Report Out:

Yeas: Reps. Vander Roest, Voorhees, Cassis, Faunce, Tabor, Woronchak, DeHart, Bovin, Spade,

Nays: None.

### **COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Vander Roest, Chair of the Committee on Senior Health, Security and Retirement, was received and read:

Meeting held on: Wednesday, May 31, 2000, at 9:00 a.m.,

Present: Reps. Vander Roest, Voorhees, Cassis, Faunce, Tabor, Woronchak, DeHart, Bovin, Spade,

Absent: Reps. Rocca, Hardman,

Excused: Reps. Rocca, Hardman.

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

**House Bill No. 5554, entitled**

A bill to amend 1981 PA 118, entitled "An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending sections 4 and 14 (MCL 445.1564 and 445.1574), section 14 as amended by 1998 PA 456.

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 5554** To Report Out:

Yeas: Reps. Rick Johnson, Gilbert, Hart, Middaugh, Patterson, Kilpatrick, Bovin, Brewer, Jamnick, Lemmons,

Nays: None.

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

**Senate Bill No. 1197, entitled**

A bill to amend 1981 PA 118, entitled "An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending sections 4 and 14 (MCL 445.1564 and 445.1574), section 14 as amended by 1998 PA 456.

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

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

Favorable Roll Call

**SB 1197** To Report Out:

Yeas: Reps. Rick Johnson, Gilbert, Hart, Middaugh, Patterson, Kilpatrick, Bovin, Brewer, Jamnick, Lemmons,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 31, 2000, at 8:00 a.m.,

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

Absent: Reps. DeVuyst, Garcia, Ruth Johnson, Shackleton, Reeves,

Excused: Reps. DeVuyst, Garcia, Ruth Johnson, Shackleton, Reeves.

The Committee on Energy and Technology, by Rep. Middaugh, Chair, reported

**Senate Bill No. 937, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," by amending section 6l (MCL 460.6l), as added by 1982 PA 304, and by adding sections 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10p, 10q, 10r, 10s, 10t, 10v, 10w, 10x, 10y, and 10aa.

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

1. Amend page 1, line 1, after "THROUGH" by striking out "10G" and inserting "10BB".
2. Amend page 2, line 1, after "THROUGH" by striking out "10W" and inserting "10BB".
3. Amend page 2, following line 17, by inserting:  
 "(3) SUBSECTION (2) DOES NOT APPLY AFTER DECEMBER 31, 2003."
4. Amend page 2, line 21, after "COSTS" by inserting "AND IMPLEMENTATION COSTS".
5. Amend page 3, line 5, after "APPLICABLE" by inserting "USERS, SALES, AND".
6. Amend page 3, line 7, after "ACT." by striking out the balance of the line through "2003." on line 8.
7. Amend page 3, line 20, after "THROUGH" by striking out "10W" and inserting "10BB".
8. Amend page 3, line 27, after "COMMISSION." by inserting "AN ELECTRIC UTILITY THAT HAS NOT HAD VOLUNTARY COMMITMENTS TO PROVIDE CUSTOMER CHOICE PREVIOUSLY APPROVED BY ORDERS OF THE COMMISSION SHALL FILE A RESTRUCTURING PLAN TO ALLOW CUSTOMERS TO CHOOSE AN ALTERNATIVE ELECTRIC SUPPLIER NO LATER THAN THE DATE ORDERED BY THE COMMISSION. THE PLAN SHALL PROPOSE A METHODOLOGY TO DETERMINE THE ELECTRIC UTILITY'S NET STRANDED COSTS AND IMPLEMENTATION COSTS."
9. Amend page 5, line 21, after "EITHER" by striking out the comma and inserting "1 OF THE FOLLOWING:  
 (i)".
10. Amend page 5, line 25, after "PERIOD" by striking out "OR CAPABLE" and inserting a period and:  
 "(ii) CAPABLE".
11. Amend page 6, line 10, after "ACT" by striking out the period and inserting a comma.
12. Amend page 6, following line 10, subsection (12), after "(12)" by striking out "THE RATES FOR RESIDENTIAL CUSTOMERS THAT REMAIN WITH OR WITH" and inserting "AFTER THE TIME PERIOD DESCRIBED IN SECTION 10D(2), THE RATES FOR RETAIL CUSTOMERS THAT REMAIN WITH OR".
13. Amend page 6, following line 14, subsection (2), after "SERVICES." by inserting "NO EARLIER THAN 1 YEAR FROM THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE COMMISSION MAY ORDER THE UNBUNDLING OF EXISTING RESIDENTIAL RATE SCHEDULES. THE COMMISSION MAY ALLOW THE UNBUNDLED RATES TO BE EXPRESSED ON RESIDENTIAL BILLINGS IN TERMS OF PERCENTAGES IN ORDER TO SIMPLIFY RESIDENTIAL BILLING."
14. Amend page 6, line 24, after "SUBSECTION" by striking out "(4)" and inserting "(5)".
15. Amend page 7, line 9, after "SEC. 10C." by inserting "(1) EXCEPT FOR A VIOLATION UNDER SECTION 10A(3) AND AS OTHERWISE PROVIDED UNDER THIS SECTION,".
16. Amend page 7, line 12, after "SECTIONS" by striking out the balance of the line through "10W" on line 13 and inserting "10 THROUGH 10BB".
17. Amend page 8, following line 3, by inserting:  
 "(2) UPON A COMPLAINT OR THE COMMISSION'S OWN MOTION, THE COMMISSION MAY CONDUCT A CONTESTED CASE TO REVIEW ALLEGATIONS OF A VIOLATION UNDER SECTION 10A(3).  
 (3) IF THE COMMISSION FINDS THAT A PERSON HAS VIOLATED SECTION 10A(3), THE COMMISSION SHALL ORDER REMEDIES AND PENALTIES TO PROTECT CUSTOMERS AND OTHER PERSONS WHO HAVE SUFFERED DAMAGES AS A RESULT OF THE VIOLATION, INCLUDING, BUT NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:  
 (A) ORDER THE PERSON TO PAY A FINE FOR THE FIRST OFFENSE OF NOT LESS THAN \$20,000.00 OR MORE THAN \$30,000.00. FOR A SECOND AND ANY SUBSEQUENT OFFENSE, THE COMMISSION SHALL ORDER THE PERSON TO PAY A FINE OF NOT LESS THAN \$30,000.00 OR MORE THAN \$50,000.00. IF THE COMMISSION FINDS THAT THE SECOND OR ANY OF THE SUBSEQUENT OFFENSES WERE KNOWINGLY MADE IN VIOLATION OF SECTION 10A(3), THE COMMISSION SHALL ORDER THE PERSON TO PAY A FINE OF NOT MORE THAN \$70,000.00. EACH UNAUTHORIZED ACTION MADE IN VIOLATION OF SECTION 10A(3) SHALL BE A SEPARATE OFFENSE UNDER THIS SUBDIVISION.  
 (B) ORDER AN UNAUTHORIZED SUPPLIER TO REFUND TO THE CUSTOMER ANY AMOUNT GREATER THAN THE CUSTOMER WOULD HAVE PAID TO AN AUTHORIZED SUPPLIER.  
 (C) ORDER AN UNAUTHORIZED SUPPLIER TO REIMBURSE AN AUTHORIZED SUPPLIER AN AMOUNT EQUAL TO THE AMOUNT PAID BY THE CUSTOMER THAT SHOULD HAVE BEEN PAID TO THE AUTHORIZED SUPPLIER.  
 (D) ORDER THE REFUND OF ANY AMOUNTS PAID BY THE CUSTOMER FOR UNAUTHORIZED SERVICES.  
 (E) ORDER A PORTION BETWEEN 10% TO 50% OF THE FINE ORDERED UNDER SUBDIVISION (A) BE PAID DIRECTLY TO THE CUSTOMER WHO SUFFERED THE VIOLATION UNDER SECTION 10A(3).  
 (F) IF THE PERSON IS LICENSED UNDER THIS ACT, REVOKE THE LICENSE IF THE COMMISSION FINDS A PATTERN OF VIOLATIONS OF SECTION 10A(3).  
 (G) ISSUE CEASE AND DESIST ORDERS.

(4) NOTWITHSTANDING SUBSECTION (3), A FINE SHALL NOT BE IMPOSED FOR A VIOLATION OF SECTION 10A(3) IF THE SUPPLIER HAS OTHERWISE FULLY COMPLIED WITH SECTION 10A(3) AND SHOWS THAT THE VIOLATION WAS AN UNINTENTIONAL AND BONA FIDE ERROR WHICH OCCURRED NOTWITHSTANDING THE MAINTENANCE OF PROCEDURES REASONABLY ADOPTED TO AVOID THE ERROR. EXAMPLES OF A BONA FIDE ERROR INCLUDE CLERICAL, CALCULATION, COMPUTER MALFUNCTION, PROGRAMMING, OR PRINTING ERRORS. AN ERROR IN LEGAL JUDGMENT WITH RESPECT TO A SUPPLIER'S OBLIGATIONS UNDER SECTION 10A(3) IS NOT A BONA FIDE ERROR. THE BURDEN OF PROVING THAT A VIOLATION WAS AN UNINTENTIONAL AND BONA FIDE ERROR IS ON THE SUPPLIER.

(5) IF THE COMMISSION FINDS THAT A PARTY'S POSITION IN A COMPLAINT FILED UNDER SUBSECTION (2) IS FRIVOLOUS, THE COMMISSION SHALL AWARD TO THE PREVAILING PARTY THEIR COSTS, INCLUDING REASONABLE ATTORNEY FEES, AGAINST THE NONPREVAILING PARTY AND THEIR ATTORNEY."

18. Amend page 8, line 19, after "EXPANSION" by inserting "PROVIDED FOR IN THE PLAN".

19. Amend page 8, line 20, after the first "RATES" by striking out "OF AN ELECTRIC UTILITY WITH 1,000,000 OR MORE RETAIL CUSTOMERS OF" and inserting "FOR".

20. Amend page 8, line 20, after "MANUFACTURING CUSTOMERS" by inserting "OF AN ELECTRIC UTILITY WITH 1,000,000 OR MORE RETAIL CUSTOMERS".

21. Amend page 8, line 21, after "2006" by inserting "ABOVE THE RATES ESTABLISHED UNDER SUBSECTION (1)".

22. Amend page 8, line 22, after "ON" by striking out the balance of the line through "PRUDENT" on line 23.

23. Amend page 9, line 1, after "RECOVERY" by striking out the balance of the line through "UPON" on line 2 and inserting a period and "AFTER NOTICE AND HEARING, THE COMMISSION SHALL DETERMINE THE AMOUNT OF REASONABLE AND PRUDENT COSTS, IF ANY, TO BE RECOVERED AND THE RECOVERY PERIOD, WHICH SHALL NOT EXCEED 5 YEARS, AND SHALL NOT COMMENCE UNTIL AFTER THE".

24. Amend page 9, line 9, after "SUBSECTION (1)." by inserting "THE FINANCING ORDER MAY PROVIDE THAT A UTILITY SHALL ONLY ISSUE SECURITIZATION BONDS IN AN AMOUNT EQUAL TO OR LESS THAN REQUESTED BY THE UTILITY, BUT THE COMMISSION SHALL NOT PRECLUDE THE ISSUANCE OF AN AMOUNT OF SECURITIZATION BONDS SUFFICIENT TO FUND THE RATE REDUCTION REQUIRED UNDER SECTION 10D (1).".

25. Amend page 9, following line 14, by striking out all of subsection (7) and inserting:

"(7) UNTIL THE END OF THE PERIOD DESCRIBED IN SUBSECTION (2), THE COMMISSION SHALL NOT AUTHORIZE ANY FEES OR CHARGES THAT WILL CAUSE THE RESIDENTIAL RATE REDUCTION REQUIRED UNDER SUBSECTION (1) TO BE LESS THAN 5%."

26. Amend page 9, following line 14, following subsection (7), by inserting:

"(8) IF AN ELECTRIC UTILITY SERVING LESS THAN 1,000,000 RETAIL CUSTOMERS IN THIS STATE AS OF MAY 1, 2000 ISSUES SECURITIZATION BONDS AS ALLOWED UNDER THIS ACT, IT SHALL HAVE THE SAME RIGHTS, DUTIES, AND OBLIGATIONS UNDER THIS SECTION AS AN ELECTRIC UTILITY SERVING 1,000,000 OR MORE RETAIL CUSTOMERS IN THIS STATE AS OF MAY 1, 2000."

27. Amend page 9, line 26, by striking out all of subsection (2) and inserting:

"(2) A MERCHANT PLANT MAY SELL ITS CAPACITY TO ALTERNATIVE ELECTRIC SUPPLIERS, ELECTRIC UTILITIES, MUNICIPAL ELECTRIC UTILITIES, RETAIL CUSTOMERS, OR OTHER PERSONS. A MERCHANT PLANT MAKING SALES TO RETAIL CUSTOMERS IS AN ALTERNATIVE ELECTRIC SUPPLIER AND SHALL OBTAIN A LICENSE UNDER SECTION 10A(2).

(3) THE COMMISSION SHALL ESTABLISH STANDARDS FOR THE INTERCONNECTION OF MERCHANT PLANTS WITH THE TRANSMISSION AND DISTRIBUTION SYSTEMS OF ELECTRIC UTILITIES. THE STANDARDS SHALL NOT REQUIRE AN ELECTRIC UTILITY TO INTERCONNECT WITH GENERATING FACILITIES WITH A CAPACITY OF LESS THAN 100 KILOWATTS FOR PARALLEL OPERATIONS. THE STANDARDS SHALL BE CONSISTENT WITH GENERALLY ACCEPTED INDUSTRY PRACTICES AND GUIDELINES AND SHALL BE ESTABLISHED TO ENSURE THE RELIABILITY OF ELECTRIC SERVICE AND THE SAFETY OF CUSTOMERS, UTILITY EMPLOYEES, AND THE GENERAL PUBLIC. THE MERCHANT PLANT WILL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE INTERCONNECTION UNLESS THE COMMISSION HAS OTHERWISE ALLOCATED THE COSTS AND PROVIDED FOR COST RECOVERY.

(4) THIS SECTION DOES NOT APPLY TO INTERCONNECTIONS OR TRANSACTIONS THAT ARE SUBJECT TO THE JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION."

28. Amend page 11, line 24, after "THROUGH" by striking out "10W" and inserting "10BB".

29. Amend page 12, line 2, after "STATE." by striking out the balance of the line.

30. Amend page 12, line 9, after "THAN" by striking out "10 MEGAWATTS" and inserting "100 KILOWATTS".

31. Amend page 12, line 11, after the first "UTILITY" by striking out "OR AN AFFILIATE OF AN ELECTRIC UTILITY".

32. Amend page 12, following line 16, section 10P(5), after "EXPERIENCE." by inserting "THE COMMISSION SHALL ALSO INCLUDE PROVISIONS TO UPGRADE THE SERVICE QUALITY OF DISTRIBUTION CIRCUITS THAT HISTORICALLY HAVE EXPERIENCED SIGNIFICANTLY BELOW-AVERAGE PERFORMANCE IN RELATIONSHIP TO SIMILAR DISTRIBUTION CIRCUITS.".

33. Amend page 12, following line 16, following section 10Q(2)(B), by inserting:

"(3) THE COMMISSION SHALL ORDER THE APPLICANT TO POST A BOND OR PROVIDE A LETTER OF CREDIT OR OTHER FINANCIAL GUARANTEE IN A REASONABLE AMOUNT ESTABLISHED BY THE COMMISSION OF NOT LESS THAN \$40,000.00, IF THE COMMISSION FINDS AFTER AN INVESTIGATION AND REVIEW THAT THE REQUIREMENT OF A BOND WOULD BE IN THE PUBLIC INTEREST." and renumbering the remaining subsection.

34. Amend page 12, following line 16, section 10Q(3), after the second "THIS" by striking out "PROVISION" and inserting "SUBSECTION".

35. Amend page 12, following line 16, section 10R(3), after "INSERT" by striking out "OR" and inserting a comma.

36. Amend page 12, following line 16, section 10R(3), after "CONTRACTS," by inserting "OR, FOR COOPERATIVES, PERIODICALS ISSUED BY AN ASSOCIATION OF RURAL ELECTRIC COOPERATIVES,".

37. Amend page 12, following line 16, section 10R(3)(B), after "HOUR," by striking out "OF HIGH-LEVEL NUCLEAR WASTE GENERATED,".

38. Amend page 12, following line 16, following section 10R(3)(B), by inserting:

"(C) THE AVERAGE OF THE HIGH-LEVEL NUCLEAR WASTE GENERATED IN POUNDS PER MEGAWATT HOUR." and relettering the remaining subdivision.

39. Amend page 12, following line 16, section 10R(3)(C), after "(3)(A)" by striking out "AND (B)" and inserting a comma and "(B), AND (C)".

40. Amend page 12, following line 16, section 10T(4), after "(4)" by striking out "A REGULATED SERVICE PROVIDER" and inserting "AN ELECTRIC UTILITY".

41. Amend page 12, following line 16, section 10T(4), after the third "TO" by striking out "A COMPETITIVE" and inserting "AN ALTERNATIVE".

42. Amend page 12, following line 16, following section 10T, by inserting:

"SEC. 10U. THE COMMISSION SHALL FILE A REPORT WITH THE GOVERNOR AND LEGISLATURE BY FEBRUARY 1 OF EACH YEAR THAT SHALL INCLUDE ALL OF THE FOLLOWING:

(A) THE STATUS OF COMPETITION FOR THE SUPPLYING OF ELECTRICITY IN THIS STATE.

(B) RECOMMENDATIONS FOR LEGISLATION, IF ANY.

(C) ACTIONS TAKEN BY THE COMMISSION TO IMPLEMENT MEASURES NECESSARY TO PROTECT CONSUMERS FROM UNFAIR OR DECEPTIVE BUSINESS PRACTICES BY UTILITIES, ALTERNATIVE ELECTRIC SUPPLIERS, AND OTHER MARKET PARTICIPANTS.

(D) INFORMATION REGARDING CONSUMER EDUCATION PROGRAMS, APPROVED BY THE COMMISSION, TO INFORM CONSUMERS OF ALL RELEVANT INFORMATION REGARDING THE PURCHASE OF ELECTRICITY AND RELATED SERVICES FROM ALTERNATIVE ELECTRIC SUPPLIERS.".

43. Amend page 13, line 17, after "PLAN." by inserting "IF AN ELECTRIC UTILITY OR ITS AFFILIATE IS SUBSEQUENTLY GRANTED COST RECOVERY, THEN THE OBLIGATION TO IMPLEMENT THE ORIGINAL JOINT PLAN IS REQUIRED.".

44. Amend page 13, line 20, after "SECTION." by striking out the balance of the subsection.

45. Amend page 14, following line 15, section 10X(1), after "2005" by inserting a comma and "NOR UNBUNDLE ITS RATES AS REQUIRED UNDER SECTION 10B BEFORE JULY 1, 2004".

46. Amend page 14, following line 15, section 10X(2), after "UTILITY" by inserting "OR AN INDEPENDENT INVESTOR-OWNED UTILITY WITH FEWER THAN 60 EMPLOYEES".

47. Amend page 14, following line 15, section 10X, following subsection (4), by inserting:

"(5) A COOPERATIVE ELECTRIC UTILITY SHALL NOT BE REQUIRED TO PROVIDE FUNDING UNDER SECTION 10R(2) UNTIL JULY 1, 2004 OR SUCH TIME AS IT IS PROVIDING CHOICE TO ALL OF ITS RETAIL CUSTOMERS, WHICHEVER IS EARLIER.".

48. Amend page 14, following line 15, section 10Y(4)(B), after the second "UTILITY" by striking out "PROVIDER".

49. Amend page 14, following line 15, section 10Y(4)(C), after the third "UTILITY" by inserting "HAS".

50. Amend page 14, following line 15, section 10Y(14), by striking out all of subsection (14) and inserting:

"(14) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTIONS (4)(C), (4)(E), AND (10), SECTIONS 6L, 10 THROUGH 10X, AND 10Z THROUGH 10BB DO NOT APPLY TO A MUNICIPALLY OWNED UTILITY.".

51. Amend page 14, following line 15, following section 10Y(15), by inserting:

“(16) IN THE EVENT THAT AN ENTITY PURCHASES 1 OR MORE DIVISIONS OR BUSINESS UNITS, OR GENERATING STATIONS OR GENERATING UNITS, OF A MUNICIPAL ELECTRIC UTILITY, THE ACQUIRING ENTITY’S CONTRACT AND AGREEMENTS WITH THE SELLING MUNICIPALITY SHALL REQUIRE ALL OF THE FOLLOWING FOR A PERIOD OF AT LEAST 30 MONTHS:

(A) THAT THE ACQUIRING ENTITY OR PERSONS HIRES A SUFFICIENT NUMBER OF EMPLOYEES TO SAFELY AND RELIABLY OPERATE AND MAINTAIN THE STATION, DIVISION, OR UNIT BY FIRST MAKING OFFERS OF EMPLOYMENT TO THE WORKFORCE OF THE MUNICIPAL ELECTRIC UTILITY’S DIVISION, BUSINESS UNIT, OR GENERATING UNIT.

(B) THAT THE ACQUIRING ENTITY OR PERSONS NOT EMPLOY EMPLOYEES FROM OUTSIDE THE MUNICIPAL ELECTRIC UTILITY’S WORKFORCE UNLESS OFFERS OF EMPLOYMENT HAVE BEEN MADE TO ALL QUALIFIED EMPLOYEES OF THE ACQUIRED BUSINESS UNIT OR FACILITY.

(C) THAT THE ACQUIRING ENTITY OR PERSONS HAVE A DISPUTE RESOLUTION MECHANISM CULMINATING IN A FINAL AND BINDING DECISION BY A NEUTRAL THIRD PARTY FOR RESOLVING EMPLOYEE COMPLAINTS OR DISPUTES OVER WAGES, FRINGE BENEFITS, AND WORKING CONDITIONS.

(D) THAT THE ACQUIRING ENTITY OR PERSONS OFFER EMPLOYMENT AT NO LESS THAN THE WAGE RATES AND SUBSTANTIALLY EQUIVALENT FRINGE BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT THAT ARE IN EFFECT AT THE TIME OF TRANSFER OF OWNERSHIP OF THE DIVISION, BUSINESS UNIT, GENERATING STATION, OR GENERATING UNIT. THE WAGE RATES AND SUBSTANTIALLY EQUIVALENT FRINGE BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT SHALL CONTINUE FOR AT LEAST 30 MONTHS FROM THE TIME OF THE TRANSFER OF OWNERSHIP UNLESS THE EMPLOYEES, OR WHERE APPLICABLE COLLECTIVE BARGAINING REPRESENTATIVE, AND THE NEW EMPLOYER MUTUALLY AGREE TO DIFFERENT TERMS AND CONDITIONS OF THE EMPLOYMENT WITHIN THAT 30-MONTH PERIOD.

(E) AN ACQUIRING ENTITY IS EXEMPT FROM THE OBLIGATIONS IN THIS SUBSECTION IF THE SELLING MUNICIPALITY TRANSFERS ALL DISPLACED MUNICIPAL ELECTRIC UTILITY EMPLOYEES TO POSITIONS OF EMPLOYMENT WITHIN THE MUNICIPALITY AT NO LESS THAN THE WAGE RATES AND SUBSTANTIALLY EQUIVALENT FRINGE BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT THAT ARE IN EFFECT AT THE TIME OF TRANSFER. THE WAGE RATES AND SUBSTANTIALLY EQUIVALENT FRINGE BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT SHALL CONTINUE FOR AT LEAST 30 MONTHS FROM THE TIME OF THE TRANSFER UNLESS THE EMPLOYEES, OR WHERE APPLICABLE COLLECTIVE BARGAINING REPRESENTATIVE, AND THE MUNICIPALITY MUTUALLY AGREE TO DIFFERENT TERMS AND CONDITIONS OF THE EMPLOYMENT WITHIN THAT 30-MONTH PERIOD.”.

52. Amend page 14, following line 15, following section 10AA, by inserting:

“SEC. 10BB. (1) AGGREGATION MAY BE USED FOR THE PURCHASING OF ELECTRICITY AND RELATED SERVICES FROM AN ALTERNATIVE ELECTRIC SUPPLIER.

(2) LOCAL UNITS OF GOVERNMENT, PUBLIC AND PRIVATE SCHOOLS, UNIVERSITIES, AND COMMUNITY COLLEGES MAY AGGREGATE FOR THE PURPOSE OF PURCHASING ELECTRICITY FOR THEMSELVES OR FOR CUSTOMERS WITHIN THEIR BOUNDARIES WITH THE WRITTEN CONSENT OF EACH CUSTOMER AGGREGATED. CUSTOMERS WITHIN A LOCAL UNIT OF GOVERNMENT SHALL CONTINUE TO HAVE THE RIGHT TO CHOOSE THEIR ELECTRICITY SUPPLIER AND ARE NOT REQUIRED TO PURCHASE ELECTRICITY THROUGH THE AGGREGATOR.

(3) AS USED IN THIS SECTION, “AGGREGATION” MEANS THE COMBINING OF ELECTRIC LOADS OF MULTIPLE RETAIL CUSTOMERS OR A SINGLE CUSTOMER WITH MULTIPLE SITES TO FACILITATE THE PROVISION OF ELECTRIC SERVICE TO SUCH CUSTOMERS.”.

53. Amend page 14, following line 15, following section 10BB, by inserting:

“SEC. 10CC. (1) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (2), IF ANY PROVISION OF THIS ACT IS FOUND TO BE INVALID OR UNCONSTITUTIONAL, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED AND WILL REMAIN IN FULL FORCE AND EFFECT.

(2) IF ANY PROVISION OF THIS ACT IS FOUND TO BE INVALID OR UNCONSTITUTIONAL IN A MANNER WHICH PREVENTS THE ISSUANCE OF SECURITIZATION BONDS THAT WOULD OTHERWISE BE ALLOWED, THE RATE REDUCTIONS REQUIRED UNDER SECTION 10D SHALL ALSO BE VOID AND THE RATES SHALL RETURN TO THOSE IN EFFECT ON MAY 1, 2000.”.

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

Favorable Roll Call

**SB 937** To Report Out:

Yeas: Reps. Middaugh, Bradstreet, Birkholz, Bisbee, Cassis, Garcia, Gosselin, Howell, Kowall, Kuipers, Richardville, Shulman,

Nays: None.

The Committee on Energy and Technology, by Rep. Middaugh, Chair, reported  
**Senate Bill No. 940, entitled**

A bill to amend 1951 PA 35, entitled "An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts," by amending section 3 (MCL 124.3).

With the recommendation that the bill pass.

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

#### Favorable Roll Call

**SB 940** To Report Out:

Yeas: Reps. Middaugh, Bradstreet, Birkholz, Bisbee, Cassis, Garcia, Gosselin, Howell, Kowall, Kuipers, Richardville, Shulman,

Nays: None.

The Committee on Energy and Technology, by Rep. Middaugh, Chair, reported  
**Senate Bill No. 941, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4f (MCL 117.4f).

With the recommendation that the bill pass.

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

#### Favorable Roll Call

**SB 941** To Report Out:

Yeas: Reps. Middaugh, Bradstreet, Birkholz, Bisbee, Cassis, Garcia, Gosselin, Howell, Kowall, Kuipers, Richardville, Shulman,

Nays: None.

The Committee on Energy and Technology, by Rep. Middaugh, Chair, reported  
**Senate Bill No. 1253, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding sections 10h, 10i, 10j, 10k, 10l, 10m, 10n, 10o, and 10z.

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

1. Amend page 10, following line 2, by inserting:

"(6) SECURITIZATION PROPERTY SHALL CONSTITUTE AN ACCOUNT AS THAT TERM IS DEFINED UNDER THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.1101 TO 440.11102.

(7) FOR PURPOSES OF THIS ACT AND THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.1101 TO 440.11102, SECURITIZATION PROPERTY SHALL BE IN EXISTENCE WHETHER OR NOT THE REVENUE OR PROCEEDS IN RESPECT TO THE PROPERTY HAVE ACCRUED AND WHETHER OR NOT THE VALUE OF THE PROPERTY RIGHT IS DEPENDENT ON THE CUSTOMERS OF AN ELECTRIC UTILITY RECEIVING SERVICE.

(8) CHANGES IN THE FINANCING ORDER OR IN THE CUSTOMER'S SECURITIZATION CHARGES DO NOT AFFECT THE VALIDITY, PERFECTION, OR PRIORITY OF THE SECURITY INTEREST IN THE SECURITIZATION PROPERTY.

(9) THE DESCRIPTION OF SECURITIZATION PROPERTY IN A SECURITY AGREEMENT OR OTHER AGREEMENT OR A FINANCING STATEMENT IS SUFFICIENT IF IT REFERS TO THIS ACT AND THE FINANCING ORDER ESTABLISHING THE SECURITIZATION PROPERTY.

(10) THIS ACT SHALL CONTROL IN ANY CONFLICT BETWEEN THIS ACT AND ANY OTHER LAW OF THIS STATE REGARDING THE ATTACHMENT AND PERFECTION AND THE EFFECT OF PERFECTION AND PRIORITY OF ANY SECURITY INTEREST IN SECURITIZATION PROPERTY.

(11) NOTWITHSTANDING THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.1101 TO 440.11102, THE LAW OF THE STATE OF MICHIGAN SHALL GOVERN THE PERFECTION AND THE EFFECT OF PERFECTION AND PRIORITY OF ANY SECURITY INTEREST IN SECURITIZATION PROPERTY.”.

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

#### Favorable Roll Call

#### **SB 1253** To Report Out:

Yeas: Reps. Middaugh, Bradstreet, Birkholz, Bisbee, Cassis, Garcia, Gosselin, Howell, Kowall, Kuipers, Richardville, Shulman,

Nays: None.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Middaugh, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, May 31, 2000, at 12:01 a.m.,

Present: Reps. Middaugh, Bradstreet, Birkholz, Bisbee, Cassis, Garcia, Gosselin, Howell, Kowall, Kuipers, Richardville, Shulman, Thomas, Bob Brown, Hansen, Lemmons, Neumann, Quarles, Schauer, Woodward,

Absent: Rep. Daniels,

Excused: Rep. Daniels.

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 30, 2000, at 8:00 a.m.,

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

Absent: Reps. Ruth Johnson, Rick Johnson.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Middaugh, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Tuesday, May 30, 2000, at 8:00 a.m.,

Present: Reps. Middaugh, Bradstreet, Bisbee, Cassis, Garcia, Gosselin, Howell, Kowall, Kuipers, Richardville, Shulman, Thomas, Hansen, Neumann, Schauer, Woodward,

Absent: Reps. Birkholz, Bob Brown, Daniels, Lemmons, Quarles,

Excused: Reps. Daniels, Quarles.

#### 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, May 31, 2000, at 8:00 a.m.,

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

**Messages from the Senate****House Bill No. 5252, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20155 (MCL 333.20155), as amended by 1996 PA 267.

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

The House agreed to the full title.

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

**House Bill No. 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.

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

The House agreed to the full title.

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

**House Bill No. 5468, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 5 (MCL 38.1305), as amended by 1998 PA 123.

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

The House agreed to the full title.

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

**House Bill No. 5484, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1103, 2402, 2403, 2404, 2517, 3805, 3807, 3987, 3988, 7503, and 7508 (MCL 700.1103, 700.2402, 700.2403, 700.2404, 700.2517, 700.3805, 700.3807, 700.3987, 700.3988, 700.7503, and 700.7508), sections 1103 and 3807 as amended by 2000 PA 54.

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

The House agreed to the full title.

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

**House Bill No. 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 Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 5654, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 30f.

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

The House agreed to the full title.

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

**House Bill No. 5682, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16621 (MCL 333.16621), as amended by 1998 PA 436.

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

The House agreed to the full title.

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

**House Bill No. 5029, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5119 (MCL 333.5119), as amended by 1994 PA 75.

The Senate has amended the bill as follows:

1. Amend page 1, line 7, after "regarding" by inserting "PRENATAL CARE AND".
2. Amend page 2, line 6, after "infection." by striking out the balance of the line through "care." on line 10.
3. Amend page 4, following line 6, by inserting:

"Enacting section 1. This amendatory act takes effect January 1, 2001."

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

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

**House Bill No. 5460, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20151 and 20155 (MCL 333.20151 and 333.20155), section 20155 as amended by 1996 PA 267.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**House Bill No. 5538, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 21, 22b, 22c, 32, 32a, 32b, 44, 44a, and 46 (MCL 125.1421, 125.1422b, 125.1422c, 125.1432, 125.1432a, 125.1432b, 125.1444, 125.1444a, and 125.1446), section 21 as amended by 1983 PA 49, sections 22b, 22c, 32, 32a, and 44a as amended by 1996 PA 475, sections 32b and 44 as amended by 1998 PA 33, and section 46 as amended by 1993 PA 220.

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

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

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

**House Bill No. 5653, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1999 PA 181.

The Senate has amended the bill as follows:

1. Amend page 9, line 25, after "YEAR." by inserting "A DEDUCTION UNDER THIS SUBPARAGRAPH IS NOT ALLOWED FOR CONTRIBUTIONS TO AN EDUCATION SAVINGS ACCOUNT IN THE TAX YEAR IN WHICH THE INITIAL WITHDRAWAL IS MADE FROM THAT ACCOUNT OR ANY SUBSEQUENT YEAR."

2. Amend page 9, line 26, after "SECTION" by striking out "30F(A)" and inserting "30F".

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

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

**Senate Bill No. 796, entitled**

A bill to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts," by amending section 261 (MCL 206.261), as amended by 1996 PA 484.

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

1. Amend page 2, line 9, after "2000 TAX YEAR AND" by striking out "\$150.00 OR \$300.00" and inserting "\$100.00 OR \$200.00".

The Senate has concurred in the House substitute (H-1) as amended, ordered that the bill be given immediate effect and agreed to the full title.

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

**Senate Bill No. 651, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9101, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9112, 9113, 9115, 9117, 9118, 9119, 9120, 9121, and 9123 (MCL 324.9101, 324.9104, 324.9105, 324.9106, 324.9107, 324.9108, 324.9109, 324.9110, 324.9112, 324.9113, 324.9115, 324.9117, 324.9118, 324.9119, 324.9120, 324.9121, and 324.9123), sections 9101, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9112, 9113, 9115, 9117, 9118, 9119, 9120, and 9123 as added by 1995 PA 60 and section 9121 as amended by 1996 PA 173, and by adding section 9123a; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

**Senate Bill No. 772, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267.

The Senate has passed the bill.

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

**Senate Bill No. 806, entitled**

A bill to authorize a county, city, village, or township law enforcement agency to enter into mutual aid agreements with law enforcement agencies of a physically adjacent state; to prescribe the minimum terms of the mutual aid agreements; and to provide immunity from civil and criminal actions to certain persons.

The Senate has passed the bill.

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

**Senate Bill No. 911, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 20 (MCL 431.320), as amended by 1997 PA 73.

The Senate has passed the bill.

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

**Senate Bill No. 1184, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 2b to chapter IV.

The Senate has passed the bill.

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

**Senate Bill No. 1205, entitled**

A bill to prescribe a tax on the sale and use of certain types of fuel in motor vehicles on the public roads or highways of this state and on certain other types of gas; to prescribe the manner and the time of collection and payment of this tax and the duties of officials and others pertaining to the payment and collection of this tax; to provide for the licensing of persons involved in the sale, use, or transportation of motor fuel and the collection and payment of the tax imposed by this act; to prescribe fees; to prescribe certain other powers and duties of certain state agencies and other persons; to provide for exemptions and refunds and for the disposition of the proceeds of this tax; to provide for appropriations from the proceeds of this tax; to prescribe remedies and penalties for the violation of this act; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

**Senate Bill No. 1264, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 203 (MCL 259.203).

The Senate has passed the bill.

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

**Senate Bill No. 1265, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 71102 (MCL 324.71102), as added by 1995 PA 58.

The Senate has passed the bill.

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

**Senate Bill No. 1266, entitled**

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending sections 1 and 4 (MCL 207.211 and 207.214), as amended by 1996 PA 584.

The Senate has passed the bill.

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

**Senate Bill No. 1274, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 10, 10o, and 11 (MCL 247.660, 247.660o, and 247.661), sections 10 and 11 as amended and section 10o as added by 1998 PA 308, and by adding section 20b.

The Senate has passed the bill.

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

**House Concurrent Resolution No. 91.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Control of Saginaw Valley State University relative to the Saginaw Valley State University Classroom Facility.

(For text of resolution, see House Journal No. 35, p. 749.)

The Senate has adopted the concurrent resolution and named Senator Young as co-sponsor of the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 92.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and North Central Michigan College relative to the North Central Michigan College Multipurpose Educational Facility and General Campus Renovations.

(For text of resolution, see House Journal No. 35, p. 750.)

The Senate has adopted the concurrent resolution and named Senator Young as co-sponsor of the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 93.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Family Independence Agency W.J. Maxey Training School.

(For text of resolution, see House Journal No. 36, p. 774.)

The Senate has adopted the concurrent resolution and named Senator Young as co-sponsor of the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 94.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Agriculture Geagley Laboratory.

(For text of resolution, see House Journal No. 36, p. 774.)

The Senate has adopted the concurrent resolution and named Senator Young as co-sponsor of the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 95.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Multilevel Correctional Facility at Ionia.

(For text of resolution, see House Journal No. 36, p. 775.)

The Senate has adopted the concurrent resolution and named Senator Young as co-sponsor of the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 96.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Cooper Street Correctional Facility Additional Housing Units.

(For text of resolution, see House Journal No. 36, p. 776.)

The Senate has adopted the concurrent resolution and named Senator Young as co-sponsor of the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 97.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Lake Michigan College relative to the Lake Michigan College Financial and Student Services Center.

(For text of resolution, see House Journal No. 36, p. 777.)

The Senate has adopted the concurrent resolution and named Senator Young as co-sponsor of the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 98.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Michigan State University relative to the Michigan State University Science Building Renovations.

(For text of resolution, see House Journal No. 36, p. 778.)

The Senate has adopted the concurrent resolution and named Senator Young as co-sponsor of the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 99.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn General Campus Classroom Renovations (Phase III) College of Arts, Sciences & Letters. (For text of resolution, see House Journal No. 36, p. 779.)

The Senate has adopted the concurrent resolution and named Senator Young as co-sponsor of the concurrent resolution. The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 100.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn General Campus Classroom Renovations (Phase III) Environmental Interpretive Center.

(For text of resolution, see House Journal No. 36, p. 780.)

The Senate has adopted the concurrent resolution and named Senator Young as co-sponsor of the concurrent resolution. The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 101.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Flint Professional Studies and Classroom Building.

(For text of resolution, see House Journal No. 36, p. 781.)

The Senate has adopted the concurrent resolution and named Senator Young as co-sponsor of the concurrent resolution. The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 102.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Macomb Community College relative to the Macomb Community College University Center.

(For text of resolution, see House Journal No. 41, p. 519.)

The Senate has adopted the concurrent resolution and named Senator Young as co-sponsor of the concurrent resolution. The concurrent resolution was referred to the Clerk for record.

**Communications from State Officers**

The following communication from the Department of Environmental Quality was received and read:

May 26, 2000

Section 16908(3) of Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, requires the Department of Environmental Quality (DEQ) to report annually to the Legislature on the utilization of revenues of the Scrap Tire Regulatory Fund. Transmitted is the breakdown of Fiscal Year (FY) 1999 expenditures for the regulatory program and the grant program.

If you have any questions, please contact Mr. Jim Sygo, Chief, Waste Management Division, at (517) 373-2730.

Sincerely,  
Russell J. Harding  
Director

The communication was referred to the Clerk.

**Introduction of Bills**

Rep. Jamnick introduced

**House Bill No. 5864, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 55 (MCL 257.1855), as amended by 2000 PA 49.

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

### Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Health Policy from further consideration of **House Bill No. 5302**.

Rep. Jacobs

### Quorum Call

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

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

The following is the roll call:

### Roll Call No. 637

### Yeas—103

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

In The Chair: Birkholz

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

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

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

**House Bill No. 5668, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 501 and 906 (MCL 436.1501 and 436.1906), section 501 as amended by 1998 PA 416 and section 906 as added by 1998 PA 391.

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

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

Reps. Green and Dennis moved to amend the bill as follows:

1. Amend page 6, line 5, after "programs." by inserting "AN INSTRUCTOR MAY BE A LICENSEE OR AN EMPLOYEE OF A LICENSEE."

2. Amend page 6, line 14, after "trator" by inserting "OR INSTRUCTOR".

3. Amend page 9, following line 13, by inserting:

"(9) A CERTIFIED INSTRUCTOR WHO IS A LICENSEE OR AN EMPLOYEE OF A LICENSEE MAY OFFER SERVER TRAINING PROGRAMS APPROVED BY THE COMMISSION TO THE EMPLOYEES OF THE LICENSEE AND CERTIFY TO THE COMMISSION THOSE PERSONS WHO SUCCESSFULLY COMPLETED THE PROGRAM." and renumbering the remaining subsections.

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

Rep. Green 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. 5668, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 501 and 906 (MCL 436.1501 and 436.1906), section 501 as amended by 1998 PA 416 and section 906 as added by 1998 PA 391.

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

**Roll Call No. 638**

**Yeas—105**

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

Daniels	Johnson, Rick	Pumford	Vaughn
DeHart	Johnson, Ruth	Rackowski	Vear
Dennis	Julian	Reeves	Voorhees
DeRossett	Kelly	Richardville	Wojno
DeVuyst	Koetje	Richner	Woodward
DeWeese	Kowall	Rison	Woronchak
Faunce			

**Nays—0**

In The Chair: Scranton

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

**Second Reading of Bills**

**Senate Bill No. 937, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," by amending section 6l (MCL 460.6l), as added by 1982 PA 304, and by adding sections 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10p, 10q, 10r, 10s, 10t, 10v, 10w, 10x, 10y, and 10aa.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Energy (for amendments, see House Journal No. 51, p. 1407),

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

Rep. Bradstreet moved to amend the bill as follows:

1. Amend page 13, line 8, after "FROM" by striking out "MICHIGAN RETAIL" and inserting "BENEFITTING".  
 The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Bradstreet moved to amend the bill as follows:

1. Amend page 14, following line 15, section 10x, subsection (4), after "FOR" by inserting "ELECTRIC".  
 The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The question being on the adoption of the substitute (H-1) offered by Rep. Lemmons,

Rep. Lemmons demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-1) offered by Rep. Lemmons,

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

**Roll Call No. 639**

**Yeas—55**

Baird	Frank	Lockwood	Schermesser
Basham	Garza	Mans	Scott

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

**Nays—55**

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

In The Chair: Scranton

Rep. Woodward moved to amend the bill as follows:

1. Amend page 14, following line 15, following enacting section 1, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 1288 of the 90th Legislature is enacted into law.”.

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

Rep. Woodward demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 640****Yeas—52**

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

Clark, I.	Jamnick	Prusi	Thomas
Clarke, H.	Kelly	Quarles	Vaughn
Daniels	Kilpatrick	Reeves	Wojno
DeHart	LaForge	Rison	Woodward

### Nays—56

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

In The Chair: Scranton

Rep. Bradstreet moved to amend the bill as follows:

1. Amend page 6, following line 14, subsection (2), after “MAY ORDER THE” by inserting “ELECTRIC UTILITY TO FILE AN APPLICATION TO”.

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

Rep. Bisbee moved to amend the bill as follows:

1. Amend page 11, following line 23, by inserting:

“(6) WITHIN 1 YEAR OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE COMMISSION SHALL ISSUE A REPORT TO THE GOVERNOR AND THE LEGISLATURE THAT ANALYZES ALL ASPECTS RELATING TO MARKET POWER IN THE UPPER PENINSULA OF THIS STATE. THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, CONCENTRATION OF GENERATING CAPACITY, CONTROL OF THE TRANSMISSION SYSTEM, RESTRICTIONS ON THE DELIVERY OF POWER, ABILITY OF NEW SUPPLIERS TO ENTER THE MARKET, AND IDENTIFICATION OF ANY MARKET POWER PROBLEMS UNDER THE EXISTING MARKET POWER TEST. PRIOR TO ISSUING ITS REPORT, THE COMMISSION SHALL RECEIVE WRITTEN COMMENTS AND HOLD HEARINGS TO SOLICIT PUBLIC INPUT.”.

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

Rep. Shulman moved to amend the bill as follows:

1. Amend page 1, following “THE PEOPLE OF THE STATE OF MICHIGAN ENACT:” by inserting:

#### “TITLE

An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; TO PROVIDE FOR ALTERNATIVE ENERGY SUPPLIERS; TO PROVIDE FOR LICENSING; TO INCLUDE MUNICIPALLY OWNED UTILITIES AND OTHER PROVIDERS OF ENERGY UNDER CERTAIN PROVISIONS OF THIS ACT; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law ~~therein~~ on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit CERTAIN rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; TO CREATE A FUND; to provide for a restructuring of ~~rates for certain utilities~~ THE MANNER IN WHICH ENERGY IS PROVIDED IN THIS STATE; to encourage the utilization of resource recovery facilities; TO PROHIBIT CERTAIN ACTS AND

PRACTICES OF PROVIDERS OF ENERGY; TO ALLOW FOR THE SECURITIZATION OF STRANDED COSTS; TO REDUCE RATES; to provide for appeals; to provide appropriations; to declare the effect AND PURPOSE of this act; to prescribe REMEDIES AND penalties; and to repeal ~~all acts contrary to this act~~ AND PARTS OF ACTS.”.

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

Rep. Jellema moved to amend the bill as follows:

1. Amend page 9, following line 14, following subsection (8), by inserting:

“(9) THE PUBLIC SERVICE COMMISSION SHALL TAKE THE NECESSARY STEPS TO ENSURE THAT ALL ELECTRICAL POWER GENERATING FACILITIES IN THIS STATE COMPLY WITH ALL RULES, REGULATIONS, AND STANDARDS OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY REGARDING MERCURY EMISSIONS.”.

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

Rep. Jellema demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 641**

**Yeas—107**

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

**Nays—0**

In The Chair: Scranton

Rep. Pappageorge moved that Rep. Geiger be excused temporarily from today’s session.  
The motion prevailed.

Rep. Callahan moved to amend the bill as follows:

1. Amend page 14, following line 15, following section 10CC, by inserting:

“Sec. 10DD. BY JULY 1, 2002 THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL PROMULGATE A RULE THAT REGULATES THE AIR EMISSIONS OF MERCURY FROM ELECTRICAL POWER GENERATING FACILITIES. THE DEPARTMENT SHALL REDUCE THE EMISSION LEVELS OF MERCURY IF NECESSARY TO PROTECT THE PUBLIC HEALTH AND NATURAL RESOURCES OF THE STATE OF MICHIGAN. ANY COSTS INCURRED TO REDUCE MERCURY LEVELS SHALL BE RECOVERABLE PURSUANT TO SECTION 10D(3).”.

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

Rep. Callahan demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 642**

**Yeas—56**

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

**Nays—53**

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

In The Chair: Scranton

Rep. Rackowski moved to reconsider the vote by which the House adopted the amendment.

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

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

The amendment was not adopted, a majority of the members serving not voting therefor.

Reps. Shulman and Hansen moved to amend the bill as follows:

1. Amend page 14, following line 15, section 10BB, subsection (2), after “AGGREGATED.” by inserting “AN AGGREGATOR FOR PUBLIC OR PRIVATE SCHOOLS IS NOT AN ELECTRIC UTILITY OR A PUBLIC UTILITY.”.

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

Rep. Bradstreet moved to amend the bill as follows:

1. Amend page 6, line 14, subsection (2), after “APPLICATION TO” by striking out “UNBUNDLING OF” and inserting “UNBUNDLE”.

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

Rep. Raczkowski moved to reconsider the vote by which the House adopted the amendment offered previously by Reps. Shulman and Hansen.

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

The question being on the adoption of the amendment offered previously by Reps. Shulman and Hansen, Rep. Shulman withdrew the amendment.

Rep. Brater moved to amend the bill as follows:

1. Amend page 9, following line 14, following subsection (7), by inserting:

“(8) THE COMMISSION SHALL NOT ALLOW FOR RECOVERY FOR COSTS RELATED TO POLLUTION CONTROL EQUIPMENT UNLESS BY JULY 1, 2001, THE DEPARTMENT OF ENVIRONMENTAL QUALITY PROMULGATES A RULE THAT REGULATES THE AIR EMISSIONS OF MERCURY FROM ELECTRICAL POWER GENERATING FACILITIES, AND REDUCES THE EMISSION LEVELS OF MERCURY IF NECESSARY TO PROTECT THE PUBLIC HEALTH AND NATURAL RESOURCES OF THE STATE OF MICHIGAN.”.

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

Rep. Brater demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 643**

**Yeas—55**

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

**Nays—52**

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

Byl	Howell	Mead	Stamas
Cassis	Jansen	Middaugh	Tabor
Caul	Jelinek	Mortimer	Toy
DeRossett	Jellema	Pappageorge	Van Woerkom
DeVuyst	Johnson, Rick	Patterson	Vander Roest
DeWeese	Johnson, Ruth	Pumford	Vear
Ehardt	Julian	Raczkowski	Voorhees

In The Chair: Scranton

Rep. Middaugh moved to amend the bill as follows:

1. Amend page 9, following line 14, subsection (6), after the first “CUSTOMERS” by striking out “AND PROPORTIONATE REDUCTIONS IN THE CHARGES TO RECOVER AN ELECTRIC UTILITY’S STRANDED COSTS”.

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 937, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act,” by amending section 6/ (MCL 460.6/), as added by 1982 PA 304, and by adding sections 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10p, 10q, 10r, 10s, 10t, 10v, 10w, 10x, 10y, and 10aa.

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

#### Roll Call No. 644

Yeas—72

Allen	Geiger	Kuipers	Reeves
Birkholz	Gilbert	Kukuk	Richardville
Bisbee	Godchaux	LaSata	Richner
Bishop	Gosselin	Law	Rocca
Bradstreet	Green	Lemmons	Sanborn
Brown, B.	Hager	Lockwood	Schauer
Brown, C.	Hale	Mans	Scranton
Byl	Hardman	Mead	Sheltrown
Cassis	Hart	Middaugh	Shulman
Caul	Howell	Mortimer	Spade
Clarke, H.	Jansen	Neumann	Stamas
Daniels	Jelinek	O’Neil	Tabor
DeRossett	Jellema	Pappageorge	Toy
DeVuyst	Johnson, Rick	Patterson	Van Woerkom
DeWeese	Johnson, Ruth	Perricone	Vander Roest
Ehardt	Julian	Pestka	Vear

Fauce  
GarciaKoetje  
KowallPumford  
RaczkowskiVoorhees  
Woronchak**Nays—35**Baird  
Basham  
Bogardus  
Bovin  
Brater  
Brewer  
Callahan  
Cherry  
Clark, I.DeHart  
Dennis  
Frank  
Garza  
Gielegem  
Hanley  
Hansen  
Jacobs  
JammickKelly  
LaForge  
Martinez  
Minore  
Price  
Prusi  
Quarles  
Rison  
RivetSchermesser  
Scott  
Shackleton  
Switalski  
Tesanovich  
Vaughn  
Wojno  
Woodward

In The Chair: Scranton

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

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

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," by amending the title and section 6l (MCL 460.6l), the title as amended by 1989 PA 2 and section 6l as added by 1982 PA 304, and by adding sections 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10p, 10q, 10r, 10s, 10t, 10u, 10v, 10w, 10x, 10y, 10aa, 10bb, and 10cc.

The motion prevailed.

The House agreed to the title as amended.

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

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

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Reps. Scott, Wojno, Jammick, Vaughn, Garza, Clark, Basham, Rivet and Jacobs, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on Senate Bill 937 because this legislation is not the kind of regulatory reform Michigan consumers need and deserve in order to significantly reduce their costs for electricity. The bill I oppose creates a powerful bureaucratic system where unelected and unaccountable individuals will decide how much Michigan consumers must pay to reimburse electric utilities for more than \$4 billion in so-called stranded costs. This all-powerful bureaucratic system benefits big utilities at the expense of the consumers. I supported a substitute bill which would have reduced electric rates across the board for consumers by 10 percent, and 15 percent for senior citizens. Unfortunately, this substitute bill was rejected by the Republican Majority. Because Senate Bill 937 will not result in the savings I wanted consumers to receive, and because of the unaccountable and powerful bureaucracy it creates, I voted no."

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

"Mr. Speaker and members of the House:

I voted no on Senate Bill 937 because this legislation is not the kind of regulatory reform Michigan consumers need and deserve in order to significantly reduce their costs for electricity. The bill I oppose creates a powerful bureaucratic

system where unelected and unaccountable individuals will decide how much Michigan consumers must pay to reimburse electric utilities for more than \$4 billion in so-called stranded costs. This all-powerful bureaucratic system benefits big utilities at the expense of the consumers. I supported a substitute bill which would have reduced electric rates across the board for consumers by 10 percent, and 15 percent for senior citizens. Unfortunately, this substitute bill was rejected by the Republican Majority. Because Senate Bill 937 will not result in the savings I wanted consumers to receive, and because of the unaccountable and powerful bureaucracy it creates, I voted no. There is also potential for significant losses to the school aid fund.”

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

“Mr. Speaker and members of the House:

I voted no on Senate Bill 937 because this legislation is not the kind of regulatory reform Michigan consumers need and deserve in order to significantly reduce their costs for electricity. The bill I oppose creates a powerful bureaucratic system where unelected and unaccountable individuals will decide how much Michigan consumers must pay to reimburse electric utilities for more than \$4 billion in so-called stranded costs. This all-powerful bureaucratic system benefits big utilities at the expense of the consumers. I supported a substitute bill which would have reduced electric rates across the board for consumers by 10 percent, and 15 percent for senior citizens. Unfortunately, this substitute bill was rejected by the Republican Majority. Because Senate Bill 937 will not result in the savings I wanted consumers to receive, and because of the unaccountable and powerful bureaucracy it creates, I voted no. In addition, I consider this bill a kind of ‘Term Limits Scam’ in that a modest rate cut may be in place temporarily—but residential users will be stuck with extraordinary costs beginning in 4-5 years and for the foreseeable future beyond that time.”

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

“Mr. Speaker and members of the House:

I voted no on Senate Bill 937 because this legislation is not the kind of regulatory reform Michigan consumers need and deserve in order to significantly reduce their costs for electricity. The bill I oppose creates a powerful bureaucratic system where unelected and unaccountable individuals will decide how much Michigan consumers must pay to reimburse electric utilities for more than \$4 billion in so-called stranded costs. This all-powerful bureaucratic system benefits big utilities at the expense of the consumers. I supported a substitute bill which would have reduced electric rates across the board for consumers by 10 percent, and 15 percent for senior citizens. Unfortunately, this substitute bill was rejected by the Republican Majority. I substituted a floor amendment to reduce mercury emissions which passed (RC Vote 642) was reconsidered and then defeated. Because Senate Bill 937 will not result in the savings I wanted consumers to receive, and because of the unaccountable and powerful bureaucracy it creates, I voted no.”

Rep. Gielegem, 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:

Because I don’t believe it truly puts the interest of consumers over the powerful interest of energy providers and big corporations who benefit the most from this bill. It provides almost absolute authority to an appointed and unelected board that will make multi-billion dollar decisions without any accountability to the people of Michigan. Under this bill, it is unlikely that residential rate payers and small businesses will ever really see any real rate reductions and could eventually be subject to bear the bulk of the burden for huge stranded costs being passed on as a result of larger consumers and abandoning the system. I support efforts that provide equitable choice and protection for all consumers, ensure reliable, safe and affordable energy transmissions and reduce the burden on residential rate payers.”

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

“Mr. Speaker and members of the House:

I am voting no on SB 937 because of the following reasons:

- 1) Expanded Cost—this cost of over 4 billion will be passed on to the consumer
- 2) No new plants will offer new service this year—it will take at least one year or more
- 3) We have not addressed the issue of brown-outs
- 4) Rate decrease
- 5) This legislation gives enormous power to the Public Service Commission—a commission not elected by the people—a commission not accountable to the people. Section D, Part 4, pg. 9 states that if the commission authorizes a electric utility to use securization for funding on bonds any savings up to 5% shall be utilized to reduce the rates for consumers. What they are saying but not mentioned is that that rate decrease is only for a limited time and consumers will pay for the next 40 years on the bonds for stranded cost.

6) This is not a true consumer bill—the end result will have consumers home life being disrupted—consumers paying for years to come. It looks good at first glance—but if all legislators did their jobs—we would not mortgage the future of our kids and grandchildren.”

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

“Mr. Speaker and members of the House:

I voted no on the utility deregulation bill for several reasons. The main one being the rate cut is simply a shell game—now you see it, now you don’t. The average rate cut for Michigan’s consumers—that’s you and me—will be \$1.00 (one dollar) a week. There’s not much you can buy for \$1.00 per week. This is not a great money savings break for me or my neighbors. When we voted for the Michigan telecommunications bill a couple of years back we were assured there would be job security for our workers and a price break for our constituents. One week after I voted for this, they closed a payment center in Wayne affecting many of my constituents. Initially, rates did decrease slightly but now they are much higher than they were and they have added other costs which are now on everyone’s bill. Until consumers have a real rate cut and until I can be assured they will not be receiving 10-15 calls during the dinner hour asking them to change their electric or gas company I will remain a no vote.

Another reason is there will be a substantial cost to the consumer which is called stranded cost. Stranded costs occur when Edison or Consumers Energy builds a plant to produce power planning to spread the cost over a 20 year period and then charging the consumers over that 20 years to pay for the cost of that plant. Now, if these utility companies lose customers, they will be ‘stranded’ with the cost of paying for these plants themselves. This cost will be \$4 billion and this cost will fall on the shoulders of the customers—me and my neighbors! So this \$1.00 one dollar per week savings until the year 2006 will not be enough to pay for the \$4 billion cost we will have to pay.”

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

“Mr. Speaker and members of the House:

I voted no on Senate Bill 937 because this legislation is not the kind of regulatory reform Michigan consumers need and deserve in order to significantly reduce their costs for electricity. The bill I opposed creates a powerful bureaucratic system where unelected and unaccountable individuals will decide how much Michigan consumers must pay to reimburse electric utilities for more than \$4 billion in so-called stranded costs. This all-powerful bureaucratic system benefits big utilities at the expense of the residents of Madison Heights, Royal Oak, and Hazel Park. I supported a substitute bill which would have reduced electric rates across the board for consumers by 10 percent, and 15 percent for senior citizens. Unfortunately, this substitute bill was rejected by the Republican Majority. With the Republican bill, the people of the 34th District will see a short term reduction in rates of on average \$2.50 per month until 2006. After 2006, loss revenue to the utilities as a result of the rate cut and stranded costs, plus interest, will be added to our bills without any cap and will likely exceed any short term benefit consumers received. Big business and large manufacturing firms will save big money from this bill, the residents, seniors, and small businesses of Madison Heights, Royal Oak, and Hazel Park will not. For these reasons and others I had to vote NO!”

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

I voted no on Senate Bill 937 because Michigan consumers do not deserve this type of regulatory reform. It does not significantly reduce their cost for electricity and creates an extremely powerful bureaucracy with unaccountable and politically appointed individuals that will decide how much Michigan consumers will pay to reimburse electric utilities for more than \$4 billion in so-called stranded costs. This all-powerful bureaucracy only benefits big utilities at the expense of the consumer. Instead, I voted for a substitute bill that would have reduced electric rates across the board for consumers by 10 percent and 15 percent for senior citizens. Unfortunately, this substitute bill was rejected by the Republican Majority members. Because Senate Bill 937 will not really result in savings that are meaningful to the consumers of my district and because of the unaccountable bureaucracy it creates, I voted no.”

## Second Reading of Bills

### Senate Bill No. 1253, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of

certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding sections 10h, 10i, 10j, 10k, 10l, 10m, 10n, 10o, and 10z.

Was read a second time, and the question being on the adoption of the amendment previously recommended by the Committee on Energy and Technology,

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 1253, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding sections 10h, 10i, 10j, 10k, 10l, 10m, 10n, 10o, and 10z.

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

#### Roll Call No. 645

#### Yeas—73

Allen	Gilbert	Kukuk	Richner
Birkholz	Godchaux	LaSata	Rocca
Bisbee	Gosselin	Law	Sanborn
Bishop	Green	Lockwood	Schauer
Bradstreet	Hager	Mans	Scranton
Brown, B.	Hale	Mead	Sheltrown
Brown, C.	Hardman	Middaugh	Shulman
Byl	Hart	Mortimer	Spade
Cassis	Howell	Neumann	Stallworth
Caul	Jansen	O'Neil	Stamas
Clarke, H.	Jelinek	Pappageorge	Tabor
Daniels	Jellema	Patterson	Thomas
DeRossett	Johnson, Rick	Perricone	Toy
DeVuyst	Johnson, Ruth	Pestka	Van Woerkom
DeWeese	Julian	Pumford	Vander Roest
Ehardt	Koetje	Raczkowski	Vear
Faunce	Kowall	Reeves	Voorhees
Garcia	Kuipers	Richardville	Woronchak
Geiger			

#### Nays—35

Baird	DeHart	LaForge	Schermesser
Basham	Dennis	Lemmons	Scott

Bogardus	Frank	Martinez	Shackleton
Bovin	Garza	Minore	Switalski
Brater	Gielegem	Price	Tesanovich
Brewer	Hanley	Prusi	Vaughn
Callahan	Hansen	Quarles	Wojno
Cherry	Jacobs	Rison	Woodward
Clark, I.	Kelly	Rivet	

In The Chair: Scranton

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

### Second Reading of Bills

#### Senate Bill No. 940, entitled

A bill to amend 1951 PA 35, entitled "An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts," by amending section 3 (MCL 124.3).

The bill was read a second time.

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 940, entitled

A bill to amend 1951 PA 35, entitled "An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts," by amending section 3 (MCL 124.3).

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

#### Roll Call No. 646

#### Yeas—76

Allen	Geiger	Kukuk	Richardville
Birkholz	Gilbert	LaSata	Richner
Bisbee	Godchaux	Law	Rocca
Bishop	Gosselin	Lemmons	Sanborn
Bradstreet	Green	Lockwood	Schauer
Brown, B.	Hager	Mans	Scranton
Brown, C.	Hale	Martinez	Sheltrown
Byl	Hardman	Mead	Shulman
Cassis	Hart	Middaugh	Spade

Caul	Howell	Mortimer	Stallworth
Cherry	Jansen	Neumann	Stamas
Clarke, H.	Jelinek	O'Neil	Tabor
Daniels	Jellema	Pappageorge	Toy
DeRossett	Johnson, Rick	Patterson	Van Woerkom
DeVuyst	Johnson, Ruth	Perricone	Vander Roest
DeWeese	Julian	Pestka	Vaughn
Ehardt	Koetje	Pumford	Vear
Faunce	Kowall	Rackowski	Voorhees
Garcia	Kuipers	Reeves	Woronchak

### Nays—30

Baird	DeHart	Kelly	Schermesser
Basham	Dennis	LaForge	Scott
Bogardus	Frank	Minore	Shackleton
Bovin	Garza	Price	Switalski
Brater	Gielegem	Prusi	Tesanovich
Brewer	Hansen	Rison	Wojno
Callahan	Jacobs	Rivet	Woodward
Clark, I.	Jamnick		

In The Chair: Scranton

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

### Second Reading of Bills

#### Senate Bill No. 941, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4f (MCL 117.4f).  
 The bill was read a second time.

Rep. Rackowski moved that the bill be placed on the order of Third Reading of Bills.  
 The motion prevailed, a majority of the members voting therefor.

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

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

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

#### Senate Bill No. 941, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4f (MCL 117.4f).  
 Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 647****Yeas—79**

Allen	Gilbert	Kukuk	Richardville
Baird	Godchaux	LaSata	Richner
Birkholz	Gosselin	Law	Rocca
Bisbee	Green	Lemmons	Sanborn
Bishop	Hager	Lockwood	Schauer
Bradstreet	Hale	Mans	Scranton
Brown, B.	Hansen	Martinez	Sheltrown
Brown, C.	Hardman	Mead	Shulman
Byl	Hart	Middaugh	Spade
Cassis	Howell	Minore	Stallworth
Caul	Jamnick	Mortimer	Stamas
Cherry	Jansen	Neumann	Tabor
Clarke, H.	Jelinek	O'Neil	Thomas
DeRossett	Jellema	Pappageorge	Toy
DeVuyst	Johnson, Rick	Patterson	Van Woerkom
DeWeese	Johnson, Ruth	Perricone	Vander Roest
Ehardt	Julian	Pestka	Vear
Faunce	Koetje	Pumford	Voorhees
Garcia	Kowall	Raczkowski	Woronchak
Geiger	Kuipers	Reeves	

**Nays—27**

Basham	DeHart	Kelly	Shackleton
Bogardus	Dennis	Price	Switalski
Bovin	Frank	Prusi	Tesanovich
Brater	Garza	Rison	Vaughn
Brewer	Gielegem	Rivet	Wojno
Callahan	Hanley	Schermesser	Woodward
Clark, I.	Jacobs	Scott	

In The Chair: Scranton

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

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

The House agreed to the full title.

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

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

Pending the Third Reading of

**Senate Bill No. 1187, entitled**

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 8 (MCL 722.628), as amended by 2000 PA 45.

Rep. Raczkowski moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.

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

### Second Reading of Bills

#### Senate Bill No. 1187, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2000 PA 45.

Rep. Birkholz moved to amend the bill as follows:

1. Amend page 7, following line 16, by inserting:

"Enacting section 1. This amendatory act takes effect January 1, 2001." and renumbering the remaining enacting section.

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

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

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

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

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

Rep. Vander Roest moved that Rep. Perricone be excused temporarily from today's session.  
The motion prevailed.

Rep. Pappageorge moved that Rep. Geiger be excused temporarily from today's session.  
The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 1187, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2000 PA 45.

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

#### Roll Call No. 648

#### Yeas—105

Allen	Faunce	Kuipers	Rison
Baird	Frank	Kukuk	Rivet
Basham	Garcia	LaForge	Rocca
Birkholz	Garza	LaSata	Sanborn
Bisbee	Gielegghem	Law	Schauer
Bishop	Gilbert	Lemmons	Schermesser
Bogardus	Godchaux	Lockwood	Scott
Bovin	Gosselin	Mans	Scranton
Bradstreet	Green	Martinez	Shackleton
Brater	Hager	Mead	Sheltrown
Brewer	Hale	Middaugh	Shulman
Brown, B.	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	Pestka	Toy
Clark, I.	Jelinek	Price	Van Woerkom

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

### Nays—0

In The Chair: Scranton

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

“An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts.”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### Senate Bill No. 1052, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 19b of chapter XIII (MCL 712A.19b), as amended by 2000 PA 46, and by adding chapter XII.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Family and Civil Law (for amendments, see House Journal No. 49, p. 1274),

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

Rep. Birkholz moved to amend the bill as follows:

1. Amend page 18, following line 26, by inserting:

“Enacting section 2. This amendatory act takes effect January 1, 2001.” and renumbering the remaining enacting section.

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

Rep. Lockwood moved to amend the bill as follows:

1. Amend page 11, following line 2, by inserting:

“SEC. 18. THE DEPARTMENT SHALL PROVIDE AN ANNUAL REPORT THAT SHALL INCLUDE THE TOTAL NUMBER OF SURRENDERED INFANTS, TOTAL NUMBER OF REFERRALS MADE TO PROTECTIVE SERVICES, TOTAL NUMBER OF SUBSTANTIATED AND UNSUBSTANTIATED PROTECTIVE SERVICES REFERRALS, TOTAL NUMBER OF ADOPTIONS INITIATED AND THE TOTAL NUMBER OF ADOPTIONS FINALIZED, THE TOTAL NUMBER OF RECLAIM REQUESTS, AND THE TOTAL NUMBER OF INFANTS RETURNED, THE TOTAL NUMBER OF RETURNED INFANTS RECEIVING REUNIFICATION SERVICES.”.

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

Rep. Lockwood demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Lockwood,  
The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 649****Yeas—51**

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

**Nays—58**

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

In The Chair: Scranton

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

Rep. Lockwood moved to amend the bill as follows:

1. Amend page 6, line 4, after "5." by striking out all of subsection (1) and renumbering the remaining subsections.
2. Amend page 6, line 22, after "SUBSECTION" by striking out "(2)" and inserting "(1)".

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

Rep. Lockwood demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 650****Yeas—48**

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

**Nays—58**

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

In The Chair: Scranton

Rep. Jacobs moved to amend the bill as follows:

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

“(M) “REUNIFICATION SERVICES” MEANS IN-HOME INTENSIVE SERVICES.” and relettering the remaining subdivision.

2. Amend page 10, line 16, after “PARENT” by striking out the balance of the subdivision and inserting a period and “UPON GRANTING CUSTODY, THE COURT SHALL REFER THE FAMILY TO THE FAMILY INDEPENDENCE AGENCY FOR REUNIFICATION SERVICES. THE COURT SHALL RETAIN JURISDICTION OVER THE NEWBORN UNTIL THE REUNIFICATION PROGRAM IS COMPLETED AND A PROGRESS REPORT IS FILED WITH THE COURT.”.

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

Rep. Jacobs demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 651****Yeas—48**

Basham	Frank	Lockwood	Rivet
Bogardus	Garza	Mans	Schauer

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

### Nays—59

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

In The Chair: Scranton

Rep. Birkholz moved to amend the bill as follows:

1. Amend page 8, line 22, by striking out all of section 11 and inserting:

“SEC. 11. (1) IN A CUSTODY ACTION FILED UNDER THIS CHAPTER, THE COURT SHALL ORDER THAT EACH PARTY CLAIMING PATERNITY OR MATERNITY AND THE CHILD SUBMIT TO BLOOD OR TISSUE TYPING DETERMINATIONS, WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, DETERMINATIONS OF RED CELL ANTIGENS, RED CELL ISOENZYMES, HUMAN LEUKOCYTE ANTIGENS, SERUM PROTEINS, OR DNA IDENTIFICATION PROFILING, TO DETERMINE WHETHER EACH PARTY IS LIKELY TO BE, OR IS NOT, A BIOLOGICAL PARENT OF THE CHILD. IF THE COURT ORDERS A BLOOD OR TISSUE TYPING OR DNA IDENTIFICATION PROFILING TO BE CONDUCTED AND A PARTY REFUSES TO SUBMIT TO THE TYPING OR DNA IDENTIFICATION PROFILING, IN ADDITION TO ANY OTHER REMEDIES AVAILABLE, THE COURT MAY DO EITHER OF THE FOLLOWING:

(A) DISMISS THE CUSTODY ACTION IN REGARD TO THE PARTY WHO REFUSES.

(B) IF A HEARING IS HELD, ALLOW THE DISCLOSURE OF THE FACT OF THE REFUSAL UNLESS GOOD CAUSE IS SHOWN FOR NOT DISCLOSING THE FACT OF REFUSAL.

(2) A BLOOD OR TISSUE TYPING OR DNA IDENTIFICATION PROFILING SHALL BE CONDUCTED BY A PERSON ACCREDITED FOR PATERNITY OR MATERNITY DETERMINATIONS BY A NATIONALLY RECOGNIZED SCIENTIFIC ORGANIZATION, INCLUDING, BUT NOT LIMITED TO, THE AMERICAN ASSOCIATION OF BLOOD BANKS.

(3) THE COURT SHALL FIX THE COMPENSATION OF AN EXPERT AT A REASONABLE AMOUNT. EXCEPT FOR AN INDIVIDUAL WHO THE COURT DETERMINES IS INDIGENT, THE COURT SHALL DIRECT EACH PARTY CLAIMING PATERNITY OR MATERNITY TO PAY THE COMPENSATION FOR HIS OR HER OWN TESTING PLUS A PORTION OF THE COMPENSATION FOR TESTING THE CHILD EQUAL TO THE TOTAL AMOUNT DIVIDED BY THE NUMBER OF PARTIES CLAIMING PATERNITY AND MATERNITY. BEFORE BLOOD OR TISSUE TYPING OR DNA IDENTIFICATION PROFILING IS CONDUCTED, THE COURT

MAY ORDER A PART OR ALL OF THE COMPENSATION PAID IN ADVANCE. DOCUMENTATION OF THE GENETIC TESTING EXPENSES IS ADMISSIBLE AS EVIDENCE OF THE AMOUNT, WHICH EVIDENCE CONSTITUTES PRIMA FACIE EVIDENCE OF THE AMOUNT OF THOSE EXPENSES WITHOUT THIRD PARTY FOUNDATION TESTIMONY.

SEC. 12. (1) SUBJECT TO SUBSECTION (2), THE RESULT OF BLOOD OR TISSUE TYPING OR A DNA IDENTIFICATION PROFILE MADE UNDER THIS CHAPTER AND THE SUMMARY REPORT SHALL BE SERVED ON THE PARTY WHO WAS THE TEST SUBJECT. THE SUMMARY REPORT SHALL BE FILED WITH THE COURT. OBJECTION TO THE DNA IDENTIFICATION PROFILE OR SUMMARY REPORT IS WAIVED UNLESS MADE IN WRITING, SETTING FORTH THE SPECIFIC BASIS FOR THE OBJECTION, WITHIN 14 CALENDAR DAYS AFTER SERVICE ON THE PARTY. THE COURT SHALL NOT SCHEDULE A HEARING ON THE ISSUE OF PATERNITY OR MATERNITY UNTIL AFTER THE EXPIRATION OF THE 14-DAY PERIOD. IF AN OBJECTION IS NOT FILED, THE COURT SHALL ADMIT IN PROCEEDINGS UNDER THIS CHAPTER THE RESULT OF THE BLOOD OR TISSUE TYPING OR THE DNA IDENTIFICATION PROFILE AND THE SUMMARY REPORT WITHOUT REQUIRING FOUNDATION TESTIMONY OR OTHER PROOF OF AUTHENTICITY OR ACCURACY. IF AN OBJECTION IS FILED WITHIN THE 14-DAY PERIOD AND ON THE MOTION OF A PARTY, THE COURT SHALL HOLD A HEARING TO DETERMINE THE ADMISSIBILITY OF THE DNA IDENTIFICATION PROFILE OR SUMMARY REPORT. THE OBJECTING PARTY HAS THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE BY A QUALIFIED PERSON DESCRIBED IN SECTION 11 OF THIS CHAPTER THAT FOUNDATION TESTIMONY OR OTHER PROOF OF AUTHENTICITY OR ACCURACY IS NECESSARY FOR ADMISSION OF THE DNA IDENTIFICATION PROFILE OR SUMMARY REPORT.

(2) IF THE PROBABILITY OF PATERNITY OR MATERNITY DETERMINED BY THE QUALIFIED PERSON DESCRIBED IN SECTION 11 OF THIS CHAPTER CONDUCTING THE BLOOD OR TISSUE TYPING OR DNA IDENTIFICATION PROFILING IS 99% OR HIGHER, AND THE DNA IDENTIFICATION PROFILE AND SUMMARY REPORT ARE ADMISSIBLE AS PROVIDED IN SUBSECTION (1), PATERNITY OR MATERNITY IS PRESUMED. IF THE RESULTS OF THE ANALYSIS OF GENETIC TESTING MATERIAL FROM 2 OR MORE PERSONS INDICATE A PROBABILITY OF PATERNITY OR MATERNITY GREATER THAN 99%, THE CONTRACTING LABORATORY SHALL CONDUCT ADDITIONAL GENETIC TESTING UNTIL ALL BUT 1 OF THE PUTATIVE FATHERS OR PUTATIVE MOTHERS IS ELIMINATED, UNLESS THE DISPUTE INVOLVES 2 OR MORE PUTATIVE FATHERS OR PUTATIVE MOTHERS WHO HAVE IDENTICAL DNA.

(3) UPON THE ESTABLISHMENT OF THE PRESUMPTION OF PATERNITY OR MATERNITY AS PROVIDED IN SUBSECTION (2), THE PARTY WHO HAS THE BENEFIT OF THE PRESUMPTION MAY MOVE FOR SUMMARY DISPOSITION UNDER THE COURT RULES ON THE ISSUE OF HIS PATERNITY OR HER MATERNITY.

SEC. 13. (1) EXCEPT AS AUTHORIZED UNDER THIS CHAPTER, A PERSON SHALL NOT DISCLOSE INFORMATION OBTAINED FROM GENETIC TESTING THAT IS AUTHORIZED UNDER THIS CHAPTER.

(2) IF A PARTY WHO IS TESTED AS PART OF AN ACTION UNDER THIS CHAPTER IS FOUND TO BE THE CHILD'S BIOLOGICAL PARENT, THE CONTRACTING LABORATORY SHALL RETAIN THE GENETIC TESTING MATERIAL OF THE PARENT AND THE CHILD FOR NO LONGER THAN THE PERIOD OF YEARS PRESCRIBED BY THE NATIONAL STANDARDS UNDER WHICH THE LABORATORY IS ACCREDITED. IF A PARTY IS FOUND NOT TO BE THE CHILD'S BIOLOGICAL PARENT, THE CONTRACTING LABORATORY SHALL DESTROY THE PARTY'S GENETIC TESTING MATERIAL AFTER IT IS USED IN THE ACTION, IN COMPLIANCE WITH SECTION 13811 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.13811, AND IN THE PRESENCE OF A WITNESS. THE WITNESS MAY BE AN INDIVIDUAL WHO IS A PARTY TO THE DESTRUCTION OF THE GENETIC TESTING MATERIAL. AFTER THE GENETIC TESTING MATERIAL IS DESTROYED, THE CONTRACTING LABORATORY SHALL MAKE AND KEEP A WRITTEN RECORD OF THE DESTRUCTION AND HAVE THE INDIVIDUAL WHO WITNESSED THE DESTRUCTION SIGN THE RECORD. THE CONTRACTING LABORATORY SHALL ALSO EXPUNGE THE CONTRACTING LABORATORY'S RECORDS REGARDING THE GENETIC TESTING PERFORMED ON THE GENETIC TESTING MATERIAL IN ACCORDANCE WITH THE NATIONAL STANDARDS UNDER WHICH THE LABORATORY IS ACCREDITED. THE CONTRACTING LABORATORY SHALL RETAIN THE GENETIC TESTING MATERIAL OF THE CHILD FOR NO LONGER THAN THE PERIOD OF YEARS PRESCRIBED BY THE NATIONAL STANDARDS UNDER WHICH THE LABORATORY IS ACCREDITED. AFTER A CONTRACTING LABORATORY DESTROYS AN INDIVIDUAL'S GENETIC TESTING MATERIAL AS PROVIDED IN THIS SUBSECTION, IT SHALL NOTIFY THE ADULT INDIVIDUAL, OR THE PARENT OR LEGAL GUARDIAN OF A MINOR INDIVIDUAL, BY CERTIFIED MAIL THAT THE GENETIC TESTING MATERIAL WAS DESTROYED.

(3) A CONTRACTING LABORATORY OR ANOTHER ENTITY INVOLVED WITH THE GENETIC TESTING ARE ALL REQUIRED TO PROTECT THE CONFIDENTIALITY OF GENETIC TESTING MATERIAL, EXCEPT AS REQUIRED FOR A PATERNITY OR MATERNITY DETERMINATION UNDER THIS CHAPTER. THE COURT

AND ITS OFFICERS SHALL NOT USE OR DISCLOSE GENETIC TESTING MATERIAL FOR A PURPOSE OTHER THAN THE PATERNITY OR MATERNITY DETERMINATION AS AUTHORIZED BY THIS CHAPTER.

(4) A PERSON SHALL NOT SELL, TRANSFER, OR OFFER GENETIC TESTING MATERIAL OBTAINED UNDER THIS CHAPTER EXCEPT AS AUTHORIZED BY THIS CHAPTER.

(5) A CONTRACTING LABORATORY SHALL ANNUALLY CAUSE TO BE CONDUCTED AN INDEPENDENT AUDIT VERIFYING THE CONTRACTING LABORATORY'S COMPLIANCE WITH THIS SECTION AND SECTIONS 11 AND 12 OF THIS CHAPTER. THE AUDIT SHALL NOT DISCLOSE THE NAMES OF, OR OTHERWISE IDENTIFY, THE TEST SUBJECTS REQUIRED TO SUBMIT TO BLOOD OR TISSUE TYPING OR DNA IDENTIFICATION PROFILING UNDER SECTION 11 OF THIS CHAPTER DURING THE PREVIOUS YEAR. THE CONTRACTING LABORATORY SHALL FORWARD THE AUDIT TO THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

(6) A VIOLATION OF THIS SECTION IS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000.00. A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION IS A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH."

2. Amend page 9, line 11, after "SEC." by striking out "12" and inserting "14".

3. Amend page 10, line 12, after "SEC." by striking out "13" and inserting "15".

4. Amend page 10, line 13, after "SECTION" by striking out "12" and inserting "14".

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

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

Rep. Jacobs moved to amend the bill as follows:

1. Amend page 9, following line 10, by inserting:

"(D) THE COURT SHALL ORDER THAT EACH PARENT ATTEMPTING TO RECLAIM A SURRENDERED NEWBORN BE EVALUATED TO DETERMINE THE NEED FOR PSYCHIATRIC OR PSYCHOLOGICAL TREATMENT. IF THE COURT DETERMINES THAT PSYCHIATRIC OR PSYCHOLOGICAL TREATMENT IS APPROPRIATE FOR THAT PARENT, THE COURT MAY ORDER THAT TREATMENT."

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

Rep. Jacobs demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 652

### Yeas—49

Basham	Hale	Law	Rivet
Bogardus	Hanley	Lemmons	Schauer
Bovin	Hansen	Lockwood	Schermesser
Brater	Hardman	Mans	Scott
Brown, B.	Hart	Minore	Sheltrown
Callahan	Jacobs	Neumann	Spade
Clark, I.	Jamnick	O'Neil	Stallworth
Clarke, H.	Jellema	Patterson	Tesanovich
DeHart	Kilpatrick	Pestka	Thomas
Dennis	Koetje	Quarles	Vaughn
Frank	Kowall	Reeves	Wojno
Garza	LaForge	Rison	Woodward
Gielegem			

### Nays—53

Allen	Faunce	Julian	Sanborn
Baird	Garcia	Kuipers	Scranton

Birkholz	Geiger	Kukul	Shackleton
Bisbee	Gilbert	LaSata	Shulman
Bishop	Godchaux	Mead	Stamas
Bradstreet	Gosselin	Middaugh	Switalski
Brown, C.	Green	Mortimer	Tabor
Byl	Hager	Pappageorge	Toy
Cassis	Howell	Pumford	Van Woerkom
Caul	Jansen	Raczkowski	Vander Roest
DeRossett	Jelinek	Richardville	Vear
DeVuyst	Johnson, Rick	Richner	Voorhees
DeWeese	Johnson, Ruth	Rocca	Woronchak
Ehardt			

In The Chair: Scranton

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 1052, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIIA (MCL 712A.19b), as amended by 2000 PA 46, and by adding chapter XII.

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

#### Roll Call No. 653

#### Yeas—109

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

DeVuyst  
DeWeese  
Ehardt  
Faunce

Kelly  
Kilpatrick  
Koetje

Raczkowski  
Richardville  
Richner

Wojno  
Woodward  
Woronchak

### Nays—1

Reeves

In The Chair: Scranton

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

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

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,” by amending the title and section 19b of chapter XIIA (MCL 712A.19b), the title as amended by 1997 PA 163 and section 19b of chapter XIIA as amended by 2000 PA 46, and by adding chapter XII.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### Senate Bill No. 1053, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 135 (MCL 750.135).

The bill was read a second time.

Rep. Jacobs moved to amend the bill as follows:

1. Amend page 1, line 9, after “NEGLECT” by striking out the balance of the line through “SURRENDERED” on line 11 and inserting “AN INDIVIDUAL SHALL NOT BE PROSECUTED UNDER SUBSECTION (1) FOR SURRENDERING A CHILD WHO WAS NOT MORE THAN 72 HOURS OLD AND HAS NO SIGNS OF ABUSE OR NEGLECT.”.

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

Rep. Jacobs demanded the yeas and nays.

The demand was supported.

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

After debate,

Rep. Raczkowski demanded the previous question.

The demand was supported.

The question being, “Shall the main question now be put?”

The previous question was ordered.

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

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

**Roll Call No. 654****Yeas—50**

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

**Nays—59**

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

In The Chair: Scranton

Rep. Birkholz moved to amend the bill as follows:

1. Amend page 2, following line 19, by inserting:

“Enacting section 2. This amendatory act takes effect January 1, 2001.” and renumbering the remaining enacting section.

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

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

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

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills****Senate Bill No. 1053, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 135 (MCL 750.135).

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

**Roll Call No. 655****Yeas—110**

Allen	Frank	Kuipers	Rison
Baird	Garcia	Kukuk	Rivet

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

### Nays—0

In The Chair: Scranton

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

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

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

### Motions and Resolutions

Rep. Scott moved that the Committee on Criminal Law and Corrections be discharged from further consideration of **House Bill No. 4396**.

(For first notice see House Journal No. 50, p. 1374.)

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

Rep. Scott demanded the yeas and nays.

The demand was supported.

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

Rep. Raczkowski moved that consideration of the motion be postponed for the day.

The motion prevailed.

Rep. Raczkowski moved that when the House adjourns today it stand adjourned until Thursday, June 1, at 10:00 a.m.  
The motion prevailed.

Rep. Ruth Johnson moved that the House adjourn.  
The motion prevailed, the time being 11:00 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Thursday, June 1, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives.

