

No. 74
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House of Representatives
89th Legislature
REGULAR SESSION OF 1998

House Chamber, Lansing, Thursday, September 24, 1998.

10:00 a.m.

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

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

Agee—present	Emerson—present	Kelly—present	Profit—present
Alley—present	Fitzgerald—present	Kilpatrick—present	Prusi—present
Anthony—present	Frank—present	Kukuk—present	Quarles—present
Baade—present	Freeman—present	LaForge—present	Raczkowski—present
Baird—present	Gagliardi—present	Law—present	Rhead—present
Bankes—present	Galloway—present	Leland—present	Richner—present
Basham—present	Geiger—present	LeTarte—present	Rison—present
Birkholz—present	Gernaat—present	Llewellyn—present	Rocca—present
Bobier—present	Gilmer—present	London—present	Sanborn—present
Bodem—present	Gire—present	Lowe—present	Schauer—present
Bogardus—present	Godchaux—present	Mans—present	Schermesser—present
Brackenridge—present	Goschka—present	Martinez—present	Schroer—present
Brater—present	Green—present	Mathieu—present	Scott—present
Brewer—present	Griffin—present	McBryde—present	Scranton—present
Brown—present	Gubow—present	McManus—present	Sikkema—present
Byl—present	Gustafson—present	McNutt—present	Stallworth—present
Callahan—present	Hale—present	Middaugh—present	Tesanovich—present
Cassis—present	Hammerstrom—present	Middleton—present	Thomas—present
Cherry—present	Hanley—present	Murphy—present	Varga—present
Ciaramitaro—present	Harder—present	Nye—present	Vaughn—present
Crissman—present	Hertel—present	Olshove—present	Voorhees—present
Cropsey—excused	Hood—present	Owen—present	Walberg—present
Curtis—present	Horton—present	Oxender—present	Wallace—present
Dalman—present	Jansen—present	Palamara—present	Wetters—present
DeHart—present	Jelinek—present	Parks—present	Whyman—excused
DeVuyst—present	Jellema—present	Perricone—present	Willard—present
Dobb—present	Johnson—present	Price—present	Wojno—present
Dobronski—present	Kaza—present		

e/d/s = entered during session

Rep. Paul Baade, from the 91st District, offered the following invocation:

“Lord, we thank You for listening to our prayers. We ask for patience to wait for Your answers and to accept them gratefully even if they are not exactly what we had hoped for. Remind us that it is possible to make a sound argument without making a lot of noise. Lastly, Lord, we know that the streets of heaven are paved in gold, but the banners lining those streets this weekend will be in green and white. And all the people said, ‘Amen’.”

Rep. Hammerstrom moved that Reps. Cropsey and Whyman be excused from today’s session.
The motion prevailed.

Notices

September 24, 1998

In accordance with House Rule 10, I hereby designate Representative Eileen DeHart, to be the Presiding Officer for all, or part of today’s session.

In accordance with House Rule 10, I hereby designate Representative Michael Hanley, to be the Presiding Officer for all, or part of today’s session.

Sincerely,
Curtis Hertel
Speaker of the House

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

The Speaker laid before the House

House Bill No. 4210, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 204a, 322, 625b, 625k, and 625l (MCL 257.204a, 257.322, 257.625b, 257.625k, and 257.625l), section 204a as amended by 1996 PA 102 and sections 625b, 625k, and 625l as amended by 1994 PA 450, and by adding sections 622a, 625o, and 625p.

(The bill was received from the Senate on September 22, with substitute (S-3) and title amendment given by the Senate, consideration of which, under the rules, was postponed until September 23, see House Journal No. 72, p. 2105.)

The question being on concurring in the adoption of the substitute (S-3) made to the bill by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 884

Yeas—106

Agee	Fitzgerald	Kilpatrick	Profit
Alley	Frank	Kukuk	Prusi
Anthony	Freeman	LaForge	Quarles
Baade	Gagliardi	Law	Raczkowski
Baird	Galloway	Leland	Rhead
Bankes	Geiger	LeTarte	Richner
Basham	Gernaat	Llewellyn	Rison
Birkholz	Gilmer	London	Rocca
Bobier	Gire	Lowe	Sanborn
Bodem	Godchaux	Mans	Schauer
Bogardus	Goschka	Martinez	Schermesser
Brackenridge	Green	Mathieu	Schroer
Brater	Gubow	McBryde	Scott

Brewer	Gustafson	McManus	Scranton
Brown	Hale	McNutt	Sikkema
Byl	Hammerstrom	Middaugh	Stallworth
Callahan	Hanley	Middleton	Tesanovich
Cassis	Harder	Murphy	Thomas
Cherry	Hertel	Nye	Varga
Ciaramitaro	Hood	Olshove	Vaughn
Crissman	Horton	Owen	Voorhees
Curtis	Jansen	Oxender	Walberg
Dalman	Jelinek	Palamara	Wallace
DeHart	Jellema	Parks	Wetters
DeVuyst	Johnson	Perricone	Willard
Dobb	Kaza	Price	Wojno
Dobronski	Kelly		

Nays—0

In The Chair: Gire

The House agreed to the title as amended.

Reps. Baade, Baird, Birkholz, Freeman, Hammerstrom, Leland, Owen, Scott and Stallworth were named co-sponsors 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. 4576, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8a, 44a, 625b, and 732 (MCL 257.8a, 257.44a, 257.625b, and 257.732), section 8a as amended by 1994 PA 449, section 44a as added by 1993 PA 359, section 625b as amended by 1994 PA 450, and section 732 as amended by 1996 PA 493, and by adding section 23b.

(The bill was received from the Senate on September 22, with substitute (S-2) and title amendment given by the Senate, consideration of which, under the rules, was postponed until September 23, see House Journal No. 72, p. 2105.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

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

Roll Call No. 885**Yeas—105**

Agee	Fitzgerald	Kelly	Price
Alley	Frank	Kilpatrick	Profit
Anthony	Freeman	Kukuk	Prusi
Baade	Gagliardi	LaForge	Quarles
Baird	Galloway	Law	Raczkowski
Banks	Geiger	Leland	Rhead
Basham	Gernaat	LeTarte	Richner
Birkholz	Gilmer	Llewellyn	Rison
Bobier	Gire	London	Rocca
Bodem	Godchaux	Lowe	Sanborn
Bogardus	Goschka	Mans	Schauer
Brackenridge	Green	Martinez	Schermesser
Brater	Gubow	Mathieu	Schroer
Brewer	Gustafson	McBryde	Scott
Brown	Hale	McManus	Scranton
Byl	Hammerstrom	McNutt	Sikkema

Callahan	Hanley	Middaugh	Stallworth
Cassis	Harder	Middleton	Tesanovich
Cherry	Hertel	Murphy	Thomas
Ciaramitaro	Hood	Nye	Varga
Crissman	Horton	Olshove	Vaughn
Curtis	Jansen	Owen	Voorhees
Dalman	Jelinek	Oxender	Walberg
DeHart	Jellema	Palamara	Wallace
DeVuyst	Johnson	Parks	Willard
Dobb	Kaza	Perricone	Wojno
Dobronski			

Nays—0

In The Chair: Gire

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 4961, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 904 (MCL 257.904), as amended by 1994 PA 450, and by adding section 904f.

(The bill was received from the Senate on September 22, with substitute (S-3) and title amendment given by the Senate, consideration of which, under the rules, was postponed until September 23, see House Journal No. 72, p. 2106.)

The question being on concurring in the adoption of the substitute (S-3) made to the bill by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 886**Yeas—101**

Agee	Frank	Kukuk	Prusi
Alley	Freeman	LaForge	Quarles
Anthony	Gagliardi	Law	Raczkowski
Baade	Galloway	Leland	Rhead
Baird	Gernaat	LeTarte	Richner
Bankes	Gilmer	Llewellyn	Rison
Basham	Gire	London	Rocca
Birkholz	Godchaux	Lowe	Sanborn
Bodem	Goschka	Mans	Schauer
Bogardus	Green	Martinez	Schermesser
Brackenridge	Gubow	McBryde	Schroer
Brater	Gustafson	McManus	Scott
Brewer	Hale	McNutt	Scranton
Brown	Hammerstrom	Middaugh	Sikkema
Byl	Hanley	Middleton	Stallworth
Callahan	Harder	Murphy	Tesanovich
Cassis	Hood	Nye	Thomas
Ciaramitaro	Horton	Olshove	Varga
Crissman	Jansen	Owen	Vaughn
Curtis	Jelinek	Oxender	Voorhees
Dalman	Jellema	Palamara	Walberg
DeHart	Johnson	Parks	Wallace

DeVuyst	Kaza	Perricone	Wetters
Dobb	Kelly	Price	Willard
Dobronski	Kilpatrick	Profit	Wojno
Fitzgerald			

Nays—0

In The Chair: Gire

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 5122, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625n and 904 (MCL 257.625n and 257.904), section 625n as added by 1996 PA 491 and section 904 as amended by 1994 PA 450.

(The bill was received from the Senate on September 22, with substitute (S-2) and title amendment given by the Senate, consideration of which, under the rules, was postponed until September 23, see House Journal No. 72, p. 2106.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

Rep. Fitzgerald moved to amend the Senate substitute (S-2) as follows:

1. Amend page 3, line 11, after "BOTH." by inserting "THIS SUBSECTION DOES NOT APPLY TO A PERSON WHOSE OPERATOR'S OR CHAUFFEUR'S LICENSE WAS SUSPENDED BECAUSE THAT PERSON FAILED TO ANSWER A CITATION OR COMPLY WITH AN ORDER OR JUDGMENT PURSUANT TO SECTION 321A.".

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

The question being on concurring in the Senate substitute (S-2), as amended,

The Senate substitute (S-2), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays as follows:

Roll Call No. 887**Yeas—104**

Agee	Dobronski	Kaza	Profit
Alley	Emerson	Kelly	Prusi
Anthony	Fitzgerald	Kilpatrick	Quarles
Baade	Freeman	Kukuk	Raczkowski
Baird	Gagliardi	LaForge	Rhead
Bankes	Galloway	Law	Richner
Basham	Geiger	Leland	Rison
Birkholz	Gernaat	LeTarte	Rocca
Bobier	Gilmer	Llewellyn	Sanborn
Bodem	Gire	London	Schauer
Bogardus	Godchaux	Lowe	Schermesser
Brackenridge	Goschka	Mans	Schroer
Brater	Green	Martinez	Scott
Brewer	Griffin	Mathieu	Scranton
Brown	Gubow	McBryde	Sikkema
Byl	Gustafson	McManus	Stallworth
Callahan	Hale	McNutt	Tesanovich
Cassis	Hammerstrom	Middaugh	Thomas
Cherry	Hanley	Murphy	Varga
Ciaramitaro	Harder	Olshove	Vaughn
Crissman	Hood	Owen	Voorhees
Curtis	Horton	Oxender	Walberg
Dalman	Jansen	Palamara	Wallace
DeHart	Jelinek	Parks	Wetters

DeVuyst
Dobb

Jellema
Johnson

Perricone
Price

Willard
Wojno

Nays—0

In The Chair: Gire

The House agreed to the title as amended.

Reps. Alley, Birkholz, Brackenridge, Brown, Byl, Gagliardi, Hale, Johnson, Law, LeTarte, London, Owen, Parks, Raczkowski, Richner, Sanborn, Sikkema, Tesanovich and Thomas were named co-sponsors of the bill.

The Associate Speaker Pro Tempore called Acting Speaker DeHart to the Chair.

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

The Speaker laid before the House

House Bill No. 5951, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319 and 319b (MCL 257.319 and 257.319b), section 319 as amended by 1996 PA 587 and section 319b as amended by 1996 PA 404.

(The bill was received from the Senate on September 22, with substitute (S-3) and title amendment given by the Senate, consideration of which, under the rules, was postponed until September 23, see House Journal No. 72, p. 2107.)

The question being on concurring in the adoption of the substitute (S-3) made to the bill by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 888

Yeas—99

Agee	Fitzgerald	Kaza	Profit
Alley	Frank	Kelly	Prusi
Anthony	Freeman	Law	Quarles
Baade	Gagliardi	Leland	Raczkowski
Baird	Galloway	LeTarte	Rhead
Banks	Geiger	Llewellyn	Richner
Basham	Gernaat	London	Rison
Birkholz	Gilmer	Lowe	Rocca
Bodem	Gire	Mans	Sanborn
Bogardus	Godchaux	Martinez	Schauer
Brackenridge	Goschka	Mathieu	Schermesser
Brater	Green	McBryde	Schroer
Brewer	Griffin	McManus	Scott
Brown	Gubow	McNutt	Scranton
Byl	Gustafson	Middaugh	Sikkema
Callahan	Hale	Middleton	Stallworth
Cassis	Hammerstrom	Murphy	Tesanovich
Ciaramitaro	Hanley	Nye	Thomas
Crissman	Harder	Olshove	Varga
Curtis	Hood	Owen	Vaughn
Dalman	Horton	Oxender	Voorhees
DeHart	Jansen	Palamara	Walberg
DeVuyst	Jelinek	Parks	Wetters
Dobb	Jellema	Perricone	Wojno
Dobronski	Johnson	Price	

Nays—0

In The Chair: DeHart

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 5952, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 1998 PA 68, and by adding sections 904d and 904e.

(The bill was received from the Senate on September 22, with substitute (S-2) and title amendment given by the Senate, consideration of which, under the rules, was postponed until September 23, see House Journal No. 72, p. 2107.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

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

Roll Call No. 889**Yeas—103**

Agee	Fitzgerald	Kelly	Prusi
Alley	Frank	Kukuk	Quarles
Anthony	Freeman	LaForge	Raczkowski
Baade	Gagliardi	Law	Rhead
Baird	Galloway	Leland	Richner
Banks	Geiger	LeTarte	Rison
Basham	Gernaat	Llewellyn	Rocca
Birkholz	Gilmer	London	Sanborn
Bobier	Gire	Lowe	Schauer
Bodem	Godchaux	Mans	Schermesser
Bogardus	Goschka	Martinez	Schroer
Brackenridge	Green	Mathieu	Scott
Brater	Griffin	McBryde	Scranton
Brewer	Gubow	McManus	Sikkema
Brown	Gustafson	McNutt	Stallworth
Byl	Hale	Middaugh	Tesanovich
Callahan	Hammerstrom	Middleton	Thomas
Cassis	Hanley	Murphy	Varga
Cherry	Harder	Nye	Vaughn
Ciaramitaro	Hood	Owen	Voorhees
Crissman	Horton	Oxender	Walberg
Dalman	Jansen	Palamara	Wallace
DeHart	Jelinek	Parks	Wetters
DeVuyst	Jellema	Perricone	Willard
Dobb	Johnson	Price	Wojno
Dobronski	Kaza	Profit	

Nays—0

In The Chair: DeHart

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 5954, entitled

A bill to amend 1931 PA 214, entitled "An act to enact a law to define the offense of felonious driving, when committed by the operation of a vehicle and to prescribe penalties therefor," by amending section 2 (MCL 752.192).

(The bill was received from the Senate on September 22, with substitute (S-1), consideration of which, under the rules, was postponed until September 23, see House Journal No. 72, p. 2108.)

The question being on concurring in the adoption of 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. 890

Yeas—99

Agee	Dobronski	Johnson	Price
Alley	Fitzgerald	Kaza	Profit
Anthony	Frank	Kelly	Prusi
Baade	Freeman	Kukuk	Raczkowski
Baird	Gagliardi	LaForge	Rhead
Bankes	Galloway	Law	Richner
Basham	Geiger	Leland	Rison
Birkholz	Gernaat	LeTarte	Rocca
Bobier	Gilmer	Llewellyn	Sanborn
Bodem	Gire	Lowe	Schauer
Bogardus	Godchaux	Mans	Schermesser
Brackenridge	Goschka	Martinez	Schroer
Brater	Green	Mathieu	Scott
Brewer	Griffin	McBryde	Sikkema
Brown	Gubow	McManus	Tesanovich
Byl	Gustafson	McNutt	Thomas
Callahan	Hale	Middaugh	Varga
Cassis	Hammerstrom	Middleton	Vaughn
Cherry	Hanley	Nye	Voorhees
Crissman	Harder	Olshove	Walberg
Curtis	Hood	Owen	Wallace
Dalman	Horton	Oxender	Wetters
DeHart	Jansen	Palamara	Willard
DeVuyst	Jelinek	Parks	Wojno
Dobb	Jellema	Perricone	

Nays—0

In The Chair: DeHart

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

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

Second Reading of Bills

House Bill No. 5833, entitled

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending sections 2, 9, 12, 12a, 16, 18, and 21 (MCL 456.522, 456.529, 456.532, 456.532a, 456.536, 456.538, and 456.541), as amended by 1982 PA 132, and by adding sections 2b, 2c, 2d, 12b, 16a, 16b, 16c, 16d, 16e, 16f, 16g, 16h, 16i, and 16j.

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

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

By unanimous consent the House returned to the order of
Reports of Standing Committees

The Committee on House Oversight and Ethics, by Rep. Gagliardi, Chair, reported
Senate Bill No. 623, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 40.

With the recommendation that the bill pass.
The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 623 To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Hanley, Kilpatrick, Varga, Wallace, Gustafson, DeVuyst, Fitzgerald, Goschka, Perricone, Richner, Voorhees,
Nays: None.

The Committee on House Oversight and Ethics, by Rep. Gagliardi, Chair, reported
House Resolution No. 120.

A resolution to call for the House of Representatives and the Senate to draft resolutions in plain English.
(For text of resolution, see House Journal No. 63 of 1997, p. 1574.)

With the recommendation that the resolution be adopted.
The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HR 120 To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Kilpatrick, Varga, Gustafson, DeVuyst, Richner,
Nays: None.

The Committee on House Oversight and Ethics, by Rep. Gagliardi, Chair, reported
House Resolution No. 361.

A resolution to memorialize the Congress of the United States to rescind its mandate that the United States Department of Health and Human Services develop a national health identifier and to restrict the use of Social Security numbers to the purposes of Social Security and uses permitted by law.

(For text of resolution, see House Journal No. 69, p. 1945.)

With the recommendation that the following amendment be adopted and that the resolution then be adopted.

1. Amend the resolution, following the fourth Whereas clause by inserting "Whereas, The Michigan House of Representatives has requested that Congress rescind the requirement for Social Security numbers to be included on applications for various state licenses; and".

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

Favorable Roll Call

HR 361 To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Hanley, Kilpatrick, Varga, Wallace, Fitzgerald,
Nays: None

The Committee on House Oversight and Ethics, by Rep. Gagliardi, Chair, reported
House Concurrent Resolution No. 49.

A concurrent resolution to call for the House of Representatives and the Senate to draft resolutions in plain English.
 (For text of resolution, see House Journal No. 63 of 1997, p. 1576.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

HCR 49 To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Kilpatrick, Varga, Gustafson, DeVuyst, Richner,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gagliardi, Chair of the Committee on House Oversight and Ethics, was received and read:

Meeting held on: Thursday, September 24, 1998, at 9:00 a.m.,

Present: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Hanley, Kilpatrick, Varga, Wallace, Gustafson, DeVuyst, Fitzgerald, Goschka, Perricone, Richner, Voorhees,

Absent: Rep. Wojno,

Excused: Rep. Wojno.

Messages from the Senate

The Speaker laid before the House

House Bill No. 5953, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 367c, 382, and 479a (MCL 750.367c, 750.382, and 750.479a), section 367c as added by 1982 PA 63, section 382 as amended by 1980 PA 159, and section 479a as amended by 1996 PA 586.

(The bill was received from the Senate on September 22, with substitute (S-2) and title amendment given by the Senate, consideration of which, under the rules, was postponed until September 23, see House Journal No. 72, p. 2108.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

Rep. Bogardus moved to amend the Senate substitute (S-2) as follows:

1. Amend page 1, before line 1, by inserting:

"Sec. 136b. (1) As used in this section:

(a) "Child" means a person who is less than 18 years of age and is not emancipated by operation of law as provided in section 4(1) of Act No. 293 of the Public Acts of 1968, being section 722.4 of the Michigan Compiled Laws 4 OF 1968 PA 293, MCL 722.4.

(B) "CRIMINAL SEXUAL ACTIVITY" MEANS A VIOLATION OF SECTION 145C, 520B, 520C, 520D, 520E, OR 520G.

(C) ~~(B)~~ "Omission" means a willful failure to provide the food, clothing, or shelter necessary for a child's welfare or the willful abandonment of a child.

(D) ~~(E)~~ "Person RESPONSIBLE FOR THE CHILD'S WELFARE" means a child's parent or guardian or any other person who cares for, has custody of, or has authority over a child regardless of the length of time that a THE child is cared for BY, in the custody of, or subject to the authority of that person.

(E) ~~(D)~~ "Physical harm" means any injury to a child's physical condition.

(F) ~~(E)~~ "Serious physical harm" means ~~an ANY PHYSICAL injury of a child's physical condition or welfare that is not necessarily permanent but constitutes substantial bodily disfigurement, or TO A CHILD THAT seriously impairs the function of a body organ or limb~~ THE CHILD'S HEALTH OR PHYSICAL WELL-BEING, INCLUDING, BUT NOT LIMITED TO, BRAIN DAMAGE, A SKULL OR BONE FRACTURE, SUBDURAL HEMORRHAGE OR HEMATOMA, DISLOCATION, SPRAIN, INTERNAL INJURY, POISONING, BURN OR SCALD, OR SEVERE CUT.

(G) ~~(F)~~ "Serious mental harm" means an injury to a child's mental condition or welfare that is not necessarily permanent but results in ~~visibly demonstrable manifestations of a~~ 1 OF THE FOLLOWING:

(i) A substantial disorder of thought or mood which THAT significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

(ii) A SEVERE OR PERSISTENT EMOTIONAL CONDITION CHARACTERIZED BY SERIOUSLY IMPAIRED PERSONALITY DEVELOPMENT, INDIVIDUAL ADJUSTMENT, SOCIAL ADJUSTMENT, OR EMOTIONAL GROWTH THAT IS DEMONSTRATED IN BEHAVIOR SYMPTOMATIC OF THAT IMPAIRMENT.

(2) A person RESPONSIBLE FOR THE CHILD'S WELFARE is guilty of child abuse in the first degree if the person knowingly or intentionally causes serious physical or serious mental harm to a child. Child abuse in the first degree is a felony punishable by imprisonment for not more than 15 years.

(3) A person RESPONSIBLE FOR THE CHILD'S WELFARE is guilty of child abuse in the second degree if the person's omission causes serious physical harm or serious mental harm to a child or if the person's reckless act causes serious physical harm OR SERIOUS MENTAL HARM to a child. Child abuse in the second degree is a felony punishable by imprisonment for not more than 4 years.

(4) A person RESPONSIBLE FOR THE CHILD'S WELFARE is guilty of child abuse in the third degree if the person knowingly or intentionally causes OR THREATENS TO CAUSE physical harm to a child. Child abuse in the third degree is a misdemeanor punishable by imprisonment for not more than 2 years.

(5) A person RESPONSIBLE FOR THE CHILD'S WELFARE is guilty of child abuse in the fourth degree if the person's omission or reckless act causes OR THREATENS TO CAUSE physical harm to a child. Child abuse in the fourth degree is a misdemeanor punishable by imprisonment for not more than 1 year.

(6) A PERSON RESPONSIBLE FOR THE CHILD'S WELFARE IS GUILTY OF A CRIME PUNISHABLE AS PRESCRIBED IN SUBSECTION (7) IF ALL OF THE FOLLOWING APPLY:

(A) ANOTHER PERSON COMMITTED A CRIME OF CRIMINAL SEXUAL ACTIVITY AGAINST THE CHILD OR CAUSED SERIOUS PHYSICAL HARM OR SERIOUS MENTAL HARM TO THE CHILD BY COMMITTING ANY OTHER CRIME AGAINST THE CHILD, REGARDLESS OF WHETHER THE OTHER PERSON IS CONVICTED OF THE CRIME.

(B) THE PERSON RESPONSIBLE FOR THE CHILD'S WELFARE HAD ACTUAL KNOWLEDGE THAT THE OTHER PERSON ENGAGED, WAS ENGAGED, OR INTENDED TO ENGAGE IN THE CRIMINAL SEXUAL ACTIVITY AGAINST THE CHILD OR CAUSED, WAS CAUSING, OR INTENDED TO CAUSE SERIOUS PHYSICAL HARM OR SERIOUS MENTAL HARM TO THE CHILD.

(C) THE PERSON RESPONSIBLE FOR THE CHILD'S WELFARE FAILED TO TAKE ACTIONS THAT WERE REASONABLE UNDER ALL THE CIRCUMSTANCES TO PREVENT OR STOP THE HARM TO OR THE CRIMINAL SEXUAL ACTIVITY AGAINST THE CHILD OR TO REPORT THE HARM OR CRIMINAL SEXUAL ACTIVITY TO A LAW ENFORCEMENT AGENCY HAVING JURISDICTION, AN AGENCY HAVING JURISDICTION OVER CHILD ABUSE OR NEGLECT, OR A PERSON OR ENTITY REQUIRED TO MAKE A REPORT UNDER THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.621 TO 722.636, WITHIN A TIME THAT WAS REASONABLE UNDER ALL THE CIRCUMSTANCES.

(7) A VIOLATION OF SUBSECTION (6) IS PUNISHABLE BY NOT MORE THAN THE MAXIMUM PENALTY PROVIDED FOR THE CRIME COMMITTED BY THE OTHER PERSON, REGARDLESS OF WHETHER THE OTHER PERSON IS CONVICTED OF THE CRIME, EXCEPT THAT THE MAXIMUM TERM OF IMPRISONMENT AUTHORIZED UNDER THIS SUBSECTION SHALL NOT EXCEED 15 YEARS.

(8) IT IS DEFENSE TO A PROSECUTION UNDER SUBSECTION (6) IF THE DEFENDANT PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT HE OR SHE FAILED TO COMPLY WITH SUBSECTION (6)(C) BECAUSE HE OR SHE HAD A REASONABLE AND HONEST BELIEF BASED ON THE EXISTENCE OF DOMESTIC VIOLENCE OR ABUSE THAT ACTING TO PREVENT, STOP, OR REPORT THE HARM TO THE CHILD OR THE CRIMINAL SEXUAL ACTIVITY AGAINST THE CHILD WOULD RESULT IN SERIOUS PHYSICAL HARM TO THE CHILD.

(9) A PERSON MAY BE CONVICTED AND A SENTENCE IMPOSED UNDER THIS SECTION IN ADDITION TO A CONVICTION AND PENALTY FOR ANY OTHER CRIME ARISING OUT OF THE SAME TRANSACTION.

(10) ~~(6)~~ This section shall DOES not be construed to prohibit a parent or guardian, or other person permitted by law or authorized by the parent or guardian, from taking steps to reasonably discipline a child, including the use of reasonable force.”

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

Rep. Gagliardi 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 to the Senate substitute (S-2) offered by Rep. Bogardus, Rep. Bogardus withdrew the amendment.

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

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

Roll Call No. 891**Yeas—103**

Agee	Dobronski	Kaza	Profit
Alley	Emerson	Kelly	Prusi
Anthony	Fitzgerald	Kilpatrick	Quarles
Baade	Frank	Kukuk	Raczkowski
Baird	Freeman	LaForge	Rhead
Bankes	Gagliardi	Law	Richner
Basham	Galloway	Leland	Rison
Birkholz	Geiger	LeTarte	Rocca
Bobier	Gernaat	Llewellyn	Sanborn
Bodem	Gilmer	London	Schauer
Bogardus	Gire	Lowe	Schermesser
Brackenridge	Godchaux	Martinez	Schroer
Brater	Goschka	Mathieu	Scott
Brewer	Green	McBryde	Scranton
Brown	Gustafson	McManus	Sikkema
Byl	Hale	McNutt	Stallworth
Callahan	Hammerstrom	Middaugh	Tesanovich
Cassis	Hanley	Middleton	Thomas
Cherry	Harder	Murphy	Varga
Ciaramitaro	Hertel	Nye	Vaughn
Crissman	Hood	Olshove	Voorhees
Curtis	Horton	Owen	Walberg
Dalman	Jansen	Oxender	Wallace
DeHart	Jelinek	Parks	Willard
DeVuyst	Jellema	Perricone	Wojno
Dobb	Johnson	Price	

Nays—0

In The Chair: DeHart

The House agreed to the title as amended.

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

Second Reading of Bills**Senate Bill No. 623, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 40.

The bill was read a second time.

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

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

Rep. Agee demanded the yeas and nays.

The demand was supported.

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

Point of Order

Rep. Gustafson requested a ruling of the Chair on whether or not SB 623 was properly before the House because the House Oversight and Ethics Committee continued meeting during the attendance roll call without leave of the House.

The Chair ruled that the bill was properly before the House. The board had not closed on the attendance roll call and therefore Rule 40 was not violated.

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

Point of Order

Rep. Fitzgerald requested a ruling of the Chair as to whether or not substitute (H-1) was germane to the bill.

The Chair ruled the substitute was germane.

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

Rep. Fitzgerald moved that the bill be re-referred to the Committee on House Oversight and Ethics.

The question being on the motion by Rep. Fitzgerald,

Rep. Fitzgerald demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. Fitzgerald,

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

Roll Call No. 892

Yeas—48

Bankes	Geiger	Johnson	Middleton
Birkholz	Gernaat	Kaza	Oxender
Bobier	Gilmer	Kukuk	Perricone
Bodem	Godchaux	Law	Raczkowski
Brackenridge	Goschka	LeTarte	Rhead
Byl	Green	Llewellyn	Richner
Cassis	Gustafson	London	Rocca
Crissman	Hammerstrom	Lowe	Sanborn
DeVuyst	Horton	McBryde	Scranton
Dobb	Jansen	McManus	Sikkema
Fitzgerald	Jelinek	McNutt	Voorhees
Galloway	Jellema	Middaugh	Walberg

Nays—53

Agee	Dobronski	Kilpatrick	Quarles
Anthony	Emerson	LaForge	Rison
Baade	Frank	Leland	Schauer
Baird	Freeman	Mans	Schermesser
Basham	Gagliardi	Martinez	Scott
Bogardus	Gire	Mathieu	Stallworth
Brater	Gubow	Murphy	Tesanovich
Brown	Hale	Olshove	Thomas
Callahan	Hanley	Owen	Varga
Cherry	Harder	Palamara	Vaughn
Ciaramitaro	Hertel	Parks	Wallace
Curtis	Hood	Price	Willard
Dalman	Kelly	Prusi	Wojno
DeHart			

In The Chair: DeHart

The question being on the adoption of the substitute (H-1) offered previously by Rep. Agee,
The substitute (H-1) was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 893**Yeas—57**

Agee	Dobronski	Kilpatrick	Quarles
Alley	Emerson	LaForge	Rison
Anthony	Frank	Leland	Schauer
Baade	Freeman	Mans	Schermesser
Baird	Gagliardi	Martinez	Schroer
Basham	Gire	Mathieu	Scott
Bogardus	Goschka	Murphy	Stallworth
Brater	Griffin	Olshove	Tesanovich
Brewer	Gubow	Owen	Thomas
Brown	Hale	Palamara	Varga
Callahan	Hanley	Parks	Vaughn
Cherry	Harder	Price	Wallace
Ciaramitaro	Hertel	Profit	Willard
Curtis	Kelly	Prusi	Wojno
DeHart			

Nays—48

Bankes	Galloway	Johnson	Middleton
Birkholz	Geiger	Kaza	Oxender
Bobier	Gernaat	Kukuk	Perricone
Bodem	Gilmer	Law	Raczkowski
Brackenridge	Godchaux	LeTarte	Rhead
Byl	Green	Llewellyn	Richner
Cassis	Gustafson	London	Rocca
Crissman	Hammerstrom	Lowe	Sanborn
Dalman	Horton	McBryde	Scranton
DeVuyst	Jansen	McManus	Sikkema
Dobb	Jelinek	McNutt	Voorhees
Fitzgerald	Jellema	Middaugh	Walberg

In The Chair: DeHart

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

Rep. Curtis moved that Rep. Murphy 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. 623, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 40.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Perricone moved to amend the bill as follows:

1. Amend page 2, line 9, after "CANDIDATE" by striking out "WHO RECEIVES FUNDS FROM THE STATE CAMPAIGN FUND AND" and inserting "FOR STATEWIDE OFFICE".

2. Amend page 3, line 22, by striking out all of subsection (6).

The amendments were seconded.

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

Rep. Perricone moved that the amendments be considered separately.

The motion prevailed.

The question being on the adoption of amendment No. 1 offered by Rep. Perricone,

Rep. Perricone demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment No. 1 offered by Rep. Perricone,

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

Roll Call No. 894

Yeas—96

Agee	Dobb	Jellema	Price
Alley	Dobronski	Kaza	Profit
Anthony	Frank	Kelly	Prusi
Baade	Freeman	Kilpatrick	Quarles
Baird	Gagliardi	Kukuk	Raczkowski
Bankes	Galloway	LaForge	Rhead
Basham	Geiger	Law	Richner
Birkholz	Gernaat	Leland	Rison
Bobier	Gire	Llewellyn	Rocca
Bodem	Godchaux	London	Sanborn
Bogardus	Goschka	Lowe	Schauer
Brackenridge	Green	Mans	Schermesser
Brater	Griffin	Martinez	Scott
Brewer	Gubow	Mathieu	Scranton
Brown	Gustafson	McManus	Stallworth
Callahan	Hale	McNutt	Tesanovich
Cassis	Hammerstrom	Middaugh	Thomas
Cherry	Hanley	Middleton	Varga
Ciaramitaro	Harder	Nye	Vaughn
Crissman	Hertel	Owen	Voorhees
Curtis	Hood	Oxender	Walberg
Dalman	Horton	Palamara	Wallace
DeHart	Jansen	Parks	Willard
DeVuyst	Jelinek	Perricone	Wojno

Nays—8

Byl	Gilmer	LeTarte	Schroer
Fitzgerald	Johnson	McBryde	Sikkema

In The Chair: DeHart

The question being on the adoption of amendment No. 2 offered previously by Rep. Perricone, Rep. Perricone withdrew the amendment.

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. 895**Yeas—57**

Agee	Dobronski	Kelly	Quarles
Alley	Emerson	Kilpatrick	Rison
Anthony	Frank	LaForge	Schauer
Baade	Freeman	Leland	Schermesser
Baird	Gagliardi	Mans	Schroer
Basham	Gire	Martinez	Scott
Bogardus	Goschka	Mathieu	Stallworth
Brater	Griffin	Olshove	Tesanovich
Brewer	Gubow	Owen	Thomas
Brown	Hale	Palamara	Varga
Callahan	Hanley	Parks	Vaughn
Cherry	Harder	Price	Wallace
Ciaramitaro	Hertel	Profit	Willard
Curtis	Hood	Prusi	Wojno
DeHart			

Nays—49

Bankes	Geiger	Kaza	Nye
Birkholz	Gernaat	Kukuk	Oxender
Bobier	Gilmer	Law	Perricone
Bodem	Godchaux	LeTarte	Raczkowski
Brackenridge	Green	Llewellyn	Rhead
Byl	Gustafson	London	Richner
Cassis	Hammerstrom	Lowe	Rocca
Crissman	Horton	McBryde	Sanborn
Dalman	Jansen	McManus	Scranton
DeVuyst	Jelinek	McNutt	Sikkema
Dobb	Jellema	Middaugh	Voorhees
Fitzgerald	Johnson	Middleton	Walberg
Galloway			

In The Chair: DeHart

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

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

A bill to amend 1976 PA 388, entitled "An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," (MCL 169.201 to 169.282) by adding section 65a.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Birkholz, having reserved the right to explain her protest against the passage of the bill, made the following statement:
 "Mr. Speaker and members of the House:
 I voted no on SB 623 because the legislation was not allowed to go through a thorough committee debate and review process and is incomplete as passed."

Rep. London, 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 SB 623 because this bill did not have a committee hearing. It was brought to the House floor for political reasons concerning this year’s Governors election. I believe this House of Representatives has more important work to do.”

Rep. Kukuk, 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 623 because this legislation did not appear on the House calendar for a scheduled vote. In addition, after hearing floor debate on the Bill, it is apparent that the legislation is strictly political.

I supported the motion to refer this bill back to committee where the inequities can be worked out on a bi-partisan basis.”

Reps. Fitzgerald, Byl, Cassis, DeVuyst, Bodem, Jansen, Jelinek, Jellema, Middleton and Raczkowski, 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 will vote against this ill-advised and untimely bill for several reasons.

First, the process used to place the bill before the House membership is flawed and in violation of the House rules. The bill was not noticed for House Oversight and Ethics committee consideration earlier this morning, a legal but extremely unusual procedure. The bill was not distributed to committee members of the Oversight and Ethics Committee until after the committee began meeting, again highly unusual. In fact, the bill was distributed and then voted on by the committee after the House itself was called to order. House rules prohibit committees from meeting during House session, and the Oversight Committee was not given leave to meet by the full House during session.

More disturbing is the fact that no mention was made during the committee meeting that a full substitute version of the bill would be distributed literally within minutes of the committee meeting’s conclusion. This is what happened on the floor of the House shortly after the Oversight Committee adjourned. Therefore, the floor substitute version of the bill was first considered by the full House. The sponsor of the floor substitute version of the bill could have—in fact, should have—submitted the bill to the committee for consideration this morning, since he serves on the committee. Failing to do so is a serious breach of normal practices and customs of the House. It was, in fact, misleading.

What of the content of the bill itself? Requiring candidates for governor who receive public funding from the Michigan Campaign Fund to debate may be a good idea. But it’s an idea which cannot work in this year’s election since one of the eligible candidates to receive funding is declining funding. Therefore, even if this bill became law today, it could not apply to this year’s election.

An amendment which was adopted extending the debate requirement to all candidates running for state wide office is unconstitutional, since courts consistently have ruled that a legislature cannot compel a candidate for office to engage in a debate unless a voluntary public benefit, such as public funding, is received.

This being the case, there is no reason to rush passage of this bill and to avoid normal committee consideration unless the substitute sponsor’s intent is to cause political embarrassment. Sadly, this is the only conclusion that a rational person can reach. The state Capitol is not a politics-free zone. But when partisan political advantage and embarrassment is the only reason a bill is proposed, then I must and will vote no.”

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

“Mr. Speaker and members of the House:

I voted no on SB 623 (Record Roll Call Vote No. 895) because it was an ill-constructed bill clearly meant for political rhetoric rather than substantive, constructive campaign reform. I objected to the process undertaken which again was political, not allowing for clear debate on policy. There is no need to pass this today because it does not affect this election; let’s debate the issue properly on it’s substance and then enact meaningful reform.”

The Associate Speaker Pro Tempore resumed the Chair.

Quorum Call

Rep. Thomas 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. 896**Yeas—92**

Agee	Dobb	Jellema	Prusi
Anthony	Dobronski	Johnson	Quarles
Baade	Emerson	Kaza	Raczkowski
Baird	Fitzgerald	Kelly	Rhead
Bankes	Frank	Kukuk	Richner
Basham	Freeman	LaForge	Rison
Birkholz	Gagliardi	Law	Rocca
Bodem	Galloway	Llewellyn	Sanborn
Bogardus	Geiger	London	Schauer
Brackenridge	Gernaat	Lowe	Schermesser
Brater	Gilmer	Mans	Schroer
Brewer	Gire	Martinez	Scott
Brown	Godchaux	Mathieu	Scranton
Byl	Goschka	McBryde	Sikkema
Callahan	Green	McManus	Stallworth
Cassis	Griffin	McNutt	Tesanovich
Cherry	Gubow	Middaugh	Thomas
Ciaramitaro	Hale	Olshove	Varga
Crissman	Hammerstrom	Owen	Vaughn
Curtis	Harder	Oxender	Voorhees
Dalman	Hertel	Parks	Wallace
DeHart	Horton	Perricone	Wetters
DeVuyst	Jelinek	Price	Wojno

In The Chair: Gire

Rep. Green moved that Rep. Gustafson be excused temporarily from today's session.
The motion prevailed.

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

Rep. Horton moved that Rep. Jansen be excused temporarily from today's session.
The motion prevailed.

Rep. Crissman moved that Reps. Middleton and LeTarte be excused temporarily from today's session.
The motion prevailed.

Rep. Walberg moved that Rep. Nye be excused temporarily from today's session.
The motion prevailed.

Rep. Profit moved that Rep. Palamara be excused from the balance of today's session.
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. 4959, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 322, 323, 602a, 624a, 624b, and 625n (MCL 257.303, 257.322, 257.323, 257.602a, 257.624a, 257.624b, and 257.625n), sections 303 and

602a as amended by 1996 PA 587, section 323 as amended by 1994 PA 449, section 624a as amended and section 624b as added by 1996 PA 493, and section 625n as added by 1996 PA 491; and to repeal acts and parts of acts.

(The bill was received from the Senate on September 22, with substitute (S-2) and title amendment given by the Senate, consideration of which, under the rules, was postponed until September 23, see House Journal No. 72, p. 2105.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

Rep. Fitzgerald moved to amend the Senate substitute (S-2) as follows:

1. Amend page 15, line 16, by striking out all of enacting section 1 and renumbering the remaining enacting sections. The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

The question being on concurring in the Senate substitute (S-2), as amended,

The Senate substitute (S-2), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays as follows:

Roll Call No. 897

Yeas—99

Agee	Dobb	Jellema	Prusi
Alley	Dobronski	Kaza	Quarles
Anthony	Emerson	Kelly	Raczkowski
Baade	Fitzgerald	Kukuk	Rhead
Baird	Frank	LaForge	Richner
Bankes	Freeman	Law	Rison
Basham	Gagliardi	Leland	Rocca
Birkholz	Galloway	Llewellyn	Sanborn
Bobier	Geiger	London	Schauer
Bodem	Gernaat	Lowe	Schermesser
Bogardus	Gilmer	Mans	Scott
Brackenridge	Gire	Martinez	Scranton
Brater	Godchaux	Mathieu	Sikkema
Brewer	Goschka	McBryde	Stallworth
Brown	Green	McManus	Tesanovich
Byl	Griffin	McNutt	Thomas
Callahan	Gubow	Middaugh	Varga
Cassis	Hale	Murphy	Vaughn
Cherry	Hammerstrom	Olshove	Voorhees
Ciaramitaro	Hanley	Owen	Walberg
Crissman	Harder	Oxender	Wallace
Curtis	Hertel	Parks	Wetters
Dalman	Hood	Perricone	Willard
DeHart	Horton	Price	Wojno
DeVuyst	Jelinek	Profit	

Nays—0

In The Chair: Gire

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

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide

for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 624a, 624b, and 625n (MCL 257.624a, 257.624b, and 257.625n), section 624a as amended and section 624b as added by 1996 PA 493 and section 625n as added by 1996 PA 491.

The motion prevailed.

The House agreed to the title as amended.

Rep. Callahan moved that Rep. Hanley be excused temporarily from today's session.

The motion prevailed.

The Speaker laid before the House

House Bill No. 4960, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219 and 233 (MCL 257.219 and 257.233), section 219 as amended by 1985 PA 67 and section 233 as amended by 1980 PA 398, and by adding section 904c.

(The bill was received from the Senate on September 22, with substitute (S-3) and title amendment given by the Senate, consideration of which, under the rules, was postponed until September 23, see House Journal No. 72, p. 2106.)

The question being on concurring in the adoption of the substitute (S-3) made to the bill by the Senate,

Rep. Middleton moved to amend the Senate substitute (S-3) as follows:

1. Amend page 1, line 8, after "PLATE" by inserting "THAT IS FUSCHIA IN COLOR".
2. Amend page 1, line 9, after "VEHICLE" by inserting "THAT IS OTHERWISE".

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

The question being on concurring in the adoption of the substitute (S-3) made to the bill by the Senate,

The Senate substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays as follows:

Roll Call No. 898

Yeas—99

Agee	Dobronski	Kelly	Prusi
Alley	Fitzgerald	Kilpatrick	Quarles
Anthony	Frank	Kukuk	Rackowski
Baade	Freeman	LaForge	Rhead
Baird	Gagliardi	Law	Richner
Bankes	Galloway	Leland	Rison
Basham	Geiger	Llewellyn	Rocca
Birkholz	Gernaat	London	Sanborn
Bodem	Gilmer	Lowe	Schauer
Bogardus	Gire	Mans	Schermesser
Brackenridge	Godchaux	Martinez	Scott
Brater	Goschka	Mathieu	Scranton
Brewer	Green	McBryde	Sikkema
Brown	Griffin	McManus	Stallworth
Byl	Gubow	McNutt	Tesanovich
Callahan	Hale	Middaugh	Thomas
Cassis	Hammerstrom	Murphy	Varga
Cherry	Harder	Nye	Vaughn
Ciaramitaro	Hertel	Olshove	Voorhees
Crissman	Hood	Owen	Walberg
Curtis	Horton	Oxender	Wallace

Dalman	Jelinek	Parks	Wetters
DeHart	Jellema	Perricone	Willard
DeVuyst	Johnson	Price	Wojno
Dobb	Kaza	Profit	

Nays—0

In The Chair: Gire

The House agreed to the title as amended.

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

Rep. Gagliardi moved that Rep. Hertel be excused temporarily from today's session.
The motion prevailed.

The Speaker laid before the House

House Bill No. 5123, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625n and 904 (MCL 257.625n and 257.904), section 625n as added by 1996 PA 491 and section 904 as amended by 1994 PA 450.

(The bill was received from the Senate on September 22, with substitute (S-2) and title amendment given by the Senate, consideration of which, under the rules, was postponed until September 23, see House Journal No. 72, p. 2107.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

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

Roll Call No. 899**Yeas—99**

Agee	Dobb	Kaza	Quarles
Alley	Dobronski	Kelly	Raczkowski
Anthony	Emerson	Kilpatrick	Rhead
Baade	Fitzgerald	Kukuk	Richner
Baird	Frank	LaForge	Rison
Bankes	Freeman	Law	Rocca
Basham	Gagliardi	Llewellyn	Sanborn
Birkholz	Galloway	Lowe	Schauer
Bobier	Geiger	Mans	Schermesser
Bodem	Gernaat	Martinez	Schroer
Bogardus	Gilmer	Mathieu	Scott
Brackenridge	Gire	McBryde	Scranton
Brater	Godchaux	McManus	Sikkema
Brewer	Goschka	McNutt	Stallworth
Brown	Green	Middaugh	Tesanovich
Byl	Griffin	Murphy	Thomas
Callahan	Gubow	Nye	Varga
Cassis	Hale	Olshove	Vaughn
Cherry	Hammerstrom	Owen	Voorhees
Ciaramitaro	Harder	Oxender	Walberg
Crissman	Hood	Parks	Wallace
Curtis	Horton	Perricone	Wetters
Dalman	Jelinek	Price	Willard
DeHart	Jellema	Profit	Wojno
DeVuyst	Johnson	Prusi	

Nays—0

In The Chair: Gire

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 5955, entitled

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

(The bill was received from the Senate on September 22, with substitute (S-2), full title inserted, consideration of which, under the rules, was postponed until September 23, see House Journal No. 72 , p. 2108.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

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

Roll Call No. 900**Yeas—100**

Agee	Dobb	Kelly	Prusi
Alley	Dobronski	Kilpatrick	Quarles
Anthony	Emerson	Kukuk	Raczkowski
Baade	Fitzgerald	LaForge	Rhead
Baird	Frank	Law	Richner
Bankes	Freeman	Leland	Rison
Basham	Gagliardi	Llewellyn	Rocca
Birkholz	Galloway	London	Sanborn
Bobier	Geiger	Lowe	Schauer
Bodem	Gernaat	Mans	Schermesser
Bogardus	Gilmer	Martinez	Schroer
Brackenridge	Gire	Mathieu	Scott
Brater	Godchaux	McBryde	Scranton
Brewer	Goschka	McManus	Sikkema
Brown	Green	McNutt	Stallworth
Byl	Griffin	Middaugh	Tesanovich
Callahan	Gubow	Murphy	Thomas
Cassis	Hale	Nye	Varga
Cherry	Hammerstrom	Olshove	Vaughn
Ciaramitaro	Harder	Owen	Voorhees
Crissman	Horton	Oxender	Walberg
Curtis	Jelinek	Parks	Wallace
Dalman	Jellema	Perricone	Wetters
DeHart	Johnson	Price	Willard
DeVuyst	Kaza	Profit	Wojno

Nays—0

In The Chair: Gire

The House agreed to the full title.

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

The Speaker laid before the House

House Bill No. 5956, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625, 625i, and 625m (MCL 257.625, 257.625i, and 257.625m), sections 625 and 625m as amended by 1996 PA 491 and section 625i as amended by 1996 PA 493.

(The bill was received from the Senate on September 22, with substitute (S-2) and title amendment, consideration of which, under the rules, was postponed until September 23, see House Journal No. 72, p. 2108.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

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

Roll Call No. 901

Yeas—100

Agee	Dobb	Kelly	Prusi
Alley	Dobronski	Kilpatrick	Quarles
Anthony	Fitzgerald	Kukuk	Raczkowski
Baade	Frank	LaForge	Rhead
Baird	Freeman	Law	Richner
Bankes	Gagliardi	Leland	Rison
Basham	Galloway	Llewellyn	Rocca
Birkholz	Geiger	London	Sanborn
Bobier	Gernaat	Lowe	Schauer
Bodem	Gilmer	Mans	Schermesser
Bogardus	Gire	Martinez	Schroer
Brackenridge	Godchaux	Mathieu	Scott
Brater	Goschka	McBryde	Scranton
Brewer	Green	McManus	Sikkema
Brown	Griffin	McNutt	Stallworth
Byl	Gubow	Middaugh	Tesanovich
Callahan	Hale	Murphy	Thomas
Cassis	Hammerstrom	Nye	Varga
Cherry	Harder	Olshove	Vaughn
Ciaramitaro	Hood	Owen	Voorhees
Crissman	Horton	Oxender	Walberg
Curtis	Jelinek	Parks	Wallace
Dalman	Jellema	Perricone	Wetters
DeHart	Johnson	Price	Willard
DeVuyst	Kaza	Profit	Wojno

Nays—0

In The Chair: Gire

The House agreed to the title as amended.

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

Second Reading of Bills

Senate Bill No. 268, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81134 (MCL 324.81134), as amended by 1996 PA 175.

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

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

Rep. Gagliardi 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. Gagliardi 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. 268, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81134 (MCL 324.81134), as amended by 1996 PA 175.

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

Roll Call No. 902

Yeas—98

Agee	Dobb	Kelly	Quarles
Alley	Dobronski	Kilpatrick	Raczkowski
Anthony	Emerson	Kukuk	Rhead
Baade	Fitzgerald	LaForge	Richner
Baird	Frank	Law	Rison
Bankes	Freeman	Leland	Rocca
Basham	Galloway	Llewellyn	Sanborn
Birkholz	Geiger	London	Schauer
Bobier	Gernaat	Lowe	Schermesser
Bodem	Gilmer	Martinez	Schroer
Bogardus	Gire	Mathieu	Scott
Brackenridge	Godchaux	McBryde	Scranton
Brater	Goschka	McManus	Sikkema
Brewer	Green	Middaugh	Stallworth
Brown	Griffin	Murphy	Tesanovich
Byl	Gubow	Nye	Thomas
Callahan	Hale	Olshove	Varga
Cassis	Hammerstrom	Owen	Vaughn
Cherry	Harder	Oxender	Voorhees
Ciaramitaro	Hood	Parks	Walberg
Crissman	Horton	Perricone	Wallace
Curtis	Jelinek	Price	Wetters
Dalman	Jellema	Profit	Willard
DeHart	Johnson	Prusi	Wojno
DeVuyst	Kaza		

Nays—0

In The Chair: Gire

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

"An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,".

The House agreed to the full title.

Rep. Gagliardi 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. 269, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 776.22) by adding section 1f to chapter IX.

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

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

Rep. Gagliardi 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. Gagliardi 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. 269, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 776.22) by adding section 1f to chapter IX.

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

Roll Call No. 903

Yeas—101

Agee	Dobronski	Kelly	Prusi
Alley	Emerson	Kilpatrick	Quarles
Anthony	Fitzgerald	Kukuk	Raczkowski
Baade	Frank	LaForge	Rhead
Baird	Freeman	Law	Richner
Banks	Gagliardi	Leland	Rison
Basham	Galloway	Llewellyn	Rocca
Birkholz	Geiger	London	Sanborn
Bobier	Gernaat	Lowe	Schauer
Bodem	Gilmer	Mans	Schermesser
Bogardus	Gire	Martinez	Schroer
Brackenridge	Godchaux	Mathieu	Scott
Brater	Goschka	McBryde	Scranton
Brewer	Green	McManus	Sikkema
Brown	Griffin	McNutt	Stallworth
Byl	Gubow	Middaugh	Tesanovich
Callahan	Hale	Murphy	Thomas
Cassis	Hammerstrom	Nye	Varga
Cherry	Harder	Olshove	Vaughn
Ciaramitaro	Hood	Owen	Voorhees
Crissman	Horton	Oxender	Walberg
Curtis	Jelinek	Parks	Wallace
Dalman	Jellema	Perricone	Wetters
DeHart	Johnson	Price	Willard
DeVuyst	Kaza	Profit	Wojno
Dobb			

Nays—0

In The Chair: Gire

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The House agreed to the full title.

Rep. Gagliardi 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 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 5a, 8a, 44a, 258, 319, 319b, 602a, and 625m (MCL 257.5a, 257.8a, 257.44a, 257.258, 257.319, 257.319b, 257.602a, and 257.625m), section 8a as amended by 1994 PA 449, section 44a as added by 1993 PA 359, sections 319 and 602a as amended by 1996 PA 587, section 319b as amended by 1996 PA 404, and section 625m as amended by 1996 PA 491, and by adding sections 23b and 204b.

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

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

Rep. Fitzgerald moved to amend the bill as follows:

1. Amend page 17, line 1, by inserting “(6)”.
2. Amend page 17, line 4, after “~~year.~~” by inserting “The individual shall not be eligible to receive a restricted license pursuant to section 323”.
3. Amend page 17, line 5, after “~~323a~~” by inserting “during the first 6 months of the period of suspension.” and renumbering the remaining subsections.

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

Rep. McNutt moved to amend the bill as follows:

1. Amend page 6, line 14, after “section” by striking out “382” and inserting “382(1)(B), (C), OR (D)”.
2. Amend page 6, following line 27, by inserting:
“(4) THE SECRETARY OF STATE SHALL SUSPEND THE PERSON’S LICENSE FOR 30 DAYS FOR MALICIOUS DESTRUCTION RESULTING FROM THE OPERATION OF A VEHICLE UNDER SECTION 382(1)(A) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.382.” and renumbering the remaining subsections.
3. Amend page 12, line 17, after “subsection” by striking out “(10)” and inserting “(11)”.
4. Amend page 13, line 12, after “SUBSECTION” by striking out “(7)” and inserting “(8)”.
5. Amend page 14, line 8, after the first “SUBSECTION” by striking out “(17)” and inserting “(18)”.
6. Amend page 14, line 8, after the second “SUBSECTION” by striking out “(7)” and inserting “(8)”.
7. Amend page 14, line 13, after “SUBSECTION” by striking out “(16)” and inserting “(17)”.
8. Amend page 14, line 21, after “SUBSECTION” by striking out “(7)(C)” and inserting “(8)(C)”.
9. Amend page 14, line 26, after “SUBSECTION” by striking out “(15)” and inserting “(16)”.

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

Rep. Wallace moved to reconsider the vote by which the House did not adopt the amendments offered previously by Rep. Fitzgerald.

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

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

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

Rep. Fitzgerald moved to amend the bill as follows:

1. Amend page 3, line 4, after "SECTION" by striking out "233(5)" and inserting "233(4)".

2. Amend page 11, following line 6, by inserting:

"(E) FOR 180 DAYS FOR A VIOLATION OF SECTION 625(7) IF THE PERSON HAS NO PRIOR CONVICTIONS WITHIN 7 YEARS. THE SECRETARY OF STATE MAY ISSUE THE PERSON A RESTRICTED LICENSE AFTER THE FIRST 90 DAYS OF SUSPENSION." and relettering the remaining subdivision.

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

Rep. Gagliardi 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. Gagliardi 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. 627, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 5a, 8a, 44a, 258, 319, 319b, 602a, and 625m (MCL 257.5a, 257.8a, 257.44a, 257.258, 257.319, 257.319b, 257.602a, and 257.625m), section 8a as amended by 1994 PA 449, section 44a as added by 1993 PA 359, sections 319 and 602a as amended by 1996 PA 587, section 319b as amended by 1996 PA 404, and section 625m as amended by 1996 PA 491, and by adding sections 23b and 204b.

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

Roll Call No. 904

Yeas—98

Agee	Dobronski	Kilpatrick	Quarles
Alley	Emerson	Kukuk	Rackowski
Anthony	Fitzgerald	LaForge	Rhead
Baade	Frank	Law	Richner
Baird	Freeman	Leland	Rison
Bankes	Gagliardi	Llewellyn	Rocca
Basham	Galloway	Lowe	Sanborn
Birkholz	Geiger	Mans	Schauer
Bobier	Gernaat	Martinez	Schermesser
Bogardus	Gilmer	Mathieu	Schroer
Brackenridge	Gire	McBryde	Scott
Brater	Godchaux	McManus	Scranton
Brewer	Goschka	McNutt	Sikkema
Brown	Green	Middaugh	Stallworth
Byl	Griffin	Murphy	Tesanovich
Callahan	Hale	Nye	Thomas
Cassis	Hammerstrom	Olshove	Varga
Cherry	Harder	Owen	Vaughn
Ciaramitaro	Hood	Oxender	Voorhees
Crissman	Horton	Parks	Walberg
Curtis	Jelinek	Perricone	Wallace
Dalman	Jellema	Price	Wetters
DeHart	Johnson	Profit	Willard
DeVuyst	Kaza	Prusi	Wojno
Dobb	Kelly		

Nays—0

In The Chair: Gire

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

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 258, 319, 602a, and 625m (MCL 257.258, 257.319, 257.602a, and 257.625m), sections 319 and 602a as amended by 1996 PA 587 and section 625m as amended by 1996 PA 491, and by adding section 204b.

The motion prevailed.

The House agreed to the title as amended.

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

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

Acting Speaker DeHart resumed the Chair.

Second Reading of Bills**Senate Bill No. 870, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 310d, 320a, 625, 625c, and 727 (MCL 257.310d, 257.320a, 257.625, 257.625c, and 257.727), section 310d as amended by 1991 PA 99, section 320a as amended by 1996 PA 493, section 625 as amended by 1996 PA 491, section 625c as amended by 1994 PA 450, and section 727 as amended by 1993 PA 301.

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

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

Rep. Gagliardi 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. Gagliardi 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. 870, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 310d, 320a, 625, 625c, and 727 (MCL 257.310d, 257.320a, 257.625, 257.625c, and 257.727), section 310d as amended by 1991 PA 99, section 320a as amended by 1996 PA 493, section 625 as amended by 1996 PA 491, section 625c as amended by 1994 PA 450, and section 727 as amended by 1993 PA 301.

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

Roll Call No. 905**Yeas—98**

Agee	Dobronski	Kelly	Quarles
Alley	Emerson	Kilpatrick	Raczkowski
Anthony	Fitzgerald	Kukuk	Rhead
Baade	Frank	LaForge	Richner
Baird	Freeman	Law	Rison
Bankes	Gagliardi	Leland	Rocca
Basham	Galloway	Llewellyn	Sanborn
Birkholz	Geiger	Lowe	Schauer
Bobier	Gernaat	Mans	Schermesser
Bodem	Gilmer	Martinez	Schroer
Bogardus	Gire	Mathieu	Scott
Brackenridge	Godchaux	McBryde	Scranton
Brater	Goschka	McManus	Sikkema
Brown	Green	McNutt	Stallworth
Byl	Griffin	Middaugh	Tesanovich
Callahan	Gubow	Murphy	Thomas
Cassis	Hale	Nye	Varga
Cherry	Hammerstrom	Owen	Vaughn
Ciaramitaro	Harder	Oxender	Voorhees
Crissman	Hood	Parks	Walberg
Curtis	Horton	Perricone	Wallace
Dalman	Jelinek	Price	Wetters
DeHart	Jellema	Profit	Willard
DeVuyst	Johnson	Prusi	Wojno
Dobb	Kaza		

Nays—0

In The Chair: DeHart

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

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 320a, 625, and 625c (MCL 257.320a, 257.625, and 257.625c), section 320a as amended by 1996 PA 493, section 625 as amended by 1996 PA 491, and section 625c as amended by 1994 PA 450.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

Second Reading of Bills

Senate Bill No. 953, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 625a, and 625b (MCL 257.303, 257.625a, and 257.625b), section 303 as amended by 1996 PA 587, section 625a as amended by 1996 PA 491, and section 625b as amended by 1994 PA 450.

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

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

Rep. Fitzgerald moved to amend the bill as follows:

1. Amend page 7, line 7, after "625(4)" by striking out the balance of the line and inserting "or (5)."

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

Rep. Gagliardi 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. Gagliardi 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. 953, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 625a, and 625b (MCL 257.303, 257.625a, and 257.625b), section 303 as amended by 1996 PA 587, section 625a as amended by 1996 PA 491, and section 625b as amended by 1994 PA 450.

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

Roll Call No. 906

Yeas—98

Agee	Dobronski	Kukuk	Quarles
Alley	Emerson	LaForge	Raczkowski
Anthony	Fitzgerald	Law	Rhead
Baade	Frank	Leland	Richner
Baird	Freeman	Llewellyn	Rison
Bankes	Gagliardi	London	Rocca
Basham	Galloway	Lowe	Sanborn
Birkholz	Gernaat	Mans	Schauer
Bobier	Gilmer	Martinez	Schermesser
Bodem	Gire	Mathieu	Schroer
Bogardus	Godchaux	McBryde	Scott
Brackenridge	Goschka	McManus	Scranton
Brater	Green	McNutt	Sikkema
Brown	Gubow	Middaugh	Stallworth
Byl	Hale	Murphy	Tesanovich
Callahan	Hammerstrom	Nye	Thomas
Cassis	Harder	Olshove	Varga
Cherry	Hood	Owen	Vaughn
Ciaramitaro	Horton	Oxender	Voorhees
Crissman	Jelinek	Parks	Walberg
Curtis	Jellema	Perricone	Wallace
Dalman	Johnson	Price	Wetters
DeHart	Kaza	Profit	Willard
DeVuyst	Kelly	Prusi	Wojno
Dobb	Kilpatrick		

Nays—0

In The Chair: DeHart

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

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 303 and 625a (MCL 257.303 and 257.625a), section 303 as amended by 1996 PA 587 and section 625a as amended by 1996 PA 491.

The motion prevailed.

The House agreed to the title as amended.

Rep. Gagliardi 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. 869, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 811d and 811e.

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

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

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

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

—

Rep. Fitzgerald moved that Rep. Byl 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. 869, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 811d and 811e.

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

Roll Call No. 907**Yeas—98**

Agee	Emerson	Kukuk	Quarles
Alley	Fitzgerald	LaForge	Raczkowski
Anthony	Frank	Law	Rhead
Baade	Freeman	Leland	Richner
Baird	Gagliardi	Llewellyn	Rison
Bankes	Galloway	London	Rocca
Basham	Gernaat	Lowe	Sanborn
Birkholz	Gilmer	Mans	Schauer
Bobier	Gire	Martinez	Schermesser
Bodem	Godchaux	Mathieu	Schroer
Brackenridge	Goschka	McBryde	Scott
Brater	Green	McManus	Scranton
Brewer	Griffin	McNutt	Sikkema
Brown	Gubow	Middaugh	Stallworth
Callahan	Hale	Murphy	Tesanovich
Cassis	Hammerstrom	Nye	Thomas
Cherry	Harder	Olshove	Varga
Ciaramitaro	Hood	Owen	Vaughn
Crissman	Horton	Oxender	Voorhees
Curtis	Jelinek	Parks	Walberg
Dalman	Jellema	Perricone	Wallace
DeHart	Johnson	Price	Wetters
DeVuyst	Kaza	Profit	Willard
Dobb	Kelly	Prusi	Wojno
Dobronski	Kilpatrick		

Nays—0

In The Chair: DeHart

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

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 727 and 732 (MCL 257.727 and 257.732), section 727 as amended by 1993 PA 301 and section 732 as amended by 1996 PA 493.

The motion prevailed.

The House agreed to the title as amended.

Rep. Gagliardi 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. 625, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 217, 219, 233, 320e, 323, 732, and 904 (MCL 257.204a, 257.217, 257.219, 257.233, 257.320e, 257.323, 257.732, and 257.904), section

204a as amended by 1996 PA 102, section 217 as amended by 1996 PA 59, section 219 as amended by 1985 PA 67, section 233 as amended by 1980 PA 398, sections 320e and 732 as amended by 1996 PA 493, section 323 as amended by 1994 PA 449, and section 904 as amended by 1994 PA 450; 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-3) previously recommended by the Committee on Judiciary,

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

Rep. Fitzgerald moved to amend the bill as follows:

1. Amend page 9, following line 26, by inserting:

~~“Sec. 323. (1) Except as provided in subsections (5) and (9), a~~ A person aggrieved by a final determination of the secretary of state denying the person an operator’s or chauffeur’s license, a vehicle group designation, or an indorsement on a license or revoking, suspending, or restricting an operator’s or chauffeur’s license, vehicle group designation, or an indorsement may petition for a review of the determination in the circuit court in the county where the person was arrested if the denial or suspension was imposed pursuant to section 625f or pursuant to the order of a trial court under section 328 or, in all other cases, in the circuit court in the person’s county of residence. The person shall file the petition within 63 days after the determination is made except that for good cause shown the court may allow the person to file petition within 182 days after the determination is made. As provided in section 625f, a peace officer aggrieved by a determination of a hearing officer in favor of a person who requested a hearing under section 625f may, with the prosecuting attorney’s consent, petition for review of the determination in the circuit court in the county where the arrest was made. The peace officer shall file the petition within 63 days after the determination is made except that for good cause shown the court may allow the peace officer to file the petition within 182 days after the determination is made.

(2) Except as otherwise provided in this section, the circuit court shall enter an order setting the cause for hearing for a day certain not more than 63 days after the order’s date. The order, a copy of the petition that includes the person’s full name, current address, birth date, and driver’s license number, and all supporting affidavits shall be served on the secretary of state’s office in Lansing not less than 20 days before the date set for the hearing. If the person is seeking a review of the record prepared pursuant to section 322 or section 625f, the service upon the secretary of state shall be made not less than 50 days before the date set for the hearing.

(3) ~~Except as otherwise provided in this section, the~~ THE court may take testimony and examine all the facts and circumstances relating to the denial, suspension, restriction, or revocation of the person’s license UNDER SECTIONS 303(1)(G), 320, OR 904(8) OR (9), A LICENSING ACTION UNDER SECTION 310D, OR A SUSPENSION FOR A FIRST VIOLATION UNDER SECTION 625F. The court may affirm, modify, or set aside the restriction, suspension, revocation, or denial except the court shall not order the secretary of state to issue a restricted or unrestricted chauffeur’s license that would permit the person to drive a commercial motor vehicle that hauls a hazardous material. The court shall duly enter the order and the petitioner shall file a certified copy of the order with the secretary of state’s office in Lansing within 7 days after entry of the order.

(4) ~~In reviewing a determination under section 625f, the court shall confine its consideration to 1 or both of the following:~~

~~(a) A review of the record prepared pursuant to section 625f to determine whether the hearing officer properly determined the issues enumerated in section 625f.~~

~~(b) A determination of whether to order a restricted license issued as provided in section 323e.~~

(5) ~~This section does not apply to a denial, revocation, suspension, or restriction imposed pursuant to a suspension ordered under section 321a or to a court order issued as part of the sentence for a conviction under either of the following:~~

~~(a) Section 625, section 625m, former section 625(1) or (2), or former section 625b or a local ordinance substantially corresponding to section 625(1), (2), or (3), section 625m, former section 625(1) or (2), or former section 625b.~~

~~(b) Part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and section 333.17766a of the Michigan Compiled Laws, or a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978.~~

(4) ~~(6) In~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IN reviewing a determination resulting in a denial, SUSPENSION, RESTRICTION, or revocation under ~~section 303(1)(d), (e), or (f) or section 303(2)(c), (d), (e), or (f)~~ THIS ACT, the court shall confine its consideration to a review of the record prepared pursuant to section 322 OR 625F or the driving record created under section 204a FOR A STATUTORY LEGAL ISSUE, and shall not grant relief pursuant to ~~subsection (3)~~ RESTRICTED DRIVING PRIVILEGES. The court shall set aside the secretary of state’s determination only if the petitioner’s substantial rights have been prejudiced because the determination is any of the following:

(a) In violation of the Constitution of the United States, the state constitution of 1963, or a statute.

(b) In excess of the secretary of state’s statutory authority or jurisdiction.

(c) Made upon unlawful procedure resulting in material prejudice to the petitioner.

(d) Not supported by competent, material, and substantial evidence on the whole record.

(e) Arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion.

(f) Affected by other substantial and material error of law.

~~(7) This section does not apply to a denial, revocation, suspension, or restriction imposed pursuant to the financial responsibility act contained in chapter V.~~

~~(8) This section does not apply to a suspension, revocation, or denial of a vehicle group designation imposed pursuant to section 312f, 319a, or 319b.~~

~~(9) This section does not apply to a suspension or denial of a license imposed pursuant to section 303(1)(c) or 319e.”.~~
The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Gagliardi 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. Gagliardi 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. 625, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 204a, 217, 219, 233, 320e, 323, 732, and 904 (MCL 257.204a, 257.217, 257.219, 257.233, 257.320e, 257.323, 257.732, and 257.904), section 204a as amended by 1996 PA 102, section 217 as amended by 1996 PA 59, section 219 as amended by 1985 PA 67, section 233 as amended by 1980 PA 398, sections 320e and 732 as amended by 1996 PA 493, section 323 as amended by 1994 PA 449, and section 904 as amended by 1994 PA 450; 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. 908

Yeas—101

Agee	Dobronski	Kaza	Prusi
Alley	Emerson	Kelly	Quarles
Anthony	Fitzgerald	Kilpatrick	Raczkowski
Baade	Frank	Kukuk	Rhead
Baird	Freeman	Law	Richner
Banks	Gagliardi	Leland	Rison
Basham	Galloway	Llewellyn	Rocca
Birkholz	Gernaat	London	Sanborn
Bobier	Gilmer	Lowe	Schauer
Bodem	Gire	Mans	Schermesser
Bogardus	Godchaux	Martinez	Schroer
Brackenridge	Goschka	Mathieu	Scott
Brater	Green	McBryde	Scranton
Brewer	Griffin	McManus	Sikkema
Brown	Gubow	McNutt	Stallworth
Byl	Gustafson	Middaugh	Tesanovich
Callahan	Hale	Murphy	Thomas
Cassis	Hammerstrom	Nye	Varga
Cherry	Harder	Olshove	Vaughn
Ciaramitaro	Hood	Owen	Voorhees
Crissman	Horton	Oxender	Walberg
Curtis	Jansen	Parks	Wallace
Dalman	Jelinek	Perricone	Wetters
DeHart	Jellema	Price	Willard
DeVuyst	Johnson	Profit	Wojno
Dobb			

Nays—0

In The Chair: DeHart

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

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 204a, 219, 233, 320e, and 323 (MCL 257.204a, 257.219, 257.233, 257.320e, and 257.323), section 204a as amended by 1996 PA 102, section 219 as amended by 1985 PA 67, section 233 as amended by 1980 PA 398, section 320e as amended by 1996 PA 493, and section 323 as amended by 1994 PA 449.

The motion prevailed.

The House agreed to the title as amended.

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

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

Senate Bill No. 1170, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 226 (MCL 330.1226), as amended by 1996 PA 588.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 1170 To Report Out:

Yeas: Reps. Hood, Ciaramitaro, Frank, Harder, Kelly, Martinez, Owen, Price, Prusi, Rison, Stallworth, Tesanovich, Gilmer, Bobier, Geiger, Godchaux, Jansen, Jellema, Oxender,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, September 24, 1998, at 9:00 a.m.,

Present: Reps. Hood, Ciaramitaro, Frank, Harder, Kelly, Martinez, Owen, Price, Prusi, Rison, Stallworth, Tesanovich, Gilmer, Bobier, Geiger, Godchaux, Jansen, Jellema, Oxender,

Absent: Reps. Mathieu, Emerson, Hale, Parks, Schroer, Bankes, Johnson, McBryde,

Excused: Reps. Mathieu, Emerson, Hale, Parks, Schroer, Bankes, Johnson, McBryde.

Second Reading of Bills

Senate Bill No. 1170, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 226 (MCL 330.1226), as amended by 1996 PA 588.

The bill was read a second time.

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

—

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

Rep. Kilpatrick moved that Rep. Quarles 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. 1170, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 226 (MCL 330.1226), as amended by 1996 PA 588.

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

Roll Call No. 909

Yeas—98

Agee	Dobronski	Kelly	Profit
Alley	Emerson	Kilpatrick	Prusi
Anthony	Fitzgerald	Kukuk	Raczkowski
Baade	Frank	LaForge	Rhead
Baird	Freeman	Law	Richner
Banks	Gagliardi	Leland	Rison
Basham	Galloway	Llewellyn	Rocca
Birkholz	Gernaat	London	Sanborn
Bobier	Gilmer	Lowe	Schauer
Bodem	Gire	Mans	Schermesser
Bogardus	Godchaux	Martinez	Schroer
Brackenridge	Goschka	Mathieu	Scott
Brater	Green	McBryde	Scranton
Brewer	Griffin	McManus	Sikkema
Byl	Gubow	McNutt	Stallworth
Callahan	Gustafson	Middaugh	Tesanovich
Cassis	Hale	Murphy	Varga
Cherry	Hammerstrom	Nye	Vaughn
Ciaramitaro	Harder	Olshove	Voorhees
Crissman	Hood	Owen	Walberg
Curtis	Horton	Oxender	Wallace
Dalman	Jansen	Parks	Wetters
DeHart	Jelinek	Perricone	Willard
DeVuyst	Jellema	Price	Wojno
Dobb	Johnson		

Nays—0

In The Chair: DeHart

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

“An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disabilities; to establish guardianship procedures for individuals with development disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts.”.

The House agreed to the full title.

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

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

Second Reading of Bills

House Bill No. 5924, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16621 (MCL 333.16621).

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

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

Rep. Griffin 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. Gagliardi 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. 5924, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16621 (MCL 333.16621).

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

Roll Call No. 910

Yeas—97

Agee	Fitzgerald	Kelly	Prusi
Alley	Frank	Kilpatrick	Rackowski
Anthony	Freeman	Kukuk	Rhead
Baade	Gagliardi	LaForge	Richner
Baird	Galloway	Leland	Rison
Bankes	Gernaat	Llewellyn	Rocca
Basham	Gilmer	London	Sanborn
Birkholz	Gire	Lowe	Schauer
Bobier	Godchaux	Mans	Schermesser
Bodem	Goschka	Martinez	Schroer
Bogardus	Green	Mathieu	Scott
Brackenridge	Griffin	McBryde	Scranton
Brater	Gubow	McManus	Sikkema
Brewer	Gustafson	McNutt	Stallworth
Byl	Hale	Middaugh	Tesanovich
Cassis	Hammerstrom	Murphy	Thomas
Cherry	Harder	Nye	Varga
Ciaramitaro	Hood	Olshove	Vaughn

Crissman	Horton	Owen	Voorhees
Curtis	Jansen	Oxender	Walberg
Dalman	Jelinek	Parks	Wallace
DeHart	Jellema	Perricone	Wetters
DeVuyst	Johnson	Price	Willard
Dobb	Kaza	Profit	Wojno
Dobronski			

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

Rep. Gagliardi moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

—

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

Second Reading of Bills

House Joint Resolution BB, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 40 to article IX, to provide for revenue sharing distributions to counties, cities, villages, and townships.

Was read a second time, and the question being on the adoption of the proposed substitute (H-8) previously recommended by the Committee on Tax Policy,

The substitute (H-8) was adopted, a majority of the members serving voting therefor.

Rep. Goschka moved to amend the joint resolution as follows:

1. Amend page 3, line 27, after "DETERMINATIONS." by inserting "DISTRIBUTIONS UNDER THIS SECTION SHALL BE MADE ON A PER CAPITA BASIS."

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

Rep. Goschka demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 911

Yeas—41

Alley	Fitzgerald	Jansen	Middaugh
Banks	Frank	Jelinek	Nye
Birkholz	Galloway	Jellema	Perricone
Bodem	Gernaat	Kukuk	Raczkowski
Brackenridge	Godchaux	Llewellyn	Rhead
Byl	Goschka	London	Rocca
Cassis	Green	Lowe	Sanborn
Crissman	Gustafson	McBryde	Scranton
Dalman	Hammerstrom	McManus	Sikkema
DeVuyst	Horton	McNutt	Walberg
Dobb			

Nays—55

Agee	Emerson	Mans	Schermesser
Anthony	Freeman	Martinez	Schroer
Baade	Gagliardi	Mathieu	Scott
Baird	Gilmer	Murphy	Stallworth
Basham	Gire	Olshove	Tesanovich
Bobier	Gubow	Owen	Thomas
Bogardus	Hale	Oxender	Varga
Brater	Hertel	Parks	Vaughn
Brewer	Hood	Price	Voorhees
Callahan	Johnson	Profit	Wallace
Cherry	Kelly	Prusi	Wetters
Ciaramitaro	Kilpatrick	Richner	Willard
DeHart	LaForge	Rison	Wojno
Dobronski	Leland	Schauer	

In The Chair: DeHart

Rep. Oxender moved to substitute (H-7) the joint resolution.

The motion did not prevail and the substitute (H-7) was not adopted, a majority of the members serving not voting therefor.

Rep. Ciaramitaro moved to amend the joint resolution as follows:

1. Amend page 1, following the first Resolving clause, by inserting:
"ARTICLE IV

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

BEGINNING IN THE 1999-2000 STATE FISCAL YEAR, AND FOR EACH STATE FISCAL YEAR AFTER 1999-2000, THE STATE SHALL GUARANTEE THAT THE TOTAL AMOUNT APPROPRIATED FOR MENTAL HEALTH SERVICES, AS COMPARED TO THE TOTAL AMOUNT APPROPRIATED FOR MENTAL HEALTH SERVICES IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, CHANGES BY AT LEAST THE SAME PERCENTAGE AS THE CHANGE IN THE COMBINED TOTAL GROSS STATE SCHOOL AID FUND REVENUE AND GROSS GENERAL FUND/GENERAL PURPOSE REVENUE FROM THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, AS ADJUSTED FOR CHANGES IN STATE LAW OR ADMINISTRATIVE DETERMINATIONS. FOR PURPOSES OF DETERMINING APPROPRIATIONS FOR MENTAL HEALTH SERVICES UNDER THIS PARAGRAPH, THE CALCULATIONS SHALL BE MADE USING \$1,100,000,000.00 AS THE TOTAL APPROPRIATION FOR THE 1998-1999 STATE FISCAL YEAR."

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

Rep. Ciaramitaro demanded the yeas and nays.

The demand was supported.

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

Rep. Wojno moved that consideration of the amendment be postponed temporarily.

The motion prevailed.

Rep. Palamara moved to amend the joint resolution as follows:

1. Amend page 4, line 8, by striking out all of lines 8 through 10 and inserting:

"Resolved further, That the foregoing amendment shall be submitted to the people of the state at a special election to be held on March 16, 1999 in the manner provided by law."

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

Rep. Oxender moved to substitute (H-6) the joint resolution.

The question being on the adoption of the substitute (H-6) offered by Rep. Oxender,

Rep. Oxender demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-6) offered by Rep. Oxender,

The substitute (H-6) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 912**Yeas—46**

Bankes	Galloway	Johnson	Perricone
Birkholz	Gernaat	Kukuk	Rackowski
Bobier	Gilmer	Law	Rhead
Bodem	Godchaux	Llewellyn	Richner
Brackenridge	Goschka	London	Rocca
Byl	Green	Lowe	Sanborn
Cassis	Gustafson	McBryde	Scranton
Crissman	Hammerstrom	McManus	Sikkema
Dalman	Horton	Middaugh	Tesanovich
DeVuyst	Jansen	Nye	Voorhees
Dobb	Jelinek	Oxender	Walberg
Fitzgerald	Jellema		

Nays—47

Agee	DeHart	Kilpatrick	Rison
Anthony	Dobronski	Leland	Schermesser
Baade	Emerson	Mans	Schroer
Baird	Frank	Martinez	Scott
Basham	Gagliardi	Mathieu	Stallworth
Bogardus	Gire	Murphy	Thomas
Brater	Griffin	Olshove	Varga
Brewer	Gubow	Owen	Vaughn
Callahan	Hale	Parks	Wallace
Cherry	Harder	Price	Wetters
Ciaramitaro	Hood	Profit	Wojno
Curtis	Kelly	Prusi	

In The Chair: DeHart

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

Rep. Voorhees moved to amend the joint resolution as follows:

1. Amend page 1, following the first Resolved clause, by inserting:

“ARTICLE VIII

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

Nonpublic schools, prohibited aid.

No public monies or property shall be appropriated or paid ~~or any public credit utilized~~, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic, pre-elementary, elementary, or secondary school. No payment, ~~credit, tax benefit, exemption or deductions~~, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school or at any location or institution where instruction is offered in whole or in part to such nonpublic school students. The legislature may provide for the transportation of students to and from any school.”.

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

The demand was supported.

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

Point of Order

Rep. Profit requested a ruling of the Chair as to whether or not the amendment was germane to the joint resolution.

The Chair ruled the amendment was not germane.

Rep. Gustafson appealed the decision of the Chair.

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

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

Roll Call No. 913**Yeas—52**

Agee	DeHart	Kelly	Schauer
Alley	Dobronski	LaForge	Schermesser
Anthony	Frank	Leland	Schroer
Baade	Freeman	Mans	Scott
Baird	Gagliardi	Martinez	Stallworth
Basham	Gire	Mathieu	Tesanovich
Bogardus	Griffin	Murphy	Thomas
Brater	Gubow	Olshove	Varga
Brewer	Hale	Owen	Vaughn
Callahan	Hanley	Price	Wallace
Cherry	Harder	Profit	Wetters
Ciaramitaro	Hertel	Prusi	Willard
Curtis	Hood	Rison	Wojno

Nays—46

Bankes	Galloway	Johnson	Oxender
Birkholz	Gernaat	Kukuk	Perricone
Bobier	Gilmer	Law	Raczkowski
Bodem	Godchaux	Llewellyn	Rhead
Brackenridge	Goschka	London	Richner
Byl	Green	Lowe	Rocca
Cassis	Gustafson	McBryde	Sanborn
Crissman	Hammerstrom	McManus	Scranton
Dalman	Horton	McNutt	Sikkema
DeVuyst	Jansen	Middaugh	Voorhees
Dobb	Jelinek	Nye	Walberg
Fitzgerald	Jellema		

In The Chair: DeHart

Rep. Hammerstrom moved to amend the joint resolution as follows:

1. Amend page 4, following line 7, by inserting:

“SEC. 41. BEGINNING IN THE 1999-2000 STATE FISCAL YEAR, AND FOR EACH STATE FISCAL YEAR AFTER 1999-2000, THE STATE SHALL GUARANTEE THAT THE TOTAL AMOUNT DISTRIBUTED BY LAW FOR FUNDING SENIOR CITIZEN PRESCRIPTION DRUG PROGRAMS AS COMPARED TO THE TOTAL AMOUNT OF MONEY APPROPRIATED FOR THOSE PURPOSES FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR CHANGES BY AT LEAST THE SAME PERCENTAGE AS THE CHANGE IN THE COMBINED TOTAL GROSS STATE SCHOOL AID FUND REVENUE AND GROSS GENERAL FUND/GENERAL

PURPOSE REVENUE FROM THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, AS ADJUSTED FOR CHANGES IN STATE LAW OR ADMINISTRATIVE DETERMINATIONS. FOR PURPOSES OF DETERMINING DISTRIBUTIONS UNDER THIS SECTION, THE CALCULATIONS UNDER THIS SECTION SHALL BE MADE USING THE AMOUNT APPROPRIATED IN THE 1998-1999 STATE FISCAL YEAR AS THE TOTAL DISTRIBUTION AMOUNT FOR THE CALCULATIONS IN THE INITIAL YEAR.”.

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

The demand was supported.

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

Point of Order

Rep. Profit requested a ruling of the Chair as to whether or not the amendment was germane to the joint resolution. The question being on the germaneness of the amendment offered by Rep. Hammerstrom,

Rep. Gagliardi moved that consideration of the joint resolution be postponed temporarily. The motion prevailed.

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

House Bill No. 6016, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4 (MCL 205.94), as amended by 1997 PA 194. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 914

Yeas—60

Bankes	Galloway	Jellema	Perricone
Birkholz	Gernaat	Johnson	Profit
Bodem	Gilmer	Kukuk	Raczkowski
Brackenridge	Gire	Law	Rhead
Callahan	Goschka	Leland	Richner
Cassis	Green	Llewellyn	Rocca
Cherry	Gubow	London	Sanborn
Crissman	Gustafson	Lowe	Schauer
Curtis	Hammerstrom	Mans	Scranton
Dalman	Hanley	McBryde	Sikkema
DeVuyst	Harder	McManus	Thomas
Dobb	Hertel	McNutt	Walberg
Dobronski	Horton	Middaugh	Wallace
Frank	Jansen	Olshove	Wetters
Gagliardi	Jelinek	Oxender	Willard

Nays—35

Alley	DeHart	Martinez	Schroer
Anthony	Emerson	Mathieu	Scott
Baade	Freeman	Murphy	Stallworth
Basham	Godchaux	Nye	Tesanovich
Bobier	Hale	Owen	Varga
Bogardus	Hood	Parks	Vaughn

Brater
Byl
Ciaramitaro

Kelly
Kilpatrick
LaForge

Price
Prusi
Schermesser

Voorhees
Wojno

In The Chair: DeHart

The House agreed to the title of the bill.

Rep. Gagliardi moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

House Bill No. 6017, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 1996 PA 435.

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

Roll Call No. 915

Yeas—61

Baird
Banks
Birkholz
Bobier
Bodem
Brackenridge
Callahan
Cassis
Cherry
Crissman
Curtis
Dalman
DeVuyst
Dobb
Dobronski
Fitzgerald

Frank
Gagliardi
Galloway
Gernaat
Gilmer
Gire
Godchaux
Goschka
Green
Gubow
Gustafson
Hammerstrom
Hanley
Harder
Hertel

Horton
Jansen
Jelinek
Johnson
Kukuk
Law
Llewellyn
Lowe
Mans
McBryde
McManus
McNutt
Middaugh
Nye
Oxender

Perricone
Profit
Rackowski
Rhead
Richner
Rocca
Sanborn
Schauer
Scranton
Sikkema
Thomas
Voorhees
Walberg
Wetters
Willard

Nays—29

Alley
Anthony
Baade
Basham
Bogardus
Brater
Byl
Ciaramitaro

DeHart
Freeman
Hale
Hood
Jellema
Kelly
Kilpatrick

LaForge
Leland
Martinez
Mathieu
Price
Prusi
Schermesser

Schroer
Scott
Stallworth
Tesanovich
Varga
Vaughn
Wojno

In The Chair: DeHart

The House agreed to the title of the bill.

Rep. Gagliardi moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

House Bill No. 5890, entitled

A bill to amend 1966 PA 225, entitled "Carnival-amusement safety act of 1966," by amending section 2 (MCL 408.652), as amended by 1982 PA 35.

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

Roll Call No. 916**Yeas—91**

Alley	Dobb	Kelly	Prusi
Anthony	Dobronski	Kilpatrick	Rackowski
Baade	Frank	Kukuk	Rhead
Baird	Freeman	LaForge	Richner
Bankes	Gagliardi	Law	Rocca
Basham	Galloway	Leland	Sanborn
Birkholz	Gernaat	Llewellyn	Schauer
Bobier	Gilmer	London	Schermesser
Bodem	Gire	Lowe	Schroer
Bogardus	Godchaux	Mans	Scott
Brackenridge	Goschka	Mathieu	Scranton
Brater	Gubow	McBryde	Sikkema
Brewer	Gustafson	McManus	Stallworth
Byl	Hale	McNutt	Tesanovich
Callahan	Hammerstrom	Middaugh	Thomas
Cassis	Hanley	Nye	Varga
Cherry	Harder	Olshove	Vaughn
Ciaramitaro	Hood	Owen	Voorhees
Crissman	Horton	Oxender	Walberg
Curtis	Jansen	Parks	Wallace
Dalman	Jelinek	Perricone	Wetters
DeHart	Jellema	Price	Wojno
DeVuyst	Johnson	Profit	

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

House Bill No. 5891, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," (MCL 408.751 to 408.776) by adding section 7c.

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

Roll Call No. 917**Yeas—95**

Alley	Dobronski	Johnson	Prusi
Anthony	Fitzgerald	Kelly	Rackowski
Baade	Frank	Kilpatrick	Rhead
Baird	Freeman	Kukuk	Richner
Bankes	Gagliardi	LaForge	Rison
Basham	Galloway	Leland	Rocca

Birkholz	Gernaat	Llewellyn	Sanborn
Bobier	Gilmer	Lowe	Schauer
Bodem	Gire	Mans	Schermesser
Bogardus	Godchaux	Martinez	Schroer
Brackenridge	Goschka	Mathieu	Scott
Brater	Green	McBryde	Scranton
Brewer	Griffin	McManus	Sikkema
Byl	Gubow	McNutt	Stallworth
Callahan	Gustafson	Middaugh	Tesanovich
Cassis	Hale	Murphy	Thomas
Cherry	Hammerstrom	Nye	Varga
Ciaramitaro	Hanley	Olshove	Vaughn
Crissman	Harder	Owen	Voorhees
Curtis	Hood	Oxender	Walberg
Dalman	Horton	Parks	Wallace
DeHart	Jansen	Perricone	Wetters
DeVuyst	Jelinek	Price	Wojno
Dobb	Jellema	Profit	

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Senate Bill No. 1148, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 1996 PA 167.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

House Bill No. 5987, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214), as amended by 1998 PA 82.

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

Roll Call No. 918**Yeas—96**

Agee	Dobronski	Johnson	Prusi
Anthony	Emerson	Kelly	Rackowski
Baade	Fitzgerald	Kilpatrick	Rhead
Baird	Frank	Kukuk	Richner
Bankes	Freeman	LaForge	Rison
Basham	Gagliardi	Law	Rocca
Birkholz	Galloway	Leland	Sanborn
Bobier	Gernaat	Llewellyn	Schauer

Bodem	Gilmer	London	Schermesser
Bogardus	Gire	Lowe	Schroer
Brackenridge	Godchaux	Mans	Scott
Brater	Goschka	Martinez	Scranton
Brewer	Green	Mathieu	Sikkema
Byl	Griffin	McBryde	Stallworth
Callahan	Gubow	McManus	Tesanovich
Cassis	Gustafson	McNutt	Thomas
Cherry	Hale	Middaugh	Varga
Ciaramitaro	Hammerstrom	Murphy	Vaughn
Crissman	Harder	Nye	Voorhees
Curtis	Hood	Oxender	Walberg
Dalman	Horton	Parks	Wallace
DeHart	Jansen	Perricone	Wetters
DeVuyst	Jelinek	Price	Willard
Dobb	Jellema	Profit	Wojno

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

Rep. Gagliardi 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. 57, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 42 (MCL 800.42), as added by 1989 PA 168, and by adding section 44.

The bill was read a second time.

Rep. Freeman moved to amend the bill as follows:

1. Amend page 1, line 3, after "of" by striking out "III,".
2. Amend page 1, line 6, after the first "of" by striking out "III OR".
3. Amend page 2, line 8, by striking out "OR II," and inserting a comma and "II, or III".
4. Amend page 2, line 8, after "may" by striking out "wear or".
5. Amend page 2, line 8, after "have" by inserting "PERSONAL CLOTHING".
6. Amend page 2, line 9, by striking out all of line 9 and inserting "AND MAY WEAR SUCH CLOTHING AS APPROVED BY THE DEPARTMENT OF CORRECTIONS.".
7. Amend page 2, line 18, after "footlocker" by inserting "OR SIMILARLY SIZED CONTAINER".
8. Amend page 2, line 23, after "footlocker" by inserting "OR SIMILARLY SIZED CONTAINER".
9. Amend page 3, line 18, after "(B)" by striking out the balance of the subdivision and inserting "MAILED AT THE DEPARTMENT'S EXPENSE, TO A PERSON IDENTIFIED BY THE PRISONER AND APPROVED OF BY THE DEPARTMENT.".

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

Rep. Gagliardi 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. Gagliardi 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. 57, entitled

A bill to amend 1893 PA 118, entitled “An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,” by amending section 42 (MCL 800.42), as added by 1989 PA 168, and by adding section 44.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.



Rep. Middaugh moved that Rep. Alley be excused temporarily from today’s session.

The motion prevailed.

Second Reading of Bills

House Bill No. 5830, entitled

A bill to provide for the establishment of a state matching grant program to fund programs that help preschool and elementary school aged students to read; to provide certain grants; and to prescribe the powers and duties of certain state and local agencies and officials.

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

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

Rep. Voorhees moved to amend the bill as follows:

1. Amend page 2, line 5, after “their” by inserting “English”.

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

Rep. Voorhees demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 919

Yeas—30

Birkholz	Goschka	Lowe	Rocca
Bodem	Green	McBryde	Sanborn
Brewer	Gustafson	McManus	Scranton
Callahan	Jansen	Middaugh	Sikkema
Cassis	Jelinek	Nye	Voorhees
Dalman	Johnson	Perricone	Walberg
DeVuyst	Kukuk	Rhead	Wojno
Gernaat	Llewellyn		

Nays—61

Anthony	Emerson	Jellema	Rackowski
Baird	Fitzgerald	Kelly	Richner
Bankes	Frank	Kilpatrick	Rison

Basham	Freeman	LaForge	Schauer
Bobier	Gagliardi	Leland	Schermesser
Bogardus	Galloway	London	Schroer
Brackenridge	Gilmer	Martinez	Scott
Brater	Godchaux	Mathieu	Stallworth
Byl	Griffin	Murphy	Tesanovich
Cherry	Gubow	Olshove	Thomas
Ciaramitaro	Hale	Owen	Varga
Crissman	Hammerstrom	Oxender	Vaughn
Curtis	Hanley	Parks	Wallace
DeHart	Harder	Price	Wetters
Dobb	Hood	Prusi	Willard
Dobronski			

In The Chair: DeHart

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

Rep. Thomas moved that Rule 49 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Scott moved that Rep. Murphy be excused temporarily from today's session.
The motion prevailed.

Rep. Cherry moved that Rep. Schroer 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. 5830, entitled

A bill to provide for the establishment of a state matching grant program to fund programs that help preschool and elementary school aged students to read; to provide certain grants; and to prescribe the powers and duties of certain state and local agencies and officials.

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

Roll Call No. 920

Yeas—92

Agee	Dobb	Johnson	Profit
Anthony	Dobronski	Kelly	Prusi
Baade	Emerson	Kilpatrick	Raczkowski
Baird	Fitzgerald	Kukuk	Rhead
Bankes	Frank	LaForge	Richner
Basham	Freeman	Law	Rocca
Birkholz	Galloway	Llewellyn	Sanborn
Bobier	Gernaat	London	Schauer
Bodem	Gilmer	Lowe	Schermesser
Bogardus	Godchaux	Mans	Scott

Brackenridge	Goschka	Martinez	Scranton
Brater	Green	Mathieu	Sikkema
Brewer	Griffin	McBryde	Stallworth
Byl	Gubow	McManus	Tesanovich
Callahan	Gustafson	McNutt	Thomas
Cassis	Hale	Middaugh	Varga
Cherry	Hammerstrom	Nye	Vaughn
Ciaramitaro	Hanley	Olshove	Voorhees
Crissman	Harder	Owen	Walberg
Curtis	Hood	Oxender	Wallace
Dalman	Jansen	Parks	Wetters
DeHart	Jelinek	Perricone	Willard
DeVuyst	Jellema	Price	Wojno

Nays—0

In The Chair: DeHart

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

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

A bill to provide for the development, promotion, and maintenance of children's summer reading programs in public libraries; to prescribe the powers and duties of certain state agencies and officials; and to provide an appropriation.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Jansen moved that Rep. Horton be excused from the balance of today's session.

The motion prevailed.

Rep. Bogardus moved that Rep. Rison be excused temporarily from today's session.

The motion prevailed.

The House returned to the consideration of

Senate Bill No. 57, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 42 (MCL 800.42), as added by 1989 PA 168, and by adding section 44.

(The bill was considered earlier today, see today's Journal, p. 2191.)

The question being on 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. 921

Yeas—94

Agee	Dobronski	Kukuk	Prusi
Anthony	Fitzgerald	LaForge	Raczkowski
Baade	Frank	Law	Rhead

Baird	Freeman	Leland	Richner
Bankes	Galloway	LeTarte	Rocca
Basham	Gernaat	Llewellyn	Sanborn
Birkholz	Gilmer	London	Schauer
Bobier	Godchaux	Lowe	Schermesser
Bodem	Goschka	Mans	Schroer
Bogardus	Green	Martinez	Scott
Brackenridge	Griffin	Mathieu	Scranton
Brater	Gubow	McBryde	Sikkema
Brewer	Gustafson	McManus	Stallworth
Byl	Hale	McNutt	Tesanovich
Callahan	Hammerstrom	Middaugh	Thomas
Cassis	Hanley	Nye	Varga
Cherry	Harder	Olshove	Vaughn
Ciaramitaro	Hood	Owen	Voorhees
Crissman	Jansen	Oxender	Walberg
Curtis	Jelinek	Parks	Wallace
Dalman	Jellema	Perricone	Wetters
DeHart	Johnson	Price	Willard
DeVuyst	Kelly	Profit	Wojno
Dobb	Kilpatrick		

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 5986, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16338 and part 179.

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

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

Rep. Law 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. Thomas 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. 5986, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16338 and part 179.

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

Roll Call No. 922**Yeas—94**

Agee	Dobronski	LaForge	Raczkowski
Anthony	Emerson	Law	Rhead
Baade	Fitzgerald	Leland	Richner
Baird	Frank	LeTarte	Rison
Bankes	Galloway	Llewellyn	Rocca
Basham	Gernaat	London	Sanborn
Birkholz	Gilmer	Lowe	Schauer
Bobier	Godchaux	Mans	Schermesser
Bodem	Goschka	Martinez	Schroer
Bogardus	Green	Mathieu	Scott
Brackenridge	Griffin	McBryde	Scranton
Brater	Gubow	McManus	Sikkema
Brewer	Gustafson	McNutt	Stallworth
Byl	Hale	Middaugh	Tesanovich
Callahan	Hammerstrom	Nye	Thomas
Cassis	Hanley	Olshove	Varga
Cherry	Harder	Owen	Vaughn
Ciaramitaro	Jansen	Oxender	Voorhees
Crissman	Jelinek	Parks	Walberg
Curtis	Jellema	Perricone	Wallace
Dalman	Johnson	Price	Wetters
DeHart	Kelly	Profit	Willard
DeVuyst	Kilpatrick	Prusi	Wojno
Dobb	Kukuk		

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

Rep. Thomas 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. 776, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 107 (MCL 211.107), as amended by 1982 PA 539.

The bill was read a second time.

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

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

Senate Bill No. 778, entitled

A bill to authorize municipalities to collect delinquent property taxes and other delinquent assessments and charges by selling the liens related to delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to establish procedures for collecting delinquent taxes and enforcing tax liens; to authorize the imposition of fees, charges, interest, and penalties upon delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to create certain entities or to utilize certain existing entities to facilitate the

sale and purchase of liens related to delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to issue certain obligations secured by liens related to delinquent property taxes and other delinquent assessments and charges; to provide for the issuance of, and terms and conditions for, obligations secured by liens related to delinquent property taxes and other delinquent assessments and charges; and to exempt the property, income, bonds, notes, and interest on bonds and notes of certain entities from certain taxes.

The bill was read a second time.

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

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

Rep. Thomas moved that **Senate Bill No. 776** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 776, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 107 (MCL 211.107), as amended by 1982 PA 539.

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

Roll Call No. 923

Yeas—95

Agee	Dobronski	Kilpatrick	Raczkowski
Anthony	Emerson	Kukuk	Rhead
Baade	Fitzgerald	LaForge	Richner
Baird	Frank	Law	Rison
Bankes	Freeman	Leland	Rocca
Basham	Galloway	LeTarte	Sanborn
Birkholz	Geiger	Llewellyn	Schauer
Bobier	Gernaat	London	Schermesser
Bodem	Gilmer	Lowe	Schroer
Bogardus	Godchaux	Mans	Scott
Brackenridge	Goschka	Martinez	Scranton
Brater	Green	McBryde	Sikkema
Brewer	Gubow	McManus	Stallworth
Byl	Gustafson	McNutt	Tesanovich
Callahan	Hale	Middaugh	Thomas
Cassis	Hammerstrom	Nye	Varga
Cherry	Hanley	Olshove	Vaughn
Ciaramitaro	Harder	Owen	Voorhees
Crissman	Hood	Oxender	Walberg
Curtis	Jansen	Parks	Wallace
Dalman	Jelinek	Perricone	Wetters
DeHart	Jellema	Price	Willard
DeVuyst	Johnson	Profit	Wojno
Dobb	Kelly	Prusi	

Nays—0

In The Chair: DeHart

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

"An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed,

establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act.”.

The House agreed to the full title.

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

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

Rep. Thomas moved that **Senate Bill No. 778** be placed on its immediate passage.

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

Senate Bill No. 778, entitled

A bill to authorize municipalities to collect delinquent property taxes and other delinquent assessments and charges by selling the liens related to delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to establish procedures for collecting delinquent taxes and enforcing tax liens; to authorize the imposition of fees, charges, interest, and penalties upon delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to create certain entities or to utilize certain existing entities to facilitate the sale and purchase of liens related to delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to issue certain obligations secured by liens related to delinquent property taxes and other delinquent assessments and charges; to provide for the issuance of, and terms and conditions for, obligations secured by liens related to delinquent property taxes and other delinquent assessments and charges; and to exempt the property, income, bonds, notes, and interest on bonds and notes of certain entities from certain taxes.

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

Roll Call No. 924

Yeas—96

Agee	Dobronski	Kelly	Profit
Anthony	Emerson	Kilpatrick	Prusi
Baade	Fitzgerald	Kukuk	Raczkowski
Baird	Frank	LaForge	Rhead
Bankes	Freeman	Law	Richner
Basham	Galloway	Leland	Rocca
Birkholz	Geiger	LeTarte	Sanborn
Bobier	Gernaat	Llewellyn	Schauer
Bodem	Gilmer	London	Schermesser
Bogardus	Godchaux	Lowe	Schroer
Brackenridge	Goschka	Mans	Scott
Brater	Green	Martinez	Scranton
Brewer	Griffin	Mathieu	Sikkema
Byl	Gubow	McBryde	Stallworth
Callahan	Gustafson	McManus	Tesanovich
Cassis	Hale	McNutt	Thomas
Cherry	Hammerstrom	Middaugh	Varga
Ciaramitaro	Hanley	Nye	Vaughn
Crissman	Harder	Olshove	Voorhees
Curtis	Hood	Owen	Walberg
Dalman	Jansen	Oxender	Wallace
DeHart	Jelinek	Parks	Wetters
DeVuyst	Jellema	Perricone	Willard
Dobb	Johnson	Price	Wojno

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Senate Bill No. 677, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," (MCL 480.11 to 480.22) by adding section 5. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 925**Yeas—72**

Anthony	Freeman	Kukuk	Perricone
Baade	Galloway	LaForge	Price
Bankes	Geiger	Law	Prusi
Basham	Gernaat	LeTarte	Raczkowski
Birkholz	Gilmer	Llewellyn	Rhead
Bobier	Godchaux	London	Richner
Bodem	Goschka	Lowe	Rison
Brackenridge	Green	Mans	Rocca
Brewer	Gubow	Mathieu	Sanborn
Byl	Gustafson	McBryde	Schauer
Cassis	Hale	McManus	Scranton
Crissman	Hammerstrom	McNutt	Sikkema
Dalman	Harder	Middaugh	Stallworth
DeVuyst	Hood	Nye	Tesanovich
Dobb	Jansen	Olshove	Varga
Dobronski	Jelinek	Owen	Voorhees
Fitzgerald	Jellema	Oxender	Walberg
Frank	Kilpatrick	Parks	Wetters

Nays—22

Agee	Ciaramitaro	Martinez	Thomas
Baird	Curtis	Profit	Vaughn
Bogardus	DeHart	Schermesser	Wallace
Brater	Hanley	Schroer	Willard
Callahan	Kelly	Scott	Wojno
Cherry	Leland		

In The Chair: DeHart

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

"An act to promote safety upon the public highways by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal certain acts and parts of acts."

The House agreed to the full title.

Rep. Thomas moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

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

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

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

Senate Bill No. 728, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 509 (MCL 324.503 and 324.509), section 503 as amended by 1996 PA 133.

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

Roll Call No. 926

Yeas—88

Agee	Dobb	Kukuk	Rackowski
Anthony	Dobronski	Law	Rhead
Baade	Fitzgerald	Leland	Richner
Baird	Frank	LeTarte	Rison
Bankes	Freeman	Llewellyn	Rocca
Basham	Galloway	London	Sanborn
Birkholz	Geiger	Lowe	Schauer
Bobier	Gernaat	Mans	Schermesser
Bodem	Gilmer	Martinez	Schroer
Bogardus	Godchaux	Mathieu	Scott
Brackenridge	Goschka	McBryde	Sikkema
Brater	Green	McManus	Stallworth
Brewer	Gubow	Middaugh	Tesanovich
Byl	Gustafson	Nye	Thomas
Callahan	Hale	Olshove	Varga
Cassis	Hammerstrom	Owen	Vaughn
Cherry	Hanley	Oxender	Voorhees
Ciaramitaro	Harder	Parks	Walberg
Crissman	Jansen	Perricone	Wallace
Dalman	Jelinek	Price	Wetters
DeHart	Jellema	Profit	Willard
DeVuyst	Kilpatrick	Prusi	Wojno

Nays—0

In The Chair: DeHart

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

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

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate

the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding part 831.

The motion prevailed.

The House agreed to the title as amended.

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

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

Senate Bill No. 941, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 41a, 226a, 248, 251, 801, and 807 (MCL 257.41a, 257.226a, 257.248, 257.251, 257.801, and 257.807), sections 41a, 248, 251, and 807 as amended by 1993 PA 300, section 226a as amended by 1996 PA 59, and section 801 as amended by 1997 PA 80.

The bill was read a third time.

The question being on the passage of the bill,

Rep. London moved to amend the bill as follows:

1. Amend page 39, following line 12, enacting section 1, after "effect" by striking out "October 1, 1998" and inserting "January 1, 1999".

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

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. 927

Yeas—89

Agee	Dobb	Kukuk	Rhead
Anthony	Dobronski	Law	Richner
Baade	Fitzgerald	Leland	Rison
Baird	Frank	LeTarte	Rocca
Bankes	Freeman	Llewellyn	Sanborn
Basham	Galloway	London	Schauer
Birkholz	Geiger	Lowe	Schermesser
Bobier	Gernaat	Mans	Schroer
Bodem	Gilmer	Martinez	Scott
Bogardus	Godchaux	Mathieu	Scranton
Brackenridge	Goschka	McBryde	Sikkema
Brater	Green	McManus	Stallworth
Brewer	Gubow	Middaugh	Tesanovich
Byl	Gustafson	Nye	Thomas
Callahan	Hale	Olshove	Varga
Cassis	Hammerstrom	Owen	Vaughn
Cherry	Hanley	Oxender	Voorhees
Ciaramitaro	Harder	Perricone	Walberg
Crissman	Jansen	Price	Wallace
Curtis	Jelinek	Profit	Wetters
Dalman	Jellema	Prusi	Willard
DeHart	Kilpatrick	Raczkowski	Wojno
DeVuyst			

Nays—0

In The Chair: DeHart

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

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

The House agreed to the full title.

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

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

House Bill No. 5861, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411e (MCL 750.411e), as added by 1988 PA 476, and by adding section 552c.

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

Roll Call No. 928

Yeas—60

Anthony	DeHart	Johnson	Nye
Baade	Dobb	Kelly	Olshove
Baird	Frank	Kukuk	Owen
Bankes	Gernaat	Law	Oxender
Birkholz	Gilmer	LeTarte	Perricone
Bobier	Godchaux	Llewellyn	Profit
Bodem	Goschka	London	Raczkowski
Brackenridge	Green	Lowe	Rhead
Brater	Gubow	Mans	Rocca
Brewer	Gustafson	Martinez	Sanborn
Byl	Hammerstrom	Mathieu	Schauer
Cassis	Hanley	McBryde	Sikkema
Cherry	Hood	McManus	Thomas
Crissman	Jansen	McNutt	Walberg
Dalman	Jelinek	Middaugh	Wojno

Nays—32

Agee	Fitzgerald	Leland	Scranton
Basham	Freeman	Parks	Stallworth
Bogardus	Galloway	Price	Tesanovich
Ciaramitaro	Geiger	Prusi	Varga
Curtis	Hale	Richner	Vaughn
DeVuyst	Harder	Schermesser	Voorhees
Dobronski	Jellema	Schroer	Wallace
Emerson	Kilpatrick	Scott	Willard

In The Chair: DeHart

The House agreed to the title of the bill.

Rep. Leland asked and obtained an excuse from the balance of today's session.

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

House Bill No. 5862, entitled

A bill to amend 1905 PA 80, entitled "An act to authorize and empower certain state departments, and the board of control, board of trustees or governing board of certain state institutions, or the governing body of a municipal corporation, to make, prescribe and enforce rules and regulations for the care, order and preservation of buildings or property dedicated and appropriated to the public use and the conduct of those coming upon the property thereof; to prescribe penalties for a violation thereof and to repeal all acts or parts of acts inconsistent with the provisions of this act," by amending section 2 (MCL 19.142), as amended by 1996 PA 231.

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

Roll Call No. 929

Yeas—66

Anthony	DeVuyst	Johnson	Olshove
Baade	Dobb	Kelly	Owen
Baird	Frank	Kukuk	Oxender
Bankes	Galloway	Law	Perricone
Bobier	Geiger	LeTarte	Price
Bodem	Gernaat	Llewellyn	Profit
Bogardus	Gilmer	London	Raczkowski
Brackenridge	Godchaux	Lowe	Rhead
Brater	Goschka	Mans	Rocca
Brewer	Green	Martinez	Sanborn
Byl	Gubow	Mathieu	Schauer
Callahan	Gustafson	McBryde	Sikkema
Cassis	Hammerstrom	McManus	Thomas
Cherry	Hanley	McNutt	Varga
Crissman	Hood	Middaugh	Walberg
Dalman	Jansen	Nye	Wojno
DeHart	Jelinek		

Nays—24

Agee	Freeman	Prusi	Stallworth
Basham	Hale	Richner	Tesanovich
Ciaramitaro	Harder	Schermesser	Vaughn
Curtis	Jellema	Schroer	Voorhees
Dobronski	Kilpatrick	Scott	Wallace
Fitzgerald	Parks	Scranton	Willard

In The Chair: DeHart

The House agreed to the title of the bill.

Senate Bill No. 1128, entitled

A bill to amend 1941 PA 250, entitled "Urban redevelopment corporations law," by amending section 12 (MCL 125.912) and by adding sections 12a and 12b.

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

Roll Call No. 930**Yeas—81**

Agee	Dobb	Kelly	Raczkowski
Anthony	Dobronski	Kilpatrick	Rhead
Baade	Fitzgerald	Kukuk	Richner
Baird	Frank	Law	Rocca
Bankes	Galloway	LeTarte	Sanborn
Basham	Geiger	Llewellyn	Schauer
Birkholz	Gernaat	London	Schermesser
Bobier	Gilmer	Lowe	Schroer
Bodem	Godchaux	Mans	Scott
Bogardus	Goschka	Mathieu	Sikkema
Brackenridge	Green	McBryde	Stallworth
Brater	Gustafson	McManus	Tesanovich
Byl	Hale	Middaugh	Thomas
Callahan	Hammerstrom	Olshove	Varga
Cassis	Hanley	Owen	Vaughn
Cherry	Harder	Oxender	Voorhees
Crissman	Jansen	Perricone	Wallace
Curtis	Jelinek	Price	Wetters
Dalman	Jellema	Profit	Willard
DeHart	Johnson	Prusi	Wojno
DeVuyst			

Nays—7

Ciaramitaro	Freeman	Martinez	Walberg
Emerson	Gubow	Nye	

In The Chair: DeHart

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

“An act to provide for the creation of urban redevelopment corporations for the purpose of clearing, replanning, rehabilitating, modernizing, beautifying, and reconstructing substandard and insanitary areas; to provide for the powers and duties of urban redevelopment corporations and certain local units of government; to grant limited tax exemptions and powers of condemnation; and to provide for certain regulations and control by public agencies.”

The House agreed to the full title.

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

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

Rep. Tesanovich moved that Reps. Schermesser and Cherry be excused temporarily from today’s session.
The motion prevailed.

Senate Bill No. 485, entitled

A bill to repeal 1953 PA 173, entitled “An act to provide for the regulation of garbage and the feeding of garbage to swine; to provide for the powers and duties of the Michigan department of agriculture with respect thereto; and to prescribe penalties for the violations of the provisions of this act,” (MCL 287.401 to 287.409).

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

Roll Call No. 931**Yeas—87**

Anthony	Dobronski	Kelly	Raczkowski
Baade	Emerson	Kilpatrick	Rhead
Baird	Fitzgerald	Kukuk	Richner
Bankes	Frank	Law	Rocca
Basham	Freeman	LeTarte	Sanborn
Birkholz	Galloway	Llewellyn	Schauer
Bobier	Geiger	London	Schroer
Bodem	Gernaat	Lowe	Scott
Bogardus	Gilmer	Mans	Scranton
Brackenridge	Godchaux	Martinez	Sikkema
Brater	Goschka	Mathieu	Stallworth
Brewer	Green	McBryde	Tesanovich
Byl	Gubow	McManus	Thomas
Callahan	Gustafson	Middaugh	Varga
Cassis	Hale	Nye	Vaughn
Ciaramitaro	Hammerstrom	Olshove	Voorhees
Crissman	Hanley	Oxender	Walberg
Curtis	Harder	Parks	Wallace
Dalman	Hood	Perricone	Wetters
DeHart	Jansen	Price	Willard
DeVuyst	Jelinek	Profit	Wojno
Dobb	Jellema	Prusi	

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Senate Bill No. 1025, entitled

A bill to define certain fruit, vegetable, dairy product, and grain processing uses and practices; to provide for circumstances under which a processing operation is not considered to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons.

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

Roll Call No. 932**Yeas—83**

Agee	Dobb	Johnson	Profit
Baade	Dobronski	Kelly	Raczkowski
Baird	Emerson	Kilpatrick	Rhead
Bankes	Frank	Kukuk	Richner
Basham	Freeman	Law	Rocca
Birkholz	Galloway	LeTarte	Sanborn
Bobier	Geiger	Llewellyn	Schauer
Bodem	Gernaat	London	Scott
Bogardus	Gilmer	Lowe	Scranton

Brackenridge	Goschka	Mans	Sikkema
Brater	Green	Martinez	Tesanovich
Brewer	Gubow	Mathieu	Thomas
Byl	Gustafson	McBryde	Varga
Callahan	Hale	McManus	Vaughn
Cassis	Hammerstrom	Middaugh	Voorhees
Cherry	Hanley	Nye	Walberg
Crissman	Harder	Olshove	Wallace
Curtis	Hood	Oxender	Wetters
Dalman	Jansen	Parks	Willard
DeHart	Jelinek	Perricone	Wojno
DeVuyst	Jellema	Price	

Nays—5

Anthony	Owen	Prusi	Schroer
Ciaramitaro			

In The Chair: DeHart

The House agreed to the title of the bill.

Rep. Thomas moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Senate Bill No. 1173, entitled

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amending section 7a (MCL 285.67a), as amended by 1992 PA 238.

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

Roll Call No. 933**Yeas—91**

Agee	Dobronski	Kelly	Rackowski
Anthony	Emerson	Kilpatrick	Rhead
Baade	Fitzgerald	Kukuk	Richner
Baird	Frank	Law	Rocca
Bankes	Freeman	LeTarte	Sanborn
Basham	Galloway	Llewellyn	Schauer
Birkholz	Geiger	London	Schermesser
Bobier	Gernaat	Lowe	Schroer
Bodem	Gilmer	Mans	Scott
Bogardus	Godchaux	Mathieu	Scranton
Brackenridge	Goschka	McBryde	Sikkema
Brater	Green	McManus	Stallworth
Brewer	Gubow	Middaugh	Tesanovich
Byl	Gustafson	Middleton	Thomas
Callahan	Hale	Nye	Varga
Cassis	Hammerstrom	Olshove	Vaughn
Ciaramitaro	Hanley	Owen	Voorhees
Crissman	Harder	Oxender	Walberg
Curtis	Hood	Parks	Wallace
Dalman	Jansen	Perricone	Wetters

DeHart
DeVuyst
Dobb

Jelinek
Jellema
Johnson

Price
Profit
Prusi

Willard
Wojno

Nays—0

In The Chair: DeHart

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

“An act to permit the director of the department of agriculture of this state to regulate the storage, warehousing, buying, and selling of farm produce within this state; to provide for the licensing, regulation, and bonding of grain dealers; to provide for warehouse receipts and price later agreements and their priority; to provide for the creation of security interests; to provide for the establishment of an inspection service and personnel for licensed grain dealers; and to provide penalties for the violation of this act.”.

The House agreed to the full title.

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

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

Second Reading of Bills

House Bill No. 6045, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7d (MCL 211.7d), as amended by 1987 PA 200.

The bill was read a second time.

Rep. Voorhees 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. Thomas 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. 6045, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7d (MCL 211.7d), as amended by 1987 PA 200.

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

Roll Call No. 934

Yeas—91

Agee
Anthony
Baade
Baird
Banks
Basham
Birkholz
Bobier
Bodem
Bogardus

Dobronski
Fitzgerald
Frank
Freeman
Galloway
Geiger
Gernaat
Gilmer
Godchaux
Goschka

Kilpatrick
Kukuk
Law
LeTarte
Llewellyn
London
Lowe
Mans
Martinez
Mathieu

Rackowski
Rhead
Richner
Rocca
Sanborn
Schauer
Schermesser
Schroer
Scott
Scranton

Brackenridge	Green	McBryde	Sikkema
Brater	Gubow	McManus	Stallworth
Byl	Gustafson	McNutt	Tesanovich
Callahan	Hale	Middaugh	Thomas
Cassis	Hammerstrom	Middleton	Varga
Cherry	Hanley	Nye	Vaughn
Ciaramitaro	Harder	Olshove	Voorhees
Crissman	Hood	Owen	Walberg
Curtis	Jansen	Parks	Wallace
Dalman	Jelinek	Perricone	Wetters
DeHart	Jellema	Price	Willard
DeVuyst	Johnson	Profit	Wojno
Dobb	Kelly	Prusi	

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

Rep. Thomas 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. 1030, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 906.

The bill was read a second time.

Rep. Thomas 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. Thomas 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. 1030, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 906.

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

Roll Call No. 935**Yeas—89**

Agee	Emerson	Kelly	Profit
Anthony	Fitzgerald	Kilpatrick	Prusi
Baade	Frank	Kukuk	Raczkowski
Baird	Freeman	Law	Rhead
Basham	Galloway	LeTarte	Richner
Birkholz	Geiger	Llewellyn	Rocca

Bobier	Gernaat	London	Sanborn
Bodem	Gilmer	Lowe	Schauer
Bogardus	Godchaux	Mans	Schermesser
Brackenridge	Goschka	Martinez	Schroer
Brater	Green	Mathieu	Scott
Brewer	Gubow	McBryde	Sikkema
Byl	Gustafson	McManus	Tesanovich
Callahan	Hale	Middaugh	Thomas
Cassis	Hammerstrom	Middleton	Varga
Cherry	Hanley	Nye	Vaughn
Ciaramitaro	Harder	Olshove	Voorhees
Crissman	Hood	Owen	Walberg
Curtis	Jansen	Oxender	Wallace
Dalman	Jelinek	Parks	Wetters
DeHart	Jellema	Perricone	Willard
DeVuyst	Johnson	Price	Wojno
Dobronski			

Nays—1

Stallworth

In The Chair: DeHart

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

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

The House agreed to the full title.

Rep. Thomas 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. 1209, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 18 (MCL 722.638), as added by 1997 PA 168.

The bill was read a second time.

Rep. Thomas 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. Thomas 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. 1209, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 18 (MCL 722.638), as added by 1997 PA 168.

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

Roll Call No. 936

Yeas—88

Agee	Dobronski	Kelly	Rackowski
Anthony	Emerson	Kilpatrick	Rhead
Baade	Fitzgerald	Kukuk	Richner
Baird	Frank	Law	Rocca
Bankes	Freeman	LeTarte	Sanborn
Basham	Galloway	Llewellyn	Schauer
Birkholz	Geiger	Lowe	Schermesser
Bodem	Gernaat	Mans	Schroer
Bogardus	Gilmer	Martinez	Scott
Brackenridge	Godchaux	Mathieu	Scranton
Brater	Goschka	McBryde	Sikkema
Brewer	Green	McManus	Stallworth
Callahan	Gubow	Middaugh	Tesanovich
Cassis	Gustafson	Middleton	Thomas
Cherry	Hale	Nye	Varga
Ciaramitaro	Hammerstrom	Owen	Vaughn
Crissman	Hanley	Oxender	Voorhees
Curtis	Harder	Parks	Walberg
Dalman	Jansen	Perricone	Wallace
DeHart	Jelinek	Price	Wetters
DeVuyst	Jellema	Profit	Willard
Dobb	Johnson	Prusi	Wojno

Nays—0

In The Chair: DeHart

Pursuant to Joint Rule 20, the full title of the act shall 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 detention 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. Thomas moved that the bill be given immediate effect.

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

Acting Speaker Hanley assumed the Chair.

House Bill No. 6039, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 1989 PA 194.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

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

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

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

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

Rep. McBryde moved that Rep. Johnson 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. 6039, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 1989 PA 194.

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

Roll Call No. 937**Yeas—71**

Anthony	Dobb	Kelly	Raczkowski
Baade	Emerson	Kilpatrick	Richner
Baird	Frank	Kukuk	Rocca
Bankes	Freeman	Law	Schauer
Basham	Galloway	LeTarte	Schermesser
Bodem	Geiger	Mans	Schroer
Bogardus	Gernaat	Martinez	Scott
Brackenridge	Godchaux	Mathieu	Scranton
Brater	Goschka	McManus	Stallworth
Brewer	Green	McNutt	Tesanovich
Callahan	Gubow	Middaugh	Thomas
Cassis	Hale	Olshove	Varga
Cherry	Hammerstrom	Owen	Vaughn
Ciaramitaro	Hanley	Oxender	Wallace
Crissman	Harder	Parks	Wetters
Curtis	Hood	Price	Willard
Dalman	Jelinek	Profit	Wojno
DeHart	Jellema	Prusi	

Nays—19

Birkholz	Gustafson	McBryde	Sanborn
Byl	Jansen	Middleton	Sikkema

DeVuyst
Fitzgerald
Gilmer

Llewellyn
London
Lowe

Nye
Perricone
Rhead

Voorhees
Walberg

In The Chair: Hanley

The House agreed to the title of the bill.

Rep. Thomas moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Acting Speaker DeHart resumed the Chair.

Second Reading of Bills

House Bill No. 5906, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," (MCL 450.2101 to 450.3192) by adding section 501a. Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Commerce,

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

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

Senate Bill No. 1149, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 725 (MCL 339.725), as added by 1997 PA 10.

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

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

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

Senate Bill No. 209, entitled

A bill to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Judiciary (for amendments, see House Journal No. 73, p. 2130),

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

Rep. Wallace moved to amend the bill as follows:

1. Amend page 43, line 18, by striking out all of section 2112.

2. Amend page 46, following line 24, by inserting:

“(c) If a widow, that she will take her dower right under sections 1 to 29 of 1846 RS 66, MCL 558.1 to 558.29.”.

3. Amend page 389, line 11, by striking out all of subdivisions (c), (d), (e), and (f) and relettering the remaining subdivisions.

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

Rep. Wallace moved to amend the bill as follows:

1. Amend page 389, following line 18, by striking out all of subdivision (j) and relettering the remaining subdivision. The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

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

Rep. Thomas moved that **House Bill No. 5906** be placed on its immediate passage. The motion prevailed, a majority of the members serving voting therefor.

House Bill No. 5906, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," (MCL 450.2101 to 450.3192) by adding section 501a. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 938

Yeas—78

Anthony	Emerson	Kelly	Rhead
Baade	Fitzgerald	Kilpatrick	Richner
Baird	Frank	Kukuk	Rocca
Bankes	Freeman	Law	Sanborn
Basham	Galloway	London	Schauer
Birkholz	Geiger	Mans	Schermesser
Bodem	Gernaat	Martinez	Schroer
Bogardus	Godchaux	McBryde	Scott
Brackenridge	Goschka	McManus	Scranton
Brater	Green	McNutt	Sikkema
Brewer	Gubow	Middaugh	Stallworth
Byl	Gustafson	Olshove	Tesanovich
Callahan	Hale	Owen	Thomas
Cherry	Hammerstrom	Oxender	Varga
Ciaramitaro	Hanley	Parks	Vaughn
Crissman	Harder	Perricone	Wallace
Curtis	Hood	Price	Wetters
Dalman	Jansen	Profit	Willard
DeHart	Jelinek	Prusi	Wojno
Dobb	Jellema		

Nays—10

Cassis	Llewellyn	Nye	Voorhees
DeVuyst	Lowe	Rackowski	Walberg
LeTarte	Middleton		

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Reps. Baade, Bodem, Callahan, DeHart, Dobb, Kelly, Kukuk, Parks, Profit, Prusi, Stallworth, Varga and Vaughn were named co-sponsors of the bill.

Rep. Thomas moved that **Senate Bill No. 1149** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 1149, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 725 (MCL 339.725), as added by 1997 PA 10.

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

Roll Call No. 939

Yeas—91

Anthony	Emerson	Kukuk	Raczkowski
Baade	Fitzgerald	Law	Rhead
Baird	Frank	LeTarte	Richner
Bankes	Freeman	Llewellyn	Rocca
Basham	Galloway	London	Sanborn
Birkholz	Geiger	Lowe	Schauer
Bobier	Gernaat	Mans	Schermesser
Bodem	Godchaux	Martinez	Schroer
Bogardus	Goschka	Mathieu	Scott
Brackenridge	Green	McBryde	Scranton
Brater	Gubow	McManus	Sikkema
Brewer	Gustafson	McNutt	Stallworth
Byl	Hale	Middaugh	Tesanovich
Callahan	Hammerstrom	Middleton	Thomas
Cassis	Hanley	Nye	Varga
Cherry	Harder	Olshove	Vaughn
Ciaramitaro	Hertel	Owen	Voorhees
Crissman	Hood	Oxender	Walberg
Curtis	Jansen	Parks	Wallace
Dalman	Jelinek	Perricone	Wetters
DeHart	Jellema	Price	Willard
DeVuyst	Kelly	Profit	Wojno
Dobb	Kilpatrick	Prusi	

Nays—0

In The Chair: DeHart

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

"An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,".

The House agreed to the full title.

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

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

Rep. Thomas moved that **Senate Bill No. 209** be placed on its immediate passage.

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

Senate Bill No. 209, entitled

A bill to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these

matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; 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. 940**Yeas—89**

Anthony	Emerson	Kukuk	Raczkowski
Baade	Fitzgerald	Law	Rhead
Baird	Frank	Llewellyn	Richner
Banks	Freeman	London	Rocca
Basham	Gagliardi	Lowe	Sanborn
Birkholz	Galloway	Mans	Schauer
Bobier	Geiger	Martinez	Schermesser
Bodem	Gernaat	Mathieu	Schroer
Bogardus	Godchaux	McBryde	Scott
Brackenridge	Goschka	McManus	Scranton
Brater	Green	McNutt	Sikkema
Brewer	Gubow	Middaugh	Stallworth
Byl	Gustafson	Middleton	Tesanovich
Callahan	Hale	Nye	Thomas
Cassis	Hammerstrom	Olshove	Varga
Cherry	Hanley	Owen	Vaughn
Ciaramitaro	Harder	Oxender	Voorhees
Crissman	Hood	Parks	Walberg
Curtis	Jansen	Perricone	Wallace
Dalman	Jelinek	Price	Wetters
DeHart	Jellema	Profit	Willard
DeVuyst	Kelly	Prusi	Wojno
Dobb			

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

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

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

Quorum Call

Rep. Gagliardi 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. 941**Yeas—58**

Agee	DeVuyst	Jelinek	Olshove
Alley	Emerson	Jellema	Raczkowski
Baade	Fitzgerald	Kelly	Rhead
Basham	Freeman	Kilpatrick	Richner
Birkholz	Gagliardi	Kukuk	Rocca

Bodem	Galloway	Law	Sanborn
Bogardus	Geiger	Llewellyn	Schauer
Brackenridge	Godchaux	London	Schroer
Brater	Goschka	Lowe	Scranton
Brewer	Green	Martinez	Sikkema
Callahan	Gubow	Mathieu	Voorhees
Cassis	Gustafson	McBryde	Walberg
Ciaramitaro	Hanley	McManus	Willard
Crissman	Harder	Middaugh	Wojno
DeHart	Jansen		

In The Chair: DeHart

Rep. Walberg moved that Rep. Nye be excused temporarily from today's session.
The motion prevailed.

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

House Bill No. 4343, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending the title and sections 2, 3, and 7 (MCL 252.302, 252.303, and 252.307).

(The bill was read a third time, amended, amendments offered and bill postponed temporarily on September 22, see House Journal No. 72, pp. 2078, 2087.)

The question being on the seconding of the motion made previously by Reps. Voorhees and Green,
Rep. Voorhees withdrew the amendments.

Rep. Gubow moved to amend the bill as follows:

1. Amend page 2, line 2, by striking out "AND THE CONTENT OF OUTDOOR ADVERTISING".
2. Amend page 2, line 4, after "AND" by striking out "THE CONTENT OF".

The amendments were seconded.

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

Rep. Gubow moved that the amendments be considered separately.

The motion prevailed.

The question being on the adoption of amendment No. 1 offered by Rep. Gubow,
Rep. Gubow withdrew the amendment.

The question being on the adoption of amendment No. 2 offered by Rep. Gubow,

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

Rep. Gubow moved to amend the bill as follows:

1. Amend page 2, line 2, after "AND" by striking out "THE CONTENT OF".

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

The question being on the adoption of the amendments offered previously by Reps. Voorhees and Green,
Rep. Voorhees withdrew the amendments.

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. 942

Yeas—76

Agee	Dalman	Harder	Prusi
Alley	DeHart	Hood	Raczkowski
Anthony	DeVuyst	Jansen	Richner

Baade	Dobb	Jellema	Sanborn
Bankes	Fitzgerald	Kilpatrick	Schauer
Basham	Frank	Law	Schermesser
Birkholz	Freeman	LeTarte	Schroer
Bobier	Gagliardi	London	Scott
Bodem	Geiger	Lowe	Scranton
Bogardus	Gernaat	Martinez	Sikkema
Brackenridge	Gilmer	Mathieu	Stallworth
Brater	Godchaux	McBryde	Tesanovich
Brewer	Goschka	McManus	Thomas
Byl	Green	McNutt	Varga
Callahan	Gubow	Middaugh	Vaughn
Cassis	Gustafson	Olshove	Wallace
Cherry	Hale	Owen	Wetters
Ciaramitaro	Hammerstrom	Parks	Willard
Crissman	Hanley	Price	Wojno

Nays—10

Galloway	Llewellyn	Rhead	Voorhees
Jelinek	Perricone	Rocca	Walberg
Kukuk	Profit		

In The Chair: DeHart

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

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

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending the title and section 3 (MCL 252.303) and by adding sections 18a and 20.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Gagliardi moved that Rep. Mans be excused temporarily from today's session.

The motion prevailed.

Rep. Wallace moved that Rep. Dobronski be excused temporarily from today's session.

The motion prevailed.

Rep. Frank moved that Rep. Griffin be excused temporarily from today's session.

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. 5887, entitled

A bill to amend 1982 PA 528, entitled "An act to authorize the department of natural resources to convey certain state owned property in Sanilac county; and to prescribe conditions for the conveyance," by amending the title and sections 2 and 3 and by adding sections 2a and 2b.

(The bill was received from the Senate on September 23, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 73, p. 2141.)

The question being on concurring in the adoption of 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. 943**Yeas—88**

Agee	Dobb	Kilpatrick	Raczkowski
Alley	Fitzgerald	Kukuk	Rhead
Anthony	Frank	Law	Richner
Baade	Freeman	LeTarte	Rocca
Bankes	Gagliardi	Llewellyn	Sanborn
Basham	Galloway	London	Schauer
Birkholz	Geiger	Lowe	Schermesser
Bobier	Gernaat	Mans	Schroer
Bodem	Gilmer	Martinez	Scott
Bogardus	Godchaux	Mathieu	Scranton
Brackenridge	Goschka	McBryde	Sikkema
Brater	Green	McManus	Stallworth
Brewer	Gubow	McNutt	Tesanovich
Byl	Gustafson	Middaugh	Thomas
Callahan	Hale	Middleton	Varga
Cassis	Hammerstrom	Olshove	Vaughn
Cherry	Hanley	Owen	Voorhees
Ciaramitaro	Harder	Parks	Walberg
Crissman	Hood	Perricone	Wallace
Dalman	Jansen	Price	Wetters
DeHart	Jelinek	Profit	Willard
DeVuyst	Jellema	Prusi	Wojno

Nays—0

In The Chair: DeHart

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

Rep. Freeman moved that Rep. Hood be excused temporarily from today's session.
The motion prevailed.

House Bill No. 5069, entitled

A bill to authorize the state administrative board to convey certain state owned property in Ingham county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to that property; and to provide for disposition of the revenue derived from the conveyance.

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

The Senate has passed the bill as substituted (S-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to authorize the state administrative board to convey certain state owned property in Ingham county; to authorize the department of natural resources to convey certain parcels of state owned property in Roscommon county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to certain property; and to provide for disposition of the revenue derived from the conveyance.

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

Rep. Gagliardi moved that Rule 49 be suspended.

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

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

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

Roll Call No. 944**Yeas—88**

Agee	Dobb	Kilpatrick	Raczkowski
Alley	Fitzgerald	Kukuk	Rhead
Anthony	Frank	Law	Richner
Baade	Freeman	LeTarte	Rocca
Bankes	Gagliardi	Llewellyn	Sanborn
Basham	Galloway	London	Schauer
Birkholz	Geiger	Lowe	Schermesser
Bobier	Gernaat	Mans	Schroer
Bodem	Gilmer	Martinez	Scott
Bogardus	Godchaux	Mathieu	Scranton
Brackenridge	Goschka	McBryde	Sikkema
Brater	Green	McManus	Stallworth
Brewer	Gubow	McNutt	Tesanovich
Byl	Gustafson	Middaugh	Thomas
Callahan	Hale	Middleton	Varga
Cassis	Hammerstrom	Olshove	Vaughn
Cherry	Hanley	Owen	Voorhees
Ciaramitaro	Harder	Parks	Walberg
Crissman	Hertel	Perricone	Wallace
Dalman	Jansen	Price	Wetters
DeHart	Jelinek	Profit	Willard
DeVuyst	Jellema	Prusi	Wojno

Nays—0

In The Chair: DeHart

The House agreed to the title as amended.

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

Rep. Brackenridge moved that Rep. Gire be excused temporarily from today's session.

The motion prevailed.

House Bill No. 4482, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 368 (MCL 750.368) and by adding sections 217c and 478a.

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. Gagliardi moved that Rule 49 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. 945**Yeas—88**

Agee	Dobb	Kilpatrick	Raczkowski
Alley	Fitzgerald	Kukuk	Rhead
Anthony	Frank	Law	Richner
Baade	Freeman	LeTarte	Rocca
Bankes	Gagliardi	Llewellyn	Sanborn
Basham	Galloway	London	Schauer
Birkholz	Geiger	Lowe	Schermesser
Bobier	Gernaat	Mans	Schroer
Bodem	Gilmer	Martinez	Scott
Bogardus	Godchaux	Mathieu	Scranton
Brackenridge	Goschka	McBryde	Sikkema
Brater	Green	McManus	Stallworth
Brewer	Gubow	McNutt	Tesanovich
Byl	Gustafson	Middaugh	Thomas
Callahan	Hale	Middleton	Varga
Cassis	Hammerstrom	Olshove	Vaughn
Cherry	Hanley	Owen	Voorhees
Ciaramitaro	Harder	Parks	Walberg
Crissman	Hertel	Perricone	Wallace
Dalman	Jansen	Price	Wetters
DeHart	Jelinek	Profit	Willard
DeVuyst	Jellema	Prusi	Wojno

Nays—0

In The Chair: DeHart

The House agreed to the full title.

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

Rep. Godchaux moved that Rep. Green be excused temporarily from today's session.

The motion prevailed.

House Bill No. 5212, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 4a, and 9 (MCL 205.51, 205.54a, and 205.59), section 1 as amended by 1997 PA 193, section 4a as amended by 1996 PA 435, and section 9 as amended by 1991 PA 87.

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

The Senate has passed the bill as substituted (S-4), 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. Gagliardi moved that Rule 49 be suspended.

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

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

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

Roll Call No. 946**Yeas—74**

Agee	Dobb	Kukuk	Profit
Alley	Fitzgerald	Law	Prusi
Anthony	Frank	LeTarte	Raczkowski
Bankes	Gagliardi	Llewellyn	Richner
Basham	Galloway	London	Rocca
Birkholz	Geiger	Lowe	Sanborn
Bobier	Gernaat	Mans	Schauer
Bodem	Gilmer	Mathieu	Scranton
Bogardus	Godchaux	McBryde	Sikkema
Brackenridge	Goschka	McManus	Stallworth
Brater	Gustafson	McNutt	Tesanovich
Brewer	Hale	Middaugh	Thomas
Callahan	Hammerstrom	Middleton	Varga
Cassis	Hanley	Olshove	Vaughn
Cherry	Harder	Owen	Voorhees
Crissman	Hertel	Parks	Walberg
Dalman	Jansen	Perricone	Wallace
DeHart	Jelinek	Price	Willard
DeVuyst	Jellema		

Nays—9

Baird	Gubow	Martinez	Schroer
Ciaramitaro	Kilpatrick	Schermesser	Wojno
Freeman			

In The Chair: DeHart

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. 5213, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 4, and 10 (MCL 205.92, 205.94, and 205.100), section 2 as amended by 1995 PA 208, section 4 as amended by 1997 PA 194, and section 10 as amended by 1993 PA 263.

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

The Senate has passed the bill as substituted (S-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1937 PA 94, entitled "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," by amending sections 2, 3a, 4, and 10 (MCL 205.92, 205.93a, 205.94, and 205.100), section 2 as amended by 1995 PA 208, section 3a as amended by 1993 PA 326, section 4 as amended by 1997 PA 194, and section 10 as amended by 1993 PA 263.

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

Rep. Gagliardi moved that Rule 49 be suspended.

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

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

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

Roll Call No. 947**Yeas—76**

Alley	DeVuyst	Kukuk	Raczkowski
Anthony	Dobb	Law	Rhead
Baade	Fitzgerald	LeTarte	Richner
Bankes	Frank	Llewellyn	Rocca
Basham	Gagliardi	London	Sanborn
Birkholz	Galloway	Lowe	Schauer
Bobier	Geiger	Mans	Scott
Bodem	Gernaat	Mathieu	Scranton
Bogardus	Godchaux	McBryde	Sikkema
Brackenridge	Goschka	McManus	Stallworth
Brater	Gustafson	McNutt	Tesanovich
Brewer	Hale	Middaugh	Thomas
Byl	Hammerstrom	Olshove	Varga
Callahan	Hanley	Owen	Vaughn
Cassis	Harder	Parks	Voorhees
Cherry	Hertel	Perricone	Walberg
Crissman	Jansen	Price	Wallace
Dalman	Jelinek	Profit	Wetters
DeHart	Jellema	Prusi	Willard

Nays—9

Baird	Gubow	Martinez	Schroer
Ciaramitaro	Kilpatrick	Schermesser	Wojno
Freeman			

In The Chair: DeHart

The House agreed to the title as amended.

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

Rep. McBryde moved that Rep. Gilmer be excused temporarily from today's session.

The motion prevailed.

House Bill No. 4983, entitled

A bill to provide for certain liens on certain marine property repair, service, or storage in marinas, boatyards, and marine repair facilities; to provide for the sale of certain property subject to a lien; to provide for the liability of certain persons; to provide for powers and duties of certain state departments; and to provide for the enforcement of this act.

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. Gagliardi moved that Rule 49 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. 948**Yeas—86**

Agee	DeVuyst	Kukuk	Rackowski
Alley	Dobb	Law	Rhead
Anthony	Fitzgerald	LeTarte	Richner
Baade	Frank	Llewellyn	Rocca
Baird	Freeman	London	Sanborn
Bankes	Gagliardi	Lowe	Schauer
Basham	Galloway	Mans	Schermesser
Birkholz	Geiger	Martinez	Schroer
Bobier	Gernaat	Mathieu	Scott
Bodem	Godchaux	McBryde	Scranton
Bogardus	Goschka	McManus	Sikkema
Brackenridge	Gubow	McNutt	Stallworth
Brater	Gustafson	Middaugh	Tesanovich
Brewer	Hale	Middleton	Thomas
Byl	Hammerstrom	Olshove	Varga
Callahan	Hanley	Owen	Vaughn
Cassis	Harder	Parks	Voorhees
Cherry	Hertel	Perricone	Walberg
Ciaramitaro	Jansen	Price	Wetters
Crissman	Jelinek	Profit	Willard
Dalman	Jellema	Prusi	Wojno
DeHart	Kilpatrick		

Nays—0

In The Chair: DeHart

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

House Bill No. 5078, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 200 and 643 (MCL 168.200 and 168.643).

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. Gagliardi moved that Rule 49 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. 949**Yeas—83**

Agee	Dobb	Kilpatrick	Rackowski
Anthony	Fitzgerald	Kukuk	Rhead
Baade	Frank	Law	Richner
Baird	Freeman	LeTarte	Rocca
Bankes	Gagliardi	Llewellyn	Sanborn
Basham	Galloway	London	Schauer
Birkholz	Geiger	Lowe	Schermesser

Bobier	Gernaat	Mans	Schroer
Bodem	Gilmer	Martinez	Scott
Bogardus	Godchaux	Mathieu	Scranton
Brackenridge	Goschka	McBryde	Sikkema
Brater	Gubow	McManus	Stallworth
Brewer	Gustafson	McNutt	Tesanovich
Byl	Hale	Middaugh	Thomas
Callahan	Hammerstrom	Middleton	Vaughn
Cassis	Hanley	Olshove	Voorhees
Cherry	Harder	Parks	Walberg
Ciaramitaro	Hertel	Perricone	Wetters
Crissman	Jansen	Price	Willard
Dalman	Jelinek	Profit	Wojno
DeHart	Jellema	Prusi	

Nays—0

In The Chair: DeHart

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. 5315, entitled

A bill to amend 1941 PA 122, entitled “An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act,” by amending the title and section 18 (MCL 205.18), the title as amended by 1996 PA 479 and section 18 as added by 1980 PA 162, and by adding section 14.

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

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Regulatory Affairs, by Rep. Varga, Chair, reported

House Bill No. 5061, entitled

A bill to amend the Initiated Law of 1976, entitled “A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,” by amending section 4 (MCL 445.574), as amended by 1982 PA 39, and by adding sections 4a and 4b.

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

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

Favorable Roll Call

HB 5061 To Report Out:

Yeas: Reps. Varga, Wojno, Quarles, Scott, Vaughn, Richner, Rocca, Sanborn, Voorhees,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Varga, Chair of the Committee on Regulatory Affairs, was received and read:

Meeting held on: Thursday, September 24, 1998, at 8:30 a.m.,

Present: Reps. Varga, Wojno, Leland, Olshove, Quarles, Scott, Vaughn, Fitzgerald, Richner, Rocca, Sanborn, Scranton, Voorhees,

Absent: Reps. Anthony, Profit,

Excused: Reps. Anthony, Profit.

Second Reading of Bills**House Bill No. 5061, entitled**

A bill to amend the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 4 (MCL 445.574), as amended by 1982 PA 39, and by adding sections 4a and 4b.

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

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

Rep. Varga moved to amend the bill as follows:

1. Amend page 6, line 18, after "IN" by striking out "SECTION 4A" and inserting "SECTIONS 4A AND 4B".

2. Amend page 7, line 24, after "RESTITUTION." by inserting "A DEALER WHO FAILS TO COMPLY WITH THIS SECTION IS SUBJECT TO A FINE OF NOT LESS THAN \$50.00".

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Select Committees**Senate Bill No. 181, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 476 and 525 (MCL 330.1476 and 330.1525), as amended by 1995 PA 290.

The Senate has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

First Conference Report

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

Senate Bill No. 181, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 476 and 525 (MCL 330.1476 and 330.1525), as amended by 1995 PA 290.

Recommends:

First: That the House recede from its amendments numbered 1 and 2, which read as follows:

1. Amend page 2, following line 21, by inserting:

"(5) IF A PATIENT IS RELEASED FROM A HOSPITAL OPERATED BY THE DEPARTMENT WITHIN 240 DAYS BEFORE THE HOSPITAL IS CLOSED AND IS TRANSFERRED TO ANOTHER HOSPITAL OR OTHER FACILITY, THE DEPARTMENT SHALL FILE A REPORT WITH THE LEGISLATURE. THE DEPARTMENT SHALL FILE THE REPORT BY JANUARY 15 OF THE YEAR FOLLOWING THE YEAR IN WHICH THE

PATIENT WAS TRANSFERRED. THE DEPARTMENT SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION IN THE REPORT:

(A) THE NAME OF THE FACILITY TO WHICH THE PATIENT WAS TRANSFERRED. AS USED IN THIS SUBSECTION, "FACILITY" MEANS A HOSPITAL LICENSED OR OPERATED BY THE DEPARTMENT, A CENTER OPERATED BY THE DEPARTMENT, OR A DEPENDENT LIVING SETTING.

(B) THE LOCATION OF THE FACILITY TO WHICH THE PATIENT WAS TRANSFERRED.

(C) THE NUMBER OF PATIENTS OR RESIDENTS IN THE FACILITY TO WHICH THE PATIENT WAS TRANSFERRED AT THE TIME THE PATIENT WAS TRANSFERRED.

(D) THE TOTAL NUMBER OF PATIENTS TRANSFERRED TO THAT FACILITY FROM THE HOSPITAL THAT CLOSED.

(E) THE TOTAL NUMBER OF PATIENTS TRANSFERRED FROM THE HOSPITAL THAT CLOSED WHO RECEIVED COMMUNITY PLACEMENTS, BUT WHOSE PLACEMENT PLANS NOTED BARRIERS TO COMMUNITY PLACEMENT."

2. Amend page 2, line 22, by striking out all of section 525.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate.

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

A bill to amend 1974 PA 258, entitled "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 476 and 525 (MCL 330.1476 and 330.1525), as amended by 1995 PA 290.

William Van Regenmorter
Mike Rogers
Gary Peters
Conferees for the Senate

Laura Baird
David M. Gubow
Judith Scranton
Conferees for the House

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

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

The question being on the adoption of the conference report,

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

Roll Call No. 950

Yeas—86

Alley	Dobb	Kukuk	Prusi
Anthony	Fitzgerald	Law	Raczkowski
Baade	Frank	LeTarte	Rhead
Baird	Freeman	Llewellyn	Richner
Banks	Gagliardi	London	Rocca
Basham	Galloway	Lowe	Sanborn
Birkholz	Geiger	Mans	Schauer
Bobier	Gernaat	Martinez	Schermesser
Bodem	Gilmer	Mathieu	Schroer
Bogardus	Godchaux	McBryde	Scott
Brackenridge	Goschka	McManus	Scranton
Brater	Gubow	McNutt	Sikkema
Brewer	Gustafson	Middaugh	Tesanovich
Byl	Hale	Middleton	Thomas
Callahan	Hammerstrom	Olshove	Vaughn

Cassis	Hanley	Owen	Voorhees
Cherry	Harder	Oxender	Walberg
Ciaramitaro	Hertel	Parks	Wallace
Crissman	Jansen	Perricone	Wetters
Dalman	Jelinek	Price	Willard
DeHart	Jellema	Profit	Wojno
DeVuyst	Kilpatrick		

Nays—0

In The Chair: DeHart

Second Reading of Bills**House Bill No. 6007, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 21543 (MCL 324.21543).

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

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

Rep. Hanley 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. Gagliardi 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. 6007, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 21543 (MCL 324.21543).

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

Roll Call No. 951**Yeas—85**

Anthony	Fitzgerald	Law	Raczkowski
Baade	Frank	LeTarte	Rhead
Baird	Freeman	Llewellyn	Richner
Bankes	Gagliardi	London	Rocca
Basham	Galloway	Lowe	Sanborn
Birkholz	Geiger	Mans	Schauer
Bobier	Gernaat	Martinez	Schermesser
Bodem	Gilmer	Mathieu	Schroer
Bogardus	Godchaux	McBryde	Scott
Brackenridge	Goschka	McManus	Scranton
Brater	Gubow	McNutt	Sikkema
Brewer	Hale	Middaugh	Stallworth
Byl	Hammerstrom	Middleton	Tesanovich
Callahan	Hanley	Olshove	Thomas
Cassis	Harder	Owen	Vaughn
Cherry	Hertel	Oxender	Voorhees

Ciaramitaro	Jansen	Parks	Walberg
Crissman	Jelinek	Perricone	Wallace
Dalman	Jellema	Price	Wetters
DeHart	Kilpatrick	Profit	Willard
DeVuyst	Kukuk	Prusi	Wojno
Dobb			

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

Rep. Gagliardi moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5516, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6, 11, 20, 51a, 81, 101, and 166b (MCL 388.1606, 388.1611, 388.1620, 388.1651a, 388.1681, 388.1701, and 388.1766b), sections 6, 11, 20, 51a, 81, and 101 as amended by 1997 PA 142 and section 166b as amended by 1996 PA 300, and by adding section 11l.

The Senate has nonconcurred in the House substitute (H-2) to Senate substitute (S-1) and appointed Senators DeGrow, Schwarz and Conroy as conferees.

The message was referred to the Clerk for record.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Emerson, Hood and Oxender.

The bill was referred to the Conference Committee on September 24, 1998.

By unanimous consent the House returned to the order of

Reports of Select Committees

First Conference Report

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

House Bill No. 5516, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 11i, 20, 25, 51a, 62, 81, 101, and 166b (MCL 388.1611, 388.1611i, 388.1620, 388.1625, 388.1651a, 388.1662, 388.1681, 388.1701, and 388.1766b), sections 11, 20, 51a, 62, 81, and 101 as amended and section 11i as added by 1997 PA 142, section 25 as amended by 1997 PA 93, and section 166b as amended by 1996 PA 300, and by adding sections 11j, 11k, 11l, 25a, 31b, 31d, and 63.

Recommends:

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

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6, 8a, 11, 11f, 11g, 11i, 20, 24, 26a, 31a, 31c, 36, 36a, 41, 51a, 53a, 54, 56, 57, 61a, 62, 68, 74, 81, 94, 99, 101, 107, 147, and 166b (MCL 388.1606, 388.1608a, 388.1611, 388.1611f, 388.1611g, 388.1611i, 388.1620, 388.1624, 388.1626a, 388.1631a, 388.1631c, 388.1636, 388.1636a, 388.1641, 388.1651a, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1668, 388.1674, 388.1681, 388.1694, 388.1699, 388.1701, 388.1707, 388.1747, and 388.1766b), sections 6, 11, 20, 24, 26a, 31a, 36, 41, 51a, 53a, 54, 56, 57, 61a, 62, 68, 74, 81, 94, 99, 101, 107, and 147 as amended and sections 8a, 11f, 11g, 11i, 31c, and 36a as added by 1997 PA 142 and section 166b as amended by 1996 PA 300, and by adding sections 11j, 11k, 20b, 31b, 63, and 165.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 6. (1) "Center program" means a program operated by a district or intermediate district for special education pupils from several districts in programs for the autistically impaired, trainable mentally impaired, severely mentally impaired, severely multiply impaired, hearing impaired, physically and otherwise health impaired, and visually impaired. Programs for emotionally impaired pupils housed in buildings that do not serve regular education pupils also qualify. Unless otherwise approved by the department, a center program either shall serve all constituent districts within an intermediate district or shall serve several districts with less than 50% of the pupils residing in the operating district. In addition, special education center program pupils placed part-time in noncenter programs to comply with the least restrictive environment provisions of section 612 of part B of the individuals with disabilities education act, title VI of Public Law 91-230, 20 U.S.C. 1412, may be considered center program pupils for pupil accounting purposes for the time scheduled in either a center program or a noncenter program.

(2) "District pupil retention rate" means the proportion of pupils who have not dropped out of school in the immediately preceding school year and is equal to 1 minus the quotient of the number of pupils unaccounted for in the immediately preceding school year, as determined pursuant to subsection (3), divided by the pupils of the immediately preceding school year.

(3) "District pupil retention report" means a report of the number of pupils, excluding migrant and adult, in the district for the immediately preceding school year, adjusted for those pupils who have transferred into the district, transferred out of the district, transferred to alternative programs, and have graduated, to determine the number of pupils who are unaccounted for. The number of pupils unaccounted for shall be calculated as determined by the department.

(4) "Membership", except as otherwise provided in this act, means for a district, public school academy, university school, or intermediate district the sum of the product of .6 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day for the current school year, plus the product of .4 times the final audited count from the supplemental count day for the immediately preceding school year, as determined by the department and calculated by adding the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board, and as corrected by a subsequent department audit. The amount of the foundation allowance for a pupil in membership is determined under section 20. In making the calculation of membership, all of the following, as applicable, apply to determining the membership of a district, public school academy, university school, or intermediate district:

(a) Except as otherwise provided in this subsection, a pupil shall be counted in membership in the pupil's educating district or districts. An individual pupil shall not be counted for more than a total of 1.0 full-time equated membership.

(b) If a pupil is educated in a district other than the pupil's district of residence and the educating district is not in the same intermediate district as the pupil's district of residence, if the pupil is not being educated as part of a cooperative education program, if the pupil's district of residence does not give the educating district its approval to count the pupil in membership in the educating district, and if the pupil is not covered by an exception specified in subsection (6) to the requirement that the educating district must have the approval of the pupil's district of residence to count the pupil in membership, the pupil shall not be counted in membership in any district.

(c) A special education pupil educated by the intermediate district shall be counted in membership in the intermediate district.

(d) A pupil placed by a court or state agency in an on-grounds program of a juvenile detention facility, a child caring institution, or a mental health institution, or a pupil funded under section 53a, shall be counted in membership in the district or intermediate district approved by the department to operate the program.

(e) A pupil enrolled in the Michigan schools for the deaf and blind shall be counted in membership in the pupil's intermediate district of residence.

(f) A pupil enrolled in a vocational education program supported by a millage levied over an area larger than a single district or in an area vocational-technical education program established pursuant to section 690 of the revised school code, MCL 380.690, shall be counted only in the pupil's district of residence.

(g) A pupil enrolled in a university school shall be counted in membership in the university school.

(h) A pupil enrolled in a public school academy shall be counted in membership in the public school academy.

(i) For a new district, university school, or public school academy beginning its operation after December 31, 1994, membership for the first 2 full or partial fiscal years of operation shall be determined as follows:

(i) If operations begin before the pupil membership count day for the fiscal year, membership is the average number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day for the current school year and on the supplemental count day for the current school year, as determined by the department and calculated by adding the number of pupils registered for attendance on the pupil membership count day plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board, and as corrected by a subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2.

(ii) If operations begin after the pupil membership count day for the fiscal year and not later than the supplemental count day for the fiscal year, membership is the final audited count of the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the supplemental count day for the current school year.

(j) If a district is the authorizing body for a public school academy, then, in the first school year in which pupils are counted in membership on the pupil membership count day in the public school academy, the determination of the district's membership shall exclude from the district's pupil count for the immediately preceding supplemental count day any pupils who are counted in the public school academy on that first pupil membership count day who were also counted in the district on the immediately preceding supplemental count day.

(k) In a district, public school academy, university school, or intermediate district operating an extended school year program approved by the state board, a pupil enrolled, but not scheduled to be in regular daily attendance on a pupil membership count day, shall be counted.

(l) Pupils to be counted in membership shall be not less than 5 years of age on December 1 and less than 20 years of age on September 1 of the school year except a special education pupil who is enrolled and receiving instruction in a special education program approved by the department and not having a high school diploma who is less than 26 years of age as of September 1 of the current school year shall be counted in membership.

(m) An individual who has obtained a high school diploma shall not be counted in membership. An individual who has obtained a general education development (G.E.D.) certificate shall not be counted in membership. An individual participating in a job training program funded under former section 107a or a jobs program funded under former section 107b, both administered by the Michigan jobs commission, or participating in any successor of either of those 2 programs, shall not be counted in membership.

(n) If a pupil counted in membership in a public school academy is also educated by a district or intermediate district as part of a cooperative education program, the pupil shall be counted in membership only in the public school academy, and the instructional time scheduled for the pupil in the district or intermediate district shall be included in the full-time equated membership determination under subdivision (q). However, for pupils receiving instruction in both a public school academy and in a district or intermediate district but not as a part of a cooperative education program, the following apply:

(i) If the public school academy provides instruction for at least 1/2 of the class hours specified in subdivision (q), the public school academy shall receive as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the public school academy provides divided by the number of hours specified in subdivision (q) for full-time equivalency, and the remainder of the full-time membership for each of those pupils shall be allocated to the district or intermediate district providing the remainder of the hours of instruction.

(ii) If the public school academy provides instruction for less than 1/2 of the class hours specified in subdivision (q), the district or intermediate district providing the remainder of the hours of instruction shall receive as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the district or intermediate district provides divided by the number of hours specified in subdivision (q) for full-time equivalency, and the remainder of the full-time membership for each of those pupils shall be allocated to the public school academy.

(o) An individual less than 16 years of age as of September 1 of the current school year who is being educated in an alternative education program shall not be counted in membership if there are also adult education participants being educated in the same program or classroom.

(p) The department shall give a uniform interpretation of full-time and part-time memberships.

(q) The number of class hours used to calculate full-time equated memberships shall be consistent with section 1284 of the revised school code, MCL 380.1284. In determining full-time equated memberships for pupils who are enrolled in a postsecondary institution, ~~under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524,~~ a pupil shall not be considered to be less than a full-time equated pupil solely because of the effect of his or her postsecondary enrollment, including necessary travel time, on the number of class hours provided by the district to the pupil.

(r) Full-time equated memberships for pupils in kindergarten shall be determined by dividing the number of class hours scheduled and provided per year per kindergarten pupil by a number equal to 1/2 the number used for determining full-time equated memberships for pupils in grades 1 to 12.

(s) For a district that has qualified currently migrant pupils enrolled in the district as of the pupil membership count day who were not counted in membership in the district on the supplemental count day for the immediately preceding school year, as determined by the department using the criteria used for eligibility for the migrant education program under the improving America's schools act of 1994, Public Law 103-382, 108 Stat. 3518, the number of those pupils counted in the district's membership is 3/4 of the number of those pupils counted on the pupil membership count day only.

(t) For a district, university school, or public school academy that has pupils enrolled in a grade level that was not offered by the district, university school, or public school academy in the immediately preceding school year, the number of pupils enrolled in that grade level to be counted in membership is the average of the number of those pupils enrolled and in regular daily attendance on the pupil membership count day and the supplemental count day of the current school year, as determined by the department. Membership shall be calculated by adding the number of pupils

registered for attendance in that grade level on the pupil membership count day plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board, and as corrected by subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2.

(u) A pupil enrolled in a cooperative education program may be counted in membership in the pupil's district of residence with the written approval of all parties to the cooperative agreement.

(v) If, as a result of a disciplinary action, a district determines through the district's alternative education program that the best instructional placement for a pupil is in the pupil's home, if that placement is authorized in writing by the district superintendent and district alternative education supervisor, and if the district provides appropriate instruction as described in this subdivision to the pupil at the pupil's home, the district may count the pupil in membership on a pro rata basis, with the proration based on the number of hours of instruction the district actually provides to the pupil divided by the number of hours specified in subdivision (q) for full-time equivalency. For the purposes of this subdivision, a district shall be considered to be providing appropriate instruction if all of the following are met:

(i) The district provides at least 2 nonconsecutive hours of instruction per week to the pupil at the pupil's home under the supervision of a certificated teacher.

(ii) The district provides instructional materials, resources, and supplies, except computers, that are comparable to those otherwise provided in the district's alternative education program.

(iii) Course content is comparable to that in the district's alternative education program.

(iv) Credit earned is awarded to the pupil and placed on the pupil's transcript.

(w) A pupil enrolled in an alternative education program described in section 25 shall be counted in membership in the district or public school academy that expelled the pupil.

(x) For 1997-98 only, if a pupil was enrolled in a public school academy on the pupil membership count day, if the public school academy's contract with its authorizing body is revoked, and if the pupil enrolls in a district within 45 days after the pupil membership count day, the department shall adjust the district's pupil count for the pupil membership count day to include the pupil in the count.

(Y) IF A DISTRICT HAS LESS THAN 7.00 FULL-TIME EQUATED PUPILS IN MEMBERSHIP, THE DISTRICT'S MEMBERSHIP SHALL BE CONSIDERED TO BE 6.00 FULL-TIME EQUATED PUPILS.

(5) "Public school academy" means a public school academy operating under the revised school code.

(6) "Pupil" means a person in membership in a public school. A district must have the approval of the pupil's district of residence to count the pupil in membership, except approval by the pupil's district of residence shall not be required for nonpublic part-time pupils ENROLLED IN GRADES 1 TO 12 IN ACCORDANCE WITH SECTION 166B, for pupils receiving 1/2 or less of their instruction in a district other than their district of residence, for pupils enrolled in a public school academy or university school, for pupils enrolled in a district other than their district of residence under an intermediate district schools of choice pilot program as described in section 91a or former section 91 if the intermediate district and its constituent districts have been exempted from section 105, for pupils enrolled in a district other than their district of residence but within the same intermediate district if the educating district enrolls nonresident pupils in accordance with section 105, or for pupils enrolled in a district other than their district of residence if the pupils have been continuously enrolled in the educating district since a school year in which the pupils enrolled in the educating district under section 105 and in which the educating district enrolled nonresident pupils in accordance with section 105. However, if a district that is not a first class district educates pupils who reside in a first class district and if the primary instructional site for those pupils is located within the boundaries of the first class district, the educating district must have the approval of the first class district to count those pupils in membership. As used in this subsection, "first class district" means a district organized as a school district of the first class under the revised school code.

(7) "Pupil membership count day" of a district or intermediate district means:

(a) Except as provided in subdivision (b), the fourth Wednesday in September each school year.

(b) For a district or intermediate district maintaining school during the entire school year, the following days:

(i) Fourth Wednesday in July.

(ii) Fourth Wednesday in September.

(iii) Second Wednesday in February.

(iv) Fourth Wednesday in April.

(8) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(9) "The revised school code" means 1976 PA 451, MCL 380.1 to 380.1852.

(10) "School fiscal year" means a fiscal year that commences July 1 and continues through June 30.

(11) "State board" means the state board of education.

(12) "Supplemental count day" means the day on which the supplemental pupil count is conducted under section 6a.

(13) "Tuition pupil" means a pupil of school age attending school in a district other than the pupil's district of residence for whom tuition may be charged. Tuition pupil does not include a pupil who is a special education pupil; a pupil enrolled in a district other than the pupil's district of residence but within the same intermediate district if the

educating district enrolls nonresident pupils in accordance with section 105; a pupil enrolled in a district other than the pupil's district of residence if the pupil has been continuously enrolled in the educating district since a school year in which the pupil enrolled in the educating district under section 105 and in which the educating district enrolled nonresident pupils in accordance with section 105; or a pupil served by an intermediate district schools of choice pilot program as described in section 91a or former section 91 if the intermediate district and its constituent districts have been exempted from section 105. A pupil's district of residence shall not require a high school tuition pupil, as provided under section 111, to attend another school district after the pupil has been assigned to a school district.

(14) "State school aid fund" means the state school aid fund established in section 11 of article IX of the state constitution of 1963.

(15) "Taxable value" means the taxable value of property as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(16) "Total state aid" or "total state school aid" means the total combined amount of all funds due to a district, intermediate district, or other entity under all of the provisions of this act.

(17) "University school" means an instructional program operated by a public university under section 23 that meets the requirements of section 23.

Sec. 8a. For each of the district's school buildings that operate some or all of grades K-3, a district shall report to the department not later than ~~November~~ DECEMBER 1 of each school year the average number of pupils per class in grades K-3 in the school building.

Sec. 11. (1) For the fiscal year ending September 30, 1998, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of \$8,717,471,600.00 from the state school aid fund established by section 11 of article IX of the state constitution of 1963 and the sum of \$377,935,400.00 from the general fund. For the fiscal year ending September 30, 1999, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of ~~\$9,036,198,400.00~~ \$8,995,776,300.00 from the state school aid fund established by section 11 of article IX of the state constitution of 1963 and the sum of \$420,613,500.00 from the general fund. FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2000, THERE IS APPROPRIATED FOR THE PUBLIC SCHOOLS OF THIS STATE AND CERTAIN OTHER STATE PURPOSES RELATING TO EDUCATION THE SUM OF \$9,370,899,200.00 FROM THE STATE SCHOOL AID FUND ESTABLISHED BY SECTION 11 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963 AND THE SUM OF \$420,613,500.00 FROM THE GENERAL FUND. In addition, available federal funds are appropriated for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000.

(2) The appropriations under this section shall be allocated as provided in this act. Money appropriated under this section from the general fund and from available federal funds shall be expended to fund the purposes of this act before the expenditure of money appropriated under this section from the state school aid fund. If the maximum amount appropriated under this section from the state school aid fund for a fiscal year exceeds the amount necessary to fully fund allocations under this act from the state school aid fund, that excess amount shall not be expended in that state fiscal year and shall not lapse to the general fund, but instead shall remain in the state school aid fund.

(3) If the maximum amount appropriated under this section and sections 11f and 11g from the state school aid fund for a fiscal year exceeds the amount available for expenditure from the state school aid fund for that fiscal year, payments under sections 11f, 11g, and 51a(2) shall be made in full and payments under each of the other sections of this act shall be prorated on an equal percentage basis as necessary to reflect the amount available for expenditure from the state school aid fund for that fiscal year. However, if the department of treasury determines that proration will be required under this subsection, the department of treasury shall notify the director of the department of management and budget, and the director of the department of management and budget shall notify the legislature at least 30 calendar days or 6 legislative session days, whichever is more, before the department reduces any payments under this act because of the proration. During the 30 calendar day or 6 legislative session day period after that notification by the director of the department of management and budget, the department shall not reduce any payments under this act because of proration under this subsection. The legislature may prevent proration from occurring by, within the 30 calendar day or 6 legislative session day period after that notification by the department of management and budget, enacting legislation appropriating additional funds from the general fund, countercyclical budget and economic stabilization fund, state school aid fund balance, or another source to fund the amount of the projected shortfall.

Sec. 11f. (1) In addition to any other money appropriated under this act, there is appropriated from the state school aid fund an amount not to exceed \$32,000,000.00 each fiscal year for the fiscal year ending September 30, 1999, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2000, and for each succeeding fiscal year through the fiscal year ending September 30, 2008. Payments under this section will cease after September 30, 2008. These appropriations are for paying the amounts described in subsection (4) to districts and intermediate districts, other than those receiving a lump sum payment under subsection (2), that were not plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492 and that, on or before March 2, 1998, have submitted to the state treasurer a board resolution waiving any right or interest the district or intermediate district has or may have in any claim or litigation based on or arising out of any claim or potential claim through September 30, 1997 that

is or was similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan. The waiver resolution shall be in form and substance as required under subsection (8). The state treasurer is authorized to accept such a waiver resolution on behalf of this state. The amounts described in this subsection represent offers of settlement and compromise of any claim or claims that were or could have been asserted by these districts and intermediate districts, as described in this subsection.

(2) In addition to any other money appropriated under this act, there is appropriated from the state school aid fund an amount not to exceed \$1,700,000.00 for the fiscal year ending September 30, 1999. This appropriation is for paying the amounts described in this subsection to districts and intermediate districts that were not plaintiffs in the consolidated cases known as Durant v State of Michigan; that, on or before March 2, 1998, have submitted to the state treasurer a board resolution waiving any right or interest the district or intermediate district has or may have in any claim or litigation based on or arising out of any claim or potential claim through September 30, 1997 that is or was similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan; and for which the total amount listed in section 11h and paid under this section is less than \$75,000.00. The waiver resolution shall be in form and substance as required under subsection (8). The state treasurer is authorized to accept such a waiver resolution on behalf of this state. For a district or intermediate district qualifying for a payment under this subsection, the entire amount listed for the district or intermediate district in section 11h shall be paid in a lump sum on November 15, 1998 or on the next business day following that date. The amounts paid under this subsection represent offers of settlement and compromise of any claim or claims that were or could have been asserted by these districts and intermediate districts, as described in this subsection.

(3) This section does not create any obligation or liability of this state to any district or intermediate district that does not submit a waiver resolution described in subsection (1) or (2). This section, any other provision of this act, and section 353e of the management and budget act, 1984 PA 431, MCL 18.1353e, are not intended to admit liability or waive any defense that is or would be available to this state or its agencies, employees, or agents in any litigation or future litigation with a district or intermediate district.

(4) The amount paid each fiscal year to each district or intermediate district under subsection (1) shall be 1/20 of the total amount listed in section 11h for each listed district or intermediate district that qualifies for a payment under subsection (1). The amounts listed in section 11h and paid in part under this subsection and in a lump sum under subsection (2) are offers of settlement and compromise to each of these districts or intermediate districts to resolve, in their entirety, any claim or claims that these districts or intermediate districts may have asserted for violations of section 29 of article IX of the state constitution of 1963 through September 30, 1997, which claims are or were similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan. This section, any other provision of this act, and section 353e of the management and budget act, 1984 PA 431, MCL 18.1353e, shall not be construed to constitute an admission of liability to the districts or intermediate districts listed in section 11h or a waiver of any defense that is or would have been available to the state or its agencies, employees, or agents in any litigation or future litigation with a district or intermediate district.

(5) The entire amount of each payment under subsection (1) each fiscal year shall be paid on November 15 of the applicable fiscal year or on the next business day following that date.

(6) Funds paid to a district or intermediate district under this section shall be used only for textbooks, electronic instructional material, software, technology, infrastructure or infrastructure improvements, school buses, school security, training for technology, or to pay debt service on voter-approved bonds issued by the district or intermediate district before the effective date of this section. For intermediate districts only, funds paid under this section may also be used for other nonrecurring instructional expenditures including, but not limited to, nonrecurring instructional expenditures for vocational education, or for debt service for acquisition of technology for academic support services. Funds received by an intermediate district under this section may be used for projects conducted for the benefit of its constituent districts at the discretion of the intermediate board. To the extent payments under this section are used by a district or intermediate district to pay debt service on debt payable from millage revenues, and to the extent permitted by law, the district or intermediate district may make a corresponding reduction in the number of mills levied for that debt service.

(7) The appropriations under this section are from the money appropriated and transferred to the state school aid fund from the countercyclical budget and economic stabilization fund under section 353e(2) and (3) of the management and budget act, 1984 PA 431, MCL 18.1353e.

(8) The resolution to be adopted and submitted by a district or intermediate district under this section and section 11g shall read as follows:

"Whereas, the board of _____ (name of district or intermediate district) desires to settle and compromise, in their entirety, any claim or claims that the district (or intermediate district) has or had for violations of section 29 of article IX of the state constitution of 1963, which claim or claims are or were similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492.

Whereas, the district (or intermediate district) agrees to settle and compromise these claims for the consideration described in sections 11f and 11g of the state school aid act of 1979, 1979 PA 94, MCL 388.1611f and 388.1611g, and

in the amount specified for the district (or intermediate district) in section 11h of the state school aid act of 1979, 1979 PA 94, MCL 388.1611h.

Whereas, the board of _____ (name of district or intermediate district) is authorized to adopt this resolution.

Now, therefore, be it resolved as follows:

1. The board of _____ (name of district or intermediate district) waives any right or interest it may have in any claim or potential claim through September 30, 1997 relating to the amount of funding the district or intermediate district is, or may have been, entitled to receive under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, or any other source of state funding, by reason of the application of section 29 of article IX of the state constitution of 1963, which claims or potential claims are or were similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492.

2. The board of _____ (name of district or intermediate district) directs its secretary to submit a certified copy of this resolution to the state treasurer no later than 5 p.m. eastern standard time on March 2, 1998, and agrees that it will not take any action to amend or rescind this resolution.

3. The board of _____ (name of district or intermediate district) expressly agrees and understands that, if it takes any action to amend or rescind this resolution, the state, its agencies, employees, and agents shall have available to them any privilege, immunity, and/or defense that would otherwise have been available had the claims or potential claims been actually litigated in any forum.

4. This resolution is contingent on continued payments by the state each fiscal year as determined under sections 11f and 11g of the state school aid act of 1979, 1979 PA 94, MCL 388.1611f and 388.1611g. However, this resolution shall be an irrevocable waiver of any claim to amounts actually received by the school district or intermediate school district under sections 11f and 11g of the state school aid act of 1979.”.

(9) In order for the democratic process to inform and shape distribution of the money paid under this section and section 11g, as referenced in the Michigan supreme court’s July 31, 1997 opinion in the consolidated cases known as Durant v State of Michigan, before June 30, 1998, the board of a district or intermediate district that qualifies to receive funds under this section or section 11g shall hold a public hearing of the board to discuss how the board will use those funds and, if applicable, any proceeds from bonds that may be issued under section 11i. The board may hold this hearing as part of a regularly scheduled board meeting if the public notice of that regular meeting clearly indicates that the issue of use of funds received under this section and section 11g will be on the agenda at the regular meeting.

Sec. 11g. (1) In addition to the appropriations under section 11f and any other money appropriated under this act, there is appropriated from the state school aid fund an amount not to exceed \$40,000,000.00 for the fiscal year ending September 30, 1999. ~~and~~ IN ADDITION TO ANY OTHER MONEY APPROPRIATED UNDER THIS ACT, there is appropriated from the general fund an amount not to exceed \$40,000,000.00 for the fiscal year ending September 30, 2000 and for each succeeding fiscal year through the fiscal year ending September 30, 2013. Payments under this section will cease after September 30, 2013. These appropriations are for paying the amounts described in subsection (3) to districts and intermediate districts, other than those receiving a lump sum payment under section 11f(2), that were not plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492 and that, on or before March 2, 1998, have submitted to the state treasurer a waiver resolution described in section 11f. The amounts paid under this section represent offers of settlement and compromise of any claim or claims that were or could have been asserted by these districts and intermediate districts, as described in this section.

(2) This section does not create any obligation or liability of this state to any district or intermediate district that does not submit a waiver resolution described in section 11f. This section, any other provision of this act, and section 353e of the management and budget act, 1984 PA 431, MCL 18.1353e, are not intended to admit liability or waive any defense that is or would be available to this state or its agencies, employees, or agents in any litigation or future litigation with a district or intermediate district regarding these claims or potential claims.

(3) The amount paid each fiscal year to each district or intermediate district under this section shall be the sum of the following:

(a) 1/30 of the total amount listed in section 11h for the district or intermediate district.

(b) If the district or intermediate district borrows money and issues bonds under section 11i, an additional amount in each fiscal year calculated by the department of treasury that, when added to the amount described in subdivision (a), will cause the net present value as of November 15, 1998 of the total of the 15 annual payments made to the district or intermediate district under this section, discounted at a rate as determined by the state treasurer, to equal the amount of the bonds issued by that district or intermediate district under section 11i and that will result in the total payments made to all districts and intermediate districts in each fiscal year under this section being no more than the amount appropriated under this section in each fiscal year.

(4) The entire amount of each payment under this section each fiscal year shall be paid on May 15 of the applicable fiscal year or on the next business day following that date. If a district or intermediate district borrows money and issues bonds under section 11i, the district or intermediate district shall use funds received under this section to pay

debt service on bonds issued under section 11i. If a district or intermediate district does not borrow money and issue bonds under section 11i, the district or intermediate district shall use funds received under this section only for the following purposes, in the following order of priority:

(a) First, to pay debt service on voter-approved bonds issued by the district or intermediate district before the effective date of this section.

(b) Second, to pay debt service on other limited tax obligations.

(c) Third, for deposit into a sinking fund established by the district or intermediate district under the revised school code.

(5) To the extent payments under this section are used by a district or intermediate district to pay debt service on debt payable from millage revenues, and to the extent permitted by law, the district or intermediate district may make a corresponding reduction in the number of mills levied for debt service.

(6) A district or intermediate district may pledge or assign payments under this section as security for bonds issued under section 11i, but shall not otherwise pledge or assign payments under this section.

(7) The state school aid fund appropriation under this section for 1998-99 is from the money appropriated and transferred to the state school aid fund from the countercyclical budget and economic stabilization fund under section 353e(2) of the management and budget act, 1984 PA 431, MCL 18.1353e.

Sec. 11i. (1) In addition to any other authority granted under law, an eligible district or intermediate district may borrow from the Michigan municipal bond authority created under the shared credit rating act, 1985 PA 227, MCL 141.1051 to 141.1077, an amount equal to 1/2 of the amount listed for the district or intermediate district in section 11h, in anticipation of the receipt of the payments appropriated under section 11g, and may authorize by resolution of its governing body and issue its bonds to evidence its obligations to the Michigan municipal bond authority on the terms and with those provisions as are provided by resolution of the board of the district or intermediate district and as are acceptable to the Michigan municipal bond authority if the bonds are accompanied by an opinion of bond counsel acceptable to the Michigan municipal bond authority to the effect that the interest on the bonds is excluded from gross income for federal income tax purposes. For the purposes of this section, an eligible district or intermediate district is a district or intermediate district, other than a district or intermediate district that receives a lump sum payment under section 11f(2), that qualifies to receive funds under sections 11f and 11g and that notifies the department of treasury not later than 5 p.m. eastern daylight time on June 30, 1998, in the form and manner prescribed by the department of treasury, that the district or intermediate district will borrow money and issue bonds under this section OR IS A DISTRICT, OTHER THAN A DISTRICT THAT RECEIVES A LUMP SUM PAYMENT UNDER SECTION 11F(2), THAT QUALIFIES TO RECEIVE FUNDS UNDER SECTIONS 11F AND 11G, THAT HAS A MEMBERSHIP OF LESS THAN 2,000 FULL-TIME EQUATED PUPILS, THAT HAS NOT SUBMITTED TO THE DEPARTMENT OF TREASURY A LETTER STATING ITS INTENT NOT TO BORROW FROM THE MICHIGAN MUNICIPAL BOND AUTHORITY, AND THAT NOTIFIED THE DEPARTMENT OF TREASURY NOT LATER THAN 5 P.M. EASTERN DAYLIGHT TIME ON JULY 14, 1998, IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF TREASURY, THAT THE DISTRICT WILL BORROW MONEY AND ISSUE BONDS UNDER THIS SECTION. A district or intermediate district may pledge and assign to the Michigan municipal bond authority, as security for the bonds, all of the payments appropriated to it under section 11g but may not otherwise pledge or assign those payments. Bonds issued under this section are not subject to the municipal finance act, 1943 PA 202, MCL 131.1 to 139.3.

(2) Proceeds of bonds issued under this section shall be made available to districts and intermediate districts on or after November 15, 1998. Each district and intermediate district shall use proceeds of bonds issued by it under this section only for a purpose for which bonds may be issued under section 1351a of the revised school code, MCL 380.1351a.

(3) Bonds issued under this section do not constitute a general obligation or debt of a district or intermediate district within the meaning of any constitutional or statutory debt limitation.

(4) This section shall be construed as cumulative authority for the exercise of the powers granted in this section and shall not be construed to repeal any existing law. The purpose of this section is to create full and complete additional and alternate methods for the exercise of existing powers, and the powers conferred by this section are not affected or limited by any other statute or by any charter or incorporating document.

(5) A pledge made by a district or intermediate district under this section is valid and binding from the time the pledge is made. The revenue or other money pledged under this section and thereafter received by a district or intermediate district is immediately subject to the lien of the pledge without physical delivery of the revenue or money or any further act. The lien of such a pledge is valid and binding against a party having a claim of any kind in tort, contract, or otherwise against the district or intermediate district, irrespective of whether that party has notice of the pledge. The resolution or any other instrument by which a pledge is created is not required to be filed or recorded in order to establish and perfect a lien or security interest in the property pledged.

(6) Bonds issued under this section are not in any way a debt or liability of this state; do not create or constitute any indebtedness, liability, or obligation of this state; are not and do not constitute a pledge of the faith and credit of this state; and shall contain on their face a statement to that effect.

SEC. 11J. (1) FOR THE PURPOSES OF SECTION 11K, AND SUBJECT TO SECTION 11K(8), THE FOLLOWING AMOUNTS ARE ALLOCATED ACCORDING TO SECTION 11K TO DISTRICTS AND INTERMEDIATE DISTRICTS THAT OPERATED A PROGRAM UNDER FORMER SECTION 53 IN 1991-92, 1992-93, OR 1993-94:

CODE	NAME	AMOUNT
02080	SUPERIOR CENTRAL SCHOOL DISTRICT.....	\$ 706
03000	ALLEGAN INTERMEDIATE SCHOOL.....	\$ 41,838
03020	OTSEGO PUBLIC SCHOOLS.....	\$ 8,743
03040	WAYLAND UNION SCHOOLS.....	\$ 12,070
04000	ALPENA INTERMEDIATE SCHOOL.....	\$ 154,261
04010	ALPENA PUBLIC SCHOOLS.....	\$ 58,260
06050	STANDISH STERLING COMMUNITY SCHOOLS.....	\$ 3,089
08000	BARRY INTERMEDIATE SCHOOL.....	\$ 57,486
08050	THORNAPPLE KELLOGG SCHOOL DISTRICT.....	\$ 2,688
09000	BAY ARENAC INTERMEDIATE SCHOOL.....	\$ 50,043
09010	BAY CITY SCHOOL DISTRICT.....	\$ 24,378
11000	BERRIEN INTERMEDIATE SCHOOL.....	\$ 209,261
12000	BRANCH INTERMEDIATE SCHOOL.....	\$ 158,603
13000	CALHOUN INTERMEDIATE SCHOOL.....	\$ 497,688
13010	ALBION PUBLIC SCHOOLS.....	\$ 29,566
13020	BATTLE CREEK PUBLIC SCHOOLS.....	\$ 6,946
13070	HARPER CREEK COMMUNITY SCHOOLS.....	\$ 1,741
13135	UNION CITY COMMUNITY SCHOOL DISTRICT.....	\$ 523
14000	LEWIS CASS INTERMEDIATE SCHOOL.....	\$ 4,743
14020	DOWAGIAC UNION SCHOOLS.....	\$ 6,596
15000	CHARLEVOIX EMMET INTERMEDIATE SCHOOL.....	\$ 96,697
15050	CHARLEVOIX PUBLIC SCHOOLS.....	\$ 4,306
15060	EAST JORDAN PUBLIC SCHOOL DISTRICT.....	\$ 20,715
16000	CHEBOYGAN OTSEGO PRESQUE ISLE ISD.....	\$ 886,768
16050	INLAND LAKES SCHOOL DISTRICT.....	\$ 2,064
17000	EASTERN UPPER PENINSULA ISD.....	\$ 92,912
17010	SAULT STE MARIE AREA SCHOOLS.....	\$ 37,057
17090	PICKFORD PUBLIC SCHOOLS.....	\$ 958
18000	CLARE GLADWIN INTERMEDIATE SCHOOL.....	\$ 25,823
18020	FARWELL AREA SCHOOLS.....	\$ 8,139
19000	CLINTON INTERMEDIATE SCHOOL.....	\$ 45,066
21000	DELTA SCHOOLCRAFT INTERMEDIATE SCHOOL.....	\$ 219,521
22000	DICKINSON-IRON INTERMEDIATE SCHOOL.....	\$ 1,088
23000	EATON INTERMEDIATE SCHOOL.....	\$ 371,476
23050	EATON RAPIDS PUBLIC SCHOOLS.....	\$ 34,958
23060	GRAND LEDGE PUBLIC SCHOOLS.....	\$ 41,220
23065	MAPLE VALLEY SCHOOL DISTRICT.....	\$ 35,974
23080	OLIVET COMMUNITY SCHOOLS.....	\$ 3,019
25000	GENESEE INTERMEDIATE SCHOOL.....	\$ 1,007,900
25010	FLINT CITY SCHOOL DISTRICT.....	\$ 429,387
25050	GOODRICH AREA SCHOOLS.....	\$ 6,672
25080	CARMEN-AINSWORTH COMMUNITY SCHOOLS.....	\$ 21,602
25100	FENTON AREA PUBLIC SCHOOLS.....	\$ 59,517
25110	KEARSLEY COMMUNITY SCHOOLS.....	\$ 10,284
25120	FLUSHING COMMUNITY SCHOOLS.....	\$ 14,429
25150	CLIO AREA SCHOOL DISTRICT.....	\$ 41,321
25180	SWARTZ CREEK COMMUNITY SCHOOLS.....	\$ 1,844
25200	LAKE FENTON SCHOOLS.....	\$ 725
25240	BEECHER COMMUNITY SCHOOL DISTRICT.....	\$ 1,492
25250	LINDEN COMMUNITY SCHOOL DISTRICT.....	\$ 6,588
25260	MONTROSE COMMUNITY SCHOOLS.....	\$ 24,597
26040	GLADWIN COMMUNITY SCHOOLS.....	\$ 2,034
27000	GOGEBIC ONTONAGON INTERMEDIATE SCHOOL.....	\$ 28,223
28000	TRAVERSE BAY INTERMEDIATE SCHOOL.....	\$ 81,460
28010	TRAVERSE CITY SCHOOL DISTRICT.....	\$ 25,234

29000	GRATIOT-ISABELLA INTERMEDIATE SCHOOL	\$ 951,643
30000	HILLSDALE INTERMEDIATE SCHOOL	\$ 50,615
30020	HILLSDALE COMMUNITY PUBLIC SCHOOLS	\$ 10,855
31000	COPPER COUNTRY INTERMEDIATE SCHOOL	\$ 67,219
31110	HOUGHTON-PORTAGE TOWNSHIP SCHOOL DISTRICT	\$ 17,312
32090	OWENDALE GAGETOWN AREA SCHOOLS	\$ 677
33000	INGHAM INTERMEDIATE SCHOOL	\$ 800,463
33010	EAST LANSING SCHOOL DISTRICT	\$ 10,424
33020	LANSING PUBLIC SCHOOL DISTRICT	\$ 211,767
33060	HASLETT PUBLIC SCHOOLS	\$ 5,789
33100	LESLIE PUBLIC SCHOOLS	\$ 6,519
33215	WAVERLY SCHOOLS	\$ 240,326
34000	IONIA INTERMEDIATE SCHOOL	\$ 116,468
34010	IONIA PUBLIC SCHOOLS	\$ 19,533
34080	BELDING AREA SCHOOL DISTRICT	\$ 18,593
34090	LAKESWOOD PUBLIC SCHOOLS	\$ 29,413
34110	PORTLAND PUBLIC SCHOOL DISTRICT	\$ 9,336
34120	SARANAC COMMUNITY SCHOOLS	\$ 1,593
35040	WHITTEMORE PRESCOTT AREA SCHOOLS	\$ 5,939
38000	JACKSON INTERMEDIATE SCHOOL	\$ 57,936
38040	COLUMBIA SCHOOL DISTRICT	\$ 196
38080	CONCORD COMMUNITY SCHOOLS	\$ 5,146
38140	NORTHWEST SCHOOL DISTRICT	\$ 6,823
39000	KALAMAZOO INTERMEDIATE SCHOOL	\$ 369,425
39010	KALAMAZOO CITY SCHOOL DISTRICT	\$ 299,823
39030	COMSTOCK PUBLIC SCHOOLS	\$ 2,037
39140	PORTAGE PUBLIC SCHOOLS	\$ 6,995
40040	KALKASKA PUBLIC SCHOOLS	\$ 357
41010	GRAND RAPIDS CITY SCHOOL DISTRICT	\$ 442,115
41025	NORTHVIEW PUBLIC SCHOOL DISTRICT	\$ 4,918
41026	WYOMING PUBLIC SCHOOLS	\$ 68,868
41110	FOREST HILLS PUBLIC SCHOOLS	\$ 17,583
41130	GRANDVILLE PUBLIC SCHOOLS	\$ 2,586
41160	KENTWOOD PUBLIC SCHOOLS	\$ 152,165
41170	LOWELL AREA SCHOOL DISTRICT	\$ 157,768
44000	LAPEER INTERMEDIATE SCHOOL	\$ 373,032
44010	LAPEER COMMUNITY SCHOOLS	\$ 11,591
44090	NORTH BRANCH AREA SCHOOLS	\$ 18,798
46000	LENAWEE INTERMEDIATE SCHOOL	\$ 116,602
46050	BRITTON MACON AREA SCHOOL DISTRICT	\$ 3,369
46140	TECUMSEH PUBLIC SCHOOLS	\$ 5,914
47000	LIVINGSTON INTERMEDIATE SCHOOL	\$ 163,395
47010	BRIGHTON AREA SCHOOLS	\$ 10,859
47030	FOWLerville COMMUNITY SCHOOLS	\$ 18,319
48040	TAHQAMENON AREA SCHOOLS	\$ 1,729
49010	ST. IGNACE CITY SCHOOL DISTRICT	\$ 6,440
50000	MACOMB INTERMEDIATE SCHOOL	\$ 3,194,672
50140	L'ANSE CREUSE PUBLIC SCHOOLS	\$ 106,758
50160	MT. CLEMENS COMMUNITY SCHOOL DISTRICT	\$ 1,131
50230	WARREN CONSOLIDATED SCHOOLS	\$ 54,785
51000	MANISTEE INTERMEDIATE SCHOOL	\$ 16,555
52000	MARQUETTE ALGER INTERMEDIATE SCHOOL	\$ 179,291
54000	MECOSTA-OSCEOLA INTERMEDIATE SCHOOL	\$ 694,699
54025	CHIPPEWA HILLS SCHOOL DISTRICT	\$ 2,070
56000	MIDLAND INTERMEDIATE SCHOOL	\$ 10,631
58000	MONROE INTERMEDIATE SCHOOL	\$ 158,826
58020	AIRPORT COMMUNITY SCHOOL DISTRICT	\$ 4,029
58050	DUNDEE COMMUNITY SCHOOLS	\$ 435
59000	MONTCALM INTERMEDIATE SCHOOL	\$ 70,449

59045	MONTABELLA COMMUNITY SCHOOL DISTRICT	\$ 1,669
59080	TRI COUNTY AREA SCHOOLS	\$ 4,074
59125	CENTRAL MONTCALM PUBLIC SCHOOLS	\$ 19,659
61000	MUSKEGON INTERMEDIATE SCHOOL	\$ 881,322
61010	MUSKEGON CITY SCHOOL DISTRICT	\$ 265,249
61080	FRUITPORT COMMUNITY SCHOOLS	\$ 4,493
61190	ORCHARD VIEW SCHOOLS	\$ 794
61220	REETHS PUFFER SCHOOLS	\$ 5,373
61240	WHITEHALL SCHOOL DISTRICT	\$ 9,155
62040	FREMONT PUBLIC SCHOOL DISTRICT	\$ 287
63000	OAKLAND COUNTY INTERMEDIATE SCHOOL DISTRICT	\$ 132,457
63030	PONTIAC CITY SCHOOL DISTRICT	\$ 602,428
63040	ROYAL OAK SCHOOL DISTRICT	\$ 125,865
63060	SOUTHFIELD PUBLIC SCHOOL DISTRICT	\$ 244,500
63080	BLOOMFIELD HILLS SCHOOL DISTRICT	\$ 273,830
63110	OXFORD AREA COMMUNITY SCHOOL DISTRICT	\$ 137,181
63130	HAZEL PARK CITY SCHOOL DISTRICT	\$ 6,153
63150	TROY PUBLIC SCHOOL DISTRICT	\$ 5,703
63180	BRANDON SCHOOL DISTRICT	\$ 9,853
63190	CLARKSTON COMMUNITY SCHOOL DISTRICT	\$ 14,839
63200	FARMINGTON PUBLIC SCHOOL DISTRICT	\$ 2,497,639
63210	HOLLY AREA SCHOOL DISTRICT	\$ 52,093
63240	SOUTH LYON COMMUNITY SCHOOLS	\$ 3,222
63250	OAK PARK CITY SCHOOL DISTRICT	\$ 62,403
63260	ROCHESTER COMMUNITY SCHOOL DISTRICT	\$ 8,013
63280	LAMPHERE PUBLIC SCHOOLS	\$ 29,168
63300	WATERFORD SCHOOL DISTRICT	\$ 867,606
67055	PINE RIVER AREA SCHOOLS	\$ 1,183
67060	REED CITY PUBLIC SCHOOLS	\$ 20,642
70000	OTTAWA INTERMEDIATE SCHOOL	\$ 398,091
70010	GRAND HAVEN CITY SCHOOL DISTRICT	\$ 6,246
70070	WEST OTTAWA PUBLIC SCHOOL DISTRICT	\$ 3,002
70120	COOPERSVILLE PUBLIC SCHOOL DISTRICT	\$ 4,810
70175	JENISON PUBLIC SCHOOLS	\$ 29,426
70350	ZEELAND PUBLIC SCHOOLS	\$ 6,939
71050	ONAWAY AREA COMMUNITY SCHOOL DISTRICT	\$ 3,321
72000	C O O R INTERMEDIATE SCHOOL	\$ 11,578
73000	SAGINAW INTERMEDIATE SCHOOL	\$ 215,750
73010	SAGINAW CITY SCHOOL DISTRICT	\$ 9,015
73170	BIRCH RUN AREA SCHOOL DISTRICT	\$ 8,217
73200	FREELAND COMMUNITY SCHOOL DISTRICT	\$ 11,932
73210	HEMLOCK PUBLIC SCHOOL DISTRICT	\$ 3,216
73230	MERRILL COMMUNITY SCHOOL DISTRICT	\$ 1,351
74000	ST. CLAIR INTERMEDIATE SCHOOL	\$ 528,290
74010	PORT HURON AREA SCHOOL DISTRICT	\$ 7,180
74050	EAST CHINA TOWNSHIP SCHOOL DISTRICT	\$ 12,609
75000	ST. JOSEPH INTERMEDIATE SCHOOL	\$ 5,355
76000	SANILAC INTERMEDIATE SCHOOL	\$ 39,109
76070	CARSONVILLE-PORT SANILAC SCHOOL DISTRICT	\$ 3,165
76080	CROSWELL LEXINGTON COMMUNITY SCHOOLS	\$ 1,626
76140	MARLETTE COMMUNITY SCHOOLS	\$ 19,535
76180	PECK COMMUNITY SCHOOL DISTRICT	\$ 13,718
78000	SHIAWASSEE INTERMEDIATE SCHOOL	\$ 75,284
78080	PERRY PUBLIC SCHOOL DISTRICT	\$ 5,590
79000	TUSCOLA INTERMEDIATE SCHOOL	\$ 1,251,955
79080	KINGSTON COMMUNITY SCHOOL DISTRICT	\$ 78,355
79090	MAYVILLE COMMUNITY SCHOOL DISTRICT	\$ 7,905
79100	MILLINGTON COMMUNITY SCHOOLS	\$ 42,209
79145	UNIONVILLE SEBEWAING AREA SCHOOLS	\$ 6,594

80000	VAN BUREN INTERMEDIATE SCHOOL	\$ 29,837
80010	SOUTH HAVEN PUBLIC SCHOOLS.....	\$ 2,368
81000	WASHTENAW INTERMEDIATE SCHOOL.....	\$ 1,363,365
81010	ANN ARBOR PUBLIC SCHOOLS.....	\$ 97,931
81020	YPSILANTI SCHOOL DISTRICT.....	\$ 21,472
81040	CHELSEA SCHOOL DISTRICT	\$ 363,554
81100	MILAN AREA SCHOOLS.....	\$ 768
81120	SALINE AREA SCHOOL DISTRICT.....	\$ 5,955
81150	WILLOW RUN COMMUNITY SCHOOLS	\$ 662
82000	WAYNE INTERMEDIATE SCHOOL	\$ 1,839,700
82010	DETROIT CITY SCHOOL DISTRICT	\$ 129,758
82050	GARDEN CITY SCHOOL DISTRICT.....	\$ 469,478
82055	GROSSE POINTE PUBLIC SCHOOLS.....	\$ 124,591
82095	LIVONIA PUBLIC SCHOOLS	\$ 30,551
82100	PLYMOUTH CANTON COMMUNITY SCHOOLS.....	\$ 47,667
82110	REDFORD UNION SCHOOL DISTRICT.....	\$ 42,250
82130	ROMULUS COMMUNITY SCHOOLS	\$ 15,538
82140	SOUTH REDFORD SCHOOL DISTRICT	\$ 873
82150	TAYLOR SCHOOL DISTRICT.....	\$ 26,258
82160	WAYNE-WESTLAND COMMUNITY.....	\$ 344,069
82170	WYANDOTTE CITY SCHOOL DISTRICT	\$ 60,247
82180	FLAT ROCK COMMUNITY SCHOOLS	\$ 2,307
82290	GIBRALTAR SCHOOL DISTRICT	\$ 3,495
82300	GROSSE ILE TOWNSHIP SCHOOLS	\$ 12,943
82340	HURON SCHOOL DISTRICT.....	\$ 55,904
82365	WOODHAVEN SCHOOL DISTRICT	\$ 8,045
82390	NORTHVILLE PUBLIC SCHOOLS	\$ 701,236
82400	RIVERVIEW COMMUNITY SCHOOL DISTRICT.....	\$ 6,076
82405	SOUTHGATE COMMUNITY SCHOOL DISTRICT	\$ 303,344
82430	VAN BUREN PUBLIC SCHOOLS	\$ 23,970
83000	WEXFORD INTERMEDIATE SCHOOL	\$ 91,347

(2) THIS SECTION AND ANY OTHER PROVISION OF THIS ACT SHALL NOT BE CONSTRUED TO CONSTITUTE AN ADMISSION OF LIABILITY TO THE DISTRICTS OR INTERMEDIATE DISTRICTS DESIGNATED IN THIS SECTION IN ANY LITIGATION OR FUTURE LITIGATION WITH A DISTRICT OR INTERMEDIATE DISTRICT. IN ADDITION, THIS SECTION OR ANY OTHER PROVISION OF THIS ACT SHALL NOT BE CONSTRUED TO CONSTITUTE A WAIVER OF ANY DEFENSE THAT IS OR WOULD HAVE BEEN AVAILABLE TO THIS STATE OR ITS AGENCIES, EMPLOYEES, OR AGENTS IN ANY LITIGATION OR FUTURE LITIGATION WITH A DISTRICT OR INTERMEDIATE DISTRICT.

SEC. 11K. (1) IN ADDITION TO ANY OTHER MONEY APPROPRIATED UNDER THIS ACT, THERE IS APPROPRIATED FROM THE STATE SCHOOL AID FUND AN AMOUNT NOT TO EXCEED \$2,900,000.00 FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1999 AND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2000, AND THERE SHALL BE APPROPRIATED FROM THE STATE SCHOOL AID FUND AN AMOUNT NOT TO EXCEED \$2,900,000.00 EACH FISCAL YEAR FOR EACH SUCCEEDING FISCAL YEAR THROUGH THE FISCAL YEAR ENDING SEPTEMBER 30, 2008. PAYMENTS UNDER THIS SECTION WILL CEASE AFTER SEPTEMBER 30, 2008. THESE APPROPRIATIONS ARE FOR PAYING THE AMOUNTS DESCRIBED IN SUBSECTION (3) TO DISTRICTS AND INTERMEDIATE DISTRICTS, OTHER THAN THOSE RECEIVING A LUMP SUM PAYMENT UNDER SUBSECTION (2), THAT OPERATED A PROGRAM UNDER FORMER SECTION 53 IN 1991-92, 1992-93, OR 1993-94, AND THAT ARE RECEIVING AN AMOUNT AS LISTED IN SECTION 11J.

(2) IN ADDITION TO ANY OTHER MONEY APPROPRIATED UNDER THIS ACT, THERE IS APPROPRIATED FROM THE STATE SCHOOL AID FUND AN AMOUNT NOT TO EXCEED \$900,000.00 FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1999. THIS APPROPRIATION IS FOR PAYING THE AMOUNTS DESCRIBED IN THIS SUBSECTION TO DISTRICTS AND INTERMEDIATE DISTRICTS THAT OPERATED A PROGRAM UNDER FORMER SECTION 53 IN 1991-92, 1992-93, OR 1993-94; THAT ARE RECEIVING AN AMOUNT AS LISTED IN SECTION 11J; AND FOR WHICH THE TOTAL AMOUNT LISTED IN SECTION 11J AND PAID UNDER THIS SECTION IS LESS THAN \$25,000.00. FOR A DISTRICT OR INTERMEDIATE DISTRICT QUALIFYING FOR A PAYMENT UNDER THIS SUBSECTION, THE ENTIRE AMOUNT LISTED FOR THE DISTRICT OR INTERMEDIATE DISTRICT IN SECTION 11J SHALL BE PAID IN A LUMP SUM ON NOVEMBER 15, 1998 OR ON THE NEXT BUSINESS DAY FOLLOWING THAT DATE.

(3) THE AMOUNT PAID EACH FISCAL YEAR TO EACH DISTRICT OR INTERMEDIATE DISTRICT UNDER SUBSECTION (1) SHALL BE 1/10 OF THE TOTAL AMOUNT LISTED IN SECTION 11J FOR EACH LISTED DISTRICT OR INTERMEDIATE DISTRICT THAT QUALIFIES FOR A PAYMENT UNDER SUBSECTION (1).

(4) THIS SECTION AND ANY OTHER PROVISION OF THIS ACT SHALL NOT BE CONSTRUED TO CONSTITUTE AN ADMISSION OF LIABILITY TO THE DISTRICTS OR INTERMEDIATE DISTRICTS LISTED IN SECTION 11J OR A WAIVER OF ANY DEFENSE THAT IS OR WOULD HAVE BEEN AVAILABLE TO THE STATE OR ITS AGENCIES, EMPLOYEES, OR AGENTS IN ANY LITIGATION OR FUTURE LITIGATION WITH A DISTRICT OR INTERMEDIATE DISTRICT.

(5) THE ENTIRE AMOUNT OF EACH PAYMENT UNDER SUBSECTION (1) EACH FISCAL YEAR SHALL BE PAID ON NOVEMBER 15 OF THE APPLICABLE FISCAL YEAR OR ON THE NEXT BUSINESS DAY FOLLOWING THAT DATE.

(6) FUNDS PAID TO A DISTRICT OR INTERMEDIATE DISTRICT UNDER THIS SECTION SHALL BE USED ONLY FOR TEXTBOOKS, ELECTRONIC INSTRUCTIONAL MATERIAL, SOFTWARE, TECHNOLOGY, INFRASTRUCTURE OR INFRASTRUCTURE IMPROVEMENTS, SCHOOL BUSES, SCHOOL SECURITY, TRAINING FOR TECHNOLOGY, OR TO PAY DEBT SERVICE ON VOTER-APPROVED BONDS ISSUED BY THE DISTRICT OR INTERMEDIATE DISTRICT BEFORE THE EFFECTIVE DATE OF THIS SECTION. FOR INTERMEDIATE DISTRICTS ONLY, FUNDS PAID UNDER THIS SECTION MAY ALSO BE USED FOR OTHER NONRECURRING INSTRUCTIONAL EXPENDITURES INCLUDING, BUT NOT LIMITED TO, NONRECURRING INSTRUCTIONAL EXPENDITURES FOR VOCATIONAL EDUCATION, OR FOR DEBT SERVICE FOR ACQUISITION OF TECHNOLOGY FOR ACADEMIC SUPPORT SERVICES. FUNDS RECEIVED BY AN INTERMEDIATE DISTRICT UNDER THIS SECTION MAY BE USED FOR PROJECTS CONDUCTED FOR THE BENEFIT OF ITS CONSTITUENT DISTRICTS AT THE DISCRETION OF THE INTERMEDIATE BOARD. TO THE EXTENT PAYMENTS UNDER THIS SECTION ARE USED BY A DISTRICT OR INTERMEDIATE DISTRICT TO PAY DEBT SERVICE ON DEBT PAYABLE FROM MILLAGE REVENUES, AND TO THE EXTENT PERMITTED BY LAW, THE DISTRICT OR INTERMEDIATE DISTRICT MAY MAKE A CORRESPONDING REDUCTION IN THE NUMBER OF MILLS LEVIED FOR THAT DEBT SERVICE.

(7) THE BOARD OF A DISTRICT OR INTERMEDIATE DISTRICT THAT QUALIFIES TO RECEIVE FUNDS UNDER THIS SECTION SHALL HOLD A PUBLIC HEARING OF THE BOARD TO DISCUSS HOW THE BOARD WILL USE THOSE FUNDS. THE BOARD MAY HOLD THIS HEARING AS PART OF A REGULARLY SCHEDULED BOARD MEETING IF THE PUBLIC NOTICE OF THAT REGULAR MEETING CLEARLY INDICATES THAT THE ISSUE OF USE OF FUNDS RECEIVED UNDER THIS SECTION WILL BE ON THE AGENDA AT THE REGULAR MEETING.

Sec. 20. (1) For 1997-98 and 1998-99, the basic foundation allowance is \$5,462.00 per membership pupil. FOR 1999-2000, THE BASIC FOUNDATION ALLOWANCE IS \$5,652.00 PER MEMBERSHIP PUPIL.

(2) From the appropriation in section 11, there is allocated for 1997-98 an amount not to exceed \$8,022,595,100.00, and for 1998-99 an amount not to exceed ~~\$8,091,250,000.00~~ \$7,970,387,300.00, AND FOR 1999-2000 AN AMOUNT NOT TO EXCEED \$8,315,000,000.00, to guarantee each district a foundation allowance per membership pupil other than special education pupils and to make payments under this section to public school academies and university schools for membership pupils other than special education pupils. The amount of each district's foundation allowance shall be calculated as provided in this section, using a basic foundation allowance in the amount specified in subsection (1). If the maximum amount allocated under this section is not sufficient to fully fund payments under this section, and before any proration required under section 11, the amount of the payment to each district, university school, and public school academy shall be prorated by reducing by an equal percentage the total payment under this section to each district, university school, and public school academy. However, if the department determines that proration will be required under this section, the superintendent of public instruction shall notify the department of management and budget, and the department of management and budget shall notify the legislature at least 30 calendar days or 6 legislative session days, whichever is more, before the department reduces any payments under this section because of the proration. During the 30 calendar day or 6 legislative session day period after that notification by the department of management and budget, the department shall not reduce any payments under this section because of proration. The legislature may prevent proration under this section from occurring by, within the 30 calendar day or 6 legislative session day period after that notification by the director, enacting legislation appropriating additional funds from the general fund, countercyclical budget and economic stabilization fund, state school aid fund balance, or another source to ensure full foundation allowance funding for each district, university school, and public school academy.

(3) Except as otherwise provided in this section, the amount of a district's foundation allowance shall be calculated as follows, using in all calculations the total amount of the district's foundation allowance as calculated before any proration:

(a) For a district that in the immediately preceding state fiscal year had a foundation allowance at least equal to the sum of \$4,200.00 plus the total dollar amount of all adjustments made from 1994-95 to the immediately preceding state fiscal year in the lowest foundation allowance among all districts, but less than the basic foundation allowance in the

immediately preceding state fiscal year, the district shall receive a foundation allowance in an amount equal to the sum of the district's foundation allowance for the immediately preceding state fiscal year plus the difference between twice the dollar amount of the adjustment from the immediately preceding state fiscal year to the current state fiscal year made in the basic foundation allowance and [(the dollar amount of the adjustment from the immediately preceding state fiscal year to the current state fiscal year made in the basic foundation allowance minus \$50.00) times (the difference between the district's foundation allowance for the immediately preceding state fiscal year and the sum of \$4,200.00 plus the total dollar amount of all adjustments made from 1994-95 to the immediately preceding state fiscal year in the lowest foundation allowance among all districts) divided by the difference between the basic foundation allowance for the current state fiscal year and the sum of \$4,200.00 plus the total dollar amount of all adjustments made from 1994-95 to the immediately preceding state fiscal year in the lowest foundation allowance among all districts]. However, the foundation allowance for a district that had less than the basic foundation allowance in the immediately preceding state fiscal year shall not exceed the basic foundation allowance for the current state fiscal year.

(b) For a district that in the immediately preceding state fiscal year had a foundation allowance in an amount at least equal to the amount of the basic foundation allowance for the immediately preceding state fiscal year, the district shall receive a foundation allowance in an amount equal to the sum of the district's foundation allowance for the immediately preceding state fiscal year plus the dollar amount of the adjustment from the immediately preceding state fiscal year to the current state fiscal year in the basic foundation allowance.

(c) For 1998-99, each district's foundation allowance shall be at least \$5,170.00.

(4) To ensure that a district receives the district's foundation allowance, there is allocated to each district a state portion of the district's foundation allowance in an amount calculated under this subsection. The state portion of a district's foundation allowance is an amount equal to the district's foundation allowance or \$6,500.00, whichever is less, minus the difference between the product of the taxable value per membership pupil of all property in the district that is not a homestead or qualified agricultural property times the lesser of 18 mills or the number of mills of school operating taxes levied by the district in 1993-94 and the quotient of the ad valorem property tax revenue of the district captured under 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174, or the Brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, divided by the district's membership excluding special education pupils. For a district that has a millage reduction required under section 31 of article IX of the state constitution of 1963, except for a district that was notified of such a millage reduction in 1996 after the last permissible date to schedule an election to override that millage reduction, the state portion of the district's foundation allowance shall be calculated as if that reduction did not occur. For each fiscal year after 1994-95, the \$6,500.00 amount prescribed in this subsection shall be adjusted each year by an amount equal to the dollar amount of the difference between the basic foundation allowance for the current state fiscal year and \$5,000.00.

(5) The allocation under this section for a pupil shall be based on the foundation allowance of the pupil's district of residence. However, for a pupil enrolled pursuant to section 105 in a district other than the pupil's district of residence but within the same intermediate district, the allocation under this section shall be based on the lesser of the foundation allowance of the pupil's district of residence or the foundation allowance of the educating district. For a pupil in membership in a K-5, K-6, or K-8 district who is enrolled in another district in a grade not offered by the pupil's district of residence, the allocation under this section shall be based on the foundation allowance of the educating district if the educating district's foundation allowance is greater than the foundation allowance of the pupil's district of residence.

(6) Subject to subsection (7) and except as otherwise provided in this subsection, for pupils in membership, other than special education pupils, in a public school academy or a university school, there is allocated under this section for 1997-98 and for 1998-99 to the authorizing body that is the fiscal agent for the public school academy for forwarding to the public school academy, or to the board of the public university operating the university school, an amount per membership pupil other than special education pupils in the public school academy or university school equal to the sum of the local school operating revenue per membership pupil other than special education pupils for the district in which the public school academy or university school is located and the state portion of that district's foundation allowance, or the sum of the basic foundation allowance under subsection (1) plus \$500.00, whichever is less. Notwithstanding section 101(2), for a public school academy that begins operations in 1997-98 or 1998-99, as applicable, after the pupil membership count day, the amount per membership pupil calculated under this subsection shall be adjusted by multiplying that amount per membership pupil by the number of hours of pupil instruction provided by the public school academy after it begins operations, as determined by the department, divided by the minimum number of hours of pupil instruction required under section 1284 of the revised school code, MCL 380.1284. The result of this calculation shall not exceed the amount per membership pupil otherwise calculated under this subsection. Also, a public school academy that begins operations in 1997-98 or 1998-99, as applicable, after the pupil membership count day shall not receive any funds under this section unless the public school academy provides for the school year a number of hours of pupil instruction that is at least in the same proportion to the minimum number of hours of pupil instruction required under section 1284 of the revised school code, MCL 380.1284, as the number of

days of pupil instruction provided by the public school academy for the school year is in proportion to the number of days of pupil instruction required under section 1284 of the revised school code, MCL 380.1284.

(7) If more than 25% of the pupils residing within a district are in membership in 1 or more public school academies located in the district, then the amount per membership pupil allocated under this section to the authorizing body that is the fiscal agent for a public school academy located in the district for forwarding to the public school academy shall be reduced by an amount equal to the difference between the product of the taxable value per membership pupil of all property in the district that is not a homestead or qualified agricultural property times the lesser of 18 mills or the number of mills of school operating taxes levied by the district in 1993-94 and the quotient of the ad valorem property tax revenue of the district captured under 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174, or the Brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, divided by the district's membership excluding special education pupils, in the school fiscal year ending in the current state fiscal year, calculated as if the resident pupils in membership in 1 or more public school academies located in the district were in membership in the district. In order to receive state school aid under this act, a district described in this subsection shall pay to the authorizing body that is the fiscal agent for a public school academy located in the district for forwarding to the public school academy an amount equal to that local school operating revenue per membership pupil for each resident pupil in membership other than special education pupils in the public school academy, as determined by the department.

(8) If a district does not receive a payment under subsection (9); if the number of mills the district may levy on a homestead and qualified agricultural property under section 1211(1) of the revised school code, MCL 380.1211, is 0.5 mills or less; and if the district elects not to levy those mills, the district instead shall receive a separate supplemental payment under this subsection in an amount equal to the amount the district would have received had it levied those mills, as determined by the department of treasury. A district shall not receive a separate supplemental payment under this subsection for a fiscal year unless in the calendar year ending in the fiscal year the district levies 18 mills or the number of mills of school operating taxes levied by the district in 1993, whichever is less, on property that is not a homestead or qualified agricultural property.

(9) For a district that had combined state and local revenue per membership pupil in the 1993-94 state fiscal year of more than \$6,500.00 and that had fewer than 350 pupils in membership, if the district elects not to reduce the number of mills from which a homestead and qualified agricultural property are exempt and not to levy school operating taxes on a homestead and qualified agricultural property as provided in section 1211(1) of the revised school code, MCL 380.1211, and not to levy school operating taxes on all property as provided in section 1211(2) of the revised school code, MCL 380.1211, there is allocated under this subsection for 1994-95 and each succeeding fiscal year a separate supplemental payment in an amount equal to the amount the district would have received per membership pupil had it levied school operating taxes on a homestead and qualified agricultural property at the rate authorized for the district under section 1211(1) of the revised school code, MCL 380.1211, and levied school operating taxes on all property at the rate authorized for the district under section 1211(2) of the revised school code, MCL 380.1211, as determined by the department of treasury. A district shall not receive a separate supplemental payment under this subsection for a fiscal year OTHER THAN 1997-98 unless in the calendar year ending in the fiscal year the district levies 18 mills or the number of mills of school operating taxes levied by the district in 1993, whichever is less, on property that is not a homestead or qualified agricultural property.

BEGINNING WITH THE 1998-99 FISCAL YEAR, IF IN THE CALENDAR YEAR ENDING IN THE FISCAL YEAR A DISTRICT DOES NOT LEVY 18 MILLS OR THE NUMBER OF MILLS OF SCHOOL OPERATING TAXES LEVIED BY THE DISTRICT IN 1993, WHICHEVER IS LESS, ON PROPERTY THAT IS NOT A HOMESTEAD OR QUALIFIED AGRICULTURAL PROPERTY, THE PAYMENT UNDER THIS SUBSECTION WILL BE REDUCED BY THE SAME PERCENTAGE AS THE MILLAGE ACTUALLY LEVIED COMPARES TO THE 18 MILLS OR THE NUMBER OF MILLS LEVIED IN 1993, WHICHEVER IS LESS.

(10) A district or public school academy may use any funds allocated under this section in conjunction with any federal funds for which the district or public school academy otherwise would be eligible.

(11) For a district that is formed or reconfigured after June 1, 1994 by consolidation of 2 or more districts or by annexation, the resulting district's foundation allowance under this section beginning after the effective date of the consolidation or annexation shall be the average of the foundation allowances of each of the original or affected districts, calculated as provided in this section, weighted as to the percentage of pupils in total membership in the resulting district who reside in the geographic area of each of the original districts. If an affected district's foundation allowance is less than the basic foundation allowance, the amount of that district's foundation allowance shall be considered for the purpose of calculations under this subsection to be equal to the amount of the basic foundation allowance.

(12) Each fraction used in making calculations under this section shall be rounded to the fourth decimal place and the dollar amount of an increase in the basic foundation allowance shall be rounded to the nearest whole dollar.

(13) State payments related to payment of the foundation allowance for a special education pupil are not funded under this section but are instead funded under section 51a.

(14) To assist the legislature in determining the basic foundation allowance for the subsequent state fiscal year, except for the January 1998 revenue estimating conference, each revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b, shall calculate a pupil membership factor, a revenue adjustment factor, and an index as follows:

(a) The pupil membership factor shall be computed by dividing the estimated membership in the school year ending in the current state fiscal year, excluding intermediate district membership, by the estimated membership for the school year ending in the subsequent state fiscal year, excluding intermediate district membership. If a consensus membership factor is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(b) The revenue adjustment factor shall be computed by dividing the sum of the estimated total state school aid fund revenue for the subsequent state fiscal year plus the estimated total state school aid fund revenue for the current state fiscal year, adjusted for any change in the rate or base of a tax the proceeds of which are deposited in that fund and excluding money transferred into that fund from the countercyclical budget and economic stabilization fund under section 353e of the management and budget act, 1984 PA 431, MCL 18.1353e, by the sum of the estimated total school aid fund revenue for the current state fiscal year plus the estimated total state school aid fund revenue for the immediately preceding state fiscal year, adjusted for any change in the rate or base of a tax the proceeds of which are deposited in that fund. If a consensus revenue factor is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(c) The index shall be calculated by multiplying the pupil membership factor by the revenue adjustment factor. However, for 1998-99 only, the index shall be 1.00. If a consensus index is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

~~(15) If the principals at the revenue estimating conference reach a consensus on the index described in subsection (14)(c), the basic foundation allowance for the subsequent state fiscal year shall be at least the amount of that consensus index multiplied by the basic foundation allowance specified in subsection (1).~~

~~(16) If the estimated amount of total state school aid fund revenue available for 1998-99 as estimated at the May 1998 revenue estimating conference is greater than \$9,036,198,400.00, then the revenue estimating conference shall estimate the increase in the basic foundation allowance for 1998-99 and it is the intent of the legislature that the amount of the basic foundation allowance for 1998-99 shall be increased accordingly.~~

(15) ~~(17)~~ If the pupil membership, excluding intermediate district membership, for the school year ending in the next state fiscal year is estimated at the January revenue estimating conference to be greater than 101% of the pupil membership, excluding intermediate district membership, for the school year ending in the current state fiscal year, then it is the intent of the legislature that the executive budget proposal for the school aid budget in the subsequent state fiscal year incorporate a general fund/general purpose allocation that is greater than the general fund/general purpose allocation in the current fiscal year, to support the estimated membership in excess of 101% of the membership in the current year.

(16) ~~(18)~~ As used in this section:

(a) "Combined state and local revenue per membership pupil" means the aggregate of the district's state school aid received by or paid on behalf of the district under this section and the district's local school operating revenue, divided by the district's membership excluding special education pupils.

(b) "Current state fiscal year" means the state fiscal year for which a particular calculation is made.

(c) "Homestead" means that term as defined in section 1211 of the revised school code, MCL 380.1211.

(d) "Immediately preceding state fiscal year" means the state fiscal year immediately preceding the current state fiscal year.

(e) "Local school operating revenue" means school operating taxes levied under section 1211 of the revised school code, MCL 380.1211.

(f) "Local school operating revenue per membership pupil" means a district's local school operating revenue divided by the district's membership excluding special education pupils.

(g) "Membership" means the definition of that term under section 6 as in effect for the particular fiscal year for which a particular calculation is made.

(h) "Qualified agricultural property" means that term as defined in section 1211 of the revised school code, MCL 380.1211.

(i) "School operating purposes" means the purposes included in the operation costs of the district as prescribed in sections 7 and 18.

(j) "School operating taxes" means local ad valorem property taxes levied under section 1211 of the revised school code, MCL 380.1211, and retained for school operating purposes.

(k) "Taxable value per membership pupil" means taxable value, as certified by the department of treasury, for the calendar year ending in the current state fiscal year divided by the district's membership excluding special education pupils for the school year ending in the current state fiscal year.

SEC. 20B. (1) FROM THE STATE SCHOOL AID FUND MONEY APPROPRIATED IN SECTION 11 FOR 1998-99, THERE IS ALLOCATED FOR 1998-99 ONLY AN AMOUNT NOT TO EXCEED \$91,350,000.00 FOR PAYMENTS TO DISTRICTS AND INTERMEDIATE DISTRICTS UNDER THIS SECTION.

(2) THE TOTAL AMOUNT ALLOCATED TO DISTRICTS UNDER THIS SECTION IS \$90,600,000.00. THE AMOUNT OF THE PAYMENT TO EACH DISTRICT UNDER THIS SECTION SHALL BE AS FOLLOWS:

(A) FOR A DISTRICT WITH A 1998-99 FOUNDATION ALLOWANCE UNDER SECTION 20 AT LEAST EQUAL TO THE AMOUNT OF THE 1998-99 BASIC FOUNDATION ALLOWANCE UNDER SECTION 20, AN AMOUNT EQUAL TO \$51.00 PER 1998-99 MEMBERSHIP PUPIL OF THE DISTRICT.

(B) FOR A DISTRICT WITH A 1998-99 FOUNDATION ALLOWANCE UNDER SECTION 20 OF LESS THAN THE AMOUNT OF THE 1998-99 BASIC FOUNDATION ALLOWANCE UNDER SECTION 20, AN AMOUNT PER 1998-99 MEMBERSHIP PUPIL OF THE DISTRICT EQUAL TO THE AMOUNT CALCULATED BY MULTIPLYING 2 TIMES \$51.00 AND SUBTRACTING FROM THAT PRODUCT THE PRODUCT OF \$51.00 TIMES THE QUOTIENT OF (THE DISTRICT'S 1997-98 FOUNDATION ALLOWANCE UNDER SECTION 20 MINUS \$5,124.00) DIVIDED BY \$338.00.

(3) THE TOTAL AMOUNT ALLOCATED TO INTERMEDIATE DISTRICTS UNDER THIS SECTION IS \$750,000.00. THE AMOUNT OF THE PAYMENT TO EACH INTERMEDIATE DISTRICT UNDER THIS SECTION SHALL BE AN AMOUNT EQUAL TO 0.9% OF THE SUM OF THE AMOUNT OF FUNDING ACTUALLY RECEIVED BY THE INTERMEDIATE DISTRICT UNDER SECTION 81(1) FOR 1997-98 AND THE AMOUNT OF FUNDING ACTUALLY RECEIVED BY THE INTERMEDIATE DISTRICT UNDER FORMER SECTION 11B AS IN EFFECT FOR 1996-97.

(4) NOTWITHSTANDING SECTION 17B, THE PAYMENTS DUE TO A DISTRICT OR INTERMEDIATE DISTRICT UNDER THIS SECTION SHALL BE MADE IN 7 EQUAL INSTALLMENTS AND SHALL BE INCLUDED IN THE MONTHLY PAYMENTS UNDER SECTION 17B FOR EACH MONTH FROM FEBRUARY 1999 THROUGH AUGUST 1999.

Sec. 24. (1) Subject to subsection (2), from the appropriation in section 11, there is allocated for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 to the educating district or intermediate district an amount equal to 100% of the added cost each fiscal year for educating all pupils assigned by a court or the family independence agency to reside in or to attend a juvenile detention facility or child caring institution licensed by the family independence agency and approved by the department to provide an on-grounds education program. The total amount to be paid ~~for 1997-98 and for 1998-99~~ under this section for added cost shall not exceed \$7,000,000.00 each fiscal year FOR 1997-98 AND 1998-99 AND SHALL NOT EXCEED \$7,900,000.00 FOR 1999-2000. For the purposes of this section, "added cost" shall be computed by deducting all other revenue received under this act for pupils described in this section from total costs, as approved by the department, for educating those pupils in the on-grounds education program or in a program approved by the department that is located on property adjacent to a juvenile detention facility or child caring institution. Costs reimbursed by federal funds are not included.

(2) A district or intermediate district educating pupils described in this section at a residential child caring institution may operate, and receive funding under this section for, a department-approved on-grounds educational program for those pupils that is longer than 181 days, but not longer than 233 days, if the child caring institution offered in 1991-92 an on-grounds educational program longer than 181 days but not longer than 233 days.

(3) Special education pupils funded under section 53a shall not be funded under this section.

Sec. 26a. From the general fund appropriation in section 11, there is allocated for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 an amount not to exceed \$6,584,200.00 each fiscal year to reimburse districts, intermediate districts, and the state school aid fund pursuant to section 12 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692, for taxes levied in 1997 and 1998, respectively. This reimbursement shall be made by adjusting payments under section 20 to eligible districts, adjusting payments under section 56, 62, or 81 to eligible intermediate districts, and adjusting the state school aid fund. The adjustments shall be made not later than 60 days after the department of treasury certifies to the department and to the department of management and budget that the department of treasury has received all necessary information to properly determine the amounts due to each eligible recipient.

Sec. 31a. (1) From the state school aid fund money appropriated in section 11, there is allocated for 1997-98 an amount not to exceed \$250,000,000.00, ~~and~~ for 1998-99 an amount not to exceed \$260,000,000.00, AND FOR 1999-2000 AN AMOUNT NOT TO EXCEED \$269,100,000.00, for payments to eligible districts and eligible public school academies under this section. Subject to subsection (11), the amount of the additional allowance under this section shall be based on the number of actual pupils in membership in the district or public school academy who met the income eligibility criteria for free breakfast, lunch, or milk in the immediately preceding state fiscal year, as determined under the national school lunch act, chapter 281, 60 Stat. 230, 42 U.S.C. 1751 to 1753, 1755 to 1761, 1762a, 1765 to 1766b, 1769, 1769b to 1769c, and 1769f to 1769h, and reported to the department by October 31 of the

immediately preceding fiscal year and adjusted not later than December 31 of the immediately preceding fiscal year. However, for a public school academy that began operations as a public school academy after the pupil membership count day of the immediately preceding school year, the basis for the additional allowance under this section shall be the number of actual pupils in membership in the public school academy who met the income eligibility criteria for free breakfast, lunch, or milk in the current state fiscal year, as determined under the national school lunch act.

(2) To be eligible to receive funding under this section, a district or public school academy that has not been previously determined to be eligible shall apply to the department, in a form and manner prescribed by the department, and a district or public school academy must meet all of the following:

(a) The district's or public school academy's combined state and local revenue per membership pupil in the current state fiscal year, as calculated under section 20, is less than or equal to \$6,500.00 adjusted by the dollar amount of the difference between the basic foundation allowance under section 20 for the current state fiscal year and \$5,000.00.

(b) The district or public school academy agrees to use the funding only for purposes allowed under this section and to comply with the program and accountability requirements under this section.

(3) Except as otherwise provided in this subsection, an eligible district or eligible public school academy shall receive under this section for each membership pupil in the district or public school academy who met the income eligibility criteria for free breakfast, lunch, or milk, as determined under the national school lunch act and as reported to the department by October 31 of the immediately preceding fiscal year and adjusted not later than December 31 of the immediately preceding fiscal year, an amount per pupil equal to 11.5% of the district's foundation allowance or public school academy's per pupil allocation under section 20, not to exceed \$6,500.00 adjusted by the dollar amount of the difference between the basic foundation allowance under section 20 for the current state fiscal year and \$5,000.00, or of the public school academy's per membership pupil allocation under section 20 for the current state fiscal year. A public school academy that began operations as a public school academy after the pupil membership count day of the immediately preceding school year shall receive under this section for each membership pupil in the public school academy who met the income eligibility criteria for free breakfast, lunch, or milk, as determined under the national school lunch act and as reported to the department by October 31 of the current fiscal year and adjusted not later than December 31 of the current fiscal year, an amount per pupil equal to 11.5% of the public school academy's per membership pupil allocation under section 20 for the current state fiscal year.

(4) Except as otherwise provided in this section, a district or public school academy receiving funding under this section shall use that money only to provide instructional programs and direct noninstructional services, including, but not limited to, medical or counseling services, for at-risk pupils and for the purposes of subsection (5) or section 31c and shall not use any of that money for administrative costs or to supplant another program or other funds, except for funds allocated to the district or public school academy under this section in the immediately preceding year and already being used by the district or public school academy for at-risk pupils. The instruction or direct noninstructional services provided under this section may be conducted before or after regular school hours or by adding extra school days to the school year and may be conducted using a tutorial method, with paraprofessionals working under the supervision of a certificated teacher. The ratio of pupils to paraprofessionals shall be between 10:1 and 15:1. Only 1 certificated teacher is required to supervise instruction using a tutorial method. As used in this subsection, "to supplant another program" means to take the place of a previously existing instructional program or direct noninstructional services funded from a funding source other than funding under this section.

(5) A district or public school academy that receives funds under this section and that operates a school breakfast program under section 1272a of the revised school code, MCL 380.1272a, shall use from the funds received under this section an amount, not to exceed \$10.00 per pupil for whom the district or public school academy receives funds under this section, necessary to operate the school breakfast program. A district or public school academy that receives funds under this section and that operates a school lunch program under section 1272a of the revised school code, MCL 380.1272a, shall use from the funds received under this section an amount, not to exceed \$10.00 per pupil for whom the district or public school academy receives funds under this section, necessary to operate the school lunch program.

(6) Each district or public school academy receiving funds under this section shall submit to the department by May 20 of each fiscal year a report, not to exceed 10 pages, on the usage by the district or public school academy of funds under this section, which report shall include at least a brief description of each program conducted by the district or public school academy using funds under this section, the amount of funds under this section allocated to each of those programs, and the number of at-risk pupils served by each of those programs. If a district or public school academy does not comply with this subsection, the department shall withhold an amount equal to the June payment due under this section until the district or public school academy complies with this subsection. If the district or public school academy does not comply with this subsection by the end of the state fiscal year, the withheld funds shall be forfeited to the school aid fund.

(7) In order to receive funds under this section, a district or public school academy shall allow access for the department or the department's designee to audit all records related to the program for which it receives those funds. The district or public school academy shall reimburse the state for all disallowances found in the audit.

(8) Subject to subsection (5), any district may use up to 100% of the funds it receives under this section to reduce the ratio of pupils to teachers in grades K-6, or any combination of those grades, in school buildings in which the

percentage of pupils described in subsection (1) exceeds the district's aggregate percentage of those pupils. Subject to subsection (5), if a district obtains a waiver from the department, the district may use up to 100% of the funds it receives under this section to reduce the ratio of pupils to teachers in grades K-6, or any combination of those grades, in school buildings in which the percentage of pupils described in subsection (1) is at least 60% of the district's aggregate percentage of those pupils and at least 30% of the total number of pupils enrolled in the school building. To obtain a waiver, a district must apply to the department and demonstrate to the satisfaction of the department that the class size reductions would be in the best interests of the district's at-risk pupils.

(9) For 1997-98, a district that is located in a county with a population of more than 350,000 and less than 480,000 and that has more than 10,000 pupils in membership shall expend funds received under this section, other than the amount described in subsection (5), attributable to pupils enrolled in grades K-3 for the purpose of reducing class size in grades K-3 in the district to an average of not more than 17 pupils per class, with not more than 19 pupils in any particular class, in each school building in the district in which pupils described in subsection (1) constitute at least 25% of the total number of pupils in the building.

(10) A district or public school academy may use funds received under this section for adult high school completion, general education development (G.E.D.) test preparation, or adult basic education programs described in section 107.

(11) If necessary, and before any proration required under section 11, the department shall prorate payments under this section by reducing the amount of the per pupil payment under this section by a dollar amount calculated by determining the amount by which the amount necessary to fully fund the requirements of this section exceeds the maximum amount allocated under this section and then dividing that amount by the total statewide number of pupils who met the income eligibility criteria for free breakfast, lunch, or milk in the immediately preceding fiscal year, as described in subsection (1).

(12) If a district is formed by consolidation after June 1, 1995, and if 1 or more of the original districts was not eligible before the consolidation for an additional allowance under this section, the amount of the additional allowance under this section for the consolidated district shall be based on the number of pupils described in subsection (1) enrolled in the consolidated district who reside in the territory of an original district that was eligible before the consolidation for an additional allowance under this section.

(13) ~~It is the intent of the legislature that, beginning~~ BEGINNING in 1999-2000, a district or public school academy that does not meet the eligibility requirement under subsection (2)(a) ~~may be~~ IS eligible for funding under this section if at least 1/3 of the pupils in membership in the district or public school academy met the income eligibility criteria for free breakfast, lunch, or milk in the immediately preceding state fiscal year, as determined and reported as described in subsection (1), and at least 5,000 of the pupils in membership in the district or public school academy met the income eligibility criteria for free breakfast, lunch, or milk in the immediately preceding state fiscal year, as determined and reported as described in subsection (1). A district or public school academy that is eligible for funding under this section for 1999-2000 because the district meets the requirements of this subsection shall receive under this section for each membership pupil in the district or public school academy who met the income eligibility criteria for free breakfast, lunch, or milk in the immediately preceding fiscal year, as determined and reported as described in subsection (1), an amount per pupil equal to 5.75% of the district's foundation allowance or public school academy's per pupil allocation under section 20, not to exceed \$6,500.00 adjusted by the dollar amount of the difference between the basic foundation allowance under section 20 for the current state fiscal year and \$5,000.00.

(14) ~~It is the intent of the legislature that, beginning~~ BEGINNING in 1999-2000, the total amount allocated under this section for a fiscal year shall be increased from the total amount allocated under this section for the immediately preceding fiscal year by the same percentage as the percentage increase in the amount of the basic foundation allowance under section 20 for that fiscal year from the amount of the basic foundation allowance under section 20 for the immediately preceding fiscal year.

(15) As used in this section, "at-risk pupil" means a pupil for whom the district has documentation that the pupil meets at least 2 of the following criteria: is a victim of child abuse or neglect; is below grade level in English language and communication skills or mathematics; is a pregnant teenager or teenage parent; is eligible for a federal free or reduced-price lunch subsidy; has atypical behavior or attendance patterns; or has a family history of school failure, incarceration, or substance abuse. For pupils for whom the results of at least the applicable MEAP test have been received, at-risk pupil also includes a pupil who does not meet the other criteria under this subsection but who did not achieve at least a score of moderate on the most recent MEAP reading test for which results for the pupil have been received, did not achieve at least a score of moderate on the most recent MEAP mathematics test for which results for the pupil have been received, or achieved less than 50% of the objectives on the most recent MEAP science test for which results for the pupil have been received. For pupils in grades K-3, at-risk pupil also includes a pupil who is at risk of not meeting the district's core academic curricular objectives in English language, communication skills, or mathematics.

SEC. 31B. FROM THE STATE SCHOOL AID FUND APPROPRIATION IN SECTION 11, AN AMOUNT NOT TO EXCEED \$1,250,000.00 IS ALLOCATED FOR 1999-2000 TO DISTRICTS LOCATED IN CITIES WITH A POPULATION GREATER THAN 100,000 OR IN WHICH AT LEAST 75% OF THE PUPILS IN MEMBERSHIP

MET THE INCOME ELIGIBILITY CRITERIA FOR FREE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, AS DETERMINED AND REPORTED AS DESCRIBED IN SECTION 31A(1), TO BE USED TO EXTEND THE TIME SCHOOLS OF THE DISTRICT ARE OPEN BY AN EXTRA 3 HOURS PER SCHOOL DAY. FUNDS SHALL BE DISTRIBUTED TO ELIGIBLE DISTRICTS ON A PRORATED BASIS, USING TOTAL NUMBER OF PUPILS PER DISTRICT AS THE BASIS FOR THE PRORATION. DURING THE EXTRA 3 HOURS PER SCHOOL DAY, A DISTRICT RECEIVING FUNDS UNDER THIS SECTION SHALL USE THE FUNDS FOR 1 OR MORE OF THE FOLLOWING NONATHLETIC PROGRAM AREAS:

- (A) ACADEMIC GAMES.
- (B) COMPUTER LITERACY PROGRAMS.
- (C) PEER MEDIATION PROGRAMS.
- (D) CONFLICT RESOLUTION PROGRAMS.
- (E) TUTORIAL PROGRAMS.
- (F) LITERACY PROGRAMS.

Sec. 31c. (1) From the state school aid fund appropriation in section 11, there is allocated for 1997-98 an amount not to exceed \$100,000.00 for planning grants to districts that are awarded pilot program grants under subsections (2) to (8) for 1998-99. An application for a grant under this subsection shall be in the form and manner prescribed by the superintendent of public instruction. The amount of each grant under this subsection shall be in the same proportion to the total allocation under this subsection as the proportion that the amount of the district's grant under subsections (2) to (8) bears to the total allocation under subsection (2). These planning grants shall be distributed not later than April 20, 1998.

(2) From the state school aid fund appropriation in section 11, there is allocated for 1998-99 AND FOR 1999-2000 an amount not to exceed \$19,750,000.00 EACH FISCAL YEAR for grants to eligible districts for pilot programs to maintain or establish small classes in grades K to 3 in eligible school buildings in the district.

(3) To be eligible for a grant under subsection (2), a district must have at least 1 eligible school building and shall apply to the superintendent of public instruction not later than February 1, 1998 in the form and manner prescribed by the superintendent of public instruction. The department shall make applications available for this purpose not later than December 15, 1997. A district shall include in its application a projected budget for maintaining or establishing small classes in grades K to 3 and shall demonstrate in the projected budget that at least \$2,000,000.00 or 25% of the funds received by the district under section 31a, whichever is less, will be used to support small classes under this section. The superintendent of public instruction shall approve or disapprove applications and notify the applying district of that decision not later than April 1, 1998.

(4) For a school building to be eligible for funding under this section, the school building must operate at least 1 of grades K to 3; the school building must be operated by a district that operates all of grades K to 12 and that receives funds under section 31a; and at least 50% of the actual pupils enrolled in the school building in the immediately preceding fiscal year must have been eligible for free lunch, as determined under the national school lunch act, chapter 281, 60 Stat. 230, 42 U.S.C. 1751 to 1753, 1755 to 1761, 1762a, 1765 to 1766b, 1769, 1769b to 1769c, and 1769f, and reported to the department not later than October 31 of the immediately preceding fiscal year and adjusted not later than December 31 of the immediately preceding fiscal year.

(5) Not more than 25% of the total allocation under subsection (2) may be paid to any 1 particular district. The department shall make allocations under subsection (2) to at least 12 districts, and the districts shall be geographically diverse.

(6) A district receiving funds under subsection (2) shall use the funds to maintain or establish small classes in grades K to 3 in school buildings of the district for which funds are received under this section. The average class size shall be not more than 17 pupils per class, with not more than 19 pupils in any particular class. A district receiving funds under subsection (2) shall use at least \$2,000,000.00 or 25% of the funds the district receives for 1998-99 under section 31a, whichever is less, for the purposes of this section.

(7) Funding to districts under this section for 1998-99 is intended to be for the first of 4 years of funding AND FUNDING TO DISTRICTS UNDER THIS SECTION FOR 1999-2000 IS INTENDED TO BE FOR THE SECOND OF 4 YEARS OF FUNDING.

(8) From the general fund appropriation in section 11, there is allocated to the department for 1998-99 an amount not to exceed \$250,000.00 for a study of the effectiveness of small classes in improving pupil performance. THE FUNDS ALLOCATED UNDER THIS SUBSECTION MAY BE EXPENDED AFTER THE 1998-99 FISCAL YEAR THROUGH THE END OF EITHER THE FOURTH FISCAL YEAR OF FUNDING UNDER THIS SECTION OR THE FINAL FISCAL YEAR OF FUNDING UNDER THIS SECTION, WHICHEVER OCCURS EARLIER.

Sec. 36. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed \$55,000,000.00 for 1997-98, ~~and~~ an amount not to exceed \$55,000,000.00 for 1998-99, AND AN AMOUNT NOT TO EXCEED \$60,000,000.00 FOR 1999-2000 for school readiness grants to enable eligible districts, as determined under section 37, to develop or expand, in conjunction with whatever federal funds may be available,

including, but not limited to, federal funds under title I of the elementary and secondary education act of 1965, Public Law 89-10, 108 Stat. 3519, chapter 1 of title I of the Hawkins-Stafford elementary and secondary school improvement amendments of 1988, Public Law 89-10, 102 Stat. 140, and the head start act, subchapter B of chapter 8 of subtitle A of title VI of the omnibus budget reconciliation act of 1981, Public Law 97-35, 42 U.S.C. 9831 to 9835, 9836 to 9844, 9846, and 9848 to 9852a, comprehensive compensatory programs designed to improve the readiness and subsequent achievement of educationally disadvantaged children as defined by the department who will be at least 4, but less than 5 years of age, as of December 1 of the school year in which the programs are offered, and who show evidence of 2 or more risk factors as defined in the state board report entitled "children at risk" that was adopted by the state board on April 5, 1988. A comprehensive compensatory program funded under this section shall include an age-appropriate educational curriculum, nutritional services, health screening for participating children, a plan for parent and legal guardian involvement, and provision of referral services for families eligible for community social services. In addition, from the general fund money appropriated in section 11, there is allocated for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 an amount not to exceed \$200,000.00 each fiscal year for the purposes of subsection (2).

(2) From the general fund allocation in subsection (1), there is allocated each fiscal year for 1997-98, ~~and~~ 1998-99, AND 1999-2000 an amount not to exceed \$200,000.00 for a competitive grant to continue a longitudinal evaluation of children who have participated in the Michigan school readiness program.

(3) A district receiving a grant under this section may contract for the provision of the comprehensive compensatory program and retain for administrative services an amount equal to not more than 5% of the grant amount.

Sec. 36a. (1) From the general fund appropriation in section 11, there is allocated an amount not to exceed \$2,000,000.00 EACH FISCAL YEAR for 1998-99 AND FOR 1999-2000 to the department for grants for community based collaborative prevention services designed to foster positive parenting skills; improve parent/child interaction, especially for children 0-3 years of age; promote access to needed community services; increase local capacity to serve families at risk; improve school readiness; and support healthy family environments that discourage alcohol, tobacco, and other drug use. This appropriation is to fund secondary prevention programs as defined by the children's trust fund for the prevention of child abuse and neglect.

(2) The funds allocated under this section shall be distributed through a joint request for proposals process established by the department in conjunction with the children's trust fund and the state's interagency systems reform workgroup. Projects funded with grants awarded under this section must meet all of the following:

(a) Be secondary prevention initiatives and voluntary to consumers. This appropriation is not intended to serve the needs of children for whom and families in which neglect or abuse has been substantiated.

(b) Demonstrate that the planned services are part of a community's integrated comprehensive family support strategy endorsed by the local multi-purpose collaborative body.

(c) Provide a 25% local match, of which not more than 10% may be in-kind services, unless this requirement is waived by the interagency systems reform workgroup.

Sec. 41. From the appropriation in section 11, there is allocated an amount not to exceed \$4,212,000.00 each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 to applicant districts and intermediate districts offering programs of bilingual instruction for pupils of limited English-speaking ability under section 1153 of the revised school code, MCL 380.1153. Reimbursement shall be on a per pupil basis and shall be based on the number of pupils of limited English-speaking ability in membership on the pupil membership count day. Funds allocated under this section shall be used solely for bilingual instruction in speaking, reading, writing, or comprehension of pupils of limited English-speaking ability.

Sec. 51a. (1) From the appropriation in section 11, there is allocated \$818,786,700.00 for 1997-98 to consist of an amount not to exceed \$722,853,300.00 from state sources and \$95,933,400.00 in federal funding under sections 611 to 620 of part B of the individuals with disabilities education act, title VI of Public Law 91-230, 20 U.S.C. 1411 to 1420, plus any carryover federal funds from previous year appropriations; ~~and~~ there is allocated for 1998-99 an amount not to exceed ~~\$771,053,300.00~~ \$760,148,600.00 from state sources and all available federal funding, estimated at \$120,000,000.00, plus any carryover federal funds from previous year appropriations; ~~and~~ AND THERE IS ALLOCATED FOR 1999-2000 AN AMOUNT NOT TO EXCEED \$818,600,000.00 FROM STATE SOURCES AND ALL AVAILABLE FEDERAL FUNDING, ESTIMATED AT \$120,000,000.00, PLUS ANY CARRYOVER FEDERAL FUNDS FROM PREVIOUS YEAR APPROPRIATIONS. THE ALLOCATIONS UNDER THIS SUBSECTION ARE for the purpose of reimbursing districts and intermediate districts for special education programs, services, and special education personnel as prescribed in article 3 of the revised school code, MCL 380.1701 to 380.1766; net tuition payments made by intermediate districts to the Michigan schools for the deaf and blind; and programs for pupils with handicaps as defined by the department. For meeting the costs of special education programs and services not reimbursed under this article, a district or intermediate district may use money in general funds or special education funds, not otherwise restricted, or contributions from districts to intermediate districts, tuition payments, gifts and contributions from individuals, or federal funds that may be available for this purpose, as determined by the intermediate district plan prepared pursuant to article 3 of the revised school code, MCL 380.1701 to 380.1766.

(2) From the funds allocated under subsection (1), there is allocated for 1997-98 and for 1998-99 the amount necessary, estimated at \$620,906,100.00 for 1997-98, ~~and~~ ~~\$672,274,000.00~~ \$657,239,100.00 for 1998-99, AND

\$714,848,100.00 FOR 1999-2000, for payments toward reimbursing districts and intermediate districts for 28.6138% of total approved costs of special education, excluding costs reimbursed under section 53a, and 70.4165% of total approved costs of special education transportation. Allocations under this subsection shall be made as follows:

(a) The initial amount allocated to a district under this subsection toward fulfilling the specified percentages shall be calculated by multiplying the district's special education pupil membership, excluding pupils described in subsection (13), times the foundation allowance under section 20 of the pupil's district of residence, not to exceed \$6,500.00 adjusted by the dollar amount of the difference between the ~~1997-98 and 1998-99~~ basic foundation allowance under section 20 FOR THE CURRENT FISCAL YEAR AND FOR THE IMMEDIATELY PRECEDING FISCAL YEAR and \$5,000.00, or, for a special education pupil in membership in a district that is a public school academy or university school, times an amount equal to the amount per membership pupil calculated under section 20(6). For an intermediate district, the amount allocated under this subdivision toward fulfilling the specified percentages shall be an amount per special education membership pupil, excluding pupils described in subsection (13), and shall be calculated in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence, not to exceed \$6,500.00 adjusted by the dollar amount of the difference between the ~~1997-98 and 1998-99~~ basic foundation allowance under section 20 FOR THE CURRENT FISCAL YEAR AND THE IMMEDIATELY PRECEDING FISCAL YEAR and \$5,000.00.

(b) After the allocations under subdivision (a), districts and intermediate districts for which the payments under subdivision (a) do not fulfill the specified percentages shall be paid the amount necessary to achieve the specified percentages for the district or intermediate district.

(3) From the funds allocated under subsection (1), there is allocated for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 the amount necessary, estimated at \$29,224,700.00 for 1997-98, ~~and \$26,056,800.00~~ \$28,995,600.00 for 1998-99, AND \$29,400,000.00 FOR 1999-2000, to make payments to districts and intermediate districts under this subsection. If the amount allocated to a district or intermediate district for 1997-98, ~~or~~ 1998-99, OR 1999-2000 under subsection (2)(b) is less than the sum of the amounts allocated to the district or intermediate district for 1996-97 under sections 52 and 58, there is allocated to the district or intermediate district for 1997-98, ~~or~~ for 1998-99, OR FOR 1999-2000, or ~~both~~ ALL OF THEM as applicable, an amount equal to that difference, adjusted by applying the same proration factor that was used in the distribution of funds under section 52 in 1996-97 as adjusted to the district's or intermediate district's necessary costs of special education used in calculations for 1997-98, ~~or~~ 1998-99, OR 1999-2000. This adjustment is to reflect reductions in special education program operations between 1996-97 and 1997-98, ~~or~~ 1998-99, OR 1999-2000 as applicable.

(4) If the department determines that the sum of the amounts allocated for a fiscal year to a district or intermediate district under subsection (2)(a) and (b) is not sufficient to fulfill the specified percentages in subsection (2), then the shortfall shall be paid to the district or intermediate district during the fiscal year beginning on the October 1 following the determination and payments under subsection (3) shall be adjusted as necessary. If the department determines that the sum of the amounts allocated for a fiscal year to a district or intermediate district under subsection (2)(a) and (b) exceeds the sum of the amount necessary to fulfill the specified percentages in subsection (2), then the department shall deduct the amount of the excess from the district's or intermediate district's payments under this act for the fiscal year beginning on the October 1 following the determination and payments under subsection (3) shall be adjusted as necessary. However, if the amount allocated under subsection (2)(a) in itself exceeds the amount necessary to fulfill the specified percentages in subsection (2), there shall be no deduction under this subsection.

(5) State funds shall be allocated on a total approved cost basis. Federal funds shall be allocated under applicable federal requirements, except that an amount not to exceed \$3,100,000.00 may be allocated by the department for 1997-98, and an amount not to exceed \$3,500,000.00 EACH FISCAL YEAR may be allocated by the department for 1998-99 AND FOR 1999-2000, to districts or intermediate districts on a competitive grant basis for programs, equipment, and services that the department determines to be designed to benefit or improve special education on a statewide scale.

(6) From the amount allocated in subsection (1), there is allocated an amount not to exceed \$1,700,000.00 for 1997-98, and an amount not to exceed \$2,200,000.00 EACH FISCAL YEAR for 1998-99 AND FOR 1999-2000, to reimburse 100% of the net increase in necessary costs incurred by a district or intermediate district in implementing the revisions in the administrative rules for special education that became effective on July 1, 1987. As used in this subsection, "net increase in necessary costs" means the necessary additional costs incurred solely because of new or revised requirements in the administrative rules minus cost savings permitted in implementing the revised rules. Net increase in necessary costs shall be determined in a manner specified by the department.

(7) For purposes of this article, all of the following apply:

(a) "Total approved costs of special education" shall be determined in a manner specified by the department and may include indirect costs, but shall not exceed 115% of approved direct costs for section 52 and section 53a programs. The total approved costs include salary and other compensation for all approved special education personnel for the program, including payments for social security and medicare and public school employee retirement system contributions. The total approved costs do not include salaries or other compensation paid to administrative personnel

who are not special education personnel as defined in section 6 of the revised school code, MCL 380.6. Costs reimbursed by federal funds, other than those federal funds included in the allocation made under this article, are not included. Special education approved personnel not utilized full time in the evaluation of students or in the delivery of special education programs, ancillary, and other related services shall be reimbursed under this section only for that portion of time actually spent providing these programs and services, with the exception of special education programs and services provided to youth placed in child caring institutions or juvenile detention programs approved by the department to provide an on-grounds education program.

(b) Reimbursement for ancillary and other related services, as defined by R 340.1701 of the Michigan administrative code, shall not be provided when those services are covered by and available through private group health insurance carriers or federal reimbursed program sources unless the department and district or intermediate district agree otherwise and that agreement is approved by the department of management and budget. Expenses, other than the incidental expense of filing, shall not be borne by the parent. In addition, the filing of claims shall not delay the education of a pupil. A district or intermediate district shall be responsible for payment of a deductible amount and for an advance payment required until the time a claim is paid.

(8) From the allocation in subsection (1), there is allocated for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 an amount not to exceed \$15,313,900.00 each fiscal year to intermediate districts. The payment under this subsection to each intermediate district shall be equal to the amount of the 1996-97 allocation to the intermediate district under this subsection.

(9) A pupil who is enrolled in a full-time special education program conducted or administered by an intermediate district or a pupil who is enrolled in the Michigan schools for the deaf and blind shall not be included in the membership count of a district, but shall be counted in membership in the intermediate district of residence.

(10) Notwithstanding section 6(4), for 1997-98 only, for pupils enrolled in a center program pursuant to an intermediate district plan the department shall use for the February 1997 supplemental count the definition of membership used for the 1997-98 pupil membership count day.

(11) Special education personnel transferred from 1 district to another to implement the revised school code shall be entitled to the rights, benefits, and tenure to which the person would otherwise be entitled had that person been employed by the receiving district originally.

(12) If a district or intermediate district uses money received under this section for a purpose other than the purpose or purposes for which the money is allocated, the department may require the district or intermediate district to refund the amount of money received. Money that is refunded shall be deposited in the state treasury to the credit of the state school aid fund.

(13) From the funds allocated in subsection (1), there is allocated each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 the amount necessary, estimated at \$8,370,600.00 for 1997-98, ~~and~~ \$9,562,000.00 for 1998-99, AND \$10,000,000.00 FOR 1999-2000, to pay the foundation allowances for pupils described in this subsection. The allocation to a district under this subsection shall be calculated by multiplying the number of pupils described in this subsection who are counted in membership in the district times the foundation allowance under section 20 of the pupil's district of residence, not to exceed \$6,500.00 adjusted by the dollar amount of the difference between the ~~1997-98 and 1998-99~~ basic foundation allowance under section 20 FOR THE CURRENT FISCAL YEAR AND FOR THE IMMEDIATELY PRECEDING FISCAL YEAR and \$5,000.00, or, for a pupil described in this subsection who is counted in membership in a district that is a public school academy or university school, times an amount equal to the amount per membership pupil under section 20(6). The allocation to an intermediate district under this subsection shall be calculated in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence, not to exceed \$6,500.00 adjusted by the dollar amount of the difference between the ~~1997-98 and 1998-99~~ basic foundation allowance under section 20 FOR THE CURRENT FISCAL YEAR AND FOR THE IMMEDIATELY PRECEDING FISCAL YEAR and \$5,000.00. This subsection applies to all of the following pupils:

(a) Pupils described in section 53a.

(b) Pupils counted in membership in an intermediate district who are not special education pupils and are served by the intermediate district in a juvenile detention or child caring facility.

(c) Emotionally impaired pupils counted in membership by an intermediate district and provided educational services by the department of community health.

(14) After payments under subsections (2) and (13), the remaining expenditures from the allocation in subsection (1) shall be made in the following order:

(a) 100% of the reimbursement required under section 53a.

(b) 100% of the reimbursement required under subsection (6).

(c) 100% of the payment required under section 54.

(d) 100% of the payment required under subsection (3).

(e) 100% of the payment required under subsection (8).

(f) 100% of the payments under section 56.

Sec. 53a. (1) Reimbursement shall be 100% of the total approved costs of operating special education programs and services approved by the department and included in the intermediate district plan adopted pursuant to article 3 of the revised school code, MCL 380.1701 to 380.1766, minus the foundation allowance calculated under section 20, for the following special education pupils:

(a) Pupils assigned to a district or intermediate district through the community placement program of the courts or a state agency, if the pupil was a resident of another intermediate district at the time the pupil came under the jurisdiction of the court or a state agency.

(b) Pupils who are residents of institutions operated by the department of community health.

(c) Pupils who are former residents of department of community health institutions for the developmentally disabled who are placed in community settings other than the pupil's home.

(d) Pupils who are dependents of foreign diplomats who reside in this state and who are placed in a center program.

(e) Pupils enrolled in a department-approved on-grounds educational program longer than 181 days, but not longer than 233 days, at a residential child care institution, if the child care institution offered in 1991-92 an on-grounds educational program longer than 181 days but not longer than 233 days.

(f) Pupils placed in a district by a parent for the purpose of seeking a suitable home, if the parent does not reside in the same intermediate district as the district in which the pupil is placed.

(2) Only those costs that are clearly and directly attributable to educational programs for pupils described in subsection (1), and that would not have been incurred if the pupils were not being educated in a district or intermediate district, are reimbursable under this section.

(3) The costs of transportation shall be funded under this section but shall not be reimbursed under section 58.

(4) Not more than \$15,000,000.00 for 1997-98, and not more than \$14,500,000.00 EACH FISCAL YEAR for 1998-99 AND 1999-2000, of the allocation in section 51a(1) shall be allocated under this section.

Sec. 54. In addition to the aid received under section 52, each intermediate district shall receive an amount per pupil for each pupil in attendance at the Michigan schools for the deaf and blind. The amount shall be proportionate to the total instructional cost at each school. Not more than \$1,688,000.00 each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 of the allocation in section 51a(1) shall be allocated under this section.

Sec. 56. (1) For the purposes of this section:

(a) "Membership" means for 1997-98 the total membership in 1996-97 of the intermediate district and the districts constituent to the intermediate district; ~~and~~ means for 1998-99 the total membership in 1997-98 of the intermediate district and the districts constituent to the intermediate district; AND MEANS FOR 1999-2000 THE TOTAL MEMBERSHIP IN 1998-99 OF THE INTERMEDIATE DISTRICT AND THE DISTRICTS CONSTITUENT TO THE INTERMEDIATE DISTRICT.

(b) "Millage levied" means the millage levied for special education pursuant to part 30 of the revised school code, MCL 380.1711 to 380.1743, including a levy for debt service obligations.

(c) "Taxable value" means the total taxable value of the districts constituent to an intermediate district, except that if a district has elected not to come under part 30 of the revised school code, MCL 380.1711 to 380.1743, membership and taxable value of the district shall not be included in the membership and taxable value of the intermediate district.

(2) From the allocation under section 51a(1), there is allocated an amount not to exceed \$30,650,000.00 each fiscal year for 1997-98 and for 1998-99 to reimburse intermediate districts levying millages for special education pursuant to part 30 of the revised school code, MCL 380.1711 to 380.1743. The purpose, use, and expenditure of the reimbursement shall be limited as if the funds were generated by these millages and governed by the intermediate district plan adopted pursuant to article 3 of the revised school code, MCL 380.1701 to 380.1766. As a condition of receiving funds under this section, an intermediate district distributing any portion of special education millage funds to its constituent districts shall submit for departmental approval and implement a distribution plan that utilizes at least a district's foundation allowance, as calculated under section 20, as a required local contribution.

(3) Reimbursement for those millages levied in 1996-97 shall be made in 1997-98 at an amount per 1996-97 membership pupil computed by subtracting from \$98,200.00 the 1996-97 taxable value behind each membership pupil, and multiplying the resulting difference by the 1996-97 millage levied. Reimbursement for those millages levied in 1997-98 shall be made in 1998-99 at an amount per 1997-98 membership pupil computed by subtracting from ~~\$100,600.00~~ \$102,200.00 the 1997-98 taxable value behind each membership pupil, and multiplying the resulting difference by the 1997-98 millage levied. REIMBURSEMENT FOR THOSE MILLAGES LEVIED IN 1998-99 SHALL BE MADE IN 1999-2000 AT AN AMOUNT PER 1998-99 MEMBERSHIP PUPIL COMPUTED BY SUBTRACTING FROM \$106,800.00 THE 1998-99 TAXABLE VALUE BEHIND EACH MEMBERSHIP PUPIL, AND MULTIPLYING THE RESULTING DIFFERENCE BY THE 1998-99 MILLAGE LEVIED.

Sec. 57. (1) From the appropriation in section 11, there is allocated an amount not to exceed \$600,000.00 each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 to applicant intermediate districts that provide support services for the education of gifted and talented pupils. An intermediate district is entitled to 75% of the actual salary, but not to exceed \$25,000.00 reimbursement for an individual salary, of a support services teacher approved by the department, and not to exceed \$4,000.00 reimbursement for expenditures to support program costs, excluding in-county travel and salary, as approved by the department.

(2) From the appropriation in section 11, there is allocated an amount not to exceed \$400,000.00 each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 to support part of the cost of summer institutes for gifted and talented students. This amount shall be contracted to applicant intermediate districts in cooperation with a local institution of higher education and shall be coordinated by the department.

(3) From the appropriation in section 11, there is allocated an amount not to exceed \$4,000,000.00 each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 for the development and operation of comprehensive programs for gifted and talented pupils. An eligible district or consortium of districts shall receive an amount not to exceed \$50.00 per K-12 pupil for up to 5% of the district's or consortium's K-12 membership for the immediately preceding fiscal year with a minimum total grant of \$3,000.00. Funding shall be provided in the following order: the per pupil allotment, and then the minimum total grant of \$3,000.00 to individual districts. An intermediate district may act as the fiscal agent for a consortium of districts. In order to be eligible for funding under this subsection, the district or consortium of districts shall submit each year a current 3-year plan for operating a comprehensive program for gifted and talented pupils and the district or consortium shall demonstrate to the department that the district or consortium will contribute matching funds of at least \$50.00 per K-12 pupil. The plan or revised plan shall be developed in accordance with criteria established by the department and shall be submitted to the department for approval. Within the criteria, the department shall encourage the development of consortia among districts of less than 5,000 memberships.

Sec. 61a. (1) From the appropriation in section 11, there is allocated an amount not to exceed \$31,027,600.00 each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 to reimburse on an added cost basis districts, except for a district that served as the fiscal agent for a vocational education consortium in the 1993-94 school year, and secondary area vocational-technical education centers for secondary-level vocational-technical education programs, including parenthood education programs, according to state board rules. Applications for participation in the programs shall be submitted in the form prescribed by the department. The department shall determine the added cost for each vocational-technical program area. The allocation of added cost funds shall be based on the type of vocational-technical programs provided, the number of pupils enrolled, and the length of the training period provided, and shall not exceed 75% of the added cost of any program. With the approval of the department, the board of a district maintaining a secondary vocational-technical education program may offer the program for the period from the close of the school year until September 1. The program shall use existing facilities and shall be operated as prescribed by rules promulgated by the state board.

(2) Except for a district that served as the fiscal agent for a vocational education consortium in the 1993-94 school year, districts and intermediate districts shall be reimbursed for local vocational administration, shared time vocational administration, and career education planning district vocational-technical administration. The definition of what constitutes administration and reimbursement shall be pursuant to guidelines adopted by the state board. Not more than \$800,000.00 of the allocation in subsection (1) shall be distributed under this subsection.

(3) From the allocation in subsection (1), there is allocated an amount not to exceed \$400,000.00 each fiscal year to intermediate districts with constituent districts that had combined state and local revenue per membership pupil in the 1994-95 state fiscal year of \$6,500.00 or more, served as a fiscal agent for a state board designated area vocational education center in the 1993-94 school year, and had an adjustment made to their 1994-95 combined state and local revenue per membership pupil pursuant to section 20d. The payment under this subsection to the intermediate district shall equal the amount of the allocation to the intermediate district for 1996-97 under this subsection.

Sec. 62. (1) For the purposes of this section:

(a) "Membership" means for 1997-98 the total membership in 1996-97 of the intermediate district and the districts constituent to the intermediate district or the total membership in 1996-97 of the area vocational-technical education program; ~~and~~ means for 1998-99 the total membership in 1997-98 of the intermediate district and the districts constituent to the intermediate district or the total membership in 1997-98 of the area vocational-technical program; AND MEANS FOR 1999-2000 THE TOTAL MEMBERSHIP IN 1998-99 OF THE INTERMEDIATE DISTRICT AND THE DISTRICTS CONSTITUENT TO THE INTERMEDIATE DISTRICT OR THE TOTAL MEMBERSHIP IN 1998-99 OF THE AREA VOCATIONAL-TECHNICAL PROGRAM.

(b) "Millage levied" means the millage levied for area vocational-technical education pursuant to sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, including a levy for debt service obligations incurred as the result of borrowing for capital outlay projects and in meeting capital projects fund requirements of area vocational-technical education.

(c) "Taxable value" means the total taxable value of the districts constituent to an intermediate district or area vocational-technical education program, except that if a district has elected not to come under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, the membership and taxable value of that district shall not be included in the membership and taxable value of the intermediate district. HOWEVER, BEGINNING IN 1998-99, THE MEMBERSHIP AND TAXABLE VALUE OF A DISTRICT THAT HAS ELECTED NOT TO COME UNDER SECTIONS 681 TO 690 OF THE REVISED SCHOOL CODE SHALL BE INCLUDED IN THE MEMBERSHIP AND TAXABLE VALUE OF THE INTERMEDIATE DISTRICT IF THE DISTRICT MEETS BOTH OF THE FOLLOWING:

(i) THE DISTRICT OPERATES THE AREA VOCATIONAL-TECHNICAL EDUCATION PROGRAM PURSUANT TO A CONTRACT WITH THE INTERMEDIATE DISTRICT.

(ii) THE DISTRICT CONTRIBUTES AN ANNUAL AMOUNT TO THE OPERATION OF THE PROGRAM THAT IS COMMENSURATE WITH THE REVENUE THAT WOULD HAVE BEEN RAISED FOR OPERATION OF THE PROGRAM IF MILLAGE WERE LEVIED IN THE DISTRICT FOR THE PROGRAM UNDER SECTIONS 681 TO 690 OF THE REVISED SCHOOL CODE, MCL 380.681 TO 380.690.

(2) From the appropriation in section 11, there is allocated an amount not to exceed \$7,200,000.00 ~~each fiscal year~~ for 1997-98 and AN AMOUNT NOT TO EXCEED \$8,550,000.00 EACH FISCAL YEAR for 1998-99 AND FOR 1999-2000 to reimburse intermediate districts and area vocational-technical education programs established under section 690(3) of the revised school code, MCL 380.690, levying millages for area vocational-technical education pursuant to sections 681 to 690 of the revised school code, MCL 380.681 to 380.690. The purpose, use, and expenditure of the reimbursement shall be limited as if the funds were generated by those millages.

(3) Reimbursement for the millages levied in 1996-97 shall be made in 1997-98 at an amount per 1996-97 membership pupil computed by subtracting from \$98,700.00 the 1996-97 taxable value behind each membership pupil, and multiplying the resulting difference by the 1996-97 millage levied. Reimbursement for the millages levied in 1997-98 shall be made in 1998-99 at an amount per 1997-98 membership pupil computed by subtracting from ~~\$102,400.00~~ \$104,400.00 the 1997-98 taxable value behind each membership pupil, and multiplying the resulting difference by the 1997-98 millage levied. REIMBURSEMENT FOR THE MILLAGES LEVIED IN 1998-99 SHALL BE MADE IN 1999-2000 AT AN AMOUNT PER 1998-99 MEMBERSHIP PUPIL COMPUTED BY SUBTRACTING FROM \$108,800.00 THE 1998-99 TAXABLE VALUE BEHIND EACH MEMBERSHIP PUPIL, AND MULTIPLYING THE RESULTING DIFFERENCE BY THE 1998-99 MILLAGE LEVIED.

SEC. 63. (1) FROM THE MONEY APPROPRIATED IN SECTION 11, THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$2,150,000.00 FOR 1999-2000 FOR IMPLEMENTATION OF THE MICHIGAN MANUFACTURING TECHNOLOGY PROGRAM FOR THE 1999-2000 SCHOOL YEAR AS PROVIDED UNDER THIS SECTION.

(2) FROM THE ALLOCATION IN SUBSECTION (1), THERE IS ALLOCATED \$1,800,000.00 TO THE DEPARTMENT, IN CONJUNCTION WITH THE MICHIGAN JOBS COMMISSION, TO AWARD COMPETITIVE GRANTS FOR THE PURPOSE OF IMPROVING MANUFACTURING TECHNOLOGY PROGRAMS OFFERED BY PUBLIC EDUCATION AGENCIES. THE MAXIMUM AMOUNT OF A GRANT UNDER THIS SUBSECTION SHALL NOT EXCEED \$50,000.00 FOR EACH PUBLIC EDUCATION AGENCY DETERMINED TO BE ELIGIBLE FOR FUNDING.

(3) APPLICATIONS FOR GRANTS UNDER SUBSECTION (2) SHALL BE SUBMITTED IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, IN CONJUNCTION WITH THE MICHIGAN JOBS COMMISSION. CRITERIA FOR FUNDING SHALL INCLUDE ALL OF THE FOLLOWING:

(A) THE PUBLIC EDUCATION AGENCY OPERATES A MANUFACTURING TECHNOLOGY PROGRAM, IS A PARTICIPATING AGENCY IN A REGIONAL CAREER PREPARATION PLAN DESCRIBED IN SECTION 68, AND HAS THE SUPPORT OF THE LOCAL WORKFORCE DEVELOPMENT BOARD FOR SUBMISSION OF THE GRANT APPLICATION.

(B) THE PUBLIC EDUCATION AGENCY OFFERS EMPLOYER-PROVIDED INSTRUCTION FOR ITS PUPILS AS PART OF ITS MANUFACTURING TECHNOLOGY CURRICULUM.

(C) THE PUBLIC EDUCATION AGENCY AGREES TO EVALUATE THE IMPACT OF THE GRANT.

(D) ANY OTHER CRITERIA DETERMINED BY THE DEPARTMENT, IN CONJUNCTION WITH THE MICHIGAN JOBS COMMISSION.

(4) GRANTS AWARDED UNDER SUBSECTION (2) SHALL BE USED BY ELIGIBLE PUBLIC EDUCATION AGENCIES FOR ACTIVITIES INTENDED TO INCREASE THE AMOUNT OF EMPLOYER-PROVIDED INSTRUCTION PROVIDED TO PUPILS AND TO INCREASE PUPIL AWARENESS OF MANUFACTURING TECHNOLOGY PROGRAMS.

(5) THE DEPARTMENT, IN CONJUNCTION WITH THE MICHIGAN JOBS COMMISSION, SHALL CONSIDER THE POTENTIAL FOR GRADUATES TO BE PLACED IN HIGH-WAGE, HIGH-DEMAND POSITIONS UPON COMPLETION OF THE MANUFACTURING TECHNOLOGY PROGRAM IN ITS DETERMINATION OF GRANT AWARDS.

(6) GRANTS UNDER SUBSECTION (2) SHALL BE AWARDED BY THE DEPARTMENT NO LATER THAN APRIL 30, 1999 AND PAID OUT TO THE GRANT RECIPIENTS IN TOTAL NO LATER THAN MAY 20, 1999. FUNDS MAY BE USED BY GRANT RECIPIENTS TO SUPPORT ALLOWABLE EXPENDITURES IN THE FOLLOWING SCHOOL YEAR.

(7) FROM THE ALLOCATION IN SUBSECTION (1), THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$350,000.00 TO MICHIGAN STATE UNIVERSITY FOR THE SCHOOL TO WORK CLEARINGHOUSE IN THE COLLEGE OF EDUCATION. FROM THIS AMOUNT, THE SCHOOL TO WORK CLEARINGHOUSE SHALL PROVIDE \$20,000.00 TO THE MICHIGAN EMPLOYMENT SECURITY AGENCY, TO BE USED FOR PROVIDING TECHNICAL ASSISTANCE AND MANUFACTURER INFORMATION TO THE CENTERS RECEIVING GRANTS

UNDER SUBSECTION (2), AND SHALL PROVIDE \$20,000.00 TO THE MICHIGAN VIRTUAL AUTOMOTIVE COLLEGE, TO BE USED FOR PROVIDING ASSISTANCE IN LINKING THE CENTERS RECEIVING GRANTS UNDER SUBSECTION (2) WITH THE SCHOOL TO WORK CLEARINGHOUSE AND IN PROVIDING INNOVATIVE COMMUNICATION AND LEARNING EXPERIENCES. THE SCHOOL TO WORK CLEARINGHOUSE SHALL USE THE BALANCE OF ITS ALLOCATION UNDER THIS SUBSECTION TO PROVIDE ALL OF THE FOLLOWING TYPES OF TECHNICAL ASSISTANCE TO THE CENTERS RECEIVING GRANTS UNDER SUBSECTION (2):

- (A) PROFESSIONAL DEVELOPMENT.
- (B) IMPACT STUDY, USING DOCUMENTATION AND EVALUATION OF THE PROGRAM.
- (C) CONSULTANTS WITH EXPERTISE IN COMPUTER-ASSISTED INSTRUCTION AND WORK-BASED CURRICULUM DESIGN.
- (D) INFORMATION NETWORKING.

Sec. 68. (1) From the general fund appropriation in section 11, there is allocated an amount not to exceed \$23,850,000.00 EACH FISCAL YEAR for 1998-99 AND FOR 1999-2000 to be used to implement the Michigan career preparation system in the 1998-99 AND 1999-2000 school ~~year~~ YEARS as provided under this section. From this allocation, the department may reserve an amount not to exceed \$2,000,000.00 EACH FISCAL YEAR for career preparation programs that have achieved designation as an advanced career academy. In order to receive funds under this section, an eligible education agency shall be part of an approved regional career preparation plan under subsection (2) and shall agree to expend the funds required under this section in accordance with the regional career preparation plan. Funds awarded under this section that are not expended in accordance with this section may be recovered by the department.

(2) In order to receive funding under this section, an eligible education agency shall be a part of an approved 3-year regional career preparation plan as described in this subsection. All of the following apply to a regional career preparation plan:

(a) A 3-year regional career preparation plan shall be developed under subdivisions (b), (c), and (d) for all public education agencies providing career preparation programs as part of a regional career preparation system within the geographical boundaries of a local workforce development board, and revised annually. If an intermediate district is located within the geographical boundaries of more than 1 local workforce development board, the board of the intermediate district shall choose 1 local workforce development board with which to align and shall notify the department of this choice not later than October 31, 1997.

(b) The regional career preparation plan shall be developed by representatives of the education advisory group of each local workforce development board in accordance with guidelines developed under section 67(5), and in accordance with subdivisions (d) and (e). All of the following shall be represented on each education advisory group: workforce development board members, other employers, labor, local school districts, intermediate school districts, postsecondary institutions, career/technical educators, parents of public school pupils, and academic educators. The representatives of local school districts, intermediate school districts, and postsecondary institutions appointed to the education advisory group by the local workforce development board shall be individuals designated by the board of the school district, intermediate school district, or postsecondary institution.

(c) By majority vote, the education advisory group may nominate 1 education representative, who may or may not be a member of the education advisory group, for appointment to the local workforce development board. This education representative shall be in addition to existing education representation on the local workforce development board. This education representative shall meet all local workforce development board membership requirements.

(d) The components of the regional career preparation plan shall include, but are not limited to, all of the following:

(i) The roles of districts, intermediate districts, advanced career academies, postsecondary institutions, employers, labor representatives, and others in the career preparation system.

(ii) Programs to be offered, including at least career exploration activities, for middle school pupils.

(iii) Identification of integrated academic and technical curriculum, including related professional development training for teachers.

(iv) Identification of work-based learning opportunities for pupils and for teachers and other school personnel.

(v) Identification of testing and assessments that will be used to measure pupil achievement.

(vi) Identification of all federal, state, local, and private sources of funding available for career preparation programs in the region.

(e) The education advisory group shall develop a 3-year regional career preparation plan and submit the plan to the department for final approval. The submission to the department shall also include statements signed by the chair of the education advisory group and the chair of the local workforce development board certifying that the plan has been reviewed by each entity. Upon department approval, all eligible education agencies designated in the regional career preparation plan as part of the career preparation delivery system are eligible for funding under this section.

(3) Funding under this section shall be distributed to eligible education agencies by the department for allowable costs defined in this subsection and identified as necessary costs for implementing a regional career preparation plan, as follows:

(a) The department shall rank all career clusters, including career exploration, guidance, and counseling. Rank determination will be based on median salary data in career clusters and employment opportunity data provided by the council for career preparation standards. In addition, rank determination shall be based on placement data available for prior year graduates of the programs in the career clusters either in related careers or postsecondary education. The procedure for ranking of career clusters shall be determined by the department.

(b) Allowable costs to be funded under this section shall be determined by the department. Budgets submitted by eligible education agencies to the department in order to receive funding shall identify funds and in-kind contributions from the regional career education plan, excluding funds or in-kind contributions available as a result of funding received under section 61a, equal to at least 100% of anticipated funding under this section. Eligible categories of allowable costs are the following:

- (i) Career exploration, guidance, and counseling.
- (ii) Curriculum development, including integration of academic and technical content, and professional development for teachers directly related to career preparation.
- (iii) Technology and equipment determined to be necessary.
- (iv) Supplies and materials directly related to career preparation programs.
- (v) Work-based learning expenses for pupils, teachers, and counselors.
- (vi) Evaluation, including career competency testing and peer review.
- (vii) Career placement services.
- (viii) Student leadership organizations integral to the career preparation system.
- (ix) Up to 10% of the allocation to an eligible education agency may be expended for planning, coordination, direct oversight, and accountability for the career preparation system.

(c) The department shall calculate career preparation costs per FTE for each career cluster, including career exploration, guidance, and counseling, by dividing the allowable costs for each career cluster by the prior year FTE enrollment for each career cluster. Distribution to eligible education agencies shall be the product of 50% of career preparation costs per FTE times the current year FTE enrollment of each career cluster. This allocation shall be distributed to eligible education agencies in decreasing order of the career cluster ranking described in subdivision (a) until the money allocated for grant recipients in this section is distributed. However, beginning in 1999-2000, an individual career preparation program shall not be funded under this section, regardless of career cluster ranking, if it does not attain compliance with career competency standards set by the council for career preparation standards for the particular career cluster.

(4) The department, in collaboration with the Michigan jobs commission, shall establish a review procedure for assessing the career preparation system in each region. Each local workforce development board shall establish regional peer review committees that include employers, educators, labor representatives, parents, and representatives of the local workforce development board nominated by the local workforce development board and the education advisory group. All of the following apply to peer review committees:

(a) Peer review committees are responsible for assuring the quality of the career preparation system. A peer review committee shall review career preparation programs to ensure compliance with career competency standards as well as other program evaluation criteria.

(b) A peer review committee shall report its findings and recommendations for changes to the eligible education agency operating the career preparation program, the local workforce development board, the education advisory group responsible for revising the regional career preparation plan, and the department.

(c) The next revision of a regional career preparation plan shall take into account the findings of a peer review committee in order for the affected education agencies to receive continued funding under this section.

Sec. 74. (1) From the amount appropriated in section 11, there is allocated an amount not to exceed \$1,625,000.00 each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 for the purposes of subsections (2) and (3).

(2) From the allocation in subsection (1), there is allocated each fiscal year the amount necessary for payments to state supported colleges or universities and intermediate districts providing school bus driver safety instruction or driver skills road tests pursuant to section 51 of the pupil transportation act, 1990 PA 187, MCL 257.1851. The payments shall be in an amount determined by the department not to exceed 75% of the actual cost of instruction and driver compensation for each public or nonpublic school bus driver attending a course of instruction. For the purpose of computing compensation, the hourly rate allowed each school bus driver shall not exceed the hourly rate received for driving a school bus. Reimbursement compensating the driver during the course of instruction or driver skills road tests shall be made by the department to the college or university or intermediate district providing the course of instruction.

(3) From the allocation in subsection (1), there is allocated each fiscal year the amount necessary to pay the reasonable costs of nonspecial education auxiliary services transportation provided pursuant to section 1323 of the revised school code, MCL 380.1323. Districts funded under this subsection shall not receive funding under any other section of this act for nonspecial education auxiliary services transportation.

Sec. 81. (1) Except as otherwise provided in this section, from the appropriation in section 11, there is allocated each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 to the intermediate districts the sum necessary, but not to exceed \$81,266,700.00 each fiscal year FOR 1997-98, NOT TO EXCEED \$79,912,000.00 FOR 1998-99, AND NOT TO EXCEED \$82,620,800.00 FOR 1999-2000, to provide state aid to intermediate districts under this ~~subsection and subsections (2) and (3)~~ SECTION. Except as otherwise provided in this section, there shall be allocated to each intermediate district FOR 1997-98 an amount equal to 102.9% of the sum of the amount of funding actually received by the intermediate district under this subsection in 1996-97 and the amount of funding actually received by the intermediate district under FORMER section 11b as in effect for 1995-96. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THERE SHALL BE ALLOCATED TO EACH INTERMEDIATE DISTRICT FOR 1999-2000 AN AMOUNT EQUAL TO 103.5% OF THE SUM OF THE AMOUNT OF FUNDING ACTUALLY RECEIVED BY THE INTERMEDIATE DISTRICT UNDER THIS SUBSECTION FOR 1998-99 AND THE AMOUNT OF FUNDING ACTUALLY RECEIVED BY THE INTERMEDIATE DISTRICT UNDER FORMER SECTION 11B AS IN EFFECT FOR 1996-97. Funding provided under this section shall be used to comply with requirements of this act and the revised school code that are applicable to intermediate districts, and for which funding is not provided elsewhere in this act, and to provide technical assistance to districts as authorized by the intermediate school board.

(2) From the allocation in subsection (1), there is allocated to an intermediate district, formed by the consolidation or annexation of 2 or more intermediate districts or the attachment of a total intermediate district to another intermediate school district or the annexation of all of the constituent K-12 districts of a previously existing intermediate school district which has disorganized, an additional allotment of \$3,500.00 each fiscal year for each intermediate district included in the new intermediate district for 3 years following consolidation, annexation, or attachment.

(3) If an intermediate district participated in 1993-94 in a consortium operating a regional educational media center under section 671 of the revised school code, MCL 380.671, and rules promulgated by the state board, and if the intermediate district obtains written consent from each of the other intermediate districts that participated in the consortium in 1993-94, the intermediate district may notify the department not later than October 1, 1996 that it is electing to directly receive its payment attributable to participation in that consortium. An intermediate district making that election, and that has obtained the necessary consent, shall receive each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 for each pupil in membership in the intermediate district or a constituent district an amount equal to the quotient of the 1993-94 allocation to the fiscal agent for that consortium under former section 83, adjusted as determined by the department to account for that election, divided by the combined total membership for the current fiscal year in all of the intermediate districts that participated in that consortium and their constituent districts. The amount allocated to an intermediate district under this subsection for a fiscal year shall be deducted from the total allocation for that fiscal year under this section to the intermediate district that was the 1993-94 fiscal agent for the consortium.

(4) During a fiscal year, the department shall not increase an intermediate district's allocation under subsection (1) because of an adjustment made by the department during the fiscal year in the intermediate district's taxable value for a prior year. Instead, the department shall report the adjustment and the estimated amount of the increase to the house and senate fiscal agencies not later than June 1 of the fiscal year, and the legislature shall appropriate money for the adjustment in the next succeeding fiscal year. ACCORDINGLY, FROM THE ALLOCATION IN SUBSECTION (1), THERE IS ALLOCATED FOR 1998-99 ONLY AN AMOUNT NOT TO EXCEED \$62,000.00 FOR PAYMENTS TO INTERMEDIATE DISTRICTS FOR ADJUSTMENTS IN TAXABLE VALUE DESCRIBED IN THIS SUBSECTION.

(5) In order to receive funding under this section, an intermediate district shall demonstrate to the satisfaction of the department that the intermediate district employs at least 1 person who is trained in pupil counting procedures, rules, and regulations.

Sec. 94. From the general fund money appropriated in section 11, there is allocated to the department for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 an amount not to exceed \$1,500,000.00 each fiscal year to provide technical assistance to districts for school accreditation purposes as described in section 1280 of the revised school code, MCL 380.1280.

Sec. 99. (1) From the state school aid fund appropriation in section 11, there is allocated an amount not to exceed \$7,293,100.00 each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 and from the general fund appropriation in section 11 there is allocated an amount not to exceed \$400,000.00 each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000, for implementing the comprehensive master plan for mathematics and science centers developed by the department and approved by the state board on February 17, 1993.

(2) Within a service area designated locally, approved by the department, and consistent with the master plan described in subsection (1), an established mathematics and science center shall address 2 or more of the following 6 basic services, as described in the master plan, to constituent districts and communities: leadership, pupil services, curriculum support, community involvement, professional development, and resource clearinghouse services.

(3) The department shall not award a grant under this section to more than 1 mathematics and science center located in a particular intermediate district unless each of the grants serves a distinct target population or provides a service that does not duplicate another program in the intermediate district.

(4) As part of the technical assistance process, the department shall provide minimum standard guidelines that may be used by the mathematics and science center for providing fair access for qualified pupils and professional staff as prescribed in this section.

(5) Allocations under this section to support the activities and programs of mathematics and science centers shall be continuing support grants to all 25 established mathematics and science centers and the 8 satellite extensions that were funded in 1996-97. Each established mathematics and science center that was funded in 1996-97 shall receive an amount equal to 103% of the amount it received under this section in 1996-97.

(6) In order to receive funds under this section, a grant recipient shall allow access for the department or the department's designee to audit all records related to the program for which it receives such funds. The grant recipient shall reimburse the state for all disallowances found in the audit.

Sec. 101. (1) To be eligible to receive state aid under this act, not later than the fifth Wednesday after the pupil membership count day and not later than the fifth Wednesday after the supplemental count day, each district superintendent through the secretary of the district's board shall file with the intermediate superintendent a certified and sworn copy of the number of pupils enrolled and in regular daily attendance in the district as of the pupil membership count day and as of the supplemental count day, as applicable, for the current school year. In addition, a district maintaining school during the entire year, as provided under section 1561 of the revised school code, MCL 380.1561, shall file with the intermediate superintendent a certified and sworn copy of the number of pupils enrolled and in regular daily attendance in the district for the current school year pursuant to rules promulgated by the state board. Not later than the seventh Wednesday after the pupil membership count day and not later than the seventh Wednesday after the supplemental count day, the intermediate district shall transmit to the department the data filed by each of its constituent districts. If a district fails to file the sworn and certified copy with the intermediate superintendent in a timely manner, as required under this subsection, the intermediate district shall notify the department and state aid due to be distributed under this act shall be withheld from the defaulting district immediately, beginning with the next payment after the failure and continuing with each payment until the district complies with this subsection. If an intermediate district fails to transmit the data in its possession in a timely and accurate manner to the department, as required under this subsection, state aid due to be distributed under this act shall be withheld from the defaulting intermediate district immediately, beginning with the next payment after the failure and continuing with each payment until the intermediate district complies with this subsection. If a district or intermediate district does not comply with this subsection by the end of the fiscal year, the district or intermediate district forfeits the amount withheld. A person who willfully falsifies a figure or statement in the certified and sworn copy of enrollment shall be punished in the manner prescribed by section 161.

(2) To be eligible to receive state aid under this act, not later than the twenty-fourth Wednesday after the pupil membership count day and not later than the twenty-fourth Wednesday after the supplemental count day, an intermediate district shall submit to the department, in a form and manner prescribed by the department, the audited enrollment and attendance data for the pupils of its constituent districts and of the intermediate district. If an intermediate district fails to transmit the audited data as required under this subsection, state aid due to be distributed under this act shall be withheld from the defaulting intermediate district immediately, beginning with the next payment after the failure and continuing with each payment until the intermediate district complies with this subsection. If an intermediate district does not comply with this subsection by the end of the fiscal year, the intermediate district forfeits the amount withheld.

(3) Each district shall provide the required minimum number of days and hours of pupil instruction under section 1284 of the revised school code, MCL 380.1284. Except as otherwise provided in this act, a district failing to hold the required minimum number of days of pupil instruction shall forfeit from its total state aid allocation for each day of failure an amount determined by applying a ratio of the number of days the district was in noncompliance in relation to the required minimum number of days. Except as otherwise provided in this act, a district failing to comply with the required minimum hours of pupil instruction shall forfeit from its total state aid allocation an amount determined by applying a ratio of the time duration the district was in noncompliance in relation to the required minimum number of hours. A district failing to meet both the minimum number of days of pupil instruction requirement and the minimum number of hours of pupil instruction requirement shall be penalized only the higher of the 2 amounts calculated under the forfeiture provisions of this subsection. Not later than August 1, the board of each district shall certify to the department the number of days and hours of pupil instruction in the previous school year. If the district did not hold at least 180 days and the required minimum number of hours of pupil instruction, the deduction of state aid shall be made in the following fiscal year from the first payment of state school aid. A district is not subject to forfeiture of funds under this subsection for a fiscal year in which a forfeiture was already imposed under subsection (7). Days lost because of strikes or teachers' conferences shall not be counted as days of pupil instruction. A district not having at least 75% of the district's membership in attendance on any day of pupil instruction shall receive state aid in that proportion of 1 divided by the required minimum number of days of pupil instruction that the actual percent of attendance bears to the specified percentage. The state board shall promulgate rules for the implementation of this subsection.

(4) The first 2 days for which pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemics, or health conditions as defined by the city, county, or state health authorities, shall be counted as days of pupil instruction. IN ADDITION, FOR 1997-98 ONLY, THE DEPARTMENT MAY COUNT AS DAYS OF PUPIL INSTRUCTION UP TO 6 ADDITIONAL DAYS FOR WHICH PUPIL INSTRUCTION IS NOT PROVIDED IN A DISTRICT AFTER MAY 28, 1998 BECAUSE DAMAGE OR ELECTRICAL OUTAGES RESULTING FROM SEVERE STORMS PREVENTED THE DISTRICT FROM PROVIDING INSTRUCTION AND UP TO 2 ADDITIONAL DAYS FOR WHICH PUPIL INSTRUCTION IS NOT PROVIDED IN A DISTRICT AFTER JUNE 3, 1998 BECAUSE A BOMB THREAT PREVENTED THE DISTRICT FROM PROVIDING INSTRUCTION. Subsequent such days shall not be counted as days of pupil instruction.

(5) A district shall not forfeit part of its state aid appropriation because it adopts or has in existence an alternative scheduling program for pupils in kindergarten if the program provides at least the number of hours required for a full-time equated membership for a pupil in kindergarten as provided under section 6(4).

(6) Upon application by the district for a particular fiscal year, the state board may waive the minimum number of days of pupil instruction requirement of subsection (3) for a district if the district has adopted an experimental school year schedule in 1 or more buildings in the district if the experimental school year schedule provides the required minimum number or more hours of pupil instruction and is consistent with all state board policies on school improvement and restructuring. If a district applies for and receives a waiver under this subsection and complies with the terms of the waiver, for the fiscal year covered by the waiver the district is not subject to forfeiture under this section of part of its state aid allocation for the specific building or program covered by the waiver.

(7) Not later than April 15 of each fiscal year, the board of each district shall certify to the department the planned number of days and hours of pupil instruction in the district for the school year ending in the fiscal year. In addition to any other penalty or forfeiture under this section, if at any time the department determines that 1 or more of the following has occurred in a district, the district shall forfeit in the current fiscal year beginning in the next payment to be calculated by the department a proportion of the funds due to the district under this act that is equal to the proportion below the required minimum number of days and hours of pupil instruction, as specified in the following:

(a) The district fails to operate its schools for at least the required minimum number of days and hours of pupil instruction in a school year, including days counted under subsection (4).

(b) The board of the district takes formal action not to operate its schools for at least the required minimum number of days and hours of pupil instruction in a school year, including days counted under subsection (4).

(8) In providing the minimum number of hours of pupil instruction required under section 1284 of the revised school code, MCL 380.1284, a district shall use the following guidelines, and a district shall maintain records to substantiate its compliance with the following guidelines:

(a) Except as otherwise provided in this subsection, a pupil must be scheduled for at least the required minimum number of hours of instruction, excluding study halls, or at least the sum of 90 hours plus the required minimum number of hours of instruction, including up to 2 study halls.

(b) The time a pupil is assigned to any tutorial activity in a block schedule may be considered instructional time, unless that time is determined in an audit to be a study hall period.

(c) A pupil in grades 9 to 12 for whom a reduced schedule is determined to be in the individual pupil's best educational interest must be scheduled for a number of hours equal to at least 80% of the required minimum number of hours of pupil instruction to be considered a full-time equivalent pupil.

(d) If a pupil in grades 9 to 12 who is enrolled in a cooperative education program or a special education pupil cannot receive the required minimum number of hours of pupil instruction solely because of travel time between instructional sites during the school day, that travel time, up to a maximum of 2-1/2 hours per school week, shall be considered to be pupil instruction time for the purpose of determining whether the pupil is receiving the required minimum number of hours of pupil instruction. However, if a district demonstrates to the satisfaction of the department that the travel time limitation under this subdivision would create undue costs or hardship to the district, the department may consider more travel time to be pupil instruction time for this purpose.

(e) For the 1997-98 school year only, if a district operates an elementary school that is located on an island and provides some pupil instruction for pupils enrolled in that elementary school at 1 or more school buildings operated by the district that are not located on the island, the travel time for travel for those pupils between the elementary school located on the island and the other school building or buildings, up to a maximum of 1-1/2 hours per school week, shall be considered to be pupil instruction time for those pupils for the purpose of determining whether those pupils are receiving the required minimum number of hours of pupil instruction.

(9) The department shall apply the guidelines under subsection (8) in calculating the full-time equivalency of pupils.

(10) Upon application by the district for a particular fiscal year, the state board may waive for a district the minimum number of days and hours of pupil instruction requirement of subsection (3) for a department-approved alternative education program. If a district applies for and receives a waiver under this subsection and complies with the terms of the waiver, for the fiscal year covered by the waiver the district is not subject to forfeiture under this section for the specific program covered by the waiver.

Sec. 107. (1) From the appropriation in section 11, there is allocated for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 an amount not to exceed \$80,000,000.00 each fiscal year for adult education programs authorized under this section.

(2) To be eligible to be a participant funded under this section, a person shall be enrolled in an adult basic education program, an adult English as a second language program, a general education development (G.E.D.) test preparation program, a job or employment related program, or a high school completion program, that meets the requirements of this section, and shall meet either of the following, as applicable:

(a) If the individual has obtained a high school diploma or a general education development (G.E.D.) certificate, the individual meets 1 of the following:

(i) Is less than 20 years of age on September 1 of the school year and is enrolled in the state technical institute and rehabilitation center.

(ii) Is less than 20 years of age on September 1 of the school year, is not attending an institution of higher education, and is enrolled in a job or employment related program through a referral by an employer.

(iii) Is enrolled in an English as a second language program.

(iv) Is enrolled in a high school completion program.

(b) If the individual has not obtained a high school diploma or G.E.D. certificate, is at least 20 years of age on September 1 of the school year.

(3) The amount allocated under subsection (1) shall be distributed as follows:

(a) For districts and consortia that received payments for 1995-96 under former section 107f and that received payments for 1996-97 under subsection (4) of this section as in effect in 1996-97, the amount allocated to each for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 shall be an amount each fiscal year equal to 36.76% of the amount the district or consortium received for 1995-96 under former section 107f.

(b) For districts and consortia that received payments under subsection (3) of this section as in effect for 1996-97, the amount allocated to each for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 shall be an amount each fiscal year equal to the product of the number of full-time equated participants actually enrolled and in attendance during the 1996-97 school fiscal year in the program funded under subsection (3) of this section as in effect for 1996-97 as reported to the department, audited, and adjusted according to subsection (10) of this section as in effect for 1996-97, multiplied by \$2,750.00.

(c) For districts and consortia that meet the conditions of both subdivisions (a) and (b), the amount allocated each fiscal year for 1997-98, ~~and~~ for 1998-99, AND FOR 1999-2000 shall be the sum of the allocations to the district or consortium under subdivisions (a) and (b).

(d) A district or consortium that received funding in 1996-97 under this section as in effect for 1996-97 may operate independently of a consortium or join or form a consortium for 1997-98, ~~or~~ for 1998-99, OR FOR 1999-2000. The allocation for 1997-98, ~~or~~ for 1998-99, OR FOR 1999-2000 to the district or the newly formed consortium under this subsection shall be determined by the department and shall be based on the proportion of the amounts specified in subdivision (a) or (b), or both, that are attributable to the district or consortium that received funding in 1996-97. A district or consortium described in this subdivision shall notify the department of its intention with regard to 1997-98, ~~or~~ 1998-99, OR 1999-2000 by October 1 of the affected fiscal year.

(4) A district that operated an adult education program in 1996-97 and does not intend to operate a program in 1997-98, ~~or~~ 1998-99, OR 1999-2000 shall notify the department by October 1 of the affected fiscal year of its intention. The funds intended to be allocated under this section to a district that does not operate a program in 1997-98, ~~or~~ 1998-99, OR 1999-2000 and the unspent funds originally allocated under this section to a district or consortium that subsequently operates a program at less than the level of funding allocated under subsection (3) shall instead be proportionately reallocated to the other districts described in subsection (3)(a) that are operating an adult education program in 1997-98, ~~or~~ 1998-99, OR 1999-2000 under this section.

(5) The amount allocated under this section per full-time equated participant is \$2,850.00 for a 450-hour program. The amount shall be proportionately reduced for a program offering less than 450 hours of instruction.

(6) An adult basic education program or an adult English as a second language program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who are determined by an appropriate assessment to be below ninth grade level in reading or mathematics, or both, or to lack basic English proficiency.

(b) The program tests individuals for eligibility under subdivision (a) before enrollment and tests participants to determine progress after every 90 hours of attendance, using assessment instruments approved by the department.

(c) A participant in an adult basic education program is eligible for reimbursement until 1 of the following occurs:

(i) The participant's reading and mathematics proficiency are assessed at or above the ninth grade level.

(ii) The participant fails to show progress on 2 successive assessments after having completed at least 450 hours of instruction.

(d) A funding recipient enrolling a participant in an English as a second language program is eligible for funding according to subsection (10) until the participant meets 1 of the following:

(i) The participant is assessed as having attained basic English proficiency.

(ii) The participant fails to show progress on 2 successive assessments after having completed at least 450 hours of instruction. The department shall provide information to a funding recipient regarding appropriate assessment instruments for this program.

(7) A general education development (G.E.D.) test preparation program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who do not have a high school diploma.

(b) The program shall administer a G.E.D. pre-test approved by the department before enrolling an individual to determine the individual's potential for success on the G.E.D. test, and shall administer other tests after every 90 hours of attendance to determine a participant's readiness to take the G.E.D. test.

(c) A funding recipient shall receive funding according to subsection (10) for a participant, and a participant may be enrolled in the program until 1 of the following occurs:

(i) The participant passes the G.E.D. test.

(ii) The participant fails to show progress on 2 successive tests used to determine readiness to take the G.E.D. test after having completed at least 450 hours of instruction.

(8) A high school completion program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who do not have a high school diploma.

(b) A funding recipient shall receive funding according to subsection (10) for a participant in a course offered under this subsection until 1 of the following occurs:

(i) The participant passes the course and earns a high school diploma.

(ii) The participant fails to earn credit in 2 successive semesters or terms in which the participant is enrolled after having completed at least 900 hours of instruction.

(9) A job or employment-related adult education program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults referred by their employer who are less than 20 years of age, have a high school diploma, are determined to be in need of remedial mathematics or communication arts skills or, for 1997-98 only, vocational skills, and are not attending an institution of higher education.

(b) An individual may be enrolled in this program and the grant recipient shall receive funding according to subsection (10) until 1 of the following occurs:

(i) The individual achieves the requisite skills as determined by appropriate assessment instruments administered at least after every 90 hours of attendance.

(ii) The individual fails to show progress on 2 successive assessments after having completed at least 450 hours of instruction. The department shall provide information to a funding recipient regarding appropriate assessment instruments for this program.

(10) A funding recipient shall receive payments under this section in accordance with the following:

(a) Ninety percent for enrollment of eligible participants.

(b) Ten percent for completion of the adult basic education objectives by achieving an increase of at least 1 grade level of proficiency in reading or mathematics; for achieving basic English proficiency; for passage of the G.E.D. test; for passage of a course required for a participant to attain a high school diploma; or for completion of the course and demonstrated proficiency in the academic skills to be learned in the course, as applicable.

(11) As used in this section, "participant" means the sum of the number of full-time equated individuals enrolled in and attending a department-approved adult education program under this section, using quarterly participant count days on the schedule described in section 6(7)(b).

(12) A person who is not eligible to be a participant funded under this section may receive adult education services upon the payment of tuition. In addition, a person who is not eligible to be served in a program under this section due to the program limitations specified in subsection (6), (7), (8), or (9) may continue to receive adult education services in that program upon the payment of tuition. The tuition level shall be determined by the local or intermediate district conducting the program.

(13) An individual who is an inmate in a state correctional facility shall not be counted as a participant under this section.

(14) A district shall not commingle money received under this section or from another source for adult education purposes with any other funds of the district. A district receiving adult education funds shall establish a separate ledger account for those funds. This subsection does not prohibit a district from using general funds of the district to support an adult education or community education program.

(15) From the general fund appropriation in section 11, there is allocated for 1997-98 only an amount not to exceed \$250,000.00 for a grant to focus: hope for a fast-track adult education program.

Sec. 147. (1) The allocations for 1997-98, ~~and~~ 1998-99, AND 1999-2000 for the public school employees' retirement system pursuant to the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1467, shall

be made using the entry age normal cost actuarial method and risk assumptions adopted by the public school employees retirement board and the department of management and budget. Effective October 1, 1997, the annual level percentage of payroll contribution rate for the 1997-98 state fiscal year is estimated at 11.12%, ~~and~~ the annual level percentage of payroll contribution rate for the 1998-99 AND 1999-2000 state fiscal ~~year~~ YEARS is estimated at 11.12%. The portion of the contribution rate assigned to districts and intermediate districts for 1997-98, ~~and~~ 1998-99, AND 1999-2000 is all of the total percentage points. This contribution rate reflects an amortization period of 39 years for 1997-98, ~~and~~ 38 years for 1998-99, AND 37 YEARS FOR 1999-2000. The public school employees' retirement system board shall notify each district and intermediate district by February 28 of each fiscal year of the estimated contribution rate for the next fiscal year.

(2) It is the intent of the legislature that the amortization period described in section 41(2) of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, be reduced to 30 years by the end of the 2005-2006 state fiscal year by reducing the amortization period by not more than 1 year each fiscal year.

SEC. 165. IF AN INDIVIDUAL OR PRIVATE ENTITY RECEIVES PAYMENT OR CONSIDERATION FROM A DISTRICT OR INTERMEDIATE DISTRICT AS A RESULT OF INVOLVEMENT IN A CONTRACTUAL SHARED TIME AGREEMENT AND IF MEMBERSHIPS ATTRIBUTABLE TO THAT AGREEMENT ARE SUBSEQUENTLY DISALLOWED BY THE DEPARTMENT, THE INDIVIDUAL OR ENTITY SHALL REIMBURSE TO THE DISTRICT OR INTERMEDIATE DISTRICT THE FULL AMOUNT OF THE PAYMENT OR CONSIDERATION RECEIVED. THE ATTORNEY GENERAL MAY TAKE ANY ACTION NECESSARY TO ENFORCE THE REIMBURSEMENT REQUIRED UNDER THIS SECTION.

Sec. 166b. (1) This act does not prohibit a parent or legal guardian of a minor who is enrolled IN ANY OF GRADES 1 TO 12 in a nonpublic school or who is being home-schooled from also enrolling the minor in a district or intermediate district in any curricular offering THAT IS PROVIDED BY THE DISTRICT OR INTERMEDIATE DISTRICT AT A PUBLIC SCHOOL SITE AND IS available to pupils in the minor's grade level or age group, subject to compliance with the same requirements that apply to a full-time pupil's participation in the offering. ~~A minor enrolled as described in this section is a part-time pupil for purposes of state school aid under this act.~~ However, state school aid shall be provided under this act for a minor enrolled as described in this ~~section~~ SUBSECTION only for curricular offerings that are offered to full-time pupils in the minor's grade level or age group during regularly scheduled school hours.

(2) THIS ACT DOES NOT PROHIBIT A PARENT OR LEGAL GUARDIAN OF A MINOR WHO IS ENROLLED IN ANY OF GRADES 1 TO 12 IN A NONPUBLIC SCHOOL LOCATED WITHIN THE DISTRICT OR WHO RESIDES WITHIN THE DISTRICT AND IS BEING HOME-SCHOOLED FROM ALSO ENROLLING THE MINOR IN THE DISTRICT IN A CURRICULAR OFFERING BEING PROVIDED BY THE DISTRICT AT THE NONPUBLIC SCHOOL SITE. HOWEVER, STATE SCHOOL AID SHALL BE PROVIDED UNDER THIS ACT FOR A MINOR ENROLLED AS DESCRIBED IN THIS SUBSECTION ONLY IF ALL OF THE FOLLOWING APPLY:

(A) THE NONPUBLIC SCHOOL SITE IS LOCATED, OR THE NONPUBLIC STUDENTS ARE EDUCATED, WITHIN THE GEOGRAPHIC BOUNDARIES OF THE DISTRICT.

(B) THE NONPUBLIC SCHOOL IS REGISTERED WITH THE DEPARTMENT AS A NONPUBLIC SCHOOL AND MEETS ALL STATE REPORTING REQUIREMENTS FOR NONPUBLIC SCHOOLS.

(C) THE INSTRUCTION IS SCHEDULED TO OCCUR DURING THE REGULAR SCHOOL DAY.

(D) THE INSTRUCTION IS PROVIDED DIRECTLY BY AN EMPLOYEE OF THE DISTRICT OR OF AN INTERMEDIATE DISTRICT.

(E) THE CURRICULAR OFFERING IS ALSO AVAILABLE TO FULL-TIME PUPILS IN THE MINOR'S GRADE LEVEL OR AGE GROUP IN THE DISTRICT DURING THE REGULAR SCHOOL DAY AT A PUBLIC SCHOOL SITE.

(F) THE CURRICULAR OFFERING IS RESTRICTED TO NONESSENTIAL ELECTIVE COURSES FOR PUPILS IN GRADES 1 TO 12.

(3) A MINOR ENROLLED AS DESCRIBED IN THIS SECTION IS A PART-TIME PUPIL FOR PURPOSES OF STATE SCHOOL AID UNDER THIS ACT.

Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 1997 PA 142 from state sources for fiscal year 1998-99 is estimated at \$9,493,889,800.00 and state appropriations to be paid to local units of government for fiscal year 1998-99 are estimated at \$9,488,139,800.00, and total state spending in this amendatory act from state sources for fiscal year 1999-2000 is estimated at \$9,823,512,700.00 and state appropriations to be paid to local units of government for fiscal year 1999-2000 are estimated at \$9,817,762,700.00.

Second: That the House and Senate agree to the title of the bill 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 6, 8a, 11, 11f, 11g, 11i, 20, 24, 26a, 31a, 31c, 36, 36a, 41, 51a, 53a, 54, 56, 57, 61a, 62, 68, 74, 81, 94, 99, 101, 107, 147, and 166b (MCL 388.1606, 388.1608a, 388.1611, 388.1611f, 388.1611g, 388.1611i, 388.1620, 388.1624, 388.1626a, 388.1631a, 388.1631c, 388.1636, 388.1636a, 388.1641, 388.1651a, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1668, 388.1674, 388.1681, 388.1694, 388.1699, 388.1701, 388.1707, 388.1747, and 388.1766b), sections 6, 11, 20, 24, 26a, 31a, 36, 41, 51a, 53a, 54, 56, 57, 61a, 62, 68, 74, 81, 94, 99, 101, 107, and 147 as amended and sections 8a, 11f, 11g, 11i, 31c, and 36a as added by 1997 PA 142 and section 166b as amended by 1996 PA 300, and by adding sections 11j, 11k, 20b, 31b, 63, and 165.

Bob Emerson
Glenn Oxender
Conferees for the House

John J. H. Schwarz, M.D.
Joe Conroy
Conferees for the Senate

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

Rep. Gagliardi moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the member’s desks.

The question being on the adoption of the conference report,

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

Roll Call No. 952

Yeas—88

Agee	Dobb	Kilpatrick	Raczkowski
Alley	Emerson	Kukuk	Rhead
Anthony	Fitzgerald	Law	Richner
Baade	Frank	LeTarte	Rocca
Baird	Freeman	Llewellyn	Sanborn
Bankes	Gagliardi	London	Schauer
Basham	Galloway	Lowe	Schermesser
Birkholz	Geiger	Mans	Schroer
Bobier	Gernaat	Martinez	Scott
Bodem	Gilmer	Mathieu	Scranton
Bogardus	Godchaux	McBryde	Sikkema
Brackenridge	Goschka	McManus	Stallworth
Brater	Gubow	McNutt	Tesanovich
Brewer	Gustafson	Middaugh	Thomas
Byl	Hale	Middleton	Varga
Callahan	Hammerstrom	Olshove	Vaughn
Cassis	Hanley	Owen	Voorhees
Cherry	Harder	Oxender	Walberg
Ciaramitaro	Hertel	Parks	Wallace
Crissman	Jansen	Perricone	Wetters
Dalman	Jelinek	Price	Willard
DeVuyst	Jellema	Prusi	Wojno

Nays—3

DeHart	Kelly	Profit
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In The Chair: DeHart

Messages from the Senate

Senate Concurrent Resolution No. 99.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, September 24, 1998, it stands adjourned until Thursday, November 5, 1998, at 10:00 a.m.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

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

Rep. Gagliardi moved to give the Clerk the authority to enroll a House bill while the House is not in session if that bill has passed both Houses and no action is pending.

The motion prevailed.

Rep. Gagliardi moved that the Clerk of the House notify the House of such action on the next House legislative day.

The motion prevailed.

Rep. Middleton, 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 Nos. 897-932. Had I been present, I would have voted 'yes' on Roll Call Nos. 897-912, 'no' on Roll Call No. 913, 'yes' on Roll Call Nos. 914-918, 'no' on Roll Call No. 919 and 'yes' on Roll Call Nos. 920-932."

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Thursday, November 5, at 10:00 a.m.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Freeman, Baade, Ciaramitaro, Kelly, Tesanovich, Profit, Dobronski, Prusi, Gubow, Kukuk, Bodem, Godchaux, Leland, Olshove, Harder, Hale, Brater, Parks, Anthony, Scranton, Schermesser, Martinez, Kilpatrick, Bogardus, Jelinek, Scott, DeHart, Basham, Willard, Baird, Murphy, Birkholz, Richner, LaForge, Quarles, Hanley, Cherry and Varga offered the following resolution:

House Resolution No. 379.

A resolution to encourage the Federal Communications Commission to restore approval for low power FM radio broadcasting.

Whereas, For many years, low power radio stations filled a unique niche in the communications needs of local communities. These operations, which used less than 100 watts of power, were licensed as Class D FM stations; and

Whereas, In 1978, The Federal Communications Commission made a policy decision to stop licensing low power radio stations. This decision was based on concerns that low power stations were a hindrance to the orderly development of FM radio and a potential impediment to the efficient operation of facilities serving greater numbers of people; and

Whereas, In recent years, the rate of consolidation in the radio broadcast market has increased. As a result, far fewer locally based radio stations have programming that serves their communities. These concerns have prompted many people to promote a change in FCC policies. A petition of rulemaking, which proposes the reestablishment of low power FM broadcast services, is currently under consideration; and

Whereas, Allowing low power FM radio to return to the airways will achieve several worthwhile goals in communications options open to people in our country. These community radio services will increase the local presence in the media, increase diversity of ownership, provide more choices to the public, offer new opportunities in business, and promote communications that better reflect the character and needs of our communities; now, therefore, be it

Resolved by the House of Representatives, That we encourage the Federal Communications Commission to restore approval for low power FM radio broadcasting; and be it further

Resolved, That copies of this resolution be transmitted to the Federal Communications Commission.

The resolution was referred to the Committee on Public Utilities.

Reps. Brater, Schauer, Baade, Ciaramitaro, Kelly, Tesanovich, Profit, Dobronski, Prusi, Wojno, Frank, Gubow, Kukuk, Hammerstrom, Bodem, Godchaux, Leland, Olshove, Harder, Hale, Parks, Anthony, Scranton, Schermesser, Hood, Martinez, Kilpatrick, Bogardus, Scott, DeHart, Basham, Willard, Baird, Murphy, Perricone, Birkholz, Richner, LaForge, Quarles, Hanley, Cherry and Varga offered the following resolution:

House Resolution No. 380.

A resolution recognizing October 8, 1998, as National Depression Screening Day.

Whereas, According to figures from the National Institute of Mental Health, depression and manic-depression will strike more than 17 million Americans each year. Over 80 percent of those suffering from depression can be treated successfully. If depression is recognized and treated by medication and/or psychotherapy, most people will begin to return to normal functioning within six to eight weeks. But, the majority of depressed people do not receive treatment because their symptoms are not recognized, are blamed on personal weakness, are so disabling that people cannot go for help, or are misdiagnosed and thus incorrectly treated; and

Whereas, Inspired by these powerful statistics, Harvard Psychiatrist Douglas G. Jacobs, M.D., originated the concept of large scale mental health screening with National Depression Screening Day, now in its eighth year. The purpose of National Depression Screening Day is to call attention to the illness of depression on a national level, to educate the public about its symptoms and effective treatments, to offer individuals the opportunity to be screened for depression, and to connect those in need of treatment to the mental health care system. Starting with only 90 sites in its first year, the program grew to 3,000 sites in 1997, reaching some 85,000 people nationwide. Each year, more than 70 percent of those screened score positive for depression and are encouraged to go on for further evaluation; and

Whereas, In its traditional format, this mental health outreach program, provided free to the public, is designed for use on Thursday in the first full week in October. Generally, National Depression Screening Day includes an educational component, a written depression screening form to be completed anonymously by participants, a short screening interview with a mental health professional, and a referral for a complete evaluation if indicated. Mental health professionals will also offer residents the opportunity to learn about the signs and symptoms of depression/manic-depression. Common symptoms of depression include feelings of hopelessness, worthlessness, restlessness, irritability, changes in sleep and appetite, loss of energy and thoughts of death or suicide. Manic-depression includes feelings of euphoria or agitation; and

Whereas, The success of National Depression Screening Day led to the creation of the National Mental Illness Screening Project, a non-profit organization developed to coordinate nationwide mental illness screening programs and to ensure cooperation, professionalism, and accountability in the programs; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body recognize Thursday, October 8, 1998, as National Depression Screening Day; and be it further

Resolved, That copies of this resolution be transmitted to the Mental Health Association in Michigan as evidence of our support for this worthwhile day.

Pending the reference of the resolution to a committee,

Rep. Gagliardi 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, a majority of the members serving voting therefor.

Reps. Hertel, Martinez, Baade, Geiger, London, Ciaramitaro, Kelly, Tesanovich, Profit, Dobronski, Prusi, Wojno, Frank, Gubow, Kukuk, Jellema, Hammerstrom, Bodem, Llewellyn, McBryde, Gilmer, Godchaux, Leland, Olshove, Harder, Hale, Schauer, Dalman, Brater, Parks, Anthony, Scranton, Schermesser, Hood, Kilpatrick, Bogardus, Scott, DeHart, Basham, Willard, Baird, Murphy, Perricone, Birkholz, Richner, LaForge, Quarles, Hanley, Cherry, Goschka and Varga offered the following resolution:

House Resolution No. 381.

A resolution commemorating September 15, 1998 to October 15, 1998, as Hispanic Heritage Month.

Whereas, It is an honor for our state to commemorate September 15, 1998 to October 15, 1998, as Hispanic Heritage Month. Our state will have the opportunity to experience the many wonderful gifts which the Hispanic community offers Michigan; and

Whereas, The Hispanic influence, including the unique efforts of those who plan and organize the events of this commemorative month, have helped to make Michigan a state wealthy in ethnic heritage and strong in civic leaders. During this month, it is a time to celebrate the Hispanic culture and enjoy their marvelous cuisine, dance and dress. Activities also include educational opportunities for citizens of all ages to learn about our state's rich multicultural diversity and the beneficial strength and beauty it brings to our lives; and

Whereas, One of the greatest assets as a nation is the wide variety of cultures reflected in our people, and few groups have contributed as much to our country as Americans of Hispanic heritage. Moreover, Hispanic people have long played an important role in the history of our state; now, therefore, be it

Resolved by the House of Representatives, That we hereby commemorate September 15, 1998 to October 15, 1998, as Hispanic Heritage Month and commend the dedicated efforts of the Hispanic Community of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to organizers of this event as evidence of our best wishes for an enjoyable and informative observance.

Pending the reference of the resolution to a committee,

Rep. Gagliardi 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, a majority of the members serving voting therefor.

Reps. McManus, Hammerstrom, Bodem, Gernaat, Lowe, Gustafson, Bobier, Walberg, Green, Richner and DeVuyst offered the following resolution:

House Resolution No. 382.

A resolution to memorialize the Congress of the United States to amend the Great Lakes Fish and Wildlife Restoration Act to ensure tribal compliance with consent agreements and some state oversight with regard to assessment fishing activities.

Whereas, Balancing the aboriginal fishing rights of Native American tribes with the interests of general commercial and recreational fishing has long been a vexing problem for state and federal authorities. In 1985, a federal district court issued a consent order that established zones for much of the Great Lakes to reserve specific areas for specific fishing activities. Under this court order, Indian tribes have the right to use gill nets, and they also agreed to abide by zones reserved for sport fishing, lake trout rehabilitation, and other purposes; and

Whereas, Tribal fishing operations were found to have violated the provisions of the court's consent order in Lake Huron waters. These operations included substantial gill netting under the guise of being an assessment program. The level of fishing, with nets killing over three tons of whitefish and one ton of lake trout each day, seriously threatened the stocks of these species; and

Whereas, Congress is currently considering measures to amend the Great Lakes Fish and Wildlife Restoration Act. In their present form, two bills, H.R.1481 and S.659, would permit the Native American tribes to resume illegal fishing under the shroud of conducting an assessment program. Great Lakes biologists, along with non-Indian commercial and recreational fishing groups, fear that, without proper regulation and oversight, tribal fishing will resume in restricted waters; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to amend the Great Lakes Fish and Wildlife Restoration Act to ensure tribal compliance with consent agreements and some state oversight with regard to assessment fishing activities; and be it further

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

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

Reps. Schermesser, Price, Hale, Varga, Mans, Agee, Wallace, Tesanovich, Brown, Callahan, Wojno, DeHart, Vaughn, Kelly, Scott, Murphy, Leland, Curtis, Griffin, Brewer, Frank, DeVuyst, Bogardus, Rison, Schauer, Harder, Kukuk, Jelinek, Richner, Birkholz, Basham, Gernaat, Llewellyn, Stallworth, Rhead, Kilpatrick, Cherry, Wetters, Anthony, Prusi, Schroer, Profit, Gagliardi, Mathieu, Owen, Ciaramitaro, Emerson, Gubow, Freeman, Willard, Middaugh, Baird, Martinez, Dobronski, LaForge, Thomas, Baade, Quarles, Rocca, Voorhees, Green, Jellema, Sanborn, Alley, Goschka, McNutt, Bodem, Bankes, McBryde, Bobier, Brackenridge, London, Law, Oxender and Crissman offered the following resolution:

House Resolution No. 383.

A resolution to memorialize the Congress of the United States and the Department of Commerce to increase efforts to halt the dumping of foreign steel in this country.

Whereas, For most of this century, the federal government, through the Congress and through agencies responsible for international trade, has worked to protect American workers from unfair trade practices of other countries, especially as this relates to the production and sale of steel. Policy makers have worked to promote fair competition and the long-term needs of our country; and

Whereas, Over the past few years, there have been examples of the harmful effects of other nations dumping low-cost steel in this country. Some of the countries with emerging market economies, in an effort to develop key

industries, have been selling steel in our country at artificially low prices. While this offers short-term advantages to American customers, there are numerous immediate and long-term problems with allowing the low-cost products to take over the American market. The reduced costs are generally the result of advantages not available to the American steel industry, including foreign nations subsidizing steel production in order to meet other economic, social, or political goals in their country. American steel companies, meanwhile, operate within the bounds of antitrust and other laws; and

Whereas, Our country cannot allow such a key industry to be victimized by foreign steel dumped on our market. In addition to the severe costs to American steel workers forced into unfair and illegal competition, the United States will be significantly weakened if the domestic steel industry is eroded or replaced by steel made in other lands. Trade policies in these areas need to be strengthened to meet the best interests of our people, now and in the future; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the Department of Commerce to increase efforts to halt the dumping of foreign steel in this country; and be it further

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

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

Reports of Select Committees

Joint Committee on Administrative Rules Certificates of Approval

Date: September 16, 1998

Subject: Trans. No. 98-58

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules rescission from the Department of Environmental Quality pertaining to General Rules, Construction Grants for Wastewater Treatment Works (Part 11), dated May 19, 1997.

Date: September 16, 1998

Subject: Trans. No. 98-59

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules rescission from the Department of Treasury, pertaining to Intangibles Tax dated June 18, 1998.

Date: September 16, 1998

Subject: Trans. No. 98-60

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Environmental Quality, Waste Management Division, pertaining to Hazardous Waste Management (Part 1), dated March 26, 1998.

Date: September 16, 1998

Subject: Trans. No. 98-61

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Environmental Quality, Waste Management Division, pertaining to Identification and Listing of Hazardous Waste (Part 2) dated April 15, 1998.

Date: September 16, 1998

Subject: Trans. No. 98-62

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Management and Budget and Department of State, pertaining to Optical Imaging Systems dated May 27, 1998.

Date: September 23, 1998

Subject: Trans. No. 98-63

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Environmental Quality, Air Quality Division, pertaining to Air Pollution Control dated December 30, 1997.

Date: September 23, 1998

Subject: Trans. No. 98-65

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office pertaining to Construction Code, Building Code (Part 4) dated July 1, 1998.

Date: September 23, 1998

Subject: Trans. No. 98-66

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office pertaining to Construction Code, Mechanical Code (Part 9A) dated July 20, 1998.

Date: September 23, 1998

Subject: Trans. No. 98-67

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office pertaining to Construction Code, Electrical Code (Part 8) dated June 26, 1998.

Date: September 23, 1998

Subject: Trans. No. 98-70

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office pertaining to Building Officials, Plan Reviewers, and Inspectors dated September 21, 1998.

Sincerely,
SENATOR WALTER H. NORTH
Chair

Joint Committee on Administrative Rules

September 23, 1998

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 98-68 submitted by the Department of Transportation, Bureau of Highways pertaining to Driveways, Banners, and Parades On and Over Highways.

September 23, 1998

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 98-69 submitted by the Department of Agriculture, Pesticide and Plant Pest Management Division pertaining to Regulation No. 523. Dry Edible Beans.

Sincerely,
SENATOR WALTER H. NORTH
Chair

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, September 22:

Senate Bill Nos.	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240
	1241	1242	1243	1244	1245	1246	1247	1248	1249	1250	1251	1252	1253	1254
	1255	1256	1257	1258	1259	1260	1261	1262	1267	1268	1269	1270	1271	1272
	1273	1274	1275	1276	1277	1278	1279	1280	1281	1284	1285	1286	1287	1288
	1289	1290	1291	1292	1293	1294	1295	1296	1297					

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, September 24:

**House Bill Nos. 6140 6141 6142 6143 6144 6145 6146 6147 6148 6149 6150 6151 6152 6153
6154 6155 6156 6157 6158 6159 6160 6161 6162 6163 6164 6165 6166 6167
6168 6169 6170 6171 6172**

The Clerk announced that the following Senate bills had been received on Thursday, September 24:

Senate Bill Nos. 820 994 1167 1168 1264 1283

By unanimous consent the House returned to the order of
Reports of Standing Committees

The Committee on Insurance, by Rep. Gubow, Chair, reported

House Bill No. 5606, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1224 (MCL 500.1224), as amended by 1981 PA 1.

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 5606 To Report Out:

Yeas: Reps. Gubow, Scott, Bogardus, Basham, Llewellyn, Green, Jelinek, London, Voorhees,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 23, 1998, at 12:25 p.m.,

Present: Reps. Gubow, Scott, Bogardus, Basham, Llewellyn, Green, Jelinek, London, Voorhees,

Absent: Reps. Dobronski, Palamara, Profit, Thomas, Varga, Vaughn, Law, Middaugh,

Excused: Reps. Dobronski, Palamara, Profit, Thomas, Varga, Vaughn, Law, Middaugh.

The Committee on Consumer Protection, by Rep. Brater, Chair, reported

House Bill No. 5726, 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.

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 5726 To Report Out:

Yeas: Reps. Brater, DeHart, Basham, Freeman, Perricone,

Nays: None.

The Committee on Consumer Protection, by Rep. Brater, Chair, reported

House Bill No. 5885, 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.

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 5885 To Report Out:

Yeas: Reps. Brater, DeHart, Basham, Freeman, Perricone,
Nays: None.

The Committee on Consumer Protection, by Rep. Brater, Chair, reported

House Bill No. 5961, entitled

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

With the recommendation that the substitute (H-1)* be adopted and that the bill then pass.
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5961 To Report Out:

Yeas: Reps. Brater, DeHart, Basham, Freeman, Crissman,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Brater, Chair of the Committee on Consumer Protection, was received and read:

Meeting held on: Wednesday, September 23, 1998, at 8:45 a.m.,
Present: Reps. Brater, DeHart, Basham, Freeman, Crissman, Perricone,
Absent: Reps. Brown, Cropsey, Law,
Excused: Reps. Cropsey, Law.

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

House Bill No. 5787, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 1996 PA 347.

With the recommendation that the bill pass.
The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5787 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Hanley, Wallace, Wojno, Dobb, Goschka, Middleton,
Nays: None.

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

House Bill No. 5788, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 71 (MCL 208.71), as amended by 1984 PA 281.

With the recommendation that the bill pass.
The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5788 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Hanley, Wallace, Wojno, Brackenridge, Cassis, Dobb, Goschka, Middleton,
Nays: None.

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

House Bill No. 6050, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4o.

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 6050 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Hanley, Wallace, Wojno, Brackenridge, Dobb, Middleton,

Nays: None.

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

House Bill No. 6051, entitled

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

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

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

Favorable Roll Call

HB 6051 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Hanley, Wallace, Wojno, Brackenridge, Dobb, Middleton,

Nays: None.

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

House Bill No. 6066, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 9 and 73 (MCL 208.9 and 208.73), section 9 as amended by 1996 PA 347 and section 73 as amended by 1995 PA 80.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 6066 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Hanley, Wallace, Wojno, Brackenridge, Cassis, Dobb, Goschka, Middleton,

Nays: None.

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

House Bill No. 6069, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 1996 PA 435.

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

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

Favorable Roll Call

HB 6069 To Report Out:

Yeas: Reps. Profit, Quarles, Hanley, Wallace, Wojno, Brackenridge, Cassis, Dobb, Goschka, Middleton,

Nays: None.

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

House Bill No. 6175, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 1997 PA 201.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 6175 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Hanley, Wallace, Wojno, Dobb, Goschka, Middleton,
Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, September 24, 1998, at 9:00 a.m.,

Present: Reps. Profit, Quarles, Agee, Hanley, Wallace, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton,

Absent: Reps. Freeman, Gubow, Palamara, Wetters, Whyman,

Excused: Reps. Freeman, Gubow, Palamara, Wetters, Whyman.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Olshove, Chair of the Committee on Public Utilities, was received and read:

Meeting held on: Wednesday, September 23, 1998, at 3:40 p.m.,

Present: Reps. Olshove, Thomas, Alley, Freeman, Griffin, Gubow, Profit, Dobb, Birkholz, Cassis, Kukuk, LeTarte, Middaugh, Raczkowski,

Absent: Reps. Baade, Dobronski, Hanley, Leland, Murphy, Wetters, Galloway, Gustafson, Whyman,

Excused: Reps. Baade, Dobronski, Hanley, Leland, Murphy, Wetters, Galloway, Gustafson, Whyman.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, September 24, 1998, at 8:45 a.m.,

Present: Reps. Wetters, Vaughn, Baade, Bogardus, LaForge, Willard, Green, DeVuyst, Gernaat, Horton, Jelinek, Nye,

Absent: Rep. Brewer.

Messages from the Senate**House Bill No. 4786, entitled**

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

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. 4959, entitled

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 624a, 624b, and 625n (MCL 257.624a, 257.624b, and 257.625n), section 624a as amended and section 624b as added by 1996 PA 493 and section 625n as added by 1996 PA 491; and to repeal acts and parts of acts.

The Senate has concurred in the House amendment to the Senate substitute (S-2) and agreed to the title of the bill as amended.

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

House Bill No. 5122, entitled

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 904 (MCL 257.904), as amended by 1994 PA 450.

The Senate has concurred in the House amendment to the Senate substitute (S-2).

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

House Bill No. 5386, entitled

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act," (MCL 123.871 to 123.873) by adding section 4.

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

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

House Bill No. 5389, entitled

A bill to amend 1921 PA 136, entitled "An act to authorize and facilitate the acquisition and disposal of public library property by public corporations empowered to maintain public libraries," by amending section 1 (MCL 397.381).

The Senate has passed the bill.

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

House Bill No. 5783, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 25 (MCL 445.1675), as amended by 1996 PA 210, and by adding section 25a.

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. 5784, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending section 29a (MCL 493.79a), as added by 1994 PA 261.

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

The House agreed to the full title.

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

House Bill No. 4044, entitled

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said

courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," (MCL 600.101 to 600.9948) by adding sections 2965, 2966, and 2967.

The Senate has amended the House amendments as follows:

1. Amend House Amendment No. 1, page 2, line 3, after "2967." by striking out the balance of the amendment and inserting "(1) EXCEPT AS PROVIDED IN SECTION 2966, A FIREFIGHTER OR POLICE OFFICER WHO SEEKS TO RECOVER DAMAGES FOR INJURY OR DEATH ARISING FROM THE NORMAL, INHERENT, AND FORESEEABLE RISKS OF HIS OR HER PROFESSION WHILE ACTING IN HIS OR HER OFFICIAL CAPACITY MUST PROVE THAT 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES ARE PRESENT:

(A) AN INJURY OR RESULTING DEATH THAT IS A BASIS FOR THE CAUSE OF ACTION WAS CAUSED BY A PERSON'S CONDUCT AND THAT CONDUCT IS 1 OR MORE OF THE FOLLOWING:

(i) GROSSLY NEGLIGENT.

(ii) WANTON.

(iii) WILLFUL.

(iv) INTENTIONAL.

(v) CONDUCT THAT RESULTS IN A CONVICTION, GUILTY PLEA, OR PLEA OF NO CONTEST TO A CRIME UNDER STATE OR FEDERAL LAW, OR A LOCAL CRIMINAL ORDINANCE THAT SUBSTANTIALLY CORRESPONDS TO A CRIME UNDER STATE LAW.

(B) THE CAUSE OF ACTION IS A PRODUCT LIABILITY ACTION THAT IS BASED ON FIREFIGHTING OR POLICE OFFICER EQUIPMENT THAT FAILED WHILE IT WAS BEING USED BY THE FIREFIGHTER OR POLICE OFFICER DURING THE LEGALLY REQUIRED OR AUTHORIZED DUTIES OF THE PROFESSION, WHICH DUTIES WERE PERFORMED DURING AN EMERGENCY SITUATION AND WHICH DUTIES SUBSTANTIALLY INCREASED THE LIKELIHOOD OF THE RESULTING DEATH OR INJURY, AND ALL OF THE FOLLOWING ARE TRUE:

(i) THE NEGLIGENT PERSON IS NOT SOMEONE WHOSE ACT OR OMISSION RESULTED IN THE FIREFIGHTER'S OR POLICE OFFICER'S PRESENCE AT THE PLACE WHERE THE INJURY OCCURRED; OR THE PERSON IS SOMEONE WHOSE ACT OR OMISSION RESULTED IN THE FIREFIGHTER'S OR POLICE OFFICER'S PRESENCE AT THE PLACE WHERE THE INJURY OCCURRED AND THE ACTION IS BASED ON AN ACT BY THAT PERSON THAT OCCURRED AFTER THE FIREFIGHTER OR POLICE OFFICER ARRIVED AT THE PLACE WHERE THE INJURY OCCURRED.

(ii) THE NEGLIGENT PERSON IS NOT SOMEONE FROM WHOM THE FIREFIGHTER OR POLICE OFFICER HAD SOUGHT OR OBTAINED ASSISTANCE OR IS NOT AN OWNER OR TENANT OF THE PROPERTY FROM WHERE THE FIREFIGHTER OR POLICE OFFICER SOUGHT OR OBTAINED ASSISTANCE.

(iii) THE NEGLIGENT PERSON IS NOT SOMEONE WHO IS AN OWNER OR TENANT OF THE PROPERTY THAT THE FIREFIGHTER OR POLICE OFFICER WAS ON IN HIS OR HER OFFICIAL CAPACITY; OR THE PERSON IS SOMEONE WHO IS AN OWNER OR TENANT OF THE PROPERTY THAT THE FIREFIGHTER OR POLICE OFFICER WAS ON IN HIS OR HER OFFICIAL CAPACITY AND THE ACTION IS BASED ON AN ACT BY THAT PERSON THAT OCCURRED AFTER THE FIREFIGHTER OR POLICE OFFICER ARRIVED AT THE PLACE WHERE THE INJURY OCCURRED.

(C) AN INJURY OR RESULTING DEATH THAT IS A BASIS FOR THE CAUSE OF ACTION WAS CAUSED BY A PERSON'S ORDINARY NEGLIGENCE AND ALL OF THE FOLLOWING ARE TRUE:

(i) THE NEGLIGENT PERSON IS NOT SOMEONE WHOSE ACT OR OMISSION RESULTED IN THE FIREFIGHTER'S OR POLICE OFFICER'S PRESENCE AT THE PLACE WHERE THE INJURY OCCURRED; OR THE PERSON IS SOMEONE WHOSE ACT OR OMISSION RESULTED IN THE FIREFIGHTER'S OR POLICE OFFICER'S PRESENCE AT THE PLACE WHERE THE INJURY OCCURRED AND THE ACTION IS BASED ON AN ACT BY THAT PERSON THAT OCCURRED AFTER THE FIREFIGHTER OR POLICE OFFICER ARRIVED AT THE PLACE WHERE THE INJURY OCCURRED.

(ii) THE NEGLIGENT PERSON IS NOT SOMEONE FROM WHOM THE FIREFIGHTER OR POLICE OFFICER HAD SOUGHT OR OBTAINED ASSISTANCE OR IS NOT AN OWNER OR TENANT OF THE PROPERTY FROM WHERE THE FIREFIGHTER OR POLICE OFFICER SOUGHT OR OBTAINED ASSISTANCE.

(iii) THE NEGLIGENT PERSON IS NOT SOMEONE WHO IS AN OWNER OR TENANT OF THE PROPERTY THAT THE FIREFIGHTER OR POLICE OFFICER WAS ON IN HIS OR HER OFFICIAL CAPACITY; OR THE PERSON IS SOMEONE WHO IS AN OWNER OR TENANT OF THE PROPERTY THAT THE FIREFIGHTER OR POLICE OFFICER WAS ON IN HIS OR HER OFFICIAL CAPACITY AND THE ACTION IS BASED ON AN ACT BY THAT PERSON THAT OCCURRED AFTER THE FIREFIGHTER OR POLICE OFFICER ARRIVED AT THE PLACE WHERE THE INJURY OCCURRED.

(iv) THE FIREFIGHTER OR POLICE OFFICER WAS ENGAGED IN 1 OR MORE OF THE FOLLOWING:

(A) OPERATING, OR RIDING IN OR ON, A MOTOR VEHICLE THAT IS BEING OPERATED IN CONFORMITY WITH THE LAWS APPLICABLE TO THE GENERAL PUBLIC.

(B) AN ACT INVOLVING THE LEGALLY REQUIRED OR AUTHORIZED DUTIES OF THE PROFESSION THAT DID NOT SUBSTANTIALLY INCREASE THE LIKELIHOOD OF THE RESULTING DEATH OR INJURY. THE COURT SHALL NOT CONSIDER THE FIREFIGHTER OR POLICE OFFICER TO HAVE BEEN ENGAGED IN AN ACT THAT SUBSTANTIALLY INCREASED THE LIKELIHOOD OF DEATH OR INJURY IF THE INJURY OCCURRED WITHIN A HIGHWAY RIGHT-OF-WAY, IF THERE WAS EMERGENCY LIGHTING ACTIVATED AT THE SCENE, AND IF THE FIREFIGHTER OR POLICE OFFICER WAS ENGAGED IN EMERGENCY MEDICAL SERVICES, ACCESSING A FIRE HYDRANT, TRAFFIC CONTROL, MOTORIST ASSISTANCE, OR A TRAFFIC STOP FOR A POSSIBLE VIOLATION OF LAW.

(2) THIS SECTION SHALL NOT BE CONSTRUED TO AFFECT A RIGHT, REMEDY, PROCEDURE, OR LIMITATION OF ACTION THAT IS OTHERWISE PROVIDED BY STATUTE OR COMMON LAW.

(3) AS USED IN THIS SECTION:

(A) "GROSSLY NEGLIGENT" MEANS CONDUCT SO RECKLESS AS TO DEMONSTRATE A SUBSTANTIAL LACK OF CONCERN FOR WHETHER INJURY RESULTS.

(B) "PERSON" MEANS AN INDIVIDUAL OR A PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, ASSOCIATION, OR OTHER LEGAL ENTITY.

(C) "PRODUCT LIABILITY ACTION" MEANS THAT TERM AS DEFINED IN SECTION 2945."

The Senate has concurred in the House amendments as amended.

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

Senate Bill No. 184, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts," by amending section 2a (MCL 722.112a), as added by 1994 PA 349.

The Senate has nonconcurred in the House amendment and appointed Senators Cisky, Shugars and Byrum as conferees.

The message was referred to the Clerk for record.

The Speaker appointed as conferees on the part of the House of Representatives, Reps. Palamara, Schauer and Hammerstrom.

Senate Bill No. 820, entitled

A bill to license and regulate bail recovery agents; to provide for certain powers and duties for certain state agencies and law enforcement agencies; to require the obtaining of surety devices by licensees; to provide for the imposition of certain fees and establishment of certain standards of operation of licensees; to provide for the promulgation of rules; and to provide remedies and prescribe penalties.

The Senate has passed the bill.

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

Senate Bill No. 994, entitled

A bill to make an appropriation for the judicial branch and certain other state purposes for the fiscal year ending September 30, 1999; and to provide for the expenditure of the appropriation.

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. 1167, entitled

A bill to amend 1966 PA 225, entitled "Carnival-amusement safety act of 1966," by amending section 2 (MCL 408.652), as amended by 1982 PA 35.

The Senate has passed the bill.

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

Senate Bill No. 1168, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," (MCL 408.751 to 408.776) by adding section 7c.

The Senate has passed the bill.

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

Senate Bill No. 1264, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 26 and 28 of chapter V (MCL 765.26 and 765.28).

The Senate has passed the bill.

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

Senate Bill No. 1283, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 36505 (MCL 324.36505), as added by 1995 PA 59, and by adding section 40107a.

The Senate has passed the bill.

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

Notices

The Speaker appointed as conferee, on the part of the House of Representatives for **House Bill No. 5516**, Rep. Kelly to replace Rep. Hood.

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing
Administrative Rules

June 25, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:25 A.M. this date, administrative rule (98-06-22) for the Department of Consumer and Industry Services, Unemployment Agency Director's Office, entitled "*Employment Security*", effective 15 days hereafter.

September 4, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:16 P.M. this date, administrative rule (98-09-1) for the Department of Environmental Quality, Waste Management Division, entitled "*Hazardous Waste Management*", effective 15 days hereafter.

September 4, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:18 P.M. this date, administrative rule (98-09-2) for the Department of Environmental Quality, Waste Management Division, entitled "*Waste Management*", effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Helen Kruger, Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

The following communications from the Department of Community Health were received and read:

September 22, 1998

At its September 22, 1998 meeting, the Certificate of Need Commission took **final** action to approve revisions to CON Review Standards for Surgical Services.

September 22, 1998

At its September 22, 1998 meeting, the Certificate of Need Commission took **final** action to approve revisions to CON Review Standards for Megavoltage Radiation Therapy Services.

Sincerely,
Sandra Miller, Chair
Certificate of Need Commission

The communications were referred to the Clerk.

Introduction of Bills

Reps. Birkholz, Stallworth, Jellema, Mans, Godchaux, Basham, Fitzgerald, Kilpatrick, Richner, DeVuyst, Jansen, Horton, Green, Voorhees, Llewellyn, Hammerstrom, Cropsey, Oxender, Gilmer, Johnson, Byl, Leland, McBryde, Middaugh, Dalman, Jelinek, Gernaat, Middleton, Crissman, Rocca, McManus, Bankes, London, Sikkema, Geiger, McNutt, Baade, Schauer, Brown, Scott, Cassis, Rhead, Raczkowski and Perricone introduced

House Bill No. 6186, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 111. The bill was read a first time by its title and referred to the Committee on House Oversight and Ethics.

Rep. Gagliardi introduced

House Bill No. 6187, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 9 (MCL 117.9), as amended by 1984 PA 352.

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

Rep. Gagliardi introduced

House Bill No. 6188, entitled

A bill to amend 1968 PA 191, entitled "An act to create a state boundary commission; to prescribe its powers and duties; to provide for municipal incorporation, consolidation and annexation; and to repeal certain acts and parts of acts," by amending section 11b (MCL 123.1011b), as added by 1982 PA 192.

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

Reps. Tesanovich, Prusi, Hale, Anthony, DeVuyst, Scott and Parks introduced

House Bill No. 6189, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 6 (MCL 125.2686).

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

Reps. Tesanovich, DeHart, Prusi, Cherry, Basham, Hale, Anthony, Scott and Parks introduced

House Bill No. 6190, entitled

A bill to provide for a military veterans cemetery; to authorize the purchase of land and to designate state land for a veterans cemetery; to receive and expend federal grants for a veterans cemetery; to prescribe duties for certain state officers; and to provide for an appropriation.

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

Reps. Tesanovich, Prusi, Hale, Anthony, Scott and Parks introduced

House Bill No. 6191, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7cc and 7dd (MCL 211.7cc and 211.7dd), as amended by 1996 PA 476.

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

Reps. Llewellyn, Rhead, McManus, Raczkowski, Scranton, McNutt, Geiger, LeTarte, Lowe, Horton, McBryde, DeVuyst, Voorhees, Goschka, Law, Cropsey, Curtis, Nye, Godchaux, Green, Galloway, Jansen, Johnson, Oxender, Profit, Freeman, DeHart, Vaughn, Kelly, Griffin, Mans, Cherry, Varga, Hanley, Price, Brewer and Wetters introduced

House Bill No. 6192, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 803q.

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

Rep. Nye introduced

House Bill No. 6193, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 34 of chapter IX (MCL 769.34), as amended by 1998 PA 317.

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

Reps. Basham, DeHart, Stallworth, Hale, Kilpatrick, Birkholz, Scranton, Anthony and Thomas introduced

House Bill No. 6194, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2503 (MCL 324.2503), as added by 1995 PA 60.

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

Reps. Basham, DeHart, Stallworth, Hale, Freeman, Kilpatrick, Birkholz, Scranton, Anthony and Thomas introduced

House Bill No. 6195, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 438.

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

Reps. Basham, DeHart, Stallworth, Hale, Freeman, Kilpatrick, Birkholz, Scranton, Anthony and Thomas introduced

House Bill No. 6196, entitled

A bill to establish the Great Lakes endowment fund in the department of environmental quality; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

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

Reps. Basham, Stallworth, Hale, Kilpatrick, Birkholz, Scranton, Anthony and Thomas introduced

House Bill No. 6197, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39c.

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

Rep. Price introduced

House Bill No. 6198, entitled

A bill to provide for the creation of housing opportunity zones; to provide for the adoption of an alternative building code; and to provide for the sale of affordable housing to lower and middle income families.

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

Rep. Price introduced

House Bill No. 6199, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," (MCL 125.1501 to 125.1531) by adding section 8a.

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

Reps. Brater, Schauer, Kaza, LaForge and Parks introduced

House Bill No. 6200, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 4 (MCL 4.414) and by adding section 6b.

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

Reps. Brater, Scranton, McBryde, Parks and Richner introduced

House Bill No. 6201, entitled

A bill to require antirabies vaccinations of domestic pets; to prescribe duties for local governmental officials; to impose duties on domestic pet owners; and to provide penalties for violations of this act.

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

Reps. Sanborn, Wojno, Callahan, Llewellyn, Cropsey, McBryde, Horton, Birkholz, Jansen, Voorhees, Green, Nye, Goschka and Kukuk introduced

House Bill No. 6202, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 1996 PA 205.

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

Reps. Sanborn, Wojno, Callahan, Llewellyn, Cropsey, McBryde, Horton, Birkholz, Jansen, Voorhees, Green, Nye, Goschka and Kukuk introduced

House Bill No. 6203, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 4 and 6 (MCL 28.724 and 28.726), section 6 as amended by 1996 PA 494.

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

Rep. Llewellyn introduced

House Bill No. 6204, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 1980 PA 445, and by adding section 3104a.

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

Reps. Schermesser, Kelly, DeHart, Hale and LaForge introduced

House Bill No. 6205, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending section 315 (MCL 462.315).

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

Reps. Fitzgerald, Sikkema, Gustafson, Jellema, Birkholz, Gilmer, Richner, Scranton, Byl, Jelinek, LeTarte, Jansen, Sanborn, Rocca, Godchaux, Green, Cassis, Raczkowski and Perricone introduced

House Bill No. 6206, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 48.

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

Rep. Dobronski introduced

House Bill No. 6207, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by adding section 507.

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

Rep. Rhead introduced

House Bill No. 6208, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 21, 22, 22c, 26, and 50a (MCL 38.1021, 38.1022, 38.1022c, 38.1026, and 38.1050a), sections 21, 22, and 26 as amended by 1994 PA 359, section 22c as amended by 1996 PA 486, and section 50a as amended by 1998 PA 80, and by adding section 36a.

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

Reps. Hammerstrom, Rocca, Godchaux, Perricone, Scranton, Birkholz, Crissman, Dalman, Bankes, Johnson, Cassis and Raczkowski introduced

House Bill No. 6209, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding sections 401f, 401g, and 402c.

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

Reps. Birkholz, Richner, Jelinek, Jansen, Hammerstrom, Rocca, Fitzgerald, Scranton, Jellema, Sanborn, Godchaux, DeVuyt, Byl, Bobier, Cassis, Raczkowski and Perricone introduced

House Bill No. 6210, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 21052b, 21053d, and 21053e.

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

Reps. Rocca, Hammerstrom, Scranton, Birkholz, Perricone, Godchaux, Green, Cassis and Raczkowski introduced **House Bill No. 6211, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding sections 2212b, 3406n, and 3406o.

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

Rep. Cherry introduced

House Bill No. 6212, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 261c.

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

Rep. Basham introduced

House Bill No. 6213, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 141.

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

Rep. LeTarte moved that the House adjourn.

The motion prevailed, the time being 9:50 p.m.

Acting Speaker DeHart declared the House adjourned until Thursday, November 5, at 10:00 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.