

No. 83
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House of Representatives
89th Legislature
REGULAR SESSION OF 1998

House Chamber, Lansing, Thursday, December 10, 1998.

10:00 a.m.

The House was called to order by Acting Speaker DeHart.

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

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

e/d/s = entered during session

Rep. Cropsey, from the 86th District, offered the following invocation:

“Dear Lord, we thank you for this holiday season when we remember the birth of the Lord and Savior, Jesus Christ. We pray Lord, that we would remember that God so loved the world that He gave His only begotten Son. During these last few days Lord might we show our love for one another, and that You be the one who is honored and glorified. Bless the proceedings today. Might we stand up and always do what is right for the people of this state. We ask this in the name of our Lord and Savior, Jesus Christ. Amen.”

Notices

December 10, 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.

Sincerely,
Curtis Hertel
Speaker of the House

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

The Speaker laid before the House

House Resolution No. 457.

A resolution to call for the establishment of a system of specialty license plates.

(For text of resolution, see House Journal No. 78, p. 2405.)

(The resolution was reported by the Committee on Transportation on December 9, consideration of which was postponed until today under the rules.)

The question being on the adoption of the resolution,

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

Reps. Alley, Anthony, Baade, Basham, Brackenridge, Callahan, DeHart, DeVuyst, Gagliardi, Gilmer, Gire, Hertel, Jellema, Johnson, Kelly, Kukuk, Law, Llewellyn, London, McManus, Middaugh, Perricone, Quarles, Richner, Sanborn, Schauer and Voorhees were named co-sponsors of the resolution.

Rep. Palamara asked and obtained a temporary excuse from today’s session.

Rep. Freeman moved that Rep. Emerson be excused temporarily from today’s session.
The motion prevailed.

Rep. Thomas moved that Rep. Stallworth be excused temporarily from today’s session.
The motion prevailed.

Rep. Basham moved that Rep. Schermesser be excused temporarily from today’s session.
The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 5327, entitled

A bill to amend 1962 PA 174, entitled “Uniform commercial code,” by amending sections 1105, 2512, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 9103, 9104, 9105, 9106, 9304, and 9305 (MCL 440.1105, 440.2512, 440.5101, 440.5102, 440.5103, 440.5104, 440.5105, 440.5106, 440.5107,

440.5108, 440.5109, 440.5110, 440.5111, 440.5112, 440.5113, 440.5114, 440.5115, 440.5116, 440.5117, 440.9103, 440.9104, 440.9105, 440.9106, 440.9304, and 440.9305), section 1105 as amended by 1992 PA 101, sections 5114, 9103, 9304, and 9305 as amended by 1987 PA 16, and section 9105 as amended by 1988 PA 130.

(The bill was received from the Senate on December 8, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 9, see House Journal No. 81, p. 2531.)

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. 1104**Yeas—95**

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

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. 5613, entitled

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending sections 7 and 16 (MCL 551.7 and 551.16), section 7 as amended by 1983 PA 64.

(The bill was received from the Senate on December 8, with substitute (S-3), immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 9, see House Journal No. 81, p. 2532.)

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. 1105**Yeas—55**

Agee	Ciaramitaro	Hanley	Price
Alley	Crissman	Harder	Profit
Anthony	Curtis	Hertel	Prusi
Baade	DeHart	Kelly	Quarles
Baird	Dobronski	Kilpatrick	Rison
Basham	Fitzgerald	LaForge	Schauer
Bobier	Freeman	Leland	Schermesser
Bodem	Gagliardi	Mans	Schroer
Bogardus	Galloway	Martinez	Tesanovich
Brackenridge	Gilmer	Mathieu	Thomas
Brater	Gire	Olshove	Varga
Brewer	Godchaux	Owen	Wetters
Brown	Hale	Palamara	Wojno
Callahan	Hammerstrom	Parks	

Nays—44

Bankes	Goschka	LeTarte	Perricone
Birkholz	Green	Llewellyn	Raczkowski
Byl	Gubow	London	Rhead
Cassis	Gustafson	Lowe	Richner
Cropsey	Horton	McBryde	Rocca
Dalman	Jansen	McManus	Sanborn
DeVuyst	Jelinek	McNutt	Sikkema
Dobb	Jellema	Middaugh	Voorhees
Frank	Johnson	Middleton	Walberg
Geiger	Kaza	Nye	Whyman
Gernaat	Kukuk	Oxender	Willard

In The Chair: DeHart

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

Rep. Hammerstrom moved that Reps. Raczkowski, Cassis, Crissman, Kaza, Dobb, Galloway and Godchaux be excused temporarily from today's session.

The motion prevailed.

Third Reading of Bills**Senate Bill No. 1021, entitled**

A bill to repeal local acts prohibiting or restricting Sunday hunting.

(The bill was read a third time, amendment offered and postponed temporarily on December 9, see House Journal No. 82, p. 2559.)

The question being on the seconding of the motion by Rep. London,

The motion was seconded.

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

Rep. Willard moved to amend the London amendment as follows:

1. Amend Rep. London's Amendment No. 1, page 1, following line 5, Enacting section 2, after "on the question." by striking out "The question of approval of enacting section 1 may be submitted" and inserting "The county board of commissioners of Macomb county may submit the question of approval of enacting section 1".

2. Amend Rep. London's Amendment No. 1, page 1, following line 5, Enacting section 4, after "on the question." by striking out "The question of approval of enacting section 3 shall be submitted" and inserting "The county board of commissioners of St. Clair county may submit the question of approval of enacting section 3".

3. Amend Rep. London's Amendment No. 1, page 1, following line 5, Enacting section 4, after "purpose by the county board of commissioners of St. Clair county." by striking out "The" and inserting "If submitted, the".

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

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

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. 1106

Yeas—81

Alley	Dobronski	Kilpatrick	Prusi
Anthony	Fitzgerald	Law	Quarles
Baade	Frank	Leland	Raczkowski
Baird	Freeman	Llewellyn	Rhead
Bankes	Gagliardi	London	Richner
Basham	Galloway	Lowe	Rison
Birkholz	Gernaat	Mans	Rocca
Bobier	Gilmer	Martinez	Sanborn
Bodem	Gire	Mathieu	Schauer
Bogardus	Goschka	McBryde	Schermesser
Brackenridge	Gubow	McManus	Scranton
Brewer	Gustafson	McNutt	Sikkema
Brown	Hale	Middaugh	Tesanovich
Callahan	Hammerstrom	Olshove	Thomas
Cassis	Hanley	Owen	Varga
Cherry	Harder	Oxender	Walberg
Ciaramitaro	Hertel	Palamara	Wetters
Crissman	Horton	Parks	Whyman
Curtis	Jelinek	Perricone	Willard
DeHart	Kaza	Price	Wojno
DeVuyst			

Nays—16

Brater	Green	Kelly	Nye
Byl	Jansen	Kukuk	Profit
Cropsey	Jellema	LaForge	Schroer
Dalman	Johnson	LeTarte	Voorhees

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.

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 this bill because it repeals the ban on hunting on Sundays in Macomb County.

Macomb County outlawed hunting on Sundays many years ago in response to disturbances and disruption of worship services in the House of the Lord caused by gunfire. Sundays are traditionally a day set aside for family gatherings.”

—

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

Rep. Schermesser moved that Rep. Hale be excused temporarily from today’s session. The motion prevailed.

Rep. Brackenridge moved that Rep. Crissman be excused temporarily from today’s session. The motion prevailed.

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 bill was read a third time and postponed temporarily on December 9, see House Journal No. 82, p. 2588.)

The question being on the passage of the bill,

Rep. Nye moved to amend the bill as follows:

1. Amend page 6, line 5, by striking out “misdemeanor” and inserting “felony”.
2. Amend page 6, line 5, after the first “than” by striking out “1 year” and inserting “2 years”.

The motion was seconded and the amendments were 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. 1107

Yeas—94

Agee	DeVuyst	Kelly	Price
Alley	Dobronski	Kilpatrick	Profit
Anthony	Fitzgerald	Kukuk	Prusi
Baade	Frank	LaForge	Quarles
Baird	Freeman	Law	Raczkowski
Bankes	Gagliardi	Leland	Rhead
Basham	Galloway	LeTarte	Richner
Birkholz	Geiger	Llewellyn	Rison
Bobier	Gernaat	London	Rocca
Bodem	Gilmer	Lowe	Sanborn
Bogardus	Gire	Mans	Schauer
Brackenridge	Goschka	Mathieu	Schermesser
Brater	Green	McBryde	Scranton
Brewer	Gustafson	McManus	Sikkema
Brown	Hammerstrom	McNutt	Tesanovich
Byl	Hanley	Middaugh	Thomas
Callahan	Harder	Nye	Varga
Cassis	Hertel	Olshove	Voorhees

Cherry	Horton	Owen	Walberg
Ciaramitaro	Jansen	Oxender	Wetters
Cropsey	Jelinek	Palamara	Whyman
Curtis	Jellema	Parks	Willard
Dalman	Johnson	Perricone	Wojno
DeHart	Kaza		

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

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

Senate Bill No. 841, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," (MCL 552.501 to 552.535) by adding sections 4b and 4c.

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

Roll Call No. 1108**Yeas—93**

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

Nays—2

Baird

Nye

In The Chair: DeHart

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

“An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; 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.

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 1107. Had I been present, I would have voted ‘yes’.”

Senate Bill No. 1152, entitled

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,” by amending sections 18f, 19b, and 19c of chapter XIIA (MCL 712A.18f, 712A.19b, and 712A.19c), section 18f as amended by 1997 PA 163, section 19b as amended by 1997 PA 169, and section 19c as added by 1988 PA 224.

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

Roll Call No. 1109**Yeas—99**

Agee	Dobronski	Kelly	Price
Alley	Fitzgerald	Kilpatrick	Profit
Anthony	Frank	Kukuk	Prusi
Baird	Freeman	LaForge	Quarles
Bankes	Gagliardi	Law	Raczkowski
Basham	Galloway	Leland	Rhead
Birkholz	Geiger	LeTarte	Richner
Bobier	Gernaat	Llewellyn	Rison
Bodem	Gilmer	London	Rocca
Bogardus	Gire	Lowe	Sanborn

Brackenridge	Godchaux	Mans	Schauer
Brater	Goschka	Martinez	Schermesser
Brewer	Green	Mathieu	Schroer
Brown	Gustafson	McBryde	Scranton
Byl	Hale	McManus	Sikkema
Callahan	Hammerstrom	McNutt	Tesanovich
Cassis	Hanley	Middaugh	Thomas
Ciaramitaro	Harder	Middleton	Varga
Crissman	Hertel	Nye	Voorhees
Cropsey	Horton	Olshove	Walberg
Curtis	Jansen	Owen	Wetters
Dalman	Jelinek	Oxender	Whyman
DeHart	Jellema	Palamara	Willard
DeVuyst	Johnson	Parks	Wojno
Dobb	Kaza	Perricone	

Nays—0

In The Chair: DeHart

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

Senate Bill No. 1210, entitled

A bill to amend 1978 PA 642, entitled "Revised probate code," by amending section 424 (MCL 700.424), as amended by 1996 PA 8.

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

Roll Call No. 1110**Yeas—97**

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

DeHart
DeVuyst

Johnson

Parks

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 revise and consolidate the laws relative to the probate of decedents’ estates, guardianships, conservatorships, protective proceedings, trusts, and powers of attorney; to prescribe penalties and liabilities; 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. Kelly moved that Rep. Thomas be excused temporarily from today’s session.
The motion prevailed.

Senate Bill No. 1211, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2637, 2640, 16648, 18117, and 18237 (MCL 333.2637, 333.2640, 333.16648, 333.18117, and 333.18237), section 2640 as added by 1996 PA 307 and sections 16648, 18117, and 18237 as amended by 1993 PA 79, and by adding section 16281.

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

Roll Call No. 1111

Yeas—90

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

Nays—0

In The Chair: DeHart

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

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

The House agreed to the full title.

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

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

Senate Bill No. 1212, entitled

A bill to amend 1994 PA 203, entitled “Foster care and adoption services act,” by amending section 6 (MCL 722.956).

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

Roll Call No. 1112**Yeas—96**

Agee	DeVuyst	Jellema	Perricone
Alley	Dobb	Johnson	Price
Anthony	Dobronski	Kelly	Profit
Baade	Fitzgerald	Kilpatrick	Prusi
Baird	Frank	Kukuk	Quarles
Bankes	Freeman	LaForge	Rackowski
Basham	Gagliardi	Law	Rhead
Birkholz	Galloway	Leland	Richner
Bobier	Geiger	LeTarte	Rison
Bodem	Gernaat	London	Rocca
Bogardus	Gilmer	Lowe	Sanborn
Brackenridge	Gire	Mans	Schauer
Brater	Godchaux	Martinez	Schermesser
Brewer	Goschka	Mathieu	Schroer
Brown	Green	McBryde	Scranton
Byl	Gubow	McManus	Sikkema
Callahan	Gustafson	McNutt	Tesanovich
Cassis	Hale	Middaugh	Varga
Ciaramitaro	Hammerstrom	Nye	Voorhees
Crissman	Hanley	Olshove	Walberg

Cropsey	Harder	Owen	Wetters
Curtis	Horton	Oxender	Whyman
Dalman	Jansen	Palamara	Willard
DeHart	Jelinek	Parks	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 establish certain standards for foster care and adoption services for children and their families; and to prescribe powers and duties of certain state agencies and departments and adoption facilitators.”

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.

Senate Bill No. 1225, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending sections 100a, 161, and 748 (MCL 330.1100a, 330.1161, and 330.1748), section 100a as added and section 161 as amended by 1995 PA 290 and section 748 as amended by 1996 PA 588, and to add section 748a.

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

Roll Call No. 1113**Yeas—98**

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

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.

Senate Bill No. 603, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending sections 2 and 8 (MCL 722.622 and 722.628), section 2 as amended by 1996 PA 581 and section 8 as amended by 1997 PA 166, and by adding section 8d.

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

Roll Call No. 1114

Yeas—99

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

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 1975 PA 238, entitled “An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are

abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 2, 7, 8, and 8b (MCL 722.622, 722.627, 722.628, and 722.628b), section 2 as amended by 1996 PA 581, section 7 as amended and section 8b as added by 1997 PA 168, and section 8 as amended by 1997 PA 166, and by adding section 8d.

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.

Senate Bill No. 954, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 13a and 17c of chapter XIIA (MCL 712A.13a and 712A.17c), section 13a as amended by 1997 PA 163 and section 17c as amended by 1997 PA 169, and by adding section 17d to chapter XIIA.

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

Roll Call No. 1115

Yeas—99

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

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 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 13a, 17c, 18f, and 19 of chapter XIIA (MCL 712A.13a, 712A.17c, 712A.18f, and 712A.19), sections 13a, 18f, and 19 as amended by 1997 PA 163 and section 17c as amended by 1997 PA 169, and by adding section 17d to chapter XIIA.

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

Messages from the Senate**House Bill No. 5717, entitled**

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 sections 82126a, 82126b, and 82126c.

The Senate has concurred in the House amendments to the Senate amendments and ordered that the bill be given immediate effect.

Rep. Gagliardi moved to reconsider the vote by which the House gave the bill immediate effect..

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

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

Rep. Prusi moved that Reps. Hanley and Kilpatrick be excused temporarily from today's session.

The motion prevailed.

Rep. Schermesser moved that Rep. Cherry be excused temporarily from today's session.

The motion prevailed.

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

The motion prevailed.

Third Reading of Bills**Senate Bill No. 955, entitled**

A bill to amend 1978 PA 642, entitled "Revised probate code," by amending sections 6, 8, 427, and 437 (MCL 700.6, 700.8, 700.427, and 700.437), section 8 as amended by 1988 PA 398 and sections 427 and 437 as amended by 1990 PA 313, and by adding section 427a.

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

Roll Call No. 1116**Yeas—90**

Agee	DeVuyst	Johnson	Price
Alley	Dobb	Kaza	Prusi
Anthony	Dobronski	Kelly	Rackowski
Baade	Fitzgerald	Kukuk	Rhead
Baird	Frank	LaForge	Richner
Banks	Freeman	Law	Rison
Basham	Gagliardi	Leland	Rocca
Birkholz	Galloway	Llewellyn	Sanborn
Bobier	Geiger	London	Schauer
Bodem	Gernaat	Lowe	Schermesser
Bogardus	Gilmer	Mans	Schroer
Brackenridge	Gire	Martinez	Scranton
Brater	Godchaux	Mathieu	Sikkema
Brewer	Goschka	McBryde	Stallworth
Brown	Green	McManus	Tesanovich
Byl	Gubow	Middaugh	Varga
Callahan	Gustafson	Nye	Voorhees
Cassis	Hale	Olshove	Walberg
Ciaramitaro	Hammerstrom	Owen	Wetters
Cropsey	Harder	Oxender	Whyman
Curtis	Horton	Palamara	Willard
Dalman	Jansen	Parks	Wojno
DeHart	Jellema		

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 1978 PA 642, entitled "An act to revise and consolidate the laws relative to the probate of decedents' estates, guardianships, conservatorships, protective proceedings, trusts, and powers of attorney; to prescribe penalties and liabilities; and to repeal certain acts and parts of acts," by amending sections 3, 8, 427, and 437 (MCL 700.3, 700.8, 700.427, and 700.437), section 3 as amended by 1988 PA 222, section 8 as amended by 1988 PA 398, and sections 427 and 437 as amended by 1990 PA 313, and by adding section 427a.

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. Freeman moved that Rep. Emerson be excused temporarily from today's session.

The motion prevailed.

Senate Bill No. 1032, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 7 and 10 (MCL 722.627 and 722.630), section 7 as amended 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. 1117**Yeas—97**

Agee	Dobb	Johnson	Profit
Alley	Dobronski	Kaza	Prusi
Anthony	Fitzgerald	Kelly	Quarles
Baade	Frank	Kukuk	Raczkowski
Baird	Freeman	LaForge	Rhead
Banks	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	Mans	Schroer
Brater	Goschka	Martinez	Scranton
Brewer	Green	Mathieu	Sikkema
Brown	Gubow	McBryde	Stallworth
Byl	Gustafson	McManus	Tesanovich
Callahan	Hale	Middaugh	Thomas
Cassis	Hammerstrom	Nye	Varga
Cherry	Harder	Olshove	Voorhees
Ciaramitaro	Hertel	Owen	Walberg
Cropsey	Horton	Oxender	Wetters
Curtis	Jansen	Palamara	Whyman
Dalman	Jelinek	Parks	Willard
DeHart	Jellema	Price	Wojno
DeVuyst			

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 1975 PA 238, entitled “An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending sections 2, 7, and 10 (MCL 722.622, 722.627, and 722.630), section 2 as amended by 1996 PA 581 and section 7 as amended by 1997 PA 168.

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

Senate Bill No. 497, entitled

A bill to provide for a waiver of tuition at state public institutions of higher education for children and surviving spouses of Michigan corrections officers killed in the line of duty; and to provide for an appropriation.

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

Roll Call No. 1118**Yeas—94**

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

Nays—0

In The Chair: DeHart

Rep. Gagliardi moved to reconsider the vote by which the House passed the bill.
The motion prevailed, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Quorum Call

Rep. Hertel 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. 1119**Yeas—85**

Agee	DeVuyst	Jellema	Perricone
Baade	Dobb	Kaza	Price

Baird	Dobronski	Kelly	Profit
Bankes	Emerson	Kukuk	Prusi
Basham	Fitzgerald	LaForge	Quarles
Birkholz	Frank	Law	Rhead
Bobier	Freeman	LeTarte	Richner
Bodem	Gagliardi	London	Rocca
Bogardus	Geiger	Lowe	Sanborn
Brackenridge	Gernaat	Mans	Schauer
Brater	Gilmer	Martinez	Schermesser
Brewer	Gire	Mathieu	Schroer
Brown	Godchaux	McBryde	Scranton
Byl	Goschka	McManus	Sikkema
Callahan	Gubow	McNutt	Stallworth
Cassis	Hammerstrom	Middaugh	Tesanovich
Cherry	Harder	Middleton	Thomas
Ciaramitaro	Hertel	Olshove	Varga
Crissman	Horton	Owen	Voorhees
Cropsey	Jansen	Oxender	Whyman
Curtis	Jelinek	Palamara	Wojno
DeHart			

In The Chair: DeHart

The Speaker assumed the Chair.

Rep. Cassis moved that Rep. Raczkowski be excused temporarily from today's session.
The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 467.

A resolution offered as a memorial for Richard G. Smith, former member of the House.

Whereas, With great respect for his lifetime of service to our nation, this state, and his Bay City community, we offer our condolences upon the passing of Richard G. Smith. Throughout his accomplishment-filled career, he shared gifts of unselfishness, intellect, and belief in the law that will long enrich Michigan; and

Whereas, A graduate of Albion College who earned his law degree at the University of Michigan, Richard Smith served our nation with great distinction in the Pacific with the Marines during World War II. Both before and after public service as State Representative from 1953 to 1956 and Bay County Circuit Court Judge from 1957 to 1964, Mr. Smith distinguished himself as an attorney in private practice. His involvement in the civic arena also included service on the Michigan Civil Service Commission and active participation in several bar associations and community groups; and

Whereas, In addition to his considerable public leadership, Richard Smith also contributed to life through his professionalism, an ever present sense of humor, and a genuine love of the law and the way it can help people solve problems. He earned both the acclaim of his peers through awards and the friendship of people he regularly greeted along his walk to work. Indeed, Richard Smith strengthened our state in many ways; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our respect for the life and memory of Richard G. Smith, former member of the House and Bay County Circuit Court Judge; and be it further

Resolved, That copies of this resolution be transmitted to the Smith family as evidence of our sympathies.

The question being on the adoption of the resolution,

The resolution was adopted by a unanimous standing vote.

Third Reading of Bills

The House returned to the consideration of
Senate Bill No. 497, entitled

A bill to provide for a waiver of tuition at state public institutions of higher education for children and surviving spouses of Michigan corrections officers killed in the line of duty; and to provide for an appropriation.

(The bill was considered earlier today, see today's journal, p. 2642.)

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. 1120

Yeas—93

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

Nays—0

In The Chair: Hertel

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.

Acting Speaker DeHart resumed the Chair.

Rep. Agee moved that Rep. Cherry be excused temporarily from today's session.

The motion prevailed.

Rep. Curtis moved that Rep. Leland 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. 4789, 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 16336 and part 179.

(The bill was received from the Senate on December 9, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 82, p. 2622.)

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. 1121

Yeas—80

Agee	DeHart	Jansen	Price
Alley	DeVuyst	Jelinek	Profit
Anthony	Dobb	Jellema	Prusi
Baade	Dobronski	Johnson	Quarles
Baird	Fitzgerald	Kelly	Richner
Bankes	Frank	LaForge	Rocca
Basham	Freeman	Law	Sanborn
Bobier	Gagliardi	LeTarte	Schauer
Bodem	Galloway	Llewellyn	Schermesser
Bogardus	Gernaat	London	Schroer
Brackenridge	Gire	Martinez	Sikkema
Brater	Godchaux	Mathieu	Stallworth
Brewer	Goschka	McManus	Tesanovich
Brown	Griffin	McNutt	Thomas
Byl	Gubow	Middleton	Varga
Callahan	Gustafson	Olshove	Voorhees
Cassis	Hale	Owen	Wallace
Crissman	Hammerstrom	Oxender	Wetters
Curtis	Hanley	Palamara	Willard
Dalman	Harder	Parks	Wojno

Nays—16

Birkholz	Green	Lowe	Perricone
Cropsey	Horton	McBryde	Scranton
Geiger	Kaza	Middaugh	Walberg
Gilmer	Kukuk	Nye	Whyman

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

The Speaker laid before the House

House Bill No. 5127, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 25 (MCL 432.25), as amended by 1996 PA 167.

(The bill was received from the Senate on December 3, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 8, see House Journal No. 80, p. 2495.)

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. 1122

Yeas—58

Agee	Curtis	Harder	Profit
Alley	Dalman	Kelly	Prusi
Anthony	DeHart	Llewellyn	Rhead
Baade	Dobb	London	Rocca
Basham	Dobronski	Mans	Schauer
Bodem	Frank	Mathieu	Schermesser
Brackenridge	Freeman	McBryde	Sikkema
Brater	Gagliardi	McManus	Tesanovich
Brewer	Gire	Middleton	Thomas
Brown	Goschka	Olshove	Varga
Callahan	Gubow	Owen	Wallace
Cassis	Gustafson	Oxender	Wetters
Cherry	Hale	Palamara	Willard
Ciaramitaro	Hammerstrom	Perricone	Wojno
Crissman	Hanley		

Nays—42

Baird	Gernaat	Kukuk	Price
Bankes	Gilmer	LaForge	Quarles
Birkholz	Godchaux	Law	Richner
Bobier	Green	LeTarte	Sanborn
Bogardus	Horton	Lowe	Schroer
Byl	Jansen	Martinez	Scranton
Cropsey	Jelinek	McNutt	Stallworth
DeVuyst	Jellema	Middaugh	Voorhees
Fitzgerald	Johnson	Nye	Walberg
Galloway	Kaza	Parks	Whyman
Geiger	Kilpatrick		

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. Kukuk, having reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

I voted 'no' on House Bill 5127 because it promotes gambling in Michigan.

This legislation markets the lottery as a tool toward instant wealth that misrepresents the statistical reality that lottery gambling is a bad personal investment for the player and, like all gambling, erodes family values. I oppose any legislation that enhances the lottery commission's ability to market gambling in Michigan."

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

Second Reading of Bills

Senate Bill No. 429, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 44c. Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Tax Policy,

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

Rep. 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.

Senate Bill No. 430, entitled

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending sections 5 and 15b (MCL 41.725 and 41.735b), section 5 as amended by 1986 PA 180.

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

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

Rep. 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.

Senate Bill No. 432, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 1 (MCL 41.801), as amended by 1989 PA 81.

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

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

Rep. 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.

Senate Bill No. 872, 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 section 28 (MCL 205.28), as amended by 1993 PA 13, and by adding section 30c.

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

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

Reps. Dobb and Profit moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) 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.

Senate Bill No. 1038, 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.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Tax Policy (for amendment, see House Journal No. 79, p. 2448),

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.

Senate Bill No. 1357, entitled

A bill to amend 1952 PA 175, entitled "An act to authorize incorporated cities and villages to borrow money and issue bonds in anticipation of future payments from the motor vehicle highway fund, for any purpose or purposes for which said funds may be used and for the purpose of refunding such bonds; authorizing the pledging of the faith and credit of the issuing city or village, upon proper resolution of its governing body, as additional security for the payment of said bonds; and to prescribe procedures and conditions relative to the issuance of such bonds," by amending sections 1 and 4 (MCL 247.701 and 247.704), section 1 as amended by 1983 PA 117 and section 4 as amended by 1996 PA 125.

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.

Senate Bill No. 73, entitled

A bill to amend 1961 PA 88, entitled "Reciprocal retirement act," by amending section 4 (MCL 38.1104), as amended by 1990 PA 274.

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.

By unanimous consent the House returned to the order of

Third Reading of Bills

Rep. Gagliardi moved that **Senate Bill No. 429** be placed on its immediate passage.

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

Senate Bill No. 429, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 44c. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1123**Yeas—96**

Agee	Dobronski	Kelly	Perricone
Anthony	Emerson	Kilpatrick	Price
Baade	Fitzgerald	Kukuk	Profit
Baird	Freeman	LaForge	Prusi
Bankes	Gagliardi	Law	Quarles
Basham	Galloway	Leland	Richner
Birkholz	Geiger	LeTarte	Rison
Bodem	Gernaat	Llewellyn	Rocca
Bogardus	Gilmer	London	Sanborn
Brackenridge	Gire	Lowe	Schauer
Brater	Goschka	Mans	Schermesser
Brown	Green	Martinez	Schroer
Byl	Gubow	Mathieu	Scranton
Callahan	Gustafson	McBryde	Sikkema
Cassis	Hale	McManus	Stallworth
Cherry	Hammerstrom	McNutt	Tesanovich
Ciaramitaro	Hanley	Middaugh	Thomas
Crissman	Harder	Middleton	Varga
Cropsey	Horton	Nye	Walberg
Curtis	Jansen	Olshove	Wallace
Dalman	Jelinek	Owen	Wetters
DeHart	Jellema	Oxender	Whyman
DeVuyst	Johnson	Palamara	Willard
Dobb	Kaza	Parks	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 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. Gagliardi moved that the bill be given immediate effect.

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

Rep. Gagliardi moved that **Senate Bill No. 430** be placed on its immediate passage.

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

Senate Bill No. 430, entitled

A bill to amend 1954 PA 188, entitled “An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance

of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds,” by amending sections 5 and 15b (MCL 41.725 and 41.735b), section 5 as amended by 1986 PA 180.

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

Roll Call No. 1124**Yeas—96**

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

Rep. Gagliardi moved that **Senate Bill No. 432** be placed on its immediate passage.

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

Senate Bill No. 432, entitled

A bill to amend 1951 PA 33, entitled “An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers

and duties; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 41.801), as amended by 1989 PA 81.

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

Roll Call No. 1125**Yeas—94**

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

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. Hammerstrom moved that Reps. Geiger and Perricone 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.

Rep. Gagliardi moved that **Senate Bill No. 872** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 872, 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 section 28 (MCL 205.28), as amended by 1993 PA 13, and by adding section 30c.

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

Roll Call No. 1126**Yeas—91**

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

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 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 regulate the importation, stamping, and disposition of certain tobacco products; 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 section 30c (MCL 205.30c), as added by 1998 PA 221.

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. Horton moved that Rep. Voorhees be excused temporarily from today’s session.

The motion prevailed.

Rep. Thomas moved that Rep. Cherry be excused temporarily from today’s session.

The motion prevailed.

Rep. Gagliardi moved that **Senate Bill No. 1038** be placed on its immediate passage.

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

Senate Bill No. 1038, 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.

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

Roll Call No. 1127

Yeas—95

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

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

The House agreed to the full title.

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

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

Rep. Bankes moved that Rep. Dalman be excused temporarily from today’s session.
The motion prevailed.

Rep. Gagliardi moved that **Senate Bill No. 1357** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 1357, entitled

A bill to amend 1952 PA 175, entitled “An act to authorize incorporated cities and villages to borrow money and issue bonds in anticipation of future payments from the motor vehicle highway fund, for any purpose or purposes for which said funds may be used and for the purpose of refunding such bonds; authorizing the pledging of the faith and credit of the issuing city or village, upon proper resolution of its governing body, as additional security for the payment of said bonds; and to prescribe procedures and conditions relative to the issuance of such bonds,” by amending sections 1 and 4 (MCL 247.701 and 247.704), section 1 as amended by 1983 PA 117 and section 4 as amended by 1996 PA 125.

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

Roll Call No. 1128

Yeas—97

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

DeVuyst
Dobb

Johnson

Parks

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.

Rep. Gagliardi moved that **Senate Bill No. 73** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 73, entitled

A bill to amend 1961 PA 88, entitled "Reciprocal retirement act," by amending section 4 (MCL 38.1104), as amended by 1990 PA 274.

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

Roll Call No. 1129**Yeas—96**

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

Nays—1

Schroer

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 preservation and continuity of retirement system service credits for public employees who transfer their employment between units of government.”.

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.

Rep. Hammerstrom moved that Rep. Llewellyn be excused temporarily from today’s session.

The motion prevailed.

Senate Bill No. 956, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending sections 2, 4, and 7 (MCL 722.22, 722.24, and 722.27), section 2 as amended by 1990 PA 245 and sections 4 and 7 as amended by 1996 PA 19.

The bill was read a third time.

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. 1130

Yeas—95

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

Nays—0

In The Chair: DeHart

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

“An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches

the age of majority under certain circumstances; to provide for certain procedure and appeals; 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. 1054, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 13 (MCL 211.13) and by adding section 8c.

The bill was read a second time.

Rep. Profit moved to substitute (H-6) the bill.

The motion prevailed and the substitute (H-6) was adopted, a majority of the members serving voting therefor.

Rep. Profit moved to amend the bill as follows:

1. Amend page 5, line 5, after “property” by inserting “AS QUALIFIED PERSONAL PROPERTY”.

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. 1054, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 13 (MCL 211.13) and by adding section 8c.

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

Roll Call No. 1131

Yeas—93

Agee	Dobb	Johnson	Price
Alley	Dobronski	Kaza	Profit
Anthony	Fitzgerald	Kelly	Prusi
Baade	Freeman	Kilpatrick	Quarles
Baird	Gagliardi	Kukuk	Richner
Bankes	Galloway	LaForge	Rison
Basham	Geiger	Law	Rocca
Birkholz	Gernaat	Leland	Sanborn
Bobier	Gilmer	LeTarte	Schauer
Bodem	Gire	London	Schermesser
Bogardus	Godchaux	Lowe	Schroer
Brackenridge	Goschka	Mans	Scranton
Brater	Green	Martinez	Sikkema
Brewer	Gubow	McBryde	Stallworth
Brown	Gustafson	McManus	Tesanovich
Byl	Hale	McNutt	Varga
Callahan	Hammerstrom	Middaugh	Voorhees
Cassis	Hanley	Middleton	Walberg

Cherry	Harder	Nye	Wallace
Crissman	Horton	Owen	Wetters
Curtis	Jansen	Oxender	Whyman
Dalman	Jelinek	Parks	Willard
DeHart	Jellema	Perricone	Wojno
DeVuyst			

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 1893 PA 206, entitled “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,” by amending sections 8a and 13 (MCL 211.8a and 211.13), section 8a as added by 1994 PA 96, and by adding section 8c.

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

Messages from the Senate

The Senate returned, in accordance with the request of the House

House Bill No. 5567, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 15b and 15c of chapter IV (MCL 764.15b and 764.15c), as amended by 1996 PA 15.

Rep. Gagliardi moved to reconsider the vote by which the House concurred in the Senate substitute (S-1), as amended.

The question being on concurring in the Senate substitute (S-1), as amended,

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

1. Amend page 3, line 13, after “IS” by striking out the balance of the line through “OLDER” on line 14 and inserting “LESS THAN 17 YEARS OF AGE”.

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-1), as amended,

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

Roll Call No. 1132

Yeas—97

Agee	Dobb	Johnson	Perricone
Alley	Dobronski	Kelly	Price

Anthony	Fitzgerald	Kilpatrick	Profit
Baade	Frank	Kukuk	Prusi
Baird	Freeman	LaForge	Quarles
Bankes	Gagliardi	Law	Rhead
Basham	Galloway	Leland	Richner
Birkholz	Geiger	LeTarte	Rison
Bobier	Gernaat	Llewellyn	Rocca
Bodem	Gilmer	London	Sanborn
Bogardus	Gire	Lowe	Schauer
Brackenridge	Godchaux	Mans	Schermesser
Brater	Goschka	Martinez	Schroer
Brewer	Green	Mathieu	Scranton
Brown	Gubow	McBryde	Sikkema
Byl	Gustafson	McManus	Stallworth
Callahan	Hale	McNutt	Tesanovich
Cassis	Hammerstrom	Middaugh	Varga
Cherry	Hanley	Middleton	Voorhees
Crissman	Harder	Nye	Walberg
Cropsey	Horton	Olshove	Wallace
Curtis	Jansen	Owen	Whyman
Dalman	Jelinek	Oxender	Willard
DeHart	Jellema	Parks	Wojno
DeVuyst			

Nays—0

In The Chair: DeHart

Second Reading of Bills

Senate Bill No. 825, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 8, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 31, 33, and 34 of chapter IX as added and section 14 of chapter XI as amended by 1994 PA 445, and by adding chapter IXA.

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. Nye moved to amend the bill as follows:

1. Amend page 47, line 3, by striking out all of enacting section 1 and inserting:

“Enacting section 1. Section 34 of chapter IX and sections 11, 12, 13, 15, 16d, 16k, 16p, 16v, 31, 43, 46, and 48 of chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 769.34, 777.11, 777.12, 777.13, 777.15, 777.16d, 777.16k, 777.16p, 777.16v, 777.31, 777.43, 777.46, and 777.48, as amended by this amendatory act, take effect December 15, 1998.

Enacting section 2. Sections 16c, 16f, 16h, 16i, 16l, 16r, 16s, 16x, 16z, and 17 of chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.16c, 777.16f, 777.16h, 777.16i, 777.16l, 777.16r, 777.16s, 777.16x, 777.16z, and 777.17, as amended by this amendatory act, take effect January 1, 1999.”.

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

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

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

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

Reps. McNutt and Nye moved to amend the bill as follows:

1. Amend page 4, line 13, after "not" by striking out "less than the minimum range or".

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

Rep. Nye moved to amend the bill as follows:

1. Amend page 36, following line 5, by inserting:

"Sec. 16t. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled

Laws:

M.C.L.	Category	Class	Description	Stat Max
750.410a	Person	G	Conspiracy to commit a person to state hospital unjustly	4
750.411a(1)(b)	Pub ord	F	False report of a felony	4
750.411a(2)	Pub ord	F	False report of a bombing or threat to bomb	4
750.411b	Pub trst	G	Excess fees to members of legislature	4
750.411h(2)(b)	Person	E	Stalking of a minor	5
750.411I(3)(A)	PERSON	E	AGGRAVATED STALKING	5
750.411i(3)(b)	Person	D	Aggravated stalking of a minor	10
750.411I	Pub ord	H	Money laundering — fourth degree	2
750.411m	Pub ord	E	Money laundering — third degree	5
750.411n	Pub ord	D	Money laundering — second degree	10
750.411o	Pub ord	B	Money laundering — first degree	20
750.411p(2)(a)	Property	B	Money laundering — >\$10,000 proceeds from controlled substance offense	20
750.411p(2)(b)	Property	D	Money laundering — proceeds from controlled substance offense or other proceeds >\$10,000	10
750.411p(2)(c)	Property	E	Money laundering — transactions involving represented proceeds	5".

2. Amend page 47, line 3, by striking out all of enacting section 1 and inserting:

"Enacting section 1. Section 34 of chapter IX and sections 11, 12, 13, 15, 16d, 16k, 16p, 16t, 16v, 31, 43, 46, and 48 of chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 769.34, 777.11, 777.12, 777.13, 777.15, 777.16d, 777.16k, 777.16p, 777.16t, 777.16v, 777.31, 777.43, 777.46, and 777.48, as amended by this amendatory act, take effect December 15, 1998.

Enacting section 2. Sections 16c, 16f, 16h, 16i, 16l, 16r, 16s, 16x, 16z, and 17 of chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.16c, 777.16f, 777.16h, 777.16i, 777.16l, 777.16r, 777.16s, 777.16x, 777.16z, and 777.17, as amended by this amendatory act, take effect January 1, 1999."

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

Rep. Baird moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

"(13) NOT LATER THAN DECEMBER 31, 1999 AND NOT LATER THAN DECEMBER 31 OF EACH YEAR AFTER THAT, THE LEGISLATURE SHALL ENACT A SINGLE AMENDATORY ACT THAT ADDS ALL OF THE FOLLOWING TO PART 2 OF CHAPTER XVII IF THEY ARE NOT ENUMERATED IN PART 2 OF CHAPTER XVII:

(A) ANY FELONY ENACTED INTO LAW DURING THAT CALENDAR YEAR.

(B) ANY EXISTING CRIME REVISED TO BECOME A FELONY AND ENACTED INTO LAW DURING THAT CALENDAR YEAR."

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. 825, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 8, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 31, 33, and 34 of chapter IX as added and section 14 of chapter XI as amended by 1994 PA 445, and by adding chapter IXA.

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

Roll Call No. 1133**Yeas—92**

Agee	DeHart	Jansen	Parks
Alley	DeVuyst	Jelinek	Perricone
Anthony	Dobb	Jellema	Price
Baade	Dobronski	Kaza	Prusi
Baird	Fitzgerald	Kelly	Quarles
Basham	Frank	Kukuk	Rhead
Birkholz	Freeman	LaForge	Richner
Bobier	Gagliardi	Law	Rocca
Bodem	Galloway	LeTarte	Sanborn
Bogardus	Geiger	Llewellyn	Schauer
Brackenridge	Gernaat	London	Schroer
Brater	Gilmer	Lowe	Scranton
Brewer	Gire	Mans	Sikkema
Brown	Godchaux	Martinez	Stallworth
Byl	Goschka	Mathieu	Tesanovich
Callahan	Green	McBryde	Varga
Cassis	Gubow	McManus	Voorhees
Cherry	Gustafson	McNutt	Walberg
Ciaramitaro	Hale	Middaugh	Wallace
Crissman	Hammerstrom	Middleton	Wetters
Cropsey	Hanley	Nye	Whyman
Curtis	Harder	Olshove	Willard
Dalman	Horton	Owen	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 1927 PA 175, entitled “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,” by amending section 34 of chapter IX and sections 11, 12, 13, 15, 16c, 16d, 16f, 16h, 16i, 16k, 16l, 16p, 16r, 16s, 16t, 16v, 16x, 16z, 17, 31, 43, 46, and 48 of chapter XVII (MCL 769.34, 777.11, 777.12, 777.13, 777.15, 777.16c, 777.16d, 777.16f, 777.16h, 777.16i, 777.16k, 777.16l, 777.16p, 777.16r, 777.16s, 777.16t, 777.16v, 777.16x, 777.16z, 777.17, 777.31, 777.43, 777.46, and 777.48), section 34 of chapter IX as amended and sections 11, 12, 13, 15, 16c, 16d, 16f, 16h, 16i, 16k, 16l, 16p, 16r, 16s, 16t, 16v, 16x, 16z, 17, 31, 43, 46, and 48 of chapter XVII as added by 1998 PA 317.

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

Messages from the Senate

House Bill No. 6034, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 1997 PA 168.

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 45 be suspended.

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

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

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

Roll Call No. 1134

Yeas—93

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

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. Freeman moved that Rep. Palamara be excused temporarily from today's session.

The motion prevailed.

House Bill No. 6251, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6 (MCL 205.56), as amended by 1998 PA 265.

The Senate has amended the bill as follows:

1. Amend page 3, line 19, after "MATERIALPERSON" by striking out "SHALL" and inserting "MAY AT THE OPTION OF THE TAXPAYER".

2. Amend page 3, line 20, after "ALL" by inserting "TAXABLE".

3. Amend page 3, line 22, after "SALE" by inserting "BASIS".

4. Amend page 3, line 23, after "RETURN" by striking out the balance of the sentence and inserting "IN THE FIRST QUARTERLY RETURN DUE FOLLOWING THE DATE IN WHICH THE MATERIALPERSON MADE THE CREDIT SALE TO THE OWNER, CONTRACTOR, SUBCONTRACTOR, REPAIRPERSON, OR CONSUMER. NOTWITHSTANDING SUBSECTIONS (1) THROUGH (4), A MATERIALPERSON MAY AT THE OPTION OF THE TAXPAYER FILE QUARTERLY RETURNS FOR A CREDIT SALE ONLY AS DETERMINED BY THE DEPARTMENT."

5. Amend page 3, line 27, after "OF" by inserting "TAXABLE".

6. Amend page 3, line 27, after "GOODS" by striking out "OR SERVICES".

7. Amend page 3, line 27, after "SELLER" by inserting "OTHER THAN A CREDIT CARD SALE".

8. Amend page 4, line 2, after "HAS" by inserting "REGISTERED WITH AND HAS".

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

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

Roll Call No. 1135

Yeas—100

Agee	DeVuyst	Kaza	Profit
Alley	Dobb	Kelly	Prusi
Anthony	Dobronski	Kukuk	Quarles
Baade	Emerson	LaForge	Rackowski
Baird	Fitzgerald	Law	Rhead
Banks	Frank	Leland	Richner
Basham	Freeman	LeTarte	Rison
Birkholz	Gagliardi	Llewellyn	Rocca
Bobier	Galloway	London	Sanborn
Bodem	Geiger	Lowe	Schauer
Bogardus	Gernaat	Mans	Schermesser
Brackenridge	Gilmer	Martinez	Schroer
Brater	Gire	Mathieu	Scranton
Brewer	Godchaux	McBryde	Sikkema
Brown	Goschka	McManus	Stallworth
Byl	Green	Middaugh	Tesanovich

Callahan	Gustafson	Middleton	Thomas
Cassis	Hale	Nye	Varga
Cherry	Hammerstrom	Olshove	Voorhees
Ciaramitaro	Hanley	Owen	Walberg
Crissman	Harder	Oxender	Wallace
Cropsey	Horton	Palamara	Wetters
Curtis	Jansen	Parks	Whyman
Dalman	Jelinek	Perricone	Willard
DeHart	Jellema	Price	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.

The Speaker laid before the House

House Bill No. 5792, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," (MCL 46.1 to 46.32) by adding section 22.

(The bill was received from the Senate on December 8, with amendments and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 9, see House Journal No. 81, p. 2532.)

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

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

Roll Call No. 1136**Yeas—99**

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

Nays—0

In The Chair: DeHart

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

Rep. Prusi moved that Rep. Anthony be excused temporarily from today's session.
The motion prevailed.

The Speaker laid before the House

House Bill No. 5793, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9301, 9302, 9303, 9304, 9305, 9307, 9308, 9310, 9312, and 9313 (MCL 324.9301, 324.9302, 324.9303, 324.9304, 324.9305, 324.9307, 324.9308, 324.9310, 324.9312, and 324.9313), as added by 1995 PA 60, and by adding section 9304a; and to repeal acts and parts of acts.

(The bill was received from the Senate on December 8, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 9, see House Journal No. 81, p. 2532.)

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

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

1. Amend Senate amendment No. 5, after the second "Section" by striking out "9307(1) and (2) of this act" and inserting "9307 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.9307, as amended by this amendatory act,".

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

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

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

Roll Call No. 1137**Yeas—94**

Agee	Dobb	Kukuk	Profit
Alley	Dobronski	LaForge	Prusi
Baade	Emerson	Law	Quarles
Baird	Fitzgerald	Leland	Rackowski
Bankes	Frank	LeTarte	Rhead
Basham	Gagliardi	Llewellyn	Richner
Birkholz	Galloway	London	Rison
Bobier	Gernaat	Lowe	Rocca
Bodem	Gire	Mans	Sanborn
Brackenridge	Godchaux	Martinez	Schauer
Brater	Goschka	Mathieu	Schermesser
Brewer	Green	McBryde	Schroer
Brown	Gubow	McManus	Scranton
Byl	Gustafson	McNutt	Sikkema
Callahan	Hale	Middaugh	Stallworth
Cassis	Hammerstrom	Middleton	Tesanovich
Cherry	Harder	Nye	Varga
Ciaramitaro	Hertel	Olshove	Walberg

Crissman	Horton	Owen	Wallace
Cropsey	Jansen	Oxender	Wetters
Curtis	Jelinek	Parks	Whyman
Dalman	Jellema	Perricone	Willard
DeHart	Kaza	Price	Wojno
DeVuyst	Kelly		

Nays—0

In The Chair: DeHart

The House agreed to the full title.

Rep. Rhead moved that Rep. Llewellyn be excused temporarily from today's session.
The motion prevailed.

House Bill No. 5137, 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.

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 45 be suspended.

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

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

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

Roll Call No. 1138**Yeas—99**

Agee	Dobronski	Kelly	Prusi
Alley	Emerson	Kilpatrick	Quarles
Anthony	Fitzgerald	Kukuk	Rackowski
Baade	Frank	LaForge	Rhead
Baird	Freeman	Law	Richner
Banks	Gagliardi	Leland	Rison
Basham	Galloway	LeTarte	Rocca
Birkholz	Gernaat	London	Sanborn
Bobier	Gilmer	Lowe	Schauer
Bodem	Gire	Mans	Schermesser
Bogardus	Godchaux	Martinez	Schroer
Brackenridge	Goschka	Mathieu	Scranton
Brater	Green	McBryde	Sikkema
Brewer	Gubow	McManus	Stallworth
Brown	Gustafson	McNutt	Tesanovich
Callahan	Hale	Middaugh	Thomas

Cassis	Hammerstrom	Middleton	Varga
Cherry	Hanley	Nye	Voorhees
Crissman	Harder	Olshove	Walberg
Cropsey	Hertel	Owen	Wallace
Curtis	Horton	Oxender	Wetters
Dalman	Jansen	Parks	Whyman
DeHart	Jelinek	Perricone	Willard
DeVuyst	Jellema	Price	Wojno
Dobb	Kaza	Profit	

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. Bogardus moved that Rep. Hanley be excused temporarily from today's session.
The motion prevailed.

House Bill No. 5391, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," by amending sections 3 and 3c of chapter 1 (MCL 141.503 and 141.503c), section 3 of chapter 1 as amended and section 3c of chapter 1 as added by 1988 PA 520.

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 45 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. 1139**Yeas—94**

Agee	DeVuyst	Kaza	Perricone
Alley	Dobb	Kelly	Price
Anthony	Dobronski	Kukuk	Profit
Baade	Fitzgerald	LaForge	Raczkowski
Baird	Frank	Law	Rhead
Bankes	Freeman	Leland	Richner
Basham	Gagliardi	LeTarte	Rison
Birkholz	Galloway	Llewellyn	Rocca
Bobier	Gernaat	London	Sanborn
Bodem	Gilmer	Lowe	Schauer
Bogardus	Gire	Mans	Schermesser
Brackenridge	Goschka	Martinez	Scranton

Brater	Green	Mathieu	Sikkema
Brewer	Griffin	McBryde	Stallworth
Brown	Gubow	McManus	Tesanovich
Byl	Gustafson	Middaugh	Thomas
Callahan	Hale	Middleton	Varga
Cassis	Hammerstrom	Nye	Walberg
Cherry	Harder	Olshove	Wallace
Crissman	Hertel	Owen	Wetters
Cropsey	Horton	Oxender	Whyman
Curtis	Jansen	Palamara	Willard
Dalman	Jelinek	Parks	Wojno
DeHart	Jellema		

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

Rep. Whyman moved that Rep. McManus be excused temporarily from today's session.
The motion prevailed.

Rep. Godchaux moved that Rep. Scranton be excused temporarily from today's session.
The motion prevailed.

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

House Bill No. 4296, 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 16350 and part 189.

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

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

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

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

The question being on concurring in the substitute (S-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. 1140

Yeas—74

Agee	Crissman	Jellema	Profit
Anthony	Curtis	Johnson	Prusi

Baade	Dalman	Kelly	Quarles
Baird	DeHart	Kilpatrick	Rhead
Bankes	Dobb	Law	Richner
Basham	Dobronski	Leland	Rison
Birkholz	Fitzgerald	LeTarte	Rocca
Bobier	Freeman	Llewellyn	Sanborn
Bodem	Gagliardi	Mans	Schauer
Bogardus	Gilmer	Martinez	Schermesser
Brackenridge	Gire	Mathieu	Schroer
Brater	Godchaux	McNutt	Sikkema
Brewer	Griffin	Middaugh	Stallworth
Brown	Gubow	Middleton	Tesanovich
Byl	Gustafson	Olshove	Thomas
Callahan	Hale	Oxender	Wallace
Cassis	Hammerstrom	Parks	Wetters
Cherry	Harder	Price	Wojno
Ciaramitaro	Jelinek		

Nays—20

Cropsey	Gernaat	Kaza	Nye
DeVuyst	Goschka	Kukuk	Raczkowski
Frank	Green	London	Walberg
Galloway	Horton	Lowe	Whyman
Geiger	Jansen	McBryde	Willard

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. 4274, 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 16348 and part 185; and to repeal acts and parts of acts.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), 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 45 be suspended.

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

The question being on concurring in 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. 1141**Yeas—98**

Agee	Dobb	Kaza	Perricone
Anthony	Dobronski	Kelly	Price
Baade	Emerson	Kilpatrick	Profit

Baird	Fitzgerald	Kukuk	Quarles
Bankes	Frank	LaForge	Rhead
Basham	Freeman	Law	Richner
Birkholz	Gagliardi	Leland	Rison
Bobier	Galloway	LeTarte	Rocca
Bodem	Geiger	Llewellyn	Sanborn
Bogardus	Gernaat	London	Schauer
Brackenridge	Gire	Lowe	Schermesser
Brater	Godchaux	Mans	Schroer
Brewer	Goschka	Martinez	Sikkema
Brown	Green	Mathieu	Stallworth
Byl	Gubow	McBryde	Tesanovich
Callahan	Gustafson	McNutt	Thomas
Cassis	Hale	Middaugh	Varga
Cherry	Hammerstrom	Middleton	Voorhees
Ciaramitaro	Harder	Nye	Walberg
Crissman	Hertel	Olshove	Wallace
Cropsey	Horton	Owen	Wetters
Curtis	Jansen	Oxender	Whyman
Dalman	Jelinek	Palamara	Willard
DeHart	Jellema	Parks	Wojno
DeVuyst	Johnson		

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. Anthony moved that Rep. Prusi be excused temporarily from today's session.
The motion prevailed.

The Speaker laid before the House

House Bill No. 5989, entitled

A bill to amend 1971 PA 140, entitled "State revenue sharing act of 1971," by amending sections 11, 12a, and 13 (MCL 141.911, 141.912a, and 141.913), section 11 as amended by 1996 PA 468 and section 12a as added and section 13 as amended by 1996 PA 342; and to repeal acts and parts of acts.

(The bill was received from the Senate on December 9, with substitute (S-7), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 82, p. 2623.)

The question being on concurring in the adoption of the substitute (S-7) made to the bill by the Senate,

Reps. Ciaramitaro, Voorhees and Thomas moved to amend the Senate substitute (S-7) as follows:

1. Amend page 3, following line 14, by inserting:

"(4) AFTER JUNE 30, 2007, 25.06% OF 21.3% OF THE SALES TAX COLLECTIONS AT A RATE OF 4% SHALL BE DISTRIBUTED TO COUNTIES AS PROVIDED BY LAW." and renumbering the remaining subsection.

2. Amend page 9, line 16, after "made." by inserting "AFTER JUNE 30, 2007, 74.94% OF 21.3% OF SALES TAX COLLECTIONS AT A RATE OF 4% SHALL BE DISTRIBUTED TO CITIES, VILLAGES, AND TOWNSHIPS AS PROVIDED BY LAW.".

3. Amend page 22, line 15, after "PROVIDES" by inserting "OR MAKES AVAILABLE".

4. Amend page 22, line 15, after "POLICE" by inserting "ON A 24-HOUR BASIS 7 DAYS PER WEEK BY PERSONNEL DEDICATED EXCLUSIVELY TO THE TOWNSHIP".

5. Amend page 22, line 16, after "WATER" by inserting "TO 50% OF ITS RESIDENTS".

6. Amend page 22, line 16, after "TO" by inserting "50% OF".

7. Amend page 23, following line 4, by inserting:

"(16) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION FOR THE 1998-1999 STATE FISCAL YEAR, THE TOTAL COMBINED AMOUNT RECEIVED BY EACH CITY, VILLAGE, AND TOWNSHIP UNDER THIS SECTION AND SECTION 10 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963 SHALL NOT BE LESS THAN THE COMBINED AMOUNT RECEIVED UNDER THIS SECTION, SECTION 12A, AND SECTION 10 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963 IN THE 1997-1998 STATE FISCAL YEAR. THE INCREASE, IF ANY, FOR EACH CITY, VILLAGE, AND TOWNSHIP FROM THE 1997-1998 STATE FISCAL YEAR, OTHER THAN A CITY THAT RECEIVES A DISTRIBUTION UNDER SUBSECTION (6), SHALL BE REDUCED BY A UNIFORM PERCENTAGE TO THE EXTENT NECESSARY TO FUND DISTRIBUTIONS UNDER THIS SUBSECTION." and renumbering the remaining subsections.

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

The question being on concurring in the Senate substitute (S-7), as amended,

The Senate substitute (S-7), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays as follows:

Roll Call No. 1142

Yeas—75

Agee	Emerson	Jelinek	Parks
Anthony	Fitzgerald	Jellema	Perricone
Baade	Frank	Johnson	Price
Baird	Freeman	Kelly	Profit
Basham	Gagliardi	Kilpatrick	Quarles
Birkholz	Galloway	Kukuk	Rhead
Bodem	Gilmer	Leland	Rison
Bogardus	Gire	London	Schermesser
Brackenridge	Godchaux	Mans	Schroer
Brater	Green	Martinez	Sikkema
Brewer	Gubow	Mathieu	Stallworth
Brown	Gustafson	McBryde	Tesanovich
Byl	Hale	McManus	Thomas
Cassis	Hammerstrom	McNutt	Varga
Cherry	Hanley	Middaugh	Voorhees
Ciaramitaro	Harder	Middleton	Wallace
Curtis	Hertel	Owen	Wetters
DeHart	Horton	Oxender	Willard
Dobronski	Jansen	Palamara	

Nays—28

Bankes	Dobb	LeTarte	Rocca
Bobier	Geiger	Llewellyn	Sanborn
Callahan	Gernaat	Lowe	Schauer
Crissman	Goschka	Nye	Scranton
Cropsey	Kaza	Olshove	Walberg
Dalman	LaForge	Raczkowski	Whyman
DeVuyst	Law	Richner	Wojno

In The Chair: DeHart

The House agreed to the title as amended.

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

“Mr. Speaker and members of the House:

In my deepest respect for my friend Representative Ciaramitaro I must vote no on HB5989 (S7). Amendment #3 contained eight subsections. The following subsections are my reasons for voting no.

The amendment #4 to HB5989 (S-7) will only exacerbate urban sprawl. A township will only have to hire enough police officers to qualify for the ‘24-hour basis 7 days per week by personnel dedicated exclusively to the township.’

The amendment #5 to HB5989 (S7) will increase the proliferation and duplication of existing infrastructure by townships building and/or expanding water service to serve 50% of their residents.

The amendment #6 to HB5989(S7) will also encourage the proliferation and/or expansion of sewer service infrastructure by townships which will provide this service to 50% of their residents.

As an active member of the Urban Caucus and a representative of an older urban center, passage of HB5989 will slowly cause further deterioration to my city. Furthermore, the bill is not specific as to which jurisdiction provides these services to townships. Many townships across the state now receive water and sewer services from cities. Do these services, provided by cities by contract, qualify the townships for increased revenue sharing dollars? If they do, then monies formerly dedicated to cities will go to townships at the expense of cities.”

Rep. Scott entered the House Chambers.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Concurrent Resolution No. 115.

A concurrent resolution concurring in the tribal-state gaming compacts negotiated between the Governor and the Little River Band of Ottawa Indians, the Pokagon Band of Potawatomi Indians, the Little Traverse Bay Bands of Odawa Indians, and the Nottawaseppi Huron Band of Potawatomi.

(For text of resolution, see House Journal No. 78, p. 2405.)

(The resolution was reported by the Committee on House Oversight and Ethics on December 3, with amendments, consideration of which was postponed until December 8 under the rules; concurrent resolution postponed for the day on December 9, see House Journal No. 82, p. 2615.)

(For amendments, see House Journal No. 80, p. 2492.)

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 1143

Yeas—48

Anthony	Emerson	Hammerstrom	Olshove
Banks	Fitzgerald	Harder	Owen
Basham	Frank	Hertel	Parks
Bobier	Freeman	Jellema	Price
Bodem	Gagliardi	Johnson	Rhead
Brewer	Geiger	LaForge	Richner
Brown	Gilmer	Llewellyn	Schauer
Ciaramitaro	Goschka	Mans	Scott
Curtis	Griffin	Martinez	Scranton
DeHart	Gubow	Mathieu	Stallworth
DeVuyst	Gustafson	McManus	Varga
Dobronski	Hale	Middleton	Wallace

Nays—47

Agee	Dobb	LeTarte	Sanborn
Baade	Galloway	Lowe	Schermesser
Baird	Gernaat	McBryde	Schroer
Birkholz	Green	McNutt	Sikkema
Brackenridge	Hanley	Middaugh	Tesanovich
Brater	Horton	Nye	Voorhees
Byl	Jansen	Oxender	Walberg
Callahan	Jelinek	Palamara	Wetters
Cassis	Kaza	Perricone	Whyman
Cherry	Kilpatrick	Profit	Willard
Cropsey	Law	Rison	Wojno
Dalman	Leland	Rocca	

In The Chair: DeHart

Rep. Thomas, under Rule 32(b), made the following statement:

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 1143 because of a possible conflict of interest.”

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

“Mr. Speaker and members of the House:

The resolution before us, negotiated by a legal representative of the governor of the state of Michigan, would permit the establishment of four additional gambling casinos operated by Native American tribes recognized by the federal government as legitimate.

It does not prevent the establishment of additional casinos operated by Indian tribes that may be recognized by the federal government as legitimate in the future. Nor does it provide for any form of local control. Lansing is once again abrogating its constitutional responsibility to the citizens of the state of Michigan, siding instead with an arrogant and power-hungry group of federal politicians whose interest is currying campaign contributions from special interests, not defense of the U.S. Constitution.

There is an even more compelling reason for opposing the resolution before us tonight in the wee hours of a lame-duck legislative system: the process.

The process, indeed the institution, is flawed for the following reasons:

* Michigan is one of only three states, according to the National Conference of State Legislatures, that does not require legislators to disclose their assets, debts and other financial information pertaining to net worth.

Other states maintain a higher ethical standard than Michigan because they recognized some time ago that financial disclosure reduces the possibility of conflict-of-interest. Financial disclosure creates a climate of good and open government yet it is stubbornly resisted in Michigan.

* The lame-duck session of any legislature creates the possibility of conflict-of-interest if legislators violate their constitutional oath by trading votes for remuneration such as jobs. Legislators, public choice economics suggests, are motivated not only by the economic self-interest of their constituents but first and foremost by their own economic self-interest. This economic behavior is more difficult for the public to interpret and understand in states that lack financial disclosure laws.

One need look no further than the manner in which the process handled this resolution to understand the motivation that led an overwhelming majority of Michigan residents to approve term limits in 1992.

Term limits is the powerful response of a public that holds an institution that refuses to reform itself accountable for its moral relativism.”

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

Messages from the Senate

House Bill No. 6033, entitled

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

The Senate has amended the bill as follows:

1. Amend page 8, line 27, after "subsection" by striking out "(5)" and inserting "(6)".
2. Amend page 12, following line 14, by inserting:

"Sec. 4. (1) The state administrative board, on behalf of the state, may convey, for consideration of not less than fair market value as determined pursuant to subsection (3) or for less than fair market value subject to subsection (4), all of the property commonly known as Brown Hall, which is under the jurisdiction of the department of education and located in the city of Flint, Genesee county, Michigan, and is further described as follows:

A parcel of land located in Section 8 of Indian Reservation of 11 Sections at near The Grand Traverse on Flint River, City of Flint, Genesee County, Michigan; the surveyed boundary being described as Commencing at the Southwest corner of Section 24, Town 7 North, Range 6 East, City of Flint, Genesee County, Michigan; thence North 89 degrees 32 minutes 40 seconds East along the South line of said Section 24 a distance of 946.72 feet; thence North 00 degrees 27 minutes 20 seconds West perpendicular to the South line of said Section 24 a distance of 5,249.20 feet to the Northeast corner of The Plat of Woodcroft No. 1 as recorded in Liber 8, Pages 34-36 of Genesee County Records; thence North 58 degrees 29 minutes 55 seconds East a distance of 1,103.54 feet along the centerline of Miller Road as established by the Michigan Department of Transportation (recorded as North 58 degrees 51 minutes 00 seconds East, 1,103.54 feet); thence continuing along said centerline on a curve to the left 426.00 feet, said curve having a central angle of 38 degrees 18 minutes 00 seconds, a radius of 637.27 feet, a chord of 418.11 feet bearing North 39 degrees 20 minutes 55 seconds East (recorded as radius of 637.27 feet, chord 418.10 feet bearing North 39 degrees 42 minutes 00 seconds East); thence North 20 degrees 11 minutes 55 seconds East continuing along said centerline a distance of 244.83 feet (recorded as North 20 degrees 33 minutes 00 seconds East 244.83 feet); thence continuing on said centerline on a curve to the right 345.46 feet, said curve having a central angle of 31 degrees 03 minutes 35 seconds, a radius of 637.27 feet, a chord of 341.25 feet bearing North 35 degrees 43 minutes 40 seconds East (recorded as radius of 637.27 feet, chord 341.23 feet bearing North 36 degrees 04 minutes 45 seconds East); thence North 51 degrees 15 minutes 25 seconds East continuing along said centerline a distance of 162.30 feet (recorded as North 51 degrees 36 minutes 30 seconds East 158.66 feet) to a point on the centerline of Court Street as established by the Michigan Department of Transportation; thence South 89 degrees 53 minutes 35 seconds East along the centerline of said Court Street a distance of 831.03 feet (recorded as South 89 degrees 32 minutes 30 seconds East 837.65 feet); thence North 58 degrees 28 minutes 55 seconds East along the centerline of said Court Street a distance of 52.18 feet (recorded as North 58 degrees 50 minutes 00 seconds East); thence South 31 degrees 51 minutes 45 seconds East a distance of 50.00 feet to the Southerly right of way line of Court Street and the point of beginning of this description; thence North 58 degrees 28 minutes 55 seconds East along the Southerly line of Court Street (recorded as North 58 degrees 50 minutes 00 seconds East) a distance of 248.00 feet; thence South 31 degrees 31 minutes 05 seconds East perpendicular to the Southerly right of way line of Court Street a distance of 343.24 feet; thence South 21 degrees 37 minutes 55 seconds West a distance of 186.15 feet; thence North 44 degrees 41 minutes 55 seconds West a distance of 154.71 feet (recorded as North 44 degrees 00 minutes 10 seconds West 154.71 feet); thence South 60 degrees 59 minutes 50 seconds West a distance of 28.99 feet (recorded as South 61 degrees 41 minutes 37 seconds West 28.99 feet); thence North 59 degrees 50 minutes 20 seconds West a distance of 70.27 feet (recorded as North 59 degrees 08 minutes 34 seconds West 70.27 feet); thence North 31 degrees 51 minutes 45 seconds West a distance of 241.12 feet (recorded as North 31 degrees 10 minutes 00 seconds West) to the point of beginning; said parcel containing 2.086 acres. Subject to all easements and restrictions of use or record.

(2) The description of the parcel in subsection (1) is approximate and for purposes of the conveyance is subject to adjustment as the state administrative board or the attorney general considers necessary by survey or other legal description.

(3) The fair market value of the property described in subsection (1) shall be the price determined by an appraisal as prepared by the state tax commission or an independent fee appraiser or the price as established by competitive solicitation.

(4) A conveyance authorized by this section for less than fair market value shall provide for both of the following:

(a) That the property shall be used exclusively for a public purpose, and that upon termination of that use or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its rights of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property." and renumbering the remaining section.

Sec. 5. In addition to the purposes permitted in 1998 PA 363, the conveyance of property previously under the jurisdictions of the department of natural resources located in Higgins Township, in Roscommon county, Michigan, and further described as follows:

T 24. R 2W, Section 7: S.E. 1/4 N.W. 1/4

may also be used for wildlife education purposes.

3. Amend page 12, line 15, after "sections" by striking out the balance of the line through "3" on line 16 and inserting "1 to 4".

4. Amend page 12, line 19, after "sections" by striking out the balance of the line through "2" on line 20 and inserting "1 to 4".

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

A bill to authorize the state administrative board to convey certain parcels of state owned property in Oakland county and Genesee county; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to that property; to prescribe conditions for the conveyances; and to provide for disposition of the revenue derived from the conveyances; and to alter certain use restrictions.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

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

Roll Call No. 1144

Yeas—93

Agee	Dobronski	Kukuk	Price
Anthony	Fitzgerald	LaForge	Profit
Baade	Frank	Law	Rhead
Baird	Gagliardi	Leland	Richner
Bankes	Galloway	LeTarte	Rison
Basham	Geiger	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	Gustafson	McManus	Sikkema
Brown	Hale	McNutt	Stallworth
Byl	Hammerstrom	Middaugh	Tesanovich
Callahan	Hanley	Middleton	Thomas
Cassis	Harder	Nye	Varga
Cherry	Horton	Olshove	Voorhees
Crissman	Jansen	Owen	Walberg
Cropsey	Jelinek	Oxender	Wallace
Curtis	Jellema	Palamara	Whyman
Dalman	Johnson	Parks	Willard
DeHart	Kelly	Perricone	Wojno
Dobb			

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. Wetters moved that Rep. Gubow be excused temporarily from today's session.

The motion prevailed.

Senate Bill No. 1007, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 839.

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

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

"TITLE

An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; **TO PROVIDE FOR REGULATION OVER WORKER'S COMPENSATION SELF-INSURERS**; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal ~~certain acts and parts of acts; to repeal certain acts and parts of acts on specific dates; to repeal certain parts of this act on specific dates;~~ and to provide penalties for the violation of this act."

2. Amend page 3, following line 4, by inserting:

"(E) THE INSURER IS NOT SUBJECT TO AN INSURANCE REGULATORY INFORMATION SYSTEM PRIORITY 1 OR 2 DESIGNATION BY THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS DURING THE YEAR IMMEDIATELY PRECEDING THE CHANGE OF CONTROL."

3. Amend page 11, line 3, after "COMPENSATION" by striking out the balance of the line through "FUND" on line 4 and inserting "COVERAGE PROVIDED THROUGH A SELF-INSURER'S GROUP".

4. Amend page 11, line 9, after "insurer" by striking out "OR FUND".

5. Amend page 11, line 10, after "date" by inserting "OR REQUIRING A MEMBER TO CONTINUE PARTICIPATION WITH A WORKER'S COMPENSATION SELF-INSURER GROUP".

6. Amend page 11, line 16, after "insurer" by striking out "OR FUND".

7. Amend page 11, following line 21, by inserting:

"(3) THIS SECTION ALSO APPLIES TO WORKER'S COMPENSATION SELF-INSURERS' GROUPS."

The Senate has concurred in the House substitute (H-3) as amended and amended the title to read as follows:

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending the title and sections 405, 408, 410, 2016, 2213b, 4424, 5800, and 8199a (MCL 500.405, 500.408, 500.410, 500.2016, 500.2213b, 500.4424, 500.5800, and 500.8199a), the title and section 405 as amended by 1994 PA 228, sections 408 and 410 as amended by 1994 PA 443, section 2016 as added by 1982 PA 7, section 2213b as added by 1996 PA 517, section 4424 as amended by 1982 PA 27, section 5800 as amended by 1984 PA 386, and section 8199a as amended by 1994 PA 226, and by adding sections 839, 4419, and 5904.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

The question being on concurring in the amendments to House substitute (H-3) made to the bill by the Senate, The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1145**Yeas—94**

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

Nays—0

In The Chair: DeHart

The House agreed to the title as amended.

The Senate requested the return of
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.

Rep. Gagliardi moved that the request of the Senate be granted.
The motion prevailed.

Third Reading of Bills**Senate Bill No. 712, entitled**

A bill to amend 1905 PA 187, entitled "An act to insure the payment of subcontractors and wages earned and all materials or labor and certain supplies furnished and used in connection with and consumed in constructing, repairing or ornamenting public buildings and public works," by amending section 1 (MCL 570.101), as amended by 1982 PA 10.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Byl moved to amend the bill as follows:

1. Amend page 2, line 13, after "THAT" by striking out "THE BOND IS GOOD AND SUFFICIENT" and inserting "THE BOND AT THE TIME THE CONTRACT IS AWARDED HAS BEEN ISSUED BY A SURETY COMPANY WHICH IS AN AUTHORIZED INSURER AS DEFINED IN SECTION 108 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.108,".

2. Amend page 2, line 14, after the second "THE" by striking out the balance of the line through "THE" on line 15.
 3. Amend page 2, line 17, after "SUBSECTION" by striking out the balance of the line through "SUFFICIENT," on line 18.
 4. Amend page 2, line 24, after "VERIFICATION" by inserting "HAS BEEN RECEIVED BY THE GOVERNMENTAL UNIT AT ITS MAIN OFFICE".
 5. Amend page 3, line 3, after "BEEN" by striking out "PROPERLY EXECUTED" and inserting "ISSUED".
- The motion was seconded and the amendments were 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. 1146

Yeas—89

Anthony	Dobronski	Kilpatrick	Rhead
Baade	Emerson	Kukuk	Richner
Baird	Frank	LaForge	Rison
Bankes	Gagliardi	Law	Rocca
Basham	Galloway	LeTarte	Sanborn
Birkholz	Geiger	London	Schauer
Bobier	Gernaat	Lowe	Schermesser
Bodem	Gire	Mans	Schroer
Bogardus	Godchaux	Martinez	Scott
Brackenridge	Goschka	Mathieu	Scranton
Brater	Green	McBryde	Sikkema
Brown	Gustafson	McManus	Stallworth
Byl	Hammerstrom	McNutt	Tesanovich
Callahan	Hanley	Middaugh	Thomas
Cassis	Harder	Middleton	Varga
Cherry	Horton	Nye	Voorhees
Ciaramitaro	Jansen	Olshove	Walberg
Crissman	Jelinek	Oxender	Wallace
Cropsey	Jellema	Palamara	Wetters
Curtis	Johnson	Parks	Whyman
Dalman	Kaza	Price	Willard
DeHart	Kelly	Profit	Wojno
DeVuyst			

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

—

Rep. Rhead moved that Rep. Llewellyn be excused temporarily from today's session.
The motion prevailed.

Rep. London moved that Rep. Brackenridge be excused temporarily from today's session.
The motion prevailed.

Rep. Dalman moved that Rep. Bankes be excused temporarily from today's session.
The motion prevailed.

Senate Bill No. 713, entitled

A bill to amend 1963 PA 213, entitled "An act to provide a procedure for bonding contractors for public buildings and public works of governmental units; and to repeal certain acts and parts of acts," by amending sections 1, 3, and 4 (MCL 129.201, 129.203, and 129.204), section 1 as amended by 1982 PA 11.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Byl moved to amend the bill as follows:

1. Amend page 2, line 22, after "BOND" by striking out "IS GOOD AND SUFFICIENT" and inserting "WAS ISSUED BY A SURETY COMPANY AS PROVIDED IN (7)".

2. Amend page 3, line 4, after the second "THE" by inserting "GOVERNMENTAL UNIT'S RECEIPT OF THE".

3. Amend page 3, line 5, after "VERIFICATION." by inserting "THE REQUEST FOR VERIFICATION SHALL BE ADDRESSED TO THE MAIN OFFICE OF THE GOVERNMENTAL UNIT.".

4. Amend page 3, line 15, after "BEEN" by striking out "PROPERLY EXECUTED" and inserting "ISSUED".

The motion was seconded and the amendments were 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. 1147**Yeas—88**

Agee	Dobronski	LaForge	Profit
Anthony	Frank	Law	Rhead
Baade	Galloway	Leland	Richner
Baird	Gernaat	LeTarte	Rocca
Basham	Gilmer	Llewellyn	Sanborn
Birkholz	Gire	London	Schauer
Bobier	Godchaux	Lowe	Schermesser
Bodem	Goschka	Mans	Schroer
Bogardus	Green	Martinez	Scott
Brater	Gustafson	Mathieu	Scranton
Brown	Hammerstrom	McBryde	Sikkema
Byl	Hanley	McManus	Stallworth
Callahan	Harder	McNutt	Tesanovich
Cassis	Horton	Middaugh	Thomas
Cherry	Jansen	Middleton	Varga
Ciaramitaro	Jelinek	Nye	Voorhees
Crissman	Jellema	Olshove	Walberg
Cropsey	Johnson	Oxender	Wallace
Curtis	Kaza	Palamara	Wetters
Dalman	Kelly	Parks	Whyman
DeHart	Kilpatrick	Perricone	Willard
DeVuyst	Kukuk	Price	Wojno

Nays—0

In The Chair: DeHart

The House agreed to the title of the bill.

Second Reading of Bills**Senate Bill No. 445, entitled**

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending the title and sections 1, 2, 3, 4, 6, 7, 9, 13, 14, 15, 16, 17, 21, 22, and 23 (MCL 252.301, 252.302, 252.303, 252.304, 252.306, 252.307, 252.309,

252.313, 252.314, 252.315, 252.316, 252.317, 252.321, 252.322, and 252.323), section 4 as amended by 1990 PA 153, and by adding sections 7a and 21a.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Transportation (for amendments, see House Journal No. 82, p. 2621),

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

Rep. Middleton moved to amend the bill as follows:

1. Amend page 20, following line 10, by inserting:

“Enacting section 1. Section 11 of the highway advertising act of 1972, 1972 PA 106, as added by this amendatory act takes effect April 1, 1999.”.

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

Rep. Alley moved to amend the bill as follows:

1. Amend page 8, line 20, by striking out all of section 3 and inserting:

“Sec. 3. To improve and enhance scenic beauty consistent with ~~the provision of~~ section 131 of title 23 of the United States ~~code, as amended,~~ CODE, 23 U.S.C. 131, the legislature finds it appropriate to regulate and control outdoor advertising AND OUTDOOR ADVERTISING AS IT PERTAINS TO TOBACCO adjacent to the interstate highway, freeway, and primary highway systems, AND OUTDOOR ADVERTISING AS IT PERTAINS TO TOBACCO ON SECONDARY HIGHWAY, MAJOR STREET, AND LOCAL ROADS within this state and that outdoor advertising is a legitimate ACCESSORY commercial use of private property, is an integral part of the marketing function and an established segment of the economy of this state. IN ADDITION, THE LEGISLATURE FINDS IT APPROPRIATE TO PROTECT MINORS FROM EXPOSURE TO ADVERTISING THAT ENCOURAGES THEM TO ILLEGALLY POSSESS TOBACCO.”.

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.

—

Rep. Schermesser moved that Rep. Cherry 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

Third Reading of Bills

Senate Bill No. 445, entitled

A bill to amend 1972 PA 106, entitled “Highway advertising act of 1972,” by amending the title and sections 1, 2, 3, 4, 6, 7, 9, 13, 14, 15, 16, 17, 21, 22, and 23 (MCL 252.301, 252.302, 252.303, 252.304, 252.306, 252.307, 252.309, 252.313, 252.314, 252.315, 252.316, 252.317, 252.321, 252.322, and 252.323), section 4 as amended by 1990 PA 153, and by adding sections 7a and 21a.

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

Roll Call No. 1148

Yeas—72

Agee	Dobronski	Kukuk	Profit
Anthony	Emerson	LaForge	Rhead
Baird	Gagliardi	Leland	Richner
Bankes	Geiger	LeTarte	Rison
Birkholz	Gernaat	Llewellyn	Sanborn
Bobier	Gire	London	Schauer

Bodem	Godchaux	Mans	Schermesser
Bogardus	Gustafson	Martinez	Schroer
Brater	Hale	Mathieu	Scott
Brown	Hammerstrom	McNutt	Scranton
Byl	Hanley	Middaugh	Sikkema
Callahan	Harder	Middleton	Stallworth
Cassis	Horton	Olshove	Tesanovich
Ciaramitaro	Jansen	Oxender	Thomas
Curtis	Jelinek	Palamara	Varga
Dalman	Jellema	Parks	Wallace
DeHart	Kelly	Perricone	Wetters
DeVuyst	Kilpatrick	Price	Wojno

Nays—15

Cropsey	Green	McBryde	Walberg
Frank	Johnson	Nye	Whyman
Galloway	Kaza	Rocca	Willard
Goschka	Lowe	Voorhees	

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 licensing, regulation and control of outdoor advertising adjacent to certain highways; to prescribe certain powers and duties; to promulgate rules; to provide penalties for violations; and to repeal certain acts and parts of acts.”.

The House agreed to the full title.

Rep. Godchaux moved that Rep. Scranton be excused temporarily from today’s session.
The motion prevailed.

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

The Senate requested the return of

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.

The message was referred to the Clerk.

The Speaker laid before the House

House Bill No. 5365, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 10 (MCL 125.2690), as amended by 1998 PA 239.

(The bill was received from the Senate on December 1, with substitute (S-3), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 2, see House Journal No. 78, p. 2416.)

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

Reps. Hanley and Byl moved to substitute (H-2) the Senate substitute (S-3).

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

Reps. Byl and Hanley moved to amend the House substitute (H-2) as follows:

1. Amend page 2, line 9, after "TIES" by inserting "OF \$1,000,000.00 OR GREATER IN REAL AND PERSONAL PROPERTY".

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-3), as substituted (H-2),

The Senate substitute (S-3), as substituted (H-2), was concurred in, a majority of the members serving voting therefor, by yeas and nays as follows:

Roll Call No. 1149**Yeas—92**

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

Nays—3

Nye	Walberg	Whyman
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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 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690), as amended by 1998 PA 239, and by adding section 8a.

The motion prevailed.

The House agreed to the title as amended.

Third Reading of Bills**Senate Bill No. 981, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51701 and 51702 (MCL 324.51701 and 324.51702), as added by 1995 PA 57.

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

Roll Call No. 1150**Yeas—94**

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

Nays—1

Jellema

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,” by amending sections 51701 and 51702 (MCL 324.51701 and 324.51702), as added by 1995 PA 57 and by adding sections 51703, 51704, and 51705.

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. Schermesser asked and obtained a temporary excuse from today’s session.

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

Second Reading of Bills**Senate Bill No. 1124, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 2, 13a, 19, and 19b of chapter XIII (MCL 712A.2, 712A.13a, 712A.19, and 712A.19b), section 2 as amended by 1996 PA 409, sections 13a and 19 as amended by 1997 PA 163, and section 19b as amended by 1997 PA 169, and by adding section 6b to chapter XIII.

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. 78, p. 2408),

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

Rep. Wallace 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. 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.

Senate Bill No. 1125, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 2 (MCL 722.622), as amended by 1996 PA 581.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 78, p. 2409),

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

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

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

Rep. Wallace moved to amend the bill as follows:

1. Amend page 4, line 6, after "OR" by inserting a comma and "EXCEPT WHEN USED IN SECTION 7(2)(E) OR 8(8),".

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.

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).

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 78, p. 2409),

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. Voorhees, 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. 1127, 1136, 1137, 1139 and 1140. Had I been present, I would have voted 'yes' on Roll Call Nos. 1127, 1136, 1137 and 1139 and 'no' on Roll Call No. 1140."

Rep. Fitzgerald moved that Reps. Byl and Jellema be excused temporarily from today's session.
The motion prevailed.

Rep. Hammerstrom moved that Reps. Rhead and Llewellyn be excused temporarily from today's session.
The motion prevailed.

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

Rep. Gagliardi moved that **Senate Bill No. 1124** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 1124, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 2, 13a, 19, and 19b of chapter XIII (MCL 712A.2, 712A.13a, 712A.19, and 712A.19b), section 2 as amended by 1996 PA 409, sections 13a and 19 as amended by 1997 PA 163, and section 19b as amended by 1997 PA 169, and by adding section 6b to chapter XIII.

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

Roll Call No. 1151

Yeas—82

Anthony	Emerson	LaForge	Richner
Baade	Fitzgerald	Law	Rison
Baird	Frank	Leland	Rocca
Birkholz	Gagliardi	London	Sanborn
Bodem	Galloway	Lowe	Schauer
Bogardus	Gernaat	Mans	Schermesser
Brackenridge	Gilmer	Martinez	Schroer
Brater	Gire	Mathieu	Scott
Brewer	Goschka	McBryde	Scranton
Brown	Gustafson	McManus	Sikkema
Callahan	Hale	Middaugh	Tesanovich
Cassis	Hammerstrom	Nye	Thomas
Cherry	Hanley	Olshove	Varga
Ciaramitaro	Harder	Owen	Voorhees
Crissman	Horton	Palamara	Walberg
Cropsey	Jansen	Parks	Wallace
Curtis	Jelinek	Perricone	Wetters
Dalman	Kaza	Price	Whyman
DeHart	Kelly	Quarles	Willard
DeVuyst	Kilpatrick	Raczkowski	Wojno
Dobronski	Kukuk		

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. Callahan moved that Reps. Agee and Hanley be excused temporarily from today's session.
The motion prevailed.

Rep. Gagliardi moved that **Senate Bill No. 1125** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 1125, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 2 (MCL 722.622), as amended by 1996 PA 581.

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

Roll Call No. 1152

Yeas—85

Anthony	Emerson	Leland	Raczkowski
Baade	Fitzgerald	Llewellyn	Richner
Baird	Frank	London	Rison
Bankes	Galloway	Lowe	Rocca
Birkholz	Gernaat	Mans	Sanborn
Bodem	Gilmer	Mathieu	Schauer
Bogardus	Gire	McBryde	Schermesser
Brackenridge	Goschka	McManus	Schroer
Brater	Gustafson	McNutt	Scott
Brewer	Hale	Middaugh	Scranton
Brown	Hammerstrom	Middleton	Sikkema
Byl	Harder	Nye	Tesanovich
Callahan	Horton	Olshove	Thomas
Cassis	Jansen	Owen	Varga
Ciaramitaro	Jelinek	Oxender	Voorhees
Crissman	Kaza	Palamara	Walberg
Cropsey	Kelly	Parks	Wallace
Curtis	Kilpatrick	Perricone	Wetters
Dalman	Kukuk	Price	Whyman
DeHart	LaForge	Profit	Willard
DeVuyst	Law	Quarles	Wojno
Dobronski			

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 detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the

appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts.”.

The House agreed to the full title.

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

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

Rep. Gagliardi moved that **Senate Bill No. 1264** be placed on its immediate passage.

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

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).

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

Roll Call No. 1153

Yeas—89

Agee	Dobronski	LaForge	Rackowski
Anthony	Fitzgerald	Law	Rhead
Baade	Frank	Leland	Richner
Baird	Galloway	Llewellyn	Rison
Bankes	Geiger	London	Rocca
Birkholz	Gernaat	Lowe	Sanborn
Bobier	Gilmer	Mans	Schauer
Bodem	Gire	Martinez	Schermesser
Bogardus	Goschka	Mathieu	Schroer
Brackenridge	Gustafson	McBryde	Scott
Brater	Hale	McManus	Scranton
Brewer	Hammerstrom	Middaugh	Sikkema
Brown	Hanley	Middleton	Stallworth
Byl	Harder	Nye	Tesanovich
Callahan	Horton	Olshove	Thomas
Cassis	Jansen	Oxender	Varga
Cherry	Jellema	Palamara	Voorhees
Ciaramitaro	Johnson	Parks	Wallace
Crissman	Kaza	Perricone	Wetters
Cropsey	Kelly	Price	Whyman
Curtis	Kilpatrick	Profit	Willard
Dalman	Kukuk	Quarles	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 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.

Second Reading of Bills

Senate Bill No. 428, entitled

A bill to amend 1923 PA 116, entitled “Township and village public improvement and public service act,” by amending section 4 (MCL 41.414), as amended by 1989 PA 82.

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

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

Rep. 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. 428, entitled

A bill to amend 1923 PA 116, entitled “Township and village public improvement and public service act,” by amending section 4 (MCL 41.414), as amended by 1989 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. 1154

Yeas—89

Anthony	Emerson	LaForge	Quarles
Baade	Fitzgerald	Law	Rackowski
Baird	Frank	Leland	Rhead
Bankes	Galloway	Llewellyn	Richner
Birkholz	Geiger	London	Rison
Bobier	Gernaat	Lowe	Rocca
Bodem	Gilmer	Martinez	Sanborn
Bogardus	Godchaux	Mathieu	Schauer
Brackenridge	Goschka	McBryde	Schermesser
Brater	Gustafson	McManus	Scott
Brewer	Hale	McNutt	Scranton
Brown	Hammerstrom	Middaugh	Sikkema
Byl	Hanley	Middleton	Stallworth
Callahan	Harder	Nye	Tesanovich
Cassis	Horton	Olshove	Thomas
Cherry	Jansen	Owen	Varga
Crissman	Jelinek	Oxender	Voorhees

Cropsey	Jellema	Palamara	Walberg
Curtis	Kaza	Parks	Wallace
Dalman	Kelly	Perricone	Whyman
DeHart	Kilpatrick	Price	Willard
DeVuyst	Kukuk	Profit	Wojno
Dobronski			

Nays—1

Schroer

In The Chair: DeHart

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

“An act to authorize certain township or village public improvements and services; to prescribe penalties and provide remedies; 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. 130, entitled**

A bill to amend 1967 PA 288, entitled “Land division act,” by amending sections 117, 169, and 241 (MCL 560.117, 560.169, and 560.241), section 117 as amended by 1995 PA 172 and sections 169 and 241 as amended by 1993 PA 67.

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. 130, entitled**

A bill to amend 1967 PA 288, entitled “Land division act,” by amending sections 117, 169, and 241 (MCL 560.117, 560.169, and 560.241), section 117 as amended by 1995 PA 172 and sections 169 and 241 as amended by 1993 PA 67.

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

Roll Call No. 1155**Yeas—63**

Agee	DeHart	Jellema	Parks
Anthony	Dobronski	Johnson	Price
Baird	Emerson	Kelly	Profit
Bankes	Fitzgerald	Kilpatrick	Quarles
Basham	Galloway	Law	Richner
Birkholz	Geiger	Leland	Rison

Bobier	Gilmer	LeTarte	Schauer
Bodem	Gire	Martinez	Schermesser
Bogardus	Godchaux	Mathieu	Scott
Brackenridge	Gustafson	McBryde	Scranton
Brewer	Hale	McManus	Sikkema
Byl	Hammerstrom	Middleton	Stallworth
Callahan	Hanley	Olshove	Varga
Cherry	Harder	Owen	Wallace
Crissman	Horton	Oxender	Willard
Curtis	Jelinek	Palamara	

Nays—27

Brown	Goschka	McNutt	Sanborn
Cassis	Jansen	Middaugh	Tesanovich
Cropsey	Kaza	Nye	Thomas
Dalman	Kukuk	Perricone	Walberg
DeVuyst	Llewellyn	Raczkowski	Whyman
Frank	London	Rhead	Wojno
Gernaat	Lowe	Rocca	

In The Chair: DeHart

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

“An act to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; 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. 1370, entitled

A bill to amend 1990 PA 100, entitled “City utility users tax act,” by amending the title and section 2 (MCL 141.1152).

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. 1370, entitled

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending the title and section 2 (MCL 141.1152).

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

Roll Call No. 1156

Yeas—59

Agee	Curtis	Johnson	Rhead
Anthony	DeHart	Kelly	Rison
Baade	Dobronski	Kilpatrick	Schauer
Baird	Emerson	LaForge	Schermesser
Bankes	Fitzgerald	Leland	Schroer
Basham	Frank	Martinez	Scott
Bobier	Galloway	Mathieu	Scranton
Bodem	Geiger	Middleton	Sikkema
Bogardus	Gilmer	Olshove	Stallworth
Brackenridge	Gire	Oxender	Tesanovich
Brater	Hale	Palamara	Thomas
Brewer	Hammerstrom	Parks	Wallace
Brown	Hanley	Price	Willard
Callahan	Harder	Profit	Wojno
Cherry	Jelinek	Quarles	

Nays—32

Birkholz	Goschka	Llewellyn	Perricone
Byl	Gustafson	London	Raczkowski
Cassis	Horton	Lowe	Richner
Crissman	Jansen	McBryde	Rocca
Cropsey	Jellema	McManus	Sanborn
Dalman	Kaza	McNutt	Voorhees
DeVuyst	Kukuk	Middaugh	Walberg
Gernaat	LeTarte	Nye	Whyman

In The Chair: DeHart

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

"An act to permit the imposition, revival, and continued collection by cities of a population of 1,000,000 or more of a utility users tax; to provide the procedure for, and to require the adoption of a prescribed uniform city utility users tax ordinance by cities desiring to impose and collect such a tax; to limit the rate of such tax; to prescribe the powers and duties of the state commissioner of revenue; and to provide for appeals,".

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.

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

The Speaker laid before the House

House Concurrent Resolution No. 116.

A concurrent resolution to call for the establishment of a system of specialty license plates.

(For text of resolution, see House Journal No. 78, p. 2406.)

(The concurrent resolution was reported by the Committee on Transportation on December 9, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

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

Second Reading of Bills

House Bill No. 5863, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 1996 PA 513.

The bill was read a second time.

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

The motion prevailed.

Rep. Schermesser moved that Rep. Cherry 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. 5863, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 1996 PA 513.

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

Roll Call No. 1157

Yeas—58

Anthony	Emerson	Martinez	Rackowski
Baade	Fitzgerald	Mathieu	Rhead
Baird	Frank	McBryde	Rison
Basham	Galloway	McManus	Schauer
Bodem	Gire	McNutt	Schermesser
Bogardus	Goschka	Middaugh	Scott
Brackenridge	Gustafson	Middleton	Stallworth

Brater	Hale	Olshove	Tesanovich
Brewer	Hammerstrom	Oxender	Thomas
Brown	Hanley	Parks	Varga
Byl	Harder	Perricone	Voorhees
Curtis	Kilpatrick	Price	Wallace
DeHart	Law	Profit	Wetters
DeVuyst	LeTarte	Quarles	Willard
Dobronski	Llewellyn		

Nays—24

Birkholz	Godchaux	Kukuk	Sanborn
Cassis	Horton	London	Scranton
Cropsey	Jansen	Lowe	Sikkema
Dalman	Jelinek	Nye	Walberg
Geiger	Jellema	Richner	Whyman
Gernaat	Kaza	Rocca	Wojno

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. 773, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 113, 115, 131, 203, 204, 205, 217, 219, 221, 237, 241, 242, 246, 248, 281, 303, 305, 342, 344, 350, 350a, 350e, 352, 353, 353e, 354, 355, 356, 363, 367, 367b, 367f, 371, 372, 384, 386, 393, 396, 404, 434, 443, 451, 454, 461, 462, 484, 485, 486, 492, and 493 (MCL 18.1113, 18.1115, 18.1131, 18.1203, 18.1204, 18.1205, 18.1217, 18.1219, 18.1221, 18.1237, 18.1241, 18.1242, 18.1246, 18.1248, 18.1281, 18.1303, 18.1305, 18.1342, 18.1344, 18.1350, 18.1350a, 18.1350e, 18.1352, 18.1353, 18.1353e, 18.1354, 18.1355, 18.1356, 18.1363, 18.1367, 18.1367b, 18.1367f, 18.1371, 18.1372, 18.1384, 18.1386, 18.1393, 18.1396, 18.1404, 18.1434, 18.1443, 18.1451, 18.1454, 18.1461, 18.1462, 18.1484, 18.1485, 18.1486, 18.1492, and 18.1493), section 113 as amended by 1987 PA 122, sections 115, 203, 205, 217, 221, 246, 281, 342, 350, 367, 371, 372, 384, 386, 393, and 451 as amended and sections 204, 350a, 350e, 396, and 454 as added by 1988 PA 504, sections 219, 352, and 355 as amended and sections 367b and 367f as added by 1991 PA 72, section 353 as amended by 1994 PA 107, section 353e as added by 1997 PA 144, section 354 as amended by 1995 PA 286, section 363 as amended by 1993 PA 2, section 461 as amended by 1986 PA 251, and sections 484, 485, and 486 as added by 1986 PA 272, and by adding section 237a; 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 Appropriations,

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

Rep. Gilmer moved to amend the bill as follows:

1. Amend page 47, line 25, after "by" by striking out "November 30" and inserting "DECEMBER 15".
2. Amend page 57, line 5, after "COMMITTEES" by inserting "AND THE SENATE AND HOUSE FISCAL AGENCIES".
3. Amend page 57, line 15, after "COMMITTEES" by inserting "AND THE SENATE AND HOUSE FISCAL AGENCIES".
4. Amend page 62, line 9, after "committees," by inserting "the senate and house fiscal agencies,".

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

Rep. Martinez moved to amend the bill as follows:

1. Amend page 13, line 15, after "architects," by inserting "professional".
2. Amend page 14, line 20, after "AND" by inserting "PROFESSIONAL".
3. Amend page 14, line 26, after "ARCHITECTS," by inserting "PROFESSIONAL".

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

Rep. Emerson moved to amend the bill as follows:

1. Amend page 19, line 10, by striking out all of subsection (10).
2. Amend page 51, line 10, after "THE" by striking out "CURRENT".
3. Amend page 51, line 10, after "BILLS" by inserting "FOR WHICH THE TRANSFER IS BEING MADE".

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.

Rep. Brater 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

Senate Bill No. 773, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 113, 115, 131, 203, 204, 205, 217, 219, 221, 237, 241, 242, 246, 248, 281, 303, 305, 342, 344, 350, 350a, 350e, 352, 353, 353e, 354, 355, 356, 363, 367, 367b, 367f, 371, 372, 384, 386, 393, 396, 404, 434, 443, 451, 454, 461, 462, 484, 485, 486, 492, and 493 (MCL 18.1113, 18.1115, 18.1131, 18.1203, 18.1204, 18.1205, 18.1217, 18.1219, 18.1221, 18.1237, 18.1241, 18.1242, 18.1246, 18.1248, 18.1281, 18.1303, 18.1305, 18.1342, 18.1344, 18.1350, 18.1350a, 18.1350e, 18.1352, 18.1353, 18.1353e, 18.1354, 18.1355, 18.1356, 18.1363, 18.1367, 18.1367b, 18.1367f, 18.1371, 18.1372, 18.1384, 18.1386, 18.1393, 18.1396, 18.1404, 18.1434, 18.1443, 18.1451, 18.1454, 18.1461, 18.1462, 18.1484, 18.1485, 18.1486, 18.1492, and 18.1493), section 113 as amended by 1987 PA 122, sections 115, 203, 205, 217, 221, 246, 281, 342, 350, 367, 371, 372, 384, 386, 393, and 451 as amended and sections 204, 350a, 350e, 396, and 454 as added by 1988 PA 504, sections 219, 352, and 355 as amended and sections 367b and 367f as added by 1991 PA 72, section 353 as amended by 1994 PA 107, section 353e as added by 1997 PA 144, section 354 as amended by 1995 PA 286, section 363 as amended by 1993 PA 2, section 461 as amended by 1986 PA 251, and sections 484, 485, and 486 as added by 1986 PA 272, and by adding section 237a; 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. 1158

Yeas—88

Agee	DeHart	Jelinek	Price
Anthony	DeVuyst	Jellema	Profit
Baade	Dobb	Johnson	Quarles
Baird	Dobronski	Kelly	Raczkowski
Bankes	Emerson	Kilpatrick	Richner
Basham	Fitzgerald	Kukuk	Rison
Birkholz	Frank	LaForge	Rocca
Bobier	Gagliardi	Law	Sanborn
Bodem	Galloway	LeTarte	Schauer
Bogardus	Gernaat	London	Schermesser
Brackenridge	Gilmer	Lowe	Scott

Brater	Gire	Martinez	Scranton
Brown	Godchaux	Mathieu	Sikkema
Byl	Goschka	McBryde	Stallworth
Callahan	Green	McManus	Tesanovich
Cassis	Gustafson	McNutt	Thomas
Cherry	Hale	Middaugh	Voorhees
Ciaramitaro	Hammerstrom	Middleton	Walberg
Crissman	Hanley	Nye	Wallace
Cropsey	Harder	Olshove	Wetters
Curtis	Horton	Oxender	Willard
Dalman	Jansen	Perricone	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 1984 PA 431, entitled “An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts.” by amending sections 113, 115, 131, 203, 204, 205, 217, 219, 221, 237, 241, 242, 246, 248, 251, 267, 303, 305, 323, 342, 344, 350, 350a, 350e, 352, 353, 353e, 354, 355, 356, 363, 367, 367b, 367f, 371, 372, 384, 386, 393, 396, 404, 434, 443, 451, 454, 461, 462, 484, 485, 486, 492, and 493 (MCL 18.1113, 18.1115, 18.1131, 18.1203, 18.1204, 18.1205, 18.1217, 18.1219, 18.1221, 18.1237, 18.1241, 18.1242, 18.1246, 18.1248, 18.1251, 18.1267, 18.1303, 18.1305, 18.1323, 18.1342, 18.1344, 18.1350, 18.1350a, 18.1350e, 18.1352, 18.1353, 18.1353e, 18.1354, 18.1355, 18.1356, 18.1363, 18.1367, 18.1367b, 18.1367f, 18.1371, 18.1372, 18.1384, 18.1386, 18.1393, 18.1396, 18.1404, 18.1434, 18.1443, 18.1451, 18.1454, 18.1461, 18.1462, 18.1484, 18.1485, 18.1486, 18.1492, and 18.1493), section 113 as amended by 1987 PA 122, sections 115, 203, 205, 217, 221, 246, 342, 350, 367, 371, 372, 384, 386, 393, and 451 as amended and sections 204, 350a, 350e, 396, and 454 as added by 1988 PA 504, sections 219, 352, and 355 as amended and sections 367b and 367f as added by 1991 PA 72, section 353 as amended by 1994 PA 107, section 353e as added by 1997 PA 144, section 354 as amended by 1995 PA 286, section 363 as amended by 1993 PA 2, section 461 as amended by 1986 PA 251, and sections 484, 485, and 486 as added by 1986 PA 272, and by adding sections 237a, 281a, and 430; and to repeal acts and parts of acts.

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

Messages from the Senate

Senate Bill No. 240, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6, 11, 17b, 20, 31a, 51a, 81, and 107 (MCL 388.1606, 388.1611, 388.1617b, 388.1620, 388.1631a, 388.1651a, 388.1681, and 388.1707),

sections 6, 11, 17b, 20, 51a, 81, and 107 as amended by 1997 PA 93, and section 31a as amended by 1997 PA 24, and by adding sections 11e, 11f, 20k, 29, and 31c.

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

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

"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, 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 OR DISCIPLINARY 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 OR DISCIPLINARY 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 OR DISCIPLINARY 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.

(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~~ ANY OF THE FOLLOWING:

(A) NONPUBLIC part-time pupils enrolled in grades 1 to 12 in accordance with section 166b. ~~for pupils~~

(B) PUPILS receiving 1/2 or less of their instruction in a district other than their district of residence. ~~for pupils~~

(C) PUPILS enrolled in a public school academy or university school. ~~for pupils~~

(D) 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~~

(E) 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~~

(F) 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.

(G) A NONRESIDENT PUPIL WHO HAS MADE AN OFFICIAL WRITTEN COMPLAINT OR WHOSE PARENT OR LEGAL GUARDIAN HAS MADE AN OFFICIAL WRITTEN COMPLAINT TO LAW ENFORCEMENT OFFICIALS AND TO SCHOOL OFFICIALS OF THE PUPIL'S DISTRICT OF RESIDENCE THAT THE PUPIL HAS BEEN THE VICTIM OF A CRIMINAL SEXUAL ASSAULT OR OTHER SERIOUS ASSAULT, IF THE OFFICIAL COMPLAINT EITHER INDICATES THAT THE ASSAULT OCCURRED AT SCHOOL OR THAT THE ASSAULT WAS COMMITTED BY 1 OR MORE OTHER PUPILS ENROLLED IN THE SCHOOL THE NONRESIDENT PUPIL WOULD OTHERWISE ATTEND IN THE DISTRICT OF RESIDENCE OR BY AN EMPLOYEE OF THE DISTRICT OF RESIDENCE. A PERSON WHO INTENTIONALLY MAKES A FALSE REPORT OF A CRIME TO LAW ENFORCEMENT OFFICIALS FOR THE PURPOSES OF THIS SUBDIVISION IS SUBJECT TO SECTION 411A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411A, WHICH PROVIDES CRIMINAL PENALTIES FOR THAT CONDUCT. AS USED IN THIS SUBDIVISION:

(i) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT A SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON SCHOOL PREMISES.

(ii) "SERIOUS ASSAULT" MEANS AN ACT THAT CONSTITUTES A FELONY VIOLATION OF CHAPTER XI OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81 TO 750.90F, OR THAT CONSTITUTES AN ASSAULT AND INFLICTION OF SERIOUS OR AGGRAVATED INJURY UNDER SECTION 81A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81A.

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~~ OR A PUPIL DESCRIBED IN SUBSECTION (6)(D) TO (G). 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."

2. Amend page 6, following line 26, by inserting:

"Sec. 17b. (1) Not later than October 20, November 20, December 20, January 20, February 20, March 20, April 20, May 20, June 20, July 20, and August 20, the department shall prepare a statement of the amount to be distributed under this act in the installment to the districts and intermediate districts and deliver the statement to the state treasurer, and the state treasurer shall pay the installments on each of those dates or on the next business day following each of those dates. Except as otherwise provided in this act, the portion of the district's or intermediate district's state fiscal year entitlement to be included in each installment ~~during 1998-99~~ shall be 1/11. However, for 1997-98 only, there shall not be an installment paid on August 20, and the portion to be included in each installment shall be 11.11% for the October and November payments; 9.72% for the December, January, February, March, April, May, and June payments; and 9.74% for the July payment. The payments due to a district in 1997-98 on April 20, May 20, June 20, and July 20 pursuant to this section each shall be reduced by an amount equal to 1/4 of the district's total additional payments in 1996-97 under former section 20c. A district or intermediate district shall accrue the payments received in July and August to the school fiscal year ending the immediately preceding June 30.

(2) The state treasurer shall make payment under this section by drawing a warrant in favor of the treasurer of each district or intermediate district for the amount payable to the district or intermediate district according to the statement and delivering the warrant to the treasurer of each district or intermediate district, or if the state treasurer receives a written request by the treasurer of the district or intermediate district specifying an account, by electronic funds transfer to that account of the amount payable to the district or intermediate district according to the statement. The

department may make adjustments in payments made under this section through additional payments when changes in law or errors in computation cause the regularly scheduled payment to be less than the amount to which the district or intermediate district is entitled pursuant to this act.

(3) Except as otherwise specified in this act, grant payments under this act shall be paid according to subsection (1).

(4) Upon the written request of a district or intermediate district and the submission of proof satisfactory to the department of a need of a temporary and nonrecurring nature, the superintendent, with the written concurrence of the state treasurer and the director of management and budget, may authorize an advance release of funds due a district or intermediate district under this act. Such an advance shall not cause funds to be paid to a district or intermediate district more than 30 days earlier than the established payment date for those funds.”.

3. Amend page 21, following line 21, by inserting:

“SEC. 25A. IF A PUPIL DESCRIBED IN SECTION 6(6)(G) ENROLLS PURSUANT TO SECTION 6(6)(G) DURING A SCHOOL YEAR IN A DISTRICT OTHER THAN THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP, THE EDUCATING DISTRICT SHALL REPORT THE ENROLLMENT INFORMATION TO THE DEPARTMENT AND TO THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP, AND THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP SHALL PAY TO THE EDUCATING DISTRICT AN AMOUNT EQUAL TO THE AMOUNT OF THE FOUNDATION ALLOWANCE RECEIVED BY THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP, PRORATED ACCORDING TO THE NUMBER OF DAYS OF THE SCHOOL YEAR ENDING IN THE FISCAL YEAR THE PUPIL IS EDUCATED IN THE EDUCATING DISTRICT COMPARED TO THE NUMBER OF DAYS OF THE SCHOOL YEAR ENDING IN THE FISCAL YEAR THE PUPIL WAS ACTUALLY ENROLLED IN THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP. IF A DISTRICT DOES NOT MAKE THE PAYMENT REQUIRED UNDER THIS SECTION WITHIN 30 DAYS AFTER RECEIPT OF THE REPORT, THE DEPARTMENT SHALL CALCULATE THE AMOUNT OWED, SHALL DEDUCT THAT AMOUNT FROM THE REMAINING STATE SCHOOL AID PAYMENTS TO THE DISTRICT FOR THAT FISCAL YEAR UNDER THIS ACT, AND SHALL PAY THAT AMOUNT TO THE EDUCATING DISTRICT. THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP AND THE EDUCATING DISTRICT SHALL PROVIDE TO THE DEPARTMENT ALL INFORMATION THE DEPARTMENT REQUIRES TO ENFORCE THIS SECTION.

Sec. 26a. From the general fund appropriation in section 11, there is allocated for 1997-98, 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, AND 1999, 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.”.

4. Amend page 30, line 27, after “pupils” by striking out “with handicaps as defined by the department” and inserting “WHO ARE ELIGIBLE FOR SPECIAL EDUCATION PROGRAMS AND SERVICES ACCORDING TO STATUTE OR RULE”.

5. Amend page 43, following line 10, by inserting:

“Sec. 105. (1) In order to avoid a penalty under this section, and in order to count a nonresident pupil residing within the same intermediate district in membership without the approval of the pupil’s district of residence, a district shall comply with this section.

(2) Except as otherwise provided in subsection (3), ~~or (4)~~, a district shall determine by June 1 whether or not it will accept applications for enrollment by nonresident applicants residing within the same intermediate district for the next school year. If the district determines to accept applications for enrollment of a number of nonresidents, beyond those entitled to preference under this section, the district shall do all of the following:

(a) By June 15, publish the grades, schools, and special programs, if any, for which enrollment may be available to, and for which applications will be accepted from, nonresident applicants residing within the same intermediate district.

(b) At least until July 1, accept applications from nonresidents residing within the same intermediate district for enrollment in the available grades, schools, and programs.

(c) By July 15, using the procedures and preferences required under this section, determine which nonresident applicants will be allowed to enroll in the district and notify the parent or legal guardian of each nonresident applicant of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment shall contain notification of the date by which the applicant must enroll in the district and procedures for enrollment.

~~(3) For 1996 only, the deadlines for the process described in subsection (2) are as follows:~~

~~(a) July 1 for determining whether or not the district will accept applications.~~

~~(b) July 15 for publishing the grades, schools, and special programs, if any, for which applications will be accepted.~~

~~(c) At least until August 1 for accepting applications.~~

~~(d) August 15 for determining which nonresident applicants will be allowed to enroll and notifying parents and legal guardians.~~

(3) ~~(4)~~ If deadlines similar to those described in subsection (2) have been established in an intermediate district pursuant to a pilot intermediate district schools of choice program under former section 91, and if those deadlines are not later than the deadlines under subsection (2), the districts within the intermediate district may continue to use those deadlines.

(4) ~~(5)~~ A district offering to enroll nonresident applicants residing within the same intermediate district may limit the number of nonresident pupils it accepts in a grade, school, or program, at its discretion, and may use that limit as the reason for refusal to enroll an applicant.

(5) ~~(6)~~ A nonresident applicant residing within the same intermediate district shall not be granted or refused enrollment based on intellectual, academic, artistic, or other ability, talent, or accomplishment, or lack thereof, or based on a mental or physical disability, except that a district may refuse to admit a nonresident applicant if the applicant does not meet the same criteria, other than residence, that an applicant who is a resident of the district must meet to be accepted for enrollment in a grade or a specialized, magnet, or intra-district choice school or program to which the applicant applies.

(6) ~~(7)~~ A nonresident applicant residing within the same intermediate district shall not be granted or refused enrollment based on age, except that a district may refuse to admit a nonresident applicant applying for a program that is not appropriate for the age of the applicant.

(7) ~~(8)~~ A nonresident applicant residing within the same intermediate district shall not be granted or refused enrollment based upon religion, race, color, national origin, sex, height, weight, marital status, or athletic ability, or, generally, in violation of any state or federal law prohibiting discrimination.

(8) ~~(9)~~ A district may refuse to enroll a nonresident applicant if the applicant is, or has been within the preceding 2 years, suspended from another school or if the applicant has ever been expelled from another school.

(9) ~~(10)~~ A district shall give preference for enrollment over all other nonresident applicants residing within the same intermediate district to pupils who were enrolled in and attended the district in the school year immediately preceding the school year in question and to other school-age children who reside in the same household as the pupil.

(10) ~~(11)~~ If a nonresident pupil was enrolled in and attending school in a district as a nonresident pupil in the 1995-96 school year and continues to be enrolled continuously each school year in that district, the district shall allow that nonresident pupil to continue to enroll in and attend school in the district until high school graduation, without requiring the nonresident pupil to apply for enrollment under this section. This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(11) ~~(12)~~ If the number of qualified nonresident applicants eligible for acceptance in a school, grade, or program does not exceed the positions available for nonresident pupils in the school, grade, or program, the school district shall accept for enrollment all of the qualified nonresident applicants eligible for acceptance. If the number of qualified nonresident applicants residing within the same intermediate district eligible for acceptance exceeds the positions available in a grade, school, or program in a district for nonresident pupils, the district shall use a random draw system, subject to the need to abide by state and federal antidiscrimination laws and court orders and subject to preferences allowed by this section.

(12) ~~(13)~~ If a district, or the nonresident applicant, requests the district in which a nonresident applicant resides to supply information needed by the district for evaluating the applicant's application for enrollment or for enrolling the applicant, the district of residence shall provide that information on a timely basis.

(13) ~~(14)~~ If a district is subject to a court-ordered desegregation plan, and if the court issues an order prohibiting pupils residing in that district from enrolling in another district or prohibiting pupils residing in another district from enrolling in that district, this section is subject to the court order.

(14) ~~(15)~~ This section does not require a district to provide transportation for a nonresident pupil enrolled in the district under this section or for a resident pupil enrolled in another district under this section. However, at the time a nonresident pupil enrolls in the district, a district shall provide to the pupil's parent or legal guardian information on available transportation to and from the school in which the pupil enrolls.

(15) ~~(16)~~ If, in a particular state fiscal year, the total number of pupils enrolled and counted in membership in a district is less than 90% of the total number of pupils residing in the district who are enrolled and counted in membership in either that district or 1 or more other districts, the total amount of money allocated to that district under section 20 shall be adjusted so that the district receives a total allocation under section 20 equal to the amount the district would receive under section 20 if exactly 90% of the pupils residing in the district who are enrolled and counted in either that district or 1 or more other districts were enrolled and counted in membership in that district.

(16) ~~(17)~~ A district may participate in a cooperative education program with 1 or more other districts or intermediate districts whether or not the district enrolls any nonresidents pursuant to this section.

(17) ~~(18)~~ A district that, pursuant to this section, enrolls a nonresident pupil who is ~~a handicapped person, as defined in section 4 of the revised school code, being section 380.4 of the Michigan Compiled Laws~~ ELIGIBLE FOR SPECIAL EDUCATION PROGRAMS AND SERVICES ACCORDING TO STATUTE OR RULE, or who is a child

with disabilities, as defined under the individuals with disabilities education act, TITLE VI OF Public Law 91-230, shall be considered to be the resident district of the pupil for the purpose of providing the pupil with a free appropriate public education. Consistent with state and federal law, that district is responsible for developing and implementing an individualized education plan annually for a nonresident pupil described in this subsection.

(18) ~~(19)~~ If a district does not comply with this section, the district forfeits 10% of the total amount due to the district under section 20c.

(19) ~~(20)~~ Upon application by a district, the superintendent of public instruction may grant a waiver for the district from a specific requirement under this section for not more than 1 year.

(20) ~~(21)~~ If an intermediate district is operating under an intermediate district pilot schools of choice program established under former section 91 or as described in section 91a, and if the superintendent of public instruction determines that the program is substantially similar to intermediate district schools of choice under this section, the superintendent of public instruction may exempt the intermediate district and its constituent districts from this section for not more than 1 year.

(21) ~~(22)~~ It is the intent of the legislature that this section will be reviewed before the 1999-2000 state fiscal year.

SEC. 161A. IF A COURT DETERMINES THAT A PERSON INTENTIONALLY VIOLATED SECTION 411A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411A, BY MAKING A FALSE REPORT OF THE COMMISSION OF A CRIME DESCRIBED IN SECTION 6(6)(G) KNOWING THE REPORT TO BE FALSE FOR THE PURPOSE OF HAVING A PUPIL COUNTED IN MEMBERSHIP IN A DISTRICT UNDER SECTION 6(6)(G), AS PART OF THE RESTITUTION ORDERED UNDER SECTION 30 OF CHAPTER XIII OF 1939 PA 288, MCL 712A.30, SECTION 16, 44, OR 76 OF THE CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.766, 780.794, AND 780.826, OR SECTION 1A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1A, THE COURT MAY ORDER THE PERSON TO PAY THE PUPIL'S DISTRICT OF RESIDENCE AN AMOUNT THAT IS NOT MORE THAN THE STATE SCHOOL AID THAT DISTRICT WOULD HAVE RECEIVED ATTRIBUTABLE TO THE PUPIL IF THE PUPIL HAD BEEN COUNTED IN MEMBERSHIP IN HIS OR HER DISTRICT OF RESIDENCE."

The Senate has concurred in the House substitute (H-2) as amended, ordered that the bill be given immediate effect and amended the title to read as follows:

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 6, 11, 11g, 17b, 20, 20b, 26a, 31a, 51a, 63, 81, and 105 (MCL 388.1606, 388.1611, 388.1611g, 388.1617b, 388.1620, 388.1620b, 388.1626a, 388.1631a, 388.1651a, 388.1663, 388.1681, and 388.1705), sections 6, 11, 11g, 20, 26a, 31a, 51a, 81, and 105 as amended and sections 20b and 63 as added by 1998 PA 339, and section 17b as amended by 1997 PA 142, and by adding sections 25a and 161a.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

The question being on concurring in the amendments made to the House substitute (H-2),

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

Roll Call No. 1159

Yeas—90

Agee	DeVuyst	Jellema	Price
Anthony	Dobb	Johnson	Profit
Baade	Dobronski	Kelly	Quarles
Baird	Emerson	Kilpatrick	Rackowski
Bankes	Fitzgerald	LaForge	Richner
Basham	Frank	Law	Rocca
Birkholz	Gagliardi	Leland	Sanborn
Bobier	Galloway	LeTarte	Schauer
Bodem	Geiger	London	Schermesser
Bogardus	Gernaat	Lowe	Scott

Brackenridge	Gilmer	Martinez	Scranton
Brater	Gire	Mathieu	Sikkema
Brewer	Godchaux	McBryde	Tesanovich
Brown	Goschka	McManus	Thomas
Byl	Green	McNutt	Varga
Callahan	Gustafson	Middaugh	Voorhees
Cassis	Hale	Nye	Walberg
Cherry	Hammerstrom	Olshove	Wallace
Ciaramitaro	Hanley	Owen	Wetters
Cropsey	Harder	Oxender	Whyman
Curtis	Horton	Palamara	Willard
Dalman	Jansen	Parks	Wojno
DeHart	Jelinek		

Nays—0

In The Chair: DeHart

The House agreed to the title as amended.

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 sections 2, 3b, and 4 (MCL 445.572, 445.573b, and 445.574), section 2 as amended by 1986 PA 235, section 3b as amended by 1996 PA 384, and section 4 as amended by 1982 PA 39, and by adding sections 4a and 4b.

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

The Senate has passed the bill as substituted (S-2) by a 3/4 vote.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

The substitute (S-2) was concurred in, 3/4 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1160**Yeas—83**

Agee	DeVuyst	Kaza	Price
Baade	Dobronski	Kelly	Profit
Banks	Fitzgerald	Kilpatrick	Quarles
Basham	Frank	Kukuk	Raczkowski
Birkholz	Gagliardi	Law	Richner
Bobier	Galloway	Leland	Rocca
Bodem	Geiger	LeTarte	Sanborn
Bogardus	Gernaat	London	Schauer
Brackenridge	Godchaux	Lowe	Schermesser
Brater	Goschka	Mathieu	Scott
Brewer	Green	McBryde	Scranton
Brown	Gustafson	McManus	Sikkema
Byl	Hale	McNutt	Tesanovich

Callahan	Hammerstrom	Middaugh	Thomas
Cassis	Hanley	Middleton	Voorhees
Cherry	Harder	Nye	Walberg
Crissman	Horton	Olshove	Wallace
Cropsey	Jansen	Owen	Wetters
Curtis	Jelinek	Oxender	Whyman
Dalman	Jellema	Parks	Wojno
DeHart	Johnson	Perricone	

Nays—7

Anthony	Emerson	LaForge	Willard
Ciaramitaro	Gire	Martinez	

In The Chair: DeHart

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

Second Reading of Bills**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.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Regulatory Affairs (for amendment, see House Journal No. 78, p. 2412),

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

Rep. Varga moved to amend the bill as follows:

1. Amend page 2, line 15, by striking out all of enacting section 1.

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. 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.

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

Roll Call No. 1161**Yeas—95**

Agee	DeVuyst	Johnson	Profit
Anthony	Dobb	Kaza	Quarles
Baade	Dobronski	Kelly	Raczkowski
Baird	Fitzgerald	Kukuk	Richner
Bankes	Frank	LaForge	Rison
Basham	Gagliardi	Law	Rocca

Birkholz	Galloway	Leland	Sanborn
Bobier	Geiger	LeTarte	Schauer
Bodem	Gernaat	London	Schermesser
Bogardus	Gilmer	Lowe	Scott
Brackenridge	Gire	Martinez	Scranton
Brater	Godchaux	Mathieu	Sikkema
Brewer	Goschka	McBryde	Stallworth
Brown	Green	McManus	Tesanovich
Byl	Gubow	McNutt	Thomas
Callahan	Gustafson	Middaugh	Varga
Cassis	Hale	Middleton	Voorhees
Cherry	Hammerstrom	Nye	Walberg
Ciaramitaro	Hanley	Olshove	Wallace
Crissman	Harder	Owen	Wetters
Cropsey	Horton	Oxender	Whyman
Curtis	Jansen	Parks	Willard
Dalman	Jelinek	Perricone	Wojno
DeHart	Jellema	Price	

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 inspection, licensing, and regulation of carnival and amusement rides; to provide for the safety of the public using carnival and amusement rides; to create a carnival amusement safety board in the department of licensing and regulation; to provide for the disposition of revenues; to make an appropriation; and to provide penalties for violations.”.

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.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5989, entitled

A bill to amend 1971 PA 140, entitled “An act to provide for the distribution of certain state revenues to cities, villages, townships, and counties; to impose certain duties and confer certain powers on this state, political subdivisions of this state, and the officers of both; to create reserve funds; and to establish a revenue sharing task force and provide for its powers and duties,” by amending sections 1, 7, 11, 12a, and 13 (MCL 141.901, 141.907, 141.911, 141.912a, and 141.913), section 11 as amended by 1996 PA 468 and section 12a as added and section 13 as amended by 1996 PA 342, and by adding section 13d; and to repeal acts and parts of acts.

The Senate has amended the House amendments as follows:

1. Amend House Amendment No. 3, page 22, line 15, after “after” by striking out “ “PROVIDES” ” and inserting “ “FOR” ”.
2. Amend House Amendment No. 4, page 22, line 15, after “BASIS” by striking out the balance of the amendment and inserting “EITHER THROUGH CONTRACTING FOR OR DIRECTLY EMPLOYING PERSONNEL”.”.
3. Amend House Amendment No. 5, page 22, line 16, after “50%” by inserting “OR MORE”.
4. Amend House Amendment No. 6, page 22, line 16, after “50%” by inserting “OR MORE”.

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.

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

Roll Call No. 1162**Yeas—76**

Agee	DeVuyst	Horton	Owen
Baade	Dobb	Jansen	Oxender
Baird	Dobronski	Jelinek	Palamara
Birkholz	Fitzgerald	Jellema	Parks
Bobier	Frank	Johnson	Perricone
Bodem	Gagliardi	Kilpatrick	Profit
Bogardus	Galloway	Kukuk	Rackowski
Brackenridge	Geiger	Leland	Rhead
Brewer	Gernaat	LeTarte	Rison
Brown	Gilmer	Llewellyn	Sanborn
Byl	Gire	London	Scranton
Cassis	Godchaux	Martinez	Sikkema
Cherry	Goschka	Mathieu	Stallworth
Ciaramitaro	Gubow	McBryde	Tesanovich
Crissman	Gustafson	McManus	Thomas
Cropsey	Hale	McNutt	Voorhees
Curtis	Hammerstrom	Middaugh	Walberg
Dalman	Harder	Middleton	Wetters
DeHart	Hertel	Nye	Willard

Nays—24

Anthony	Hanley	Olshove	Schermesser
Bankes	Kaza	Price	Scott
Basham	Kelly	Quarles	Varga
Brater	LaForge	Richner	Wallace
Callahan	Law	Rocca	Whyman
Green	Lowe	Schauer	Wojno

In The Chair: DeHart

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

House Bill No. 5294, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 62501 and 62509 (MCL 324.62501 and 324.62509), as added by 1995 PA 57, and by adding sections 62509a and 62509b.

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

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

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-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. 1163**Yeas—90**

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

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.

Senate Bill No. 981, entitled

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,” by amending sections 51701 and 51702 (MCL 324.51701 and 324.51702), as added by 1995 PA 57.

The Senate has amended the House amendments as follows:

1. Amend House Amendment No. 5, page 3, following line 10, after “SEC. 51704.” by striking out the balance of the amendment and inserting “BEFORE CONDUCTING A PRESCRIBED BURN OF MORE THAN 40 ACRES, THE DEPARTMENT SHALL NOTIFY EACH LOCAL FIRE DEPARTMENT WITH JURISDICTION OVER THE PROJECTED BURN AREA THAT A PRESCRIBED BURN IS SCHEDULED TO OCCUR WITHIN A DESIGNATED 60-DAY PERIOD. THE NOTIFICATION SHALL TAKE PLACE NOT LESS THAN 2 WEEKS BEFORE THE FIRST DAY OF THE 60-DAY PERIOD.”.

The Senate has concurred in the House amendments as amended, ordered that it given immediate effect and agreed to the full title.

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

Rep. Gagliardi moved that Rule 45 be suspended.

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

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

Roll Call No. 1164**Yeas—92**

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

Nays—0

In The Chair: DeHart

Rep. Scranton, 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. 1140, 1141, 1149 and 1150. Had I been present, I would have voted ‘yes’.”

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

House Bill No. 5129, entitled

A bill to designate an official flag month of this state and to provide guidelines for display and handling.

The Senate has amended the bill as follows:

1. Amend page 1, following line 2, subsection (2)(e), after “vertically” by striking out “against a wall”.

The Senate has passed the bill as amended and orderd 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 45 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

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

Roll Call No. 1165**Yeas—89**

Agee	DeVuyst	Jelinek	Oxender
Anthony	Dobb	Jellema	Parks
Baade	Dobronski	Kaza	Price
Baird	Fitzgerald	Kelly	Quarles
Bankes	Frank	Kukuk	Raczkowski
Basham	Gagliardi	LaForge	Rhead
Birkholz	Galloway	Law	Richner
Bodem	Geiger	Leland	Rison
Bogardus	Gernaat	LeTarte	Rocca
Brackenridge	Gilmer	Llewellyn	Sanborn
Brater	Gire	London	Scott
Brewer	Godchaux	Lowe	Scranton
Brown	Goschka	Martinez	Sikkema
Byl	Gubow	Mathieu	Stallworth
Callahan	Gustafson	McBryde	Tesanovich
Cassis	Hale	McManus	Thomas
Cherry	Hammerstrom	McNutt	Voorhees
Ciaramitaro	Hanley	Middaugh	Walberg
Crissman	Harder	Middleton	Wetters
Cropsey	Hertel	Nye	Whyman
Curtis	Horton	Olshove	Willard
Dalman	Jansen	Owen	Wojno
DeHart			

Nays—0

In The Chair: DeHart

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

Rep. Schermesser moved that Rep. Tesanovich be excused temporarily from today's session.
The motion prevailed.

House Bill No. 4425, entitled

A bill to make certain appropriations for the department of community health for the fiscal year ending September 30, 1998; and to provide for the expenditure of those certain appropriations.

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to make, supplement, and adjust appropriations for various state departments and agencies and the legislative branch for the fiscal year ending September 30, 1999; to provide for and direct the expenditure of certain appropriations; and to repeal acts and parts of acts.

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

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

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

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

1. Amend page 3, following line 20, by inserting:

“Grand Valley State University - health professions building -
for program and planning to be paid for from university revenues 100”

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

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

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

1. Amend page 3, following line 20, by inserting:

“Lansing Community College - public service training facility -
for program and planning to be paid for from college revenues 100”

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

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

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

1. Amend page 3, following line 20, by inserting:

“Oakland University - school of education building -
for program and planning to be paid for from university revenues 100”

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

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

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

1. Amend page 3, following line 20, by inserting:

“Schoolcraft Community College - business and industry training center
and expansion and renovations to the Waterman Campus Center -
for program and planning to be paid for from college revenues 100”

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

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. 1166

Yeas—70

Agee	DeVuyst	LaForge	Profit
Anthony	Dobronski	Law	Quarles
Baade	Emerson	Leland	Rackowski
Baird	Frank	LeTarte	Rhead
Bankes	Gagliardi	Llewellyn	Richner
Basham	Galloway	Martinez	Rison
Birkholz	Gilmer	Mathieu	Sanborn
Bodem	Gire	McBryde	Schauer
Bogardus	Godchaux	McManus	Schermesser
Brackenridge	Goschka	Middaugh	Scott
Brater	Gubow	Middleton	Scranton
Brewer	Hale	Olshove	Sikkema
Brown	Hammerstrom	Owen	Stallworth
Cassis	Harder	Oxender	Thomas
Cherry	Hertel	Parks	Varga
Crissman	Jelinek	Perricone	Wallace
Curtis	Kelly	Price	Wetters
DeHart	Kilpatrick		

Nays—24

Bobier	Geiger	Kaza	Rocca
Byl	Gernaat	Kukuk	Voorhees
Callahan	Horton	London	Walberg
Cropsey	Jansen	Lowe	Whyman
Dalman	Jellema	McNutt	Willard
Fitzgerald	Johnson	Nye	Wojno

In The Chair: DeHart

The House agreed to the title as amended.

Rep. Ciaramitaro, under Rule 32(b), made the following statement:

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 1166 because of a possible conflict of interest.”

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Martinez offered the following resolution:

House Resolution No. 468.

A resolution supporting ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

Whereas, The Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the United Nations General Assembly on December 18, 1979. It became an international treaty on September 3, 1981, and, by 1998, 160 nations, including all of the industrialized world except the United States, have agreed to be bound by the convention’s provisions; and

Whereas, The United States, which supports and has a position of leadership in the United Nations, was an active participant in the drafting and is a signatory to the convention; and

Whereas, The spirit of the convention is rooted in the goals of the United Nations and the United States to affirm faith in fundamental human rights, in the dignity and worth of every human person, and in the equal rights of men and women; and

Whereas, The convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based on sex against half the world’s population. The nations in support of the present convention have agreed to follow its prescription; and

Whereas, Although women have made major gains in the struggle for equality in social, business, political, legal, educational, and other fields in this century, there is much yet to be accomplished. Through its support, leadership, and prestige, the United States can help create a world where women are no longer discriminated against and have achieved one of the most fundamental of human rights—equality; now, therefore, be it

Resolved by the Michigan House of Representatives, That we strongly urge the President of the United States and the Secretary of State to place this treaty, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, as the highest priority in order to accelerate the treaty’s passage through the U.S. Senate Foreign Relations Committee and the full U.S. Senate, with the goal of United States ratification; and be it further

Resolved, That the Michigan House of Representatives exhorts the U.S. Senate Foreign Relations Committee to pass this treaty favorably out of committee; and be it further

Resolved, That the Michigan House of Representatives strongly urges the Senate of the United States to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and supports the convention’s continuing goals; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Secretary of State of the United States, the President of the United States Senate, the chair of the Senate Foreign Relations Committee, and all the members of the Michigan congressional delegation.

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

Reps. Hale, Varga, Thomas, Kilpatrick, Stallworth, Griffin, Agee, Quarles, Rison, Price, Godchaux, Byl, LaForge, Jansen, Gagliardi, Law, Wallace, Martinez, Dobb, Rhead, McNutt, Basham, Emerson, Llewellyn, Schauer, Hanley, Dobronski, Harder, Schroer, Gire, Baird, Scott, Brater and Kelly offered the following resolution:

House Resolution No. 469.

A resolution to ask the Honorable Jim Gilmore, Governor of Virginia, to grant clemency to Alfred Martin.

Whereas, In 1973, Alfred Martin was sentenced to a ten-year sentence in Virginia for selling \$10 worth of marijuana. In February of 1974, he escaped from a low-security prison farm; and

Whereas, During the quarter century that has followed, Alfred Martin has completely redirected his life to productive purposes. He became, in the words of many, including Michigan law enforcement and judicial authorities, an exemplary citizen and family man. Mr. Martin is the owner of a mortgage company in Livonia; and

Whereas, A short time ago, after he was stopped for a traffic violation, Mr. Martin's actions in Virginia twenty-five years ago came back to light. In spite of the input of numerous people, Alfred Martin was extradited to Virginia, where he has been jailed and awaits further prosecutions related to events that took place well over two decades ago; and

Whereas, While Mr. Martin's actions years ago cannot be condoned, it is also true that the genuine ends of justice are not served by the possible imprisonment faced by this upstanding citizen. Justice should not be blind to the unique elements of this case. Indeed, if the ultimate goal of our judicial system is rehabilitation of lives, this has been fully achieved long ago by Alfred Martin; now, therefore, be it

Resolved by the House of Representatives, That we respectfully ask the Honorable Jim Gilmore, Governor of Virginia, to grant clemency to Alfred Martin; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor of the Commonwealth of Virginia.

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

Reports of Select Committees

House Bill No. 4738, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 248 (MCL 257.248), as amended by 1993 PA 300, and by adding sections 1d, 1e, and 4c.

(For text of conference report, see House Journal No. 81, p. 2525.)

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

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

House Bill No. 4740, entitled

A bill to amend 1981 PA 118, entitled "An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending sections 13 and 14 (MCL 445.1573 and 445.1574).

(For text of conference report, see House Journal No. 81, p. 2528.)

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

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

Messages from the Senate

House Bill No. 4343, entitled

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

The House agreed to the full title.

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

House Bill No. 5564, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending section 21 of chapter X and sections 2, 2a, 2c, 14, 15, 17, 17c, 18, and 26 of chapter XIIA (MCL 710.21, 712A.2, 712A.2a, 712A.2c, 712A.14, 712A.15, 712A.17, 712A.17c, 712A.18, and 712A.26), sections 2, 2a, and 2c of chapter XIIA as amended by 1996 PA 409, section 14 of chapter XIIA as amended by 1988 PA 224, section 15 of chapter XIIA as amended by 1987 PA 72, section 17 of chapter XIIA as amended by 1998 PA 325, section 17c of chapter XIIA as amended by 1997 PA 169, and section 18 of chapter XIIA as amended by 1997 PA 163.

The Senate has concurred in the House amendment to the Senate substitute (S-3).

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

House Bill No. 5567, entitled

A bill to amend 1927 PA 175, entitled "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," by amending sections 15b and 15c of chapter IV (MCL 764.15b and 764.15c), as amended by 1996 PA 15.

The Senate has concurred in the House amendments to the Senate substitute (S-1).

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

House Bill No. 5793, entitled

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," by amending sections 9301, 9302, 9303, 9304, 9305, 9307, 9308, 9310, 9312, and 9313 (MCL 324.9301, 324.9302, 324.9303, 324.9304, 324.9305, 324.9307, 324.9308, 324.9310, 324.9312, and 324.9313), as added by 1995 PA 60, and by adding section 9304a; and to repeal acts and parts of acts.

The Senate has concurred in the House amendment to the Senate amendments.

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

House Bill No. 5795, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 23 and 23b (MCL 208.23 and 208.23b), as amended by 1995 PA 282.

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. 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.

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. 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 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. 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.

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. 6271, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 205, 501, 513, 522, 531, 533, 811, 903, and 1113 (MCL 436.1205, 436.1501, 436.1513, 436.1522, 436.1531, 436.1533, 436.1811, 436.1903, and 436.2113), section 522 as added and section 531 as amended by 1998 PA 282.

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. 4629, entitled

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

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

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

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

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.

The Senate has substituted (S-6) the bill.

The Senate has passed the bill as substituted (S-6), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 16263 (MCL 333.16263), as amended by 1995 PA 126, and by adding sections 16348a and 16348b and parts 186 and 187.

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

Senate Bill No. 825, entitled

A bill to amend 1927 PA 175, entitled "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," by amending sections 8, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 31, 33, and 34 of chapter IX as added and section 14 of chapter XI as amended by 1994 PA 445, and by adding chapter IXA.

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

1. Amend page 2, line 5, after "BEFORE" by striking out the balance of the line through "1998" on line 6 and inserting "JANUARY 1, 1999".

2. Amend page 2, line 7, after "after" by striking out the balance of the subsection and inserting "January 1, 1999."

3. Amend page 2, line 13, after "after" by striking out "DECEMBER 15, 1998" and inserting "January 1, 1999".

4. Amend page 6, following line 4, by striking out all of subsection (13).

5. Amend page 6, line 18, by striking out "28.214(3)" and inserting "28.214(4)(B)".

6. Amend page 10, following line 25, by inserting:

"252.311	PROPERTY	H	DESTROYING TREES OR SHRUBS TO MAKE A SIGN MORE VISIBLE	2".
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7. Amend page 11, line 24, after "offense" by inserting:
"COMMITTED BEFORE OCTOBER 1, 1999".

8. Amend page 11, following line 24, by inserting:

"257.625(8)(C)	PUB SAF	E	OUIL - THIRD OFFENSE COMMITTED ON OR AFTER OCTOBER 1, 1999	5
257.625(9)(B)	PERSON	E	ALLOWING VEHICLE TO BE OPER- ATED WHILE UNDER THE INFLU- ENCE OR IMPAIRED CAUSING DEATH	5

257.625(9)(C)	PERSON	G	ALLOWING VEHICLE TO BE OPERATED WHILE UNDER THE INFLUENCE OR IMPAIRED CAUSING SERIOUS IMPAIRMENT	2
257.625(10)(C)	PUB SAF	E	IMPAIRED DRIVING - THIRD OFFENSE	5
257.625K(7)	PUB SAF	D	KNOWINGLY PROVIDING FALSE INFORMATION CONCERNING IGNITION INTERLOCK	10
257.625K(9)	PUB SAF	D	FAILURE TO REPORT THAT IGNITION INTERLOCK DOES NOT MEET LEGAL REQUIREMENTS	10
257.625M(5)	PUB SAF	E	COMMERCIAL DRUNK DRIVING—THIRD OFFENSE	5”.
9. Amend page 11, line 26, after “forfeiture” by inserting “COMMITTED BEFORE OCTOBER 1, 1999”.				
10. Amend page 11, following line 38, by inserting:				
“257.904(4)	PERSON	C	OPERATING WITHOUT LICENSE CAUSING DEATH	15
257.904(5)	PERSON	E	OPERATING WITHOUT LICENSE CAUSING SERIOUS IMPAIRMENT	5
257.904(7)	PERSON	G	ALLOWING VEHICLE TO BE OPERATED WITHOUT LICENSE CAUSING SERIOUS IMPAIRMENT	2
	PERSON	E	ALLOWING VEHICLE TO BE OPERATED WITHOUT LICENSE CAUSING DEATH	5”.
11. Amend page 15, following line 29, by inserting:				
“324.81134(7)	PERSON	C	OPERATING AN ORV UNDER THE INFLUENCE OR IMPAIRED CAUSING DEATH	15
324.81134(8)	PERSON	E	OPERATING AN ORV UNDER THE INFLUENCE OR IMPAIRED CAUSING SERIOUS IMPAIRMENT	5”.
12. Amend page 15, following line 29, by inserting:				
“324.82126C(1)	PERSON	G	OPERATING A SNOWMOBILE CARELESSLY OR NEGLIGENTLY CAUSING DEATH OR SERIOUS IMPAIRMENT	2
324.82126C(2)	PERSON	G	OPERATING A SNOWMOBILE WITHOUT REGARD TO SAFETY CAUSING SERIOUS IMPAIRMENT	2”.
13. Amend page 19, following line 23, by inserting:				
“338.3463(1)	PUB SAF	H	ACTING AS BAIL ENFORCEMENT AGENT WITHOUT LICENSE OR PROPER DOCUMENTS OR NOTIFICATION	2”.
14. Amend page 21, following line 23, by inserting:				
“712A.6B(3)	PUB ORD	G	VIOLATION OF COURT ORDER WITH PRIOR CONVICTIONS	2”.
15. Amend page 28, line 29, after “Pub saf” by striking out “F” and inserting “E”.				
16. Amend page 29, line 9, after “Pub saf” by striking out “F” and inserting “E”.				
17. Amend page 30, line 5, after “Pub saf” by striking out “F” and inserting “E”.				
18. Amend page 36, line 16, after “PERSON” by striking out “F” and inserting “D”.				
19. Amend page 47, following line 2, by striking out the balance of the bill and inserting: “Enacting section 1. This amendatory act takes effect January 1, 1999.”.				

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

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

Senate Bill No. 1021, entitled

A bill to repeal local acts prohibiting or restricting Sunday hunting.

The Senate has amended the House amendment as follows:

1. Amend the House Amendment, page 1, following line 5, enacting section 2, after "(1) Enacting section 1 does not take effect unless" by striking out "submitted to a vote of the qualified electors of Macomb county and approved by a majority of the electors voting on the question. The county board of commissioners of Macomb county may submit the question of approval to enacting section 1 to the qualified electors of Macomb county at the next regular election to be held not less than 60 days after the effective date of this act, or at a special election called for that purpose by the county board of commissioners of Macomb county. If submitted, the" and inserting "approved by a majority of the qualified electors of Macomb county voting on the question. The question of approval of enacting section 1 shall be submitted to the qualified electors of Macomb county by the Macomb county clerk at the next regular election to be held not less than 60 days after the effective date of this act, or at a special election called for that purpose by the county board of commissioners of Macomb county. The".

2. Amend the House Amendment, page 1, following line 5, enacting section 4, after "(1) Enacting section 3 does not take effect unless" by striking out "submitted to a vote of the qualified electors of St. Clair county and approved by a majority of the electors voting on the question. The county board of commissioners of St. Clair county may submit the question of approval of enacting section 3 to the qualified electors of St. Clair county at the next regular election to be held not less than 60 days after the effective date of this act, or at a special election called for that purpose by the county board of commissioners of St. Clair county. If submitted, the" and inserting "approved by a majority of the qualified electors of St. Clair county voting on the question. The question of approval of enacting section 3 shall be submitted to the qualified electors of St. Clair county by the St. Clair county clerk at the next regular election to be held not less than 60 days after the effective date of this act, or at a special election called for that purpose by the county board of commissioners of St. Clair county. The".

The Senate has concurred in the House amendment as amended.

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

House Concurrent Resolution No. 117.

A concurrent resolution to rename the Michigan Civilian Conservation Corps' Camp Vanderbilt in the honor of State Representative Tom Mathieu.

(For text of resolution, see House Journal No. 81, p. 2522.)

The Senate has adopted the concurrent resolution and named Senators Young, McManus and DeBeaussaert as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

Introduction of Bills

Rep. Willard introduced

House Bill No. 6319, entitled

A bill to create a veterans ombudsman for each veterans facility in this state; to prescribe the duties and responsibilities of the veterans ombudsmen; and to prescribe the powers and duties of certain state agencies and officials.

The bill was read a first time by its title and referred to the Committee on Senior Citizens and Veterans Affairs.

Reps. Gire, Freeman, Bogardus, Martinez, Willard and Schauer introduced

House Joint Resolution KK, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 55 to article IV, to provide for the review of tax expenditures by the legislature.

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

By unanimous consent the House returned to the order of

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing
Administrative Rules

November 24, 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 10:02 A.M. this date,

administrative rule (98-11-10) for the Department of State, Bureau of Elections, entitled "*Campaign Financing*", effective 15 days hereafter.

December 1, 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 10:02 A.M. this date, administrative rule (98-12-1) for the Department of Agriculture, Pesticide and Plant Pest Management Division, entitled "*Regulation 523, Dry Edible Beans*", 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 Auditor General were received and read:

December 10, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit, Including the Provisions
of the Single Audit Act, of the
Family Independence Agency and
Michigan Commission for the Blind
Federal Programs Within the
Department of Consumer and Industry Services
October 1, 1994, through September 30, 1996

December 10, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Performance and Financial Related Audit of the
Michigan Information Processing Center
Department of Management and Budget
December 1998

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

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

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Friday, December 11, at 12:01 a.m. The motion prevailed.

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

Acting Speaker DeHart declared the House adjourned until Friday, December 11, at 12:01 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.