

**No. 83**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Thursday, December 2, 1999.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Dick Posthumus.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Bennett—present  
Bullard—present  
Byrum—present  
Cherry—present  
DeBeaussaert—present  
DeGrow—present  
Dingell—present  
Dunaskiss—present  
Emerson—present  
Emmons—excused  
Gast—present  
Goschka—present  
Gougeon—present

Hammerstrom—present  
Hart—present  
Hoffman—excused  
Jaye—present  
Johnson—present  
Koivisto—present  
Leland—present  
McCotter—present  
McManus—present  
Miller—present  
Murphy—excused  
North—present  
Peters—present

Rogers—present  
Schuette—present  
Schwarz—present  
Shugars—present  
Sikkema—present  
A. Smith—present  
V. Smith—present  
Steil—present  
Stille—present  
Van Regenmorter—present  
Vaughn—present  
Young—present

Reverend Richard E. Mason of Grace Episcopal Church of Lapeer offered the following invocation:

O God, the Fountain of Wisdom, whose will is good and gracious and whose law is truth, we beseech You so to guide and bless the Senators of the state of Michigan that they may enact such laws as shall please You to the glory of Your name and to the welfare of all Your people. Through Jesus Christ, our Lord. Amen.

Senators Vaughn and V. Smith entered the Senate Chamber.

### Motions and Communications

Senator Rogers moved that Senator Emmons be excused from today's session.

The motion prevailed.

Senator Emmons is chairing a Commerce Committee meeting for the National Conference of State Legislatures in Washington, D.C.

Senator Rogers moved that Senator Hoffman be excused from today's session.

The motion prevailed.

Senator Hoffman is attending the funeral of a close friend.

Senator V. Smith moved that Senator Murphy be excused from today's session.

The motion prevailed.

Senators Schuette, Cherry, Hart, Dunaskiss, Jaye, McManus and DeGrow entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 1:

**House Bill Nos. 4335 4592 4651 5028**

### Messages from the Governor

The following messages from the Governor were received:

Date: November 30, 1999

Time: 10:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 505 (Public Act No. 193), being**

An act to amend 1984 PA 387, entitled "An act to establish a system for distributing food stamps; and to prescribe certain powers and duties of certain state agencies," by amending section 1 (MCL 400.751).

(Filed with the Secretary of State on December 1, 1999, at 11:18 a.m.)

Date: November 30, 1999

Time: 10:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 506 (Public Act No. 194), being**

An act to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus

and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending section 60 (MCL 400.60).

(Filed with the Secretary of State on December 1, 1999, at 11:20 a.m.)

Respectfully,  
John Engler  
Governor

The following messages from the Governor were received and read:

December 1, 1999

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

**International Bridge Authority**

Mrs. Shannon B. Brower, 1234 Hazelton, Petoskey, Michigan 49770, county of Emmet, as a member representing Republicans, succeeding herself, for a term expiring on June 30, 2003.

December 1, 1999

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

**State Fire Safety Board**

Mr. Kevin E. Johnson, 4440 Kimball Avenue, Gaylord, Michigan 49735, county of Otsego, as a member representing the liquefied propane or flammable compressed gases industry, succeeding Mr. Thomas M. Reilly of Port Huron, whose term has expired, for a term expiring on July 15, 2002.

December 1, 1999

There are herewith presented for consideration and confirmation by the Senate, the following appointment and reappointment to office:

**Michigan Employment Security Board of Review**

Mr. Neal A. Young, 1136 Cadillac Drive SE, Grand Rapids, Michigan 49506, county of Kent, as a member representing employer interests, succeeding himself, for a term expiring on December 31, 2003.

Mr. Ralph E. Deeds, Jr., 382 Pilgrim Road, Birmingham, Michigan 48009, county of Oakland, as a member representing employee interests, succeeding Ms. Katherine L. Hansen of Detroit, whose term has expired, for a term expiring on December 31, 2003.

December 1, 1999

There are herewith presented for consideration and confirmation by the Senate, the following appointment and reappointment to office:

**State Board of Examiners of Social Workers**

Dr. Beth D. Reimel, 1580 Hillsboro SE, Grand Rapids, Michigan 49546, county of Kent, as a member representing social workers, succeeding herself, for a term expiring on September 30, 2003.

Dr. Paul Leo Lang, Jr., 175 Pineview Drive, Marquette, Michigan 49855, county of Marquette, as a member representing the general public, succeeding Ms. Barbara M. Zinner of Mt. Clemens, whose term has expired, for a term expiring on September 30, 2003.

December 1, 1999

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

**Michigan Merit Award Board**

Mr. Harold J. Voorhees, 5380 Kenowa SW, Grandville, Michigan 49418, county of Kent, as a member representing the general public, for a term expiring on September 30, 2001.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

**Recess**

Senator Rogers moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 10:07 a.m.

10:55 a.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Rogers moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 605**

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

By unanimous consent the Senate proceeded to the order of

**General Orders**

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator North as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 605, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 701, 702, 705, 706, and 711 (MCL 38.2651, 38.2652, 38.2655, 38.2656, and 38.2661), sections 701 and 702 as amended by 1998 PA 66 and sections 705, 706, and 711 as added by 1996 PA 523.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 48, line 15, by striking out all of enacting section 2 and renumbering the remaining enacting section.

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

**Senate Bill No. 605**

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

By unanimous consent the Senate proceeded to the order of

**Third Reading of Bills**

By unanimous consent the Senate proceeded to consideration of the following bill:

**Senate Bill No. 605, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 701, 702, 705, 706, and 711 (MCL 38.2651, 38.2652, 38.2655, 38.2656, and 38.2661), sections 701 and 702 as amended by 1998 PA 66 and sections 705, 706, and 711 as added by 1996 PA 523.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Jaye moved that further consideration of the bill be postponed for today.

The motion did not prevail.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 609**

**Yeas—29**

Bennett	Gougeon	North	Smith, A.
Bullard	Hammerstrom	Peters	Smith, V.
Byrum	Johnson	Rogers	Steil
Cherry	Koivisto	Schuette	Stille
DeGrow	Leland	Schwarz	Van Regenmorter
Emerson	McCotter	Shugars	Vaughn
Gast	McManus	Sikkema	Young
Goschka			

**Nays—6**

DeBeaussaert	Dunaskiss	Jaye	Miller
Dingell	Hart		

**Excused—3**

Emmons	Hoffman	Murphy
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

**Protests**

Senators Jaye, Miller and Hart, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 605.

Senator Jaye moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Jaye’s statement, in which Senator Hart concurred, is as follows:

Mr. President and Senate colleagues, it truly is the Christmas season when we’re going to be delivering up to \$2 million of additional taxpayers’ monies to the highest paid state employees. Let me remind you of how much these judges are going to start receiving starting next year, in just a couple of weeks: state Supreme Court justices—\$140,816; Court of Appeals—\$121,551; circuit court—\$119,694; probate judge—\$119,694; district judge—\$118,285.

What this bill allows is for these judges to be able to have a windfall to take their current dollar value of their benefits and to have the taxpayers match 7 percent. And guess where that 7-percent match is going to come? Out of the General Fund—the taxpayers’ money.

I wanted to have an amendment drafted, which we didn’t have time to get drafted because this is going through like a train, to say that the 7-percent enhancement of the judges’ pension should come from the judicial retirement fund.

Guess how much surplus money there is in the judicial retirement fund? As of September 30, 1998, there was \$52 million of surplus money in the judicial retirement fund. Let me read that again: \$52 million more than they need to fund everybody with their existing pension plans—\$52 million out of \$288.6 million.

And by the way, that judicial pension plan is overfunded, and it includes not only the cost of the judges, but also the cost of the Governor, who is part of the judicial retirement plan, the Secretary of State, and the Court Administrator.

These judges want special privileges. Is it any wonder that they think they're above the law when they put on the robes? They get money more than anybody else, and they don't have to worry about clipping coupons other than T-notes. Is it any wonder when these judges, who are going to have underground parking in their new \$15 million court building, are out of touch?

I believe we are fair and generous to our state employees, including judges. These judges ran for office willingly. They were not drafted. They did not go kicking and screaming. They came running full tilt. They knew what their salary was. They knew what their benefits were.

The cost to the taxpayers is going to be \$2 million out of the General Fund if all of them decide to get the special 7-percent windfall. Now the other 65,000 state employees are going to say, "Since you did it for this one class of state employees, give us a second chance. You give us a second chance to have a sweetener like these judges." And you know what? I would vote for that amendment because even though I'm not in favor of increasing the burden on taxpayers, we must treat every state employee the same. Any additional freedom, economic ability, and personal liberty that's afforded to one state employee should be afforded to all the state employees.

In addition, what this bill does is it creates a new medical benefit administrative account—once again allowing judges to shield their money from taxes in a way that working people aren't allowed to do.

There are a number of other elements of this bill that, frankly, I don't understand. I just got this analysis handed out today, and the deals are changing day to day. There is no urgency. There is no deadline. There is no crisis other than some judges think they don't have enough money to spend.

I believe it would be prudent for us not to pass this bill today. Let things cool off over the weekend, and to that point, I move to pass the bill for the day.

Senator Miller's statement is as follows:

I truly, truly have the utmost respect for the Majority Leader here in the Senate, but I wanted the record to show that I still have my thoughts about protecting some of these dedicated people who work behind the scenes, not the men and women here who push the buttons, but the men and women who make this institution run. I think that we need to find some time for them, and it wasn't spelled out in this bill. Some of the discrepancies that I've heard from my circuit judge verses the administration here, I think that this thing got off track. And I think until there is a clearer picture for all the people, I voted "no" on the bill, and hopefully, we'll see it again before the end of '99.

Senator Hart's statements is as follows:

I want to remind Senator Jaye that he left out two important ingredients. Together with all of the benefits that Supreme Court justices and appeals court judges get, they also get a chauffeur-driven car because invariably they're always being driven around in a state car by one of their employees.

Senator Rogers moved that the following bills be placed at the head of the Third Reading of Bills calendar:

**Senate Bill No. 732**

**Senate Bill No. 802**

**Senate Bill No. 866**

**Senate Bill No. 120**

**Senate Bill No. 885**

**Senate Bill No. 705**

**Senate Bill No. 782**

**Senate Bill No. 588**

**Senate Bill No. 135**

**Senate Bill No. 136**

**Senate Bill No. 137**

The motion prevailed.

Senator V. Smith moved that Senator Leland be temporarily excused from the balance of today's session.

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 732, entitled**

A bill to amend 1998 PA 116, entitled "Personal watercraft safety act," by amending section 31 (MCL 281.1431).

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 610**

**Yeas—34**

Bennett	Gast	McManus	Sikkema
Bullard	Goschka	Miller	Smith, A.
Byrum	Gougeon	North	Smith, V.
Cherry	Hammerstrom	Peters	Steil
DeBeaussaert	Hart	Rogers	Stille
DeGrow	Jaye	Schuette	Van Regenmorter
Dingell	Johnson	Schwarz	Vaughn
Dunaskiss	Koivisto	Shugars	Young
Emerson	McCotter		

**Nays—0**

**Excused—4**

Emmons	Hoffman	Leland	Murphy
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 802, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 32 (MCL 388.1632), as added by 1999 PA 119.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 611**

**Yeas—34**

Bennett	Gast	McManus	Sikkema
Bullard	Goschka	Miller	Smith, A.
Byrum	Gougeon	North	Smith, V.
Cherry	Hammerstrom	Peters	Steil
DeBeaussaert	Hart	Rogers	Stille
DeGrow	Jaye	Schuette	Van Regenmorter
Dingell	Johnson	Schwarz	Vaughn
Dunaskiss	Koivisto	Shugars	Young
Emerson	McCotter		

**Nays—0**

**Excused—4**

Emmons

Hoffman

Leland

Murphy

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Rogers, Gougeon, Shugars, Johnson, Hammerstrom, Bennett, North, McManus, McCotter and Young moved that they be named co-sponsors of the following bill:

**Senate Bill No. 802**

The motion prevailed.

Senator Leland entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 866, entitled**

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending section 4b (MCL 124.284b), as added by 1985 PA 178.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 612**

**Yeas—35**

Bennett

Bullard

Byrum

Cherry

DeBeaussaert

DeGrow

Dingell

Dunaskiss

Emerson

Gast

Goschka

Gougeon

Hammerstrom

Hart

Jaye

Johnson

Koivisto

Leland

McCotter

McManus

Miller

North

Peters

Rogers

Schuette

Schwarz

Shugars

Sikkema

Smith, A.

Smith, V.

Steil

Stille

Van Regenmorter

Vaughn

Young

**Nays—0**

**Excused—3**

Emmons

Hoffman

Murphy

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 120, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 285.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 613****Yeas—35**

Bennett	Gast	McCotter	Sikkema
Bullard	Goschka	McManus	Smith, A.
Byrum	Gougeon	Miller	Smith, V.
Cherry	Hammerstrom	North	Steil
DeBeaussaert	Hart	Peters	Stille
DeGrow	Jaye	Rogers	Van Regenmorter
Dingell	Johnson	Schuette	Vaughn
Dunaskiss	Koivisto	Schwarz	Young
Emerson	Leland	Shugars	

**Nays—0****Excused—3**

Emmons	Hoffman	Murphy
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators DeBeaussaert, Shugars and North moved that they be named co-sponsors of the following bill:

**Senate Bill No. 120**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 885, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 160 of chapter XVII (MCL 777.160), as added by 1998 PA 317.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 614****Yeas—35**

Bennett	Gast	McCotter	Sikkema
Bullard	Goschka	McManus	Smith, A.
Byrum	Gougeon	Miller	Smith, V.
Cherry	Hammerstrom	North	Steil
DeBeaussaert	Hart	Peters	Stille
DeGrow	Jaye	Rogers	Van Regenmorter
Dingell	Johnson	Schuetz	Vaughn
Dunaskiss	Koivisto	Schwarz	Young
Emerson	Leland	Shugars	

**Nays—0****Excused—3**

Emmons	Hoffman	Murphy
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators DeBeaussaert, Shugars and North moved that they be named co-sponsors of the following bill:

**Senate Bill No. 885**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 705, entitled**

A bill to regulate the ownership, possession, and care of certain wolf-dog crosses; to prohibit the ownership and possession of certain wolf-dog crosses; to impose fees; to prescribe the powers and duties of certain governmental entities and officials; and to prescribe penalties and provide remedies.

The question being on the passage of the bill,

Senator Cherry offered the following amendment:

1. Amend page 4, line 8, after "if" by striking out "1" and inserting "4".

The question being on the adoption of the amendment,

Senator Rogers moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 782, entitled**

A bill to regulate the ownership, possession, and care of certain large carnivores; to prohibit the ownership and possession of certain large carnivores; to impose fees; to prescribe the powers and duties of certain governmental entities and officials; and to prescribe penalties and provide remedies.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 615****Yeas—33**

Bennett	Goschka	McManus	Sikkema
Bullard	Gougeon	Miller	Smith, A.
Byrum	Hammerstrom	North	Smith, V.
Cherry	Hart	Peters	Steil
DeBeaussaert	Johnson	Rogers	Stille
DeGrow	Koivisto	Schuette	Van Regenmorter
Dunaskiss	Leland	Schwarz	Vaughn
Emerson	McCotter	Shugars	Young
Gast			

**Nays—2**

Dingell	Jaye
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**Excused—3**

Emmons	Hoffman	Murphy
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

**Protest**

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 782.

Senator Jaye's statement is as follows:

Our personal liberties are being eroded constantly each day. This may seem like a minor issue, but if a law-abiding adult decides to have a bear or lion and they are in a community that does not outlaw these restrictions, that law-abiding adult should be able to make the choices of being able to have that kind of property if they comply with all the various federal, state, and local laws regarding endangered or threatened species. They recognize they will have additional liabilities, costs, and responsibilities.

We now have chipped away at that civil liberty. Whether it is a wolf-dog, a tiger, a cougar, or a bear, it should be the individual owner who should be punished and an individual animal that is destroyed if it is out-of-hand—not having an across-the-board prohibition, across-the-board extinction, and an across-the-board limitation of adults being able to enjoy the fruits of their leisure time, the fruits of their labor. That is why I voted against this bill, and I hope it will not pass the House of Representatives.

The following bill was read a third time:

**Senate Bill No. 588, entitled**

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 1996 PA 553.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 616****Yeas—35**

Bennett	Gast	McCotter	Sikkema
Bullard	Goschka	McManus	Smith, A.
Byrum	Gougeon	Miller	Smith, V.
Cherry	Hammerstrom	North	Steil
DeBeaussaert	Hart	Peters	Stille
DeGrow	Jaye	Rogers	Van Regenmorter
Dingell	Johnson	Schuetten	Vaughn
Dunaskiss	Koivisto	Schwarz	Young
Emerson	Leland	Shugars	

**Nays—0****Excused—3**

Emmons	Hoffman	Murphy
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 135, entitled**

A bill to amend 1929 PA 48, entitled “An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes,” by amending section 14 (MCL 205.314), as amended by 1994 PA 307.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 617****Yeas—35**

Bennett	Gast	McCotter	Sikkema
Bullard	Goschka	McManus	Smith, A.
Byrum	Gougeon	Miller	Smith, V.
Cherry	Hammerstrom	North	Steil
DeBeaussaert	Hart	Peters	Stille
DeGrow	Jaye	Rogers	Van Regenmorter
Dingell	Johnson	Schuetten	Vaughn
Dunaskiss	Koivisto	Schwarz	Young
Emerson	Leland	Shugars	

**Nays—0**

**Excused—3**

Emmons

Hoffman

Murphy

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 136, entitled**

A bill to amend 1929 PA 48, entitled “An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes,” (MCL 205.301 to 205.317) by adding section 14b.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 618****Yeas—34**

Bennett

Goschka

McManus

Sikkema

Bullard

Gougeon

Miller

Smith, A.

Byrum

Hammerstrom

North

Smith, V.

Cherry

Hart

Peters

Steil

DeBeaussaert

Jaye

Rogers

Stille

DeGrow

Johnson

Schuette

Van Regenmorter

Dingell

Koivisto

Schwarz

Vaughn

Dunaskiss

Leland

Shugars

Young

Gast

McCotter

**Nays—0****Excused—3**

Emmons

Hoffman

Murphy

**Not Voting—1**

Emerson

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 137, entitled**

A bill to amend 1929 PA 48, entitled “An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes,” (MCL 205.301 to 205.317) by adding section 14a.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 619**

**Yeas—35**

Bennett	Gast	McCotter	Sikkema
Bullard	Goschka	McManus	Smith, A.
Byrum	Gougeon	Miller	Smith, V.
Cherry	Hammerstrom	North	Steil
DeBeaussaert	Hart	Peters	Stille
DeGrow	Jaye	Rogers	Van Regenmorter
Dingell	Johnson	Schuette	Vaughn
Dunaskiss	Koivisto	Schwarz	Young
Emerson	Leland	Shugars	

**Nays—0**

**Excused—3**

Emmons	Hoffman	Murphy
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to consideration of the following bill:

**Senate Bill No. 705, entitled**

A bill to regulate the ownership, possession, and care of certain wolf-dog crosses; to prohibit the ownership and possession of certain wolf-dog crosses; to impose fees; to prescribe the powers and duties of certain governmental entities and officials; and to prescribe penalties and provide remedies.

(This bill was read a third time earlier today, amendments offered, and consideration postponed. See p. 1852.)

The question being on the adoption of the amendment offered by Senator Cherry, Senator Cherry withdrew the amendment.

Senator Cherry offered the following amendments:

1. Amend page 4, line 8, after “if” by striking out “1” and inserting “4”.
2. Amend page 4, line 27, after “because” by striking out “1” and inserting “4”.

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 620****Yeas—29**

Bennett	Goschka	McCotter	Smith, A.
Bullard	Gougeon	McManus	Smith, V.
Byrum	Hammerstrom	Miller	Steil
Cherry	Hart	Peters	Stille
DeBeaussaert	Johnson	Rogers	Van Regenmorter
DeGrow	Koivisto	Schwarz	Vaughn
Dunaskiss	Leland	Sikkema	Young
Emerson			

**Nays—5**

Dingell	Jaye	North	Shugars
Gast			

**Excused—3**

Emmons	Hoffman	Murphy
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**Not Voting—1**

Schuette

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Jaye asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Jaye's statement is as follows:

Mr. President and Senate colleagues, I appreciate the good intentions of the Senator from the 36th District, the sponsor of this bill. However, the wolf dog legislation is poorly written, and by voting for this bill, you're going to condemn a lot of innocent people to lose their pets, their loyal family dog. People with modest income will not have enough money to contest the claims by others that their dog is not a wolf dog.

The misidentification problem is the major flaw in this wolf-dog ban. Dr. Al Stinson, professor emeritus at Michigan State University, teaching for over 40 years in the veterinary school, testified in my committee last year. I spoke with him again this morning that there is no visual nor any medical nor any DNA sampling way to identify a wolf-dog. Let me say that again: There is no scientific way to visually, medically, or any way through DNA testing to identify what is a wolf dog. However, this bill establishes a position called a "wolf-dog expert" without giving in the bill any education, professional experience, or work experience as a criteria for a person to become a wolf-dog expert. Dr. Stinson told me this morning that he attended a board meeting of the Michigan veterinary medical board and asked his colleagues, the most respected and esteemed veterinarians in the state of Michigan, "Are any of you qualified to be a wolf-dog expert?" Not a single member of the Michigan veterinary medical board believed that they could qualify as a wolf-dog expert.

So who is going to be enforcing this law? Who is going to be a wolf-dog expert? Everybody from a constable all the way up to the top commander of the State Police? We have those little constables in our little townships who even run for office to enforce the law.

Let me give you a very clear example of misidentification: Siberian huskies, known for their dog-sled abilities. In fact, last winter we had those Siberian huskies. I believe they were guests of Senator North. A number of the Senators, in fact, took a ride on the dog sled. I wonder how many of you would think that the Siberian husky is or isn't a wolf-dog? What about an Alaskan malamute? Instead of for the racing, they have been bred for pulling large draft loads.

In our trajectory of this wolf-dog law I tried to fashion a compromise last year. In fact, I got a compromise, a containment, not an extinction through my committee. It died on the Senate floor. But this law, I would respectfully suggest, is fatally flawed because of the misidentification problem and also because this law, instead of destroying individual animals and punishing the owners of violent animals, is an across-the-board attack on certain animals that you can't with any scientific or medical certainty identify.

This bill harasses pet owners of dogs who haven't hurt anyone. This law allows anyone to shoot what they believe is a wolf-dog if they see the wolf-dog chasing any animal, including squirrels. This bill will allow anybody to shoot a dog they think is a wolf-dog that is chasing any other animals. I understand if they are chasing a person or poultry, livestock, a beagle, or a cat but any other wild animal? I remember during my college days, my fraternity dog at Theta Delta Chi, Barney, loved to chase squirrels, and I think once a year he might catch it. But you're going to have a family pet that's chasing some squirrels or sparrows in the backyard, and the neighbor who doesn't like him barking is going to take him out?

This bill singles out one style of dog when there are many breeds of dogs that are bred for protection, strength, and power: dog breeds like the Belgian shepherd, which is almost as popular as the Belgian sheepdog; rottweilers, huge massive, ferocious dogs that are bred to protect cattle when the farmers would take them to market, and then the farmers would put the money they got at the auction around the rottweiler's neck when the rottweiler would accompany the farmer back to the village. We've got German shepherds, which are used as guard dogs to attack people. We've got Doberman pinchers that are so violent that they can't have handlers that they're just released and roam around these auto parking and other secured areas. Bulldogs and other fighters, and I can say from personal experience as a *Detroit News* paperboy and as an elected official and candidate for office—I'm sure all of you have spent hundreds of thousands of hours knocking on doors while campaigning—but there are a number of other breeds, especially these high-strung, smaller ornamental dogs, these yip-yip-yippers, like these little French poodles—"Oh, he doesn't bite," as you're trying to shake him off your ankle. In fact, that's the reason most of us take these clipboards, not only to write down information, but to use that as a defensive technique against these little poodles.

Among the first adventure novels I ever read were Jack London's *Call of the Wild*, and *White Fang*. They talked about the Arctic, talked about the Yukon, and talked about Alaska. I'm not sure, and I don't even know if Jack London was sure if they were wolf-dogs or part wolf-dogs, and he sure couldn't identify them. Also one of my nephew's favorite movies, Disney movies, was about a wolf-dog. I don't know if Disney knew what it was, but it was called "Balto." It's about the heroics of a dog with the boy and some other children.

So please take a moment before we vote today and understand. Are we going to be harassing people, working people who don't have the money to go to a court of law or who don't have the vacation time to take off from work to be able to say "my dog is not a wolf-dog. I know he's a husky," or "I know he looks like a malamute, but he's not a wolf-dog." I believe, and with support, say it's appropriate to increase the penalties on individuals who don't keep their animals contained. I would support destroying those violent animals. But let's not condemn all the families, and let's not condemn all kinds of dogs because of the irresponsible actions of certain humans and certain other animal creatures. I request your "no" vote on this bill.

By unanimous consent the Senate returned to the order of

### **Messages from the House**

By unanimous consent the Senate proceeded to consideration of the following bill:

#### **Senate Bill No. 198, entitled**

A bill to prohibit governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion.

Substitute (H-10).

The question being on concurring in the substitute made to the bill by the House,

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 621****Yeas—9**

Emerson  
Hammerstrom  
Jaye

Leland  
Sikkema

Smith, V.  
Stille

Vaughn  
Young

**Nays—25**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell

Dunaskiss  
Gast  
Goschka  
Gougeon  
Johnson  
Koivisto

McCotter  
McManus  
Miller  
North  
Peters  
Rogers

Schuette  
Schwarz  
Shugars  
Smith, A.  
Steil  
Van Regenmorter

**Excused—3**

Emmons

Hoffman

Murphy

**Not Voting—1**

Hart

In The Chair: Schwarz

Senator Rogers moved that consideration of the following bill be postponed for today:

**Senate Bill No. 404**

The motion prevailed.

By unanimous consent the Senate proceeded to consideration of the following bill:

**Senate Bill No. 539, entitled**

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 110b (MCL 41.110b), as added by 1989 PA 77.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect. Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 562, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 145d (MCL 750.145d), as added by 1999 PA 32.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate proceeded to the order of  
**Conference Reports**

Senator McCotter submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning  
**Senate Bill No. 463, entitled**

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending the title and sections 2, 4, 7, 8, 10, and 22 (MCL 125.1502, 125.1504, 125.1507, 125.1508, 125.1510, and 125.1522), the title and section 4 as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

Recommends:

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

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending the title and sections 1, 2, 4, 7, 8, 10, and 22 (MCL 125.1501, 125.1502, 125.1504, 125.1507, 125.1508, 125.1510, and 125.1522), the title and section 4 as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

TITLE

An act to create a construction code commission and prescribe its functions; to authorize the ~~commission~~ DIRECTOR to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; ~~to provide that governmental subdivisions may with exceptions elect not to be subject to certain parts of the act;~~ to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish PENALTIES, remedies, and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation.

Sec. 1. This act shall be known and may be cited as the ~~"state construction code act of 1972"~~ "STILLE-  
 DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT".

Sec. 2. (1) As used in this act:

(a) "Agricultural or agricultural purposes" means of, or pertaining to, or connected with, or engaged in agriculture or tillage which is characterized by the act or business of cultivating or using land and soil for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

(b) "Application for a building permit" means an application for a building permit submitted to an enforcing agency pursuant to this act and plans, specifications, surveys, statements, and other material submitted to the enforcing agency together or in connection with the application.

(c) "Barrier free design" means design complying with legal requirements for architectural designs which eliminate the type of barriers and hindrances that deter persons with disabilities from having access to and free mobility in and around a building or structure.

(d) "Board of appeals" means the construction board of appeals of a governmental subdivision provided for in section 14.

(e) "Boards" means the state plumbing and electrical administrative boards and the barrier free design board created in section 5 of 1966 PA 1, MCL 125.1355.

(f) "Building" means a combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by persons, animals, or property. ~~The term~~ BUILDING does not include a building, WHETHER TEMPORARY OR PERMANENT, incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade. ~~The term shall be construed as though followed by the words~~ BUILDING INCLUDES THE MEANING "or part or parts of the building and all equipment in the building" unless the context clearly requires a different meaning.

(g) "Building envelope" means the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior.

(h) "Business day" means a day of the year, exclusive of a Saturday, Sunday, or legal holiday.

(i) "Chief elected official" means the chairperson of the county board of commissioners, the city mayor, the village president, or the township supervisor.

(j) "Code" means the state construction code provided for in section 4 or a part thereof OF THAT CODE of limited application ; and includes a modification of or amendment to the code.

(k) "Commission" means the state construction code commission created by section 3.

(l) "Construction" means the construction, erection, reconstruction, alteration, conversion, demolition, repair, moving, or equipping of buildings or structures.

(m) "Construction regulation" means a law, act, rule, resolution, regulation, ordinance, or code, general or special, or compilation thereof, heretofore or hereafter enacted or adopted BEFORE OR AFTER JANUARY 1, 1973, by this state or a county, city, village, or township including a department, board, bureau, commission, or other agency thereof, relating to the design, construction, or use of buildings and structures and the installation of equipment in the building or structure. Construction regulation does not include a zoning ordinance or rule issued pursuant to a zoning ordinance and related to zoning.

(N) "COST-EFFECTIVE", IN REFERENCE TO SECTION 4(3)(F) AND (G), MEANS, USING THE EXISTING ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS AS THE BASE OF COMPARISON, THE ECONOMIC BENEFITS OF THE PROPOSED ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS WILL EXCEED THE ECONOMIC COSTS OF THE REQUIREMENTS OF THE PROPOSED RULES BASED UPON AN INCREMENTAL MULTIYEAR ANALYSIS. ALL OF THE FOLLOWING PROVISIONS APPLY:

(i) THE ANALYSIS SHALL TAKE INTO CONSIDERATION THE PERSPECTIVE OF A TYPICAL FIRST-TIME HOME BUYER.

(ii) THE ANALYSIS SHALL CONSIDER BENEFITS AND COSTS OVER A 7-YEAR TIME PERIOD.

(iii) THE ANALYSIS SHALL NOT ASSUME FUEL PRICE INCREASES IN EXCESS OF THE ASSUMED GENERAL RATE OF INFLATION.

(iv) THE ANALYSIS SHALL ASSURE THAT THE BUYER OF A HOME WHO QUALIFIES TO PURCHASE THE HOME BEFORE THE ADDITION OF THE ENERGY EFFICIENT STANDARDS WOULD STILL QUALIFY TO PURCHASE THE SAME HOME AFTER THE ADDITIONAL COST OF THE ENERGY-SAVING CONSTRUCTION FEATURES.

(v) THE ANALYSIS SHALL ASSURE THAT THE COSTS OF PRINCIPAL, INTEREST, TAXES, INSURANCE, AND UTILITIES WILL NOT BE GREATER AFTER THE INCLUSION OF THE PROPOSED COST OF THE ADDITIONAL ENERGY-SAVING CONSTRUCTION FEATURES REQUIRED BY THE PROPOSED ENERGY EFFICIENCY RULES AS OPPOSED TO THE PROVISIONS OF THE EXISTING ENERGY EFFICIENCY RULES.

(O) ~~(O)~~ "Department" means the department of ~~labor~~ CONSUMER AND INDUSTRY SERVICES.

(P) ~~(P)~~ "Director" means the director of ~~labor~~ THE DEPARTMENT or an authorized representative of the director.

(Q) ~~(Q)~~ "Energy conservation" means the efficient use of energy by providing building envelopes with high thermal resistance and low air leakage, and the selection of energy efficient mechanical, electrical service, and illumination systems, equipment, devices, or apparatus.

(R) ~~(R)~~ "Enforcing agency" means the enforcing agency, in accordance with section 8 or 9, which is responsible for administration and enforcement of a nationally recognized model code or this act and the code within a governmental subdivision, except for the purposes of section 19 enforcing agency means the agency in a governmental unit principally responsible for the administration and enforcement of applicable construction regulations.

(S) ~~(S)~~ "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment.

~~(S) "Executive director" means the director of the bureau of construction codes as set forth under section 7.~~

(t) "Governmental subdivision" means a county, city, village, or township which in accordance with section 8 or 9 has assumed responsibility for ~~the~~ administration and enforcement of a nationally recognized model code or this act and the code within its jurisdiction.

(u) "Mobile home" means a vehicular, portable structure built on a chassis PURSUANT TO THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974, TITLE VI OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, PUBLIC LAW 93-383, 42 U.S.C. 5401 TO 5426, and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days.

(v) "Other laws and ordinances" means other laws and ordinances ; whether enacted by this state or by a county, city, village, or township and the rules issued ~~thereunder~~ UNDER THOSE LAWS AND ORDINANCES.

(w) "Owner" means the owner of the freehold of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property or his or her duly authorized agent.

(x) "Person with disabilities" means an individual whose physical characteristics have a particular relationship to that individual's ability to be self-reliant in the individual's movement throughout and use of the building environment.

(y) "Premanufactured unit" means an assembly of materials or products intended to comprise all or part of a building or structure, and which is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to insure uniformity of quality and material content. Premanufactured unit includes a mobile home.

(z) "Structure" means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. Structure does not include a structure incident to the use for agricultural purposes of the land on which the structure is located and does not include works of heavy civil construction including, ~~without limitation~~ BUT NOT LIMITED TO, a highway, bridge, dam, reservoir, lock, mine, harbor, dockside port facility, an airport landing facility and facilities for the generation or transmission, or distribution of electricity. Structure ~~shall be construed as though followed by the words~~ INCLUDES THE MEANING "or part or parts of the structure and all equipment in the structure" unless the context clearly ~~indicates otherwise~~ REQUIRES A DIFFERENT MEANING.

(2) Unless the context clearly indicates otherwise, ~~references~~ A REFERENCE to this act, or to this act and the code, ~~shall refer to~~ MEANS this act and rules promulgated pursuant to this act including the code.

SEC. 2A. (1) AS USED IN THIS ACT:

(A) "AGRICULTURAL OR AGRICULTURAL PURPOSES" MEANS OF, OR PERTAINING TO, OR CONNECTED WITH, OR ENGAGED IN AGRICULTURE OR TILLAGE WHICH IS CHARACTERIZED BY THE ACT OR BUSINESS OF CULTIVATING OR USING LAND AND SOIL FOR THE PRODUCTION OF CROPS FOR THE USE OF ANIMALS OR HUMANS, AND INCLUDES, BUT IS NOT LIMITED TO, PURPOSES RELATED TO AGRICULTURE, FARMING, DAIRYING, PASTURAGE, HORTICULTURE, FLORICULTURE, VITICULTURE, AND ANIMAL AND POULTRY HUSBANDRY.

(B) "APPLICATION FOR A BUILDING PERMIT" MEANS AN APPLICATION FOR A BUILDING PERMIT SUBMITTED TO AN ENFORCING AGENCY PURSUANT TO THIS ACT AND PLANS, SPECIFICATIONS, SURVEYS, STATEMENTS, AND OTHER MATERIAL SUBMITTED TO THE ENFORCING AGENCY TOGETHER OR IN CONNECTION WITH THE APPLICATION.

(C) "BARRIER FREE DESIGN" MEANS DESIGN COMPLYING WITH LEGAL REQUIREMENTS FOR ARCHITECTURAL DESIGNS WHICH ELIMINATE THE TYPE OF BARRIERS AND HINDRANCES THAT DETER PERSONS WITH DISABILITIES FROM HAVING ACCESS TO AND FREE MOBILITY IN AND AROUND A BUILDING OR STRUCTURE.

(D) "BOARD OF APPEALS" MEANS THE CONSTRUCTION BOARD OF APPEALS OF A GOVERNMENTAL SUBDIVISION PROVIDED FOR IN SECTION 14.

(E) "BOARDS" MEANS THE STATE PLUMBING, BOARD OF MECHANICAL RULES, AND ELECTRICAL ADMINISTRATIVE BOARDS AND THE BARRIER FREE DESIGN BOARD CREATED IN SECTION 5 OF 1966 PA 1, MCL 125.1355.

(F) "BUILDING" MEANS A COMBINATION OF MATERIALS, WHETHER PORTABLE OR FIXED, FORMING A STRUCTURE AFFORDING A FACILITY OR SHELTER FOR USE OR OCCUPANCY BY PERSONS, ANIMALS, OR PROPERTY. BUILDING DOES NOT INCLUDE A BUILDING, WHETHER TEMPORARY OR PERMANENT, INCIDENTAL TO THE USE FOR AGRICULTURAL PURPOSES OF THE LAND ON WHICH THE BUILDING IS LOCATED IF IT IS NOT USED IN THE BUSINESS OF RETAIL TRADE. BUILDING INCLUDES THE MEANING "OR PART OR PARTS OF THE BUILDING AND ALL EQUIPMENT IN THE BUILDING" UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING.

(G) "BUILDING ENVELOPE" MEANS THE ELEMENTS OF A BUILDING WHICH ENCLOSE CONDITIONED SPACES THROUGH WHICH THERMAL ENERGY MAY BE TRANSFERRED TO OR FROM THE EXTERIOR.

(H) "BUSINESS DAY" MEANS A DAY OF THE YEAR, EXCLUSIVE OF A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

(I) "CHIEF ELECTED OFFICIAL" MEANS THE CHAIRPERSON OF THE COUNTY BOARD OF COMMISSIONERS, THE CITY MAYOR, THE VILLAGE PRESIDENT, OR THE TOWNSHIP SUPERVISOR.

(J) "CODE" MEANS THE STATE CONSTRUCTION CODE PROVIDED FOR IN SECTION 4 OR A PART OF THAT CODE OF LIMITED APPLICATION AND INCLUDES A MODIFICATION OF OR AMENDMENT TO THE CODE.

(K) "COMMISSION" MEANS THE STATE CONSTRUCTION CODE COMMISSION CREATED BY SECTION 3.

(L) "CONSTRUCTION" MEANS THE CONSTRUCTION, ERECTION, RECONSTRUCTION, ALTERATION, CONVERSION, DEMOLITION, REPAIR, MOVING, OR EQUIPPING OF BUILDINGS OR STRUCTURES.

(M) "CONSTRUCTION REGULATION" MEANS A LAW, ACT, RULE, REGULATION, OR CODE, GENERAL OR SPECIAL, OR COMPILATION THEREOF, ENACTED OR ADOPTED BEFORE OR AFTER JANUARY 1, 1973, BY THIS STATE INCLUDING A DEPARTMENT, BOARD, BUREAU, COMMISSION, OR OTHER AGENCY THEREOF, RELATING TO THE DESIGN, CONSTRUCTION, OR USE OF BUILDINGS AND STRUCTURES AND

THE INSTALLATION OF EQUIPMENT IN THE BUILDING OR STRUCTURE. CONSTRUCTION REGULATION DOES NOT INCLUDE A ZONING ORDINANCE OR RULE ISSUED PURSUANT TO A ZONING ORDINANCE AND RELATED TO ZONING.

(N) "COST-EFFECTIVE", IN REFERENCE TO SECTION 4(3)(F) AND (G), MEANS, USING THE EXISTING ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS AS THE BASE OF COMPARISON, THE ECONOMIC BENEFITS OF THE PROPOSED ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS WILL EXCEED THE ECONOMIC COSTS OF THE REQUIREMENTS OF THE PROPOSED RULES BASED UPON AN INCREMENTAL MULTIYEAR ANALYSIS. ALL OF THE FOLLOWING PROVISIONS APPLY:

(i) THE ANALYSIS SHALL TAKE INTO CONSIDERATION THE PERSPECTIVE OF A TYPICAL FIRST-TIME HOME BUYER.

(ii) THE ANALYSIS SHALL CONSIDER BENEFITS AND COSTS OVER A 7-YEAR TIME PERIOD.

(iii) THE ANALYSIS SHALL NOT ASSUME FUEL PRICE INCREASES IN EXCESS OF THE ASSUMED GENERAL RATE OF INFLATION.

(iv) THE ANALYSIS SHALL ASSURE THAT THE BUYER OF A HOME WHO QUALIFIES TO PURCHASE THE HOME BEFORE THE ADDITION OF THE ENERGY EFFICIENT STANDARDS WOULD STILL QUALIFY TO PURCHASE THE SAME HOME AFTER THE ADDITIONAL COST OF THE ENERGY-SAVING CONSTRUCTION FEATURES.

(v) THE ANALYSIS SHALL ASSURE THAT THE COSTS OF PRINCIPAL, INTEREST, TAXES, INSURANCE, AND UTILITIES WILL NOT BE GREATER AFTER THE INCLUSION OF THE PROPOSED COST OF THE ADDITIONAL ENERGY-SAVING CONSTRUCTION FEATURES REQUIRED BY THE PROPOSED ENERGY EFFICIENCY RULES AS OPPOSED TO THE PROVISIONS OF THE EXISTING ENERGY EFFICIENCY RULES.

(O) "DEPARTMENT" MEANS THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

(P) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR AN AUTHORIZED REPRESENTATIVE OF THE DIRECTOR.

(Q) "ENERGY CONSERVATION" MEANS THE EFFICIENT USE OF ENERGY BY PROVIDING BUILDING ENVELOPES WITH HIGH THERMAL RESISTANCE AND LOW AIR LEAKAGE, AND THE SELECTION OF ENERGY EFFICIENT MECHANICAL, ELECTRICAL SERVICE, AND ILLUMINATION SYSTEMS, EQUIPMENT, DEVICES, OR APPARATUS.

(R) "ENFORCING AGENCY" MEANS THE ENFORCING AGENCY, IN ACCORDANCE WITH SECTION 8A OR 8B, WHICH IS RESPONSIBLE FOR ADMINISTRATION AND ENFORCEMENT OF THE CODE WITHIN A GOVERNMENTAL SUBDIVISION, EXCEPT FOR THE PURPOSES OF SECTION 19 ENFORCING AGENCY MEANS THE AGENCY IN A GOVERNMENTAL UNIT PRINCIPALLY RESPONSIBLE FOR THE ADMINISTRATION AND ENFORCEMENT OF APPLICABLE CONSTRUCTION REGULATIONS.

(S) "EQUIPMENT" MEANS PLUMBING, HEATING, ELECTRICAL, VENTILATING, AIR CONDITIONING, AND REFRIGERATING EQUIPMENT.

(T) "GOVERNMENTAL SUBDIVISION" MEANS A COUNTY, CITY, VILLAGE, OR TOWNSHIP WHICH IN ACCORDANCE WITH SECTION 8 HAS ASSUMED RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE WITHIN ITS JURISDICTION.

(U) "MOBILE HOME" MEANS A VEHICULAR, PORTABLE STRUCTURE BUILT ON A CHASSIS PURSUANT TO THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT 1974, TITLE VI OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, PUBLIC LAW 93-383, 42 U.S.C. 5401 TO 5426, AND DESIGNED TO BE USED WITHOUT A PERMANENT FOUNDATION AS A DWELLING WHEN CONNECTED TO REQUIRED UTILITIES AND WHICH IS, OR IS INTENDED TO BE, ATTACHED TO THE GROUND, TO ANOTHER STRUCTURE, OR TO A UTILITY SYSTEM ON THE SAME PREMISES FOR MORE THAN 30 CONSECUTIVE DAYS.

(V) "OTHER LAWS AND ORDINANCES" MEANS OTHER LAWS AND ORDINANCES WHETHER ENACTED BY THIS STATE OR BY A COUNTY, CITY, VILLAGE, OR TOWNSHIP AND THE RULES ISSUED UNDER THOSE LAWS AND ORDINANCES.

(W) "OWNER" MEANS THE OWNER OF THE FREEHOLD OF THE PREMISES OR LESSER ESTATE IN THE PREMISES, A MORTGAGEE OR VENDEE IN POSSESSION, AN ASSIGNEE OF RENTS, RECEIVER, EXECUTOR, TRUSTEE, LESSEE, OR ANY OTHER PERSON, SOLE PROPRIETORSHIP, PARTNERSHIP, ASSOCIATION, OR CORPORATION DIRECTLY OR INDIRECTLY IN CONTROL OF A BUILDING, STRUCTURE, OR REAL PROPERTY OR HIS OR HER DULY AUTHORIZED AGENT.

(X) "PERSON WITH DISABILITIES" MEANS AN INDIVIDUAL WHOSE PHYSICAL CHARACTERISTICS HAVE A PARTICULAR RELATIONSHIP TO THAT INDIVIDUAL'S ABILITY TO BE SELF-RELIANT IN THE INDIVIDUAL'S MOVEMENT THROUGHOUT AND USE OF THE BUILDING ENVIRONMENT.

(Y) "PREMANUFACTURED UNIT" MEANS AN ASSEMBLY OF MATERIALS OR PRODUCTS INTENDED TO COMPRISE ALL OR PART OF A BUILDING OR STRUCTURE, AND WHICH IS ASSEMBLED AT OTHER THAN THE FINAL LOCATION OF THE UNIT OF THE BUILDING OR STRUCTURES BY A REPETITIVE PROCESS

UNDER CIRCUMSTANCES INTENDED TO INSURE UNIFORMITY OF QUALITY AND MATERIAL CONTENT. PREMANUFACTURED UNIT INCLUDES A MOBILE HOME.

(Z) "STRUCTURE" MEANS THAT WHICH IS BUILT OR CONSTRUCTED, AN EDIFICE OR BUILDING OF ANY KIND, OR A PIECE OF WORK ARTIFICIALLY BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER IN SOME DEFINITE MANNER. STRUCTURE DOES NOT INCLUDE A STRUCTURE INCIDENT TO THE USE FOR AGRICULTURAL PURPOSES OF THE LAND ON WHICH THE STRUCTURE IS LOCATED AND DOES NOT INCLUDE WORKS OF HEAVY CIVIL CONSTRUCTION INCLUDING, BUT NOT LIMITED TO, A HIGHWAY, BRIDGE, DAM, RESERVOIR, LOCK, MINE, HARBOR, DOCKSIDE PORT FACILITY, AN AIRPORT LANDING FACILITY AND FACILITIES FOR THE GENERATION OR TRANSMISSION, OR DISTRIBUTION OF ELECTRICITY. STRUCTURE INCLUDES THE MEANING "OR PART OR PARTS OF THE STRUCTURE AND ALL EQUIPMENT IN THE STRUCTURE" UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING.

(2) UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, A REFERENCE TO THIS ACT, OR TO THIS ACT AND THE CODE, MEANS THIS ACT AND RULES PROMULGATED PURSUANT TO THIS ACT INCLUDING THE CODE.

SEC. 3A. (1) THE STATE CONSTRUCTION CODE COMMISSION IS CREATED AND CONSISTS OF A DESIGNEE OF THE OFFICE OF FIRE SAFETY AND THE CHAIRPERSONS OF THE BARRIER FREE DESIGN BOARD, THE ELECTRICAL ADMINISTRATIVE BOARD, THE STATE PLUMBING BOARD, AND THE BOARD OF MECHANICAL RULES, WHO SHALL BE PERMANENT MEMBERS, AND 12 RESIDENTS OF THE STATE TO BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE. APPOINTED MEMBERS OF THE COMMISSION SHALL INCLUDE 1 PERSON FROM EACH OF THE FIELDS OF INDUSTRIAL MANAGEMENT, ARCHITECTURE, PROFESSIONAL ENGINEERING, BUILDING CONTRACTING, ORGANIZED LABOR, PREMANUFACTURED BUILDING, AND 3 MEMBERS REPRESENTING MUNICIPAL BUILDING INSPECTION; 2 PERSONS FROM THE GENERAL PUBLIC; AND A LICENSED RESIDENTIAL BUILDER. A MEMBER OF THE COMMISSION SHALL BE APPOINTED FOR A TERM OF 2 YEARS, EXCEPT THAT A VACANCY SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM. A MEMBER OF THE COMMISSION MAY BE REMOVED FROM OFFICE BY THE GOVERNOR FOR INEFFICIENCY, NEGLIGENCE OF DUTY, OR MISCONDUCT OR MALFEASANCE IN OFFICE. A MEMBER OF THE COMMISSION WHO HAS A PECUNIARY INTEREST IN A MATTER BEFORE THE COMMISSION SHALL DISCLOSE THE INTEREST BEFORE THE COMMISSION TAKES ACTION IN THE MATTER, WHICH DISCLOSURES SHALL BE MADE A MATTER OF RECORD IN ITS OFFICIAL PROCEEDINGS. EACH MEMBER OF THE COMMISSION, EXCEPT THE STATE FIRE MARSHAL OR THE STATE FIRE MARSHAL'S DESIGNEE, SHALL RECEIVE COMPENSATION AND ACTUAL EXPENSES INCURRED BY THE MEMBER IN THE PERFORMANCE OF THE DUTIES AS A MEMBER OF THE COMMISSION. THE PER DIEM COMPENSATION OF THE MEMBERS AND THE SCHEDULE FOR REIMBURSEMENT OF EXPENSES SHALL BE ESTABLISHED ANNUALLY BY THE LEGISLATURE.

(2) NINE MEMBERS OF THE COMMISSION CONSTITUTE A QUORUM. EXCEPT AS OTHERWISE PROVIDED IN THE COMMISSION'S BYLAWS, ACTION MAY BE TAKEN BY THE COMMISSION BY VOTE OF A MAJORITY OF THE MEMBERS PRESENT AT A MEETING. MEETINGS OF THE COMMISSION MAY BE CALLED BY THE CHAIRPERSON OR BY 3 MEMBERS ON 10 DAYS' WRITTEN NOTICE. NOT LESS THAN 1 MEETING SHALL BE HELD EACH CALENDAR QUARTER. A MEETING OF THE COMMISSION MAY BE HELD ANYWHERE IN THIS STATE.

(3) THE COMMISSION SHALL ELECT 1 MEMBER AS CHAIRPERSON, ANOTHER AS VICE-CHAIRPERSON, AND OTHER OFFICERS AS IT DETERMINES APPROPRIATE, FOR THE TERMS AND WITH THE DUTIES AND POWERS AS THE COMMISSION DETERMINES. THE CHAIRPERSON AND VICE-CHAIRPERSON OF THE COMMISSION SHALL BE ELECTED FROM THOSE MEMBERS APPOINTED TO THE COMMISSION BY THE GOVERNOR.

(4) THE COMMISSION IS WITHIN THE DEPARTMENT BUT SHALL EXERCISE ITS STATUTORY FUNCTIONS INDEPENDENTLY OF THE DIRECTOR, EXCEPT THAT BUDGETING, PERSONNEL, AND PROCUREMENT FUNCTIONS OF THE COMMISSION SHALL BE PERFORMED UNDER THE DIRECTION AND SUPERVISION OF THE DIRECTOR. THE DIRECTOR HAS THE SOLE STATUTORY AUTHORITY TO PROMULGATE RULES.

(5) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. PUBLIC NOTICE OF THE TIME, DATE, AND PLACE OF THE MEETING SHALL BE GIVEN IN THE MANNER REQUIRED BY THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

(6) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL FUNCTION SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

Sec. 4. (1) ~~Except as provided in subsection (6), the commission~~ THE DIRECTOR shall prepare and promulgate the state construction code consisting of rules governing the construction, use, and occupation of buildings and structures, including land area incidental to the buildings and structures, the manufacture and installation of building components and equipment, the construction and installation of premanufactured units, the standards and requirements for materials to be used in connection with the units, and other requirements relating to the safety, including safety from fire, and sanitation facilities of the buildings and structures.

(2) ~~The~~ UNTIL THE DATE SECTIONS 2A, 3A, 8A, 8B, AND 9B APPLY, THE code shall consist of nationally recognized model building codes, other nationally recognized model codes and standards, and amendments, additions, or deletions to the building code or other codes and standards as the ~~commission~~ DIRECTOR determines appropriate. AFTER THE DATE SECTIONS 2, 3, 8, 9, AND 9A ARE REPEALED, THE CODE SHALL CONSIST OF THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL PLUMBING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, THE NATIONAL ELECTRICAL CODE PUBLISHED BY THE NATIONAL FIRE PREVENTION ASSOCIATION, AND THE MICHIGAN UNIFORM ENERGY CODE WITH AMENDMENTS, ADDITIONS, OR DELETIONS AS THE DIRECTOR DETERMINES APPROPRIATE.

(3) The code shall be designed to effectuate the general purposes of this act and the following objectives and standards:

(a) To provide standards and requirements for construction and construction materials consistent with nationally recognized standards and requirements.

(b) To formulate standards and requirements, to the extent practicable in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability.

(c) To permit to the fullest extent feasible the use of modern technical methods, devices, and improvements, including premanufactured units, consistent with reasonable requirements for the health, safety, and welfare of the occupants and users of buildings and structures.

(d) To eliminate restrictive, obsolete, conflicting, and unnecessary construction regulations that tend to increase construction costs unnecessarily or restrict the use of new materials, products, or methods of construction, or provide preferential treatment to types or classes of materials or products or methods of construction.

(e) To insure adequate maintenance of buildings and structures throughout this state and to adequately protect the health, safety, and welfare of the people.

(f) To provide standards and requirements for cost-effective energy efficiency that will be effective April 1, 1997.

(g) Upon periodic review, to continue to seek ever-improving, cost-effective energy efficiencies.

(h) The development of a voluntary consumer information system relating to energy efficiencies.

(4) The code shall be divided into sections as the ~~commission~~ DIRECTOR considers appropriate including, without limitation, building, plumbing, electrical, and mechanical sections. The boards shall participate in and work with the staff of the ~~commission~~ DIRECTOR in the preparation of parts relating to their functions. Before the promulgation of an amendment to the code, the boards whose functions relate to that code shall be permitted to draft and recommend to the ~~commission~~ DIRECTOR proposed language. The ~~commission~~ DIRECTOR shall give consideration to all submissions by the boards. However, the ~~commission~~ DIRECTOR has final responsibility for the promulgation of the code.

(5) The code may incorporate the provisions of a code, standard, or other material by reference. The ~~commission~~ DIRECTOR shall add, amend, and rescind rules to update the code not less than once every 3 years to coincide with the national code change cycle.

~~(6) Until March 31, 1997, or until the adoption of changes to the code under subsection (3)(f), the standards for energy conservation in the construction of a building envelope shall be those set forth in Standards 90A-1980 or 90B-1975, as applicable, published by the American society of heating, refrigerating and air conditioning engineers, incorporated, except for section 1.6 of 90A-1980. It is intended that the model energy code contained in rules promulgated by the commission be rescinded on the effective date of this subsection.~~

Sec. 7. (1) After consultation and with the approval of the commission, the director ~~of labor shall appoint an executive director of the commission and~~ may DO THE FOLLOWING:

(a) Subject to civil service requirements, appoint subordinate officers and employees of the commission, including legal counsel, and prescribe their duties and fix their compensation.

(b) Appoint or use experts, consultants, technical advisers, and advisory committees for assistance and recommendations relative to preparation and promulgation of the code and to assist the commission and the ~~executive~~ director in carrying out this act.

(c) Subject to the advice of the commission, do those things necessary or desirable to effectuate the general purposes and specific objectives of this act.

(2) The director ~~of labor~~ shall cooperate with agencies of the federal government, may enter into contracts to receive funds, and may receive grants from the federal government to carry out the purposes of this act.

Sec. 8. (1) ~~This~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 8A AND UNTIL THE PROMULGATION OF THE COMPLETE CODE UPDATE UNDER SECTION 4, THIS act and the code apply throughout the state, except that a governmental subdivision may elect to exempt itself from certain parts of this act and the code by adopting and enforcing a nationally recognized model building code or other nationally recognized model codes. It is not necessary for a governmental subdivision to elect to exempt itself from every part of the code promulgated by the ~~commission~~ DIRECTOR in order to preserve its exemption election as to 1 or more nationally recognized model codes. A governmental subdivision may make this election by the passage of an ordinance adopting by reference or otherwise without amendment a nationally recognized model building code or other nationally recognized model codes. A county ordinance adopted pursuant to this act shall be adopted by the county board of commissioners and shall be signed by the chairperson of the county board of commissioners and certified by the county clerk. A governmental subdivision that elects not to be governed by certain parts of this act and the code shall review and update its codes by amending its ordinance at least once every 3 years by adopting without amendment all changes to those codes and submitting a certified copy of the amended ordinance to the commission. However, a governmental subdivision adopting nationally recognized model codes may approve amendments to those codes by ordinance. The amendments shall become effective 90 days after passage of the ordinance and 90 days after a certified copy of the ordinance is delivered to the commission, unless the commission determines after a public hearing that the codes, as amended, do not adequately protect the health, safety, or welfare of the people of the governmental subdivision, or that the amendments tend to unnecessarily increase construction costs; restrict the use of new materials, products, or methods of construction; provide preferential treatment to types or classes of materials, products, or methods of construction; or obstruct the substantive uniformity of building codes within a region or locality in the state.

(2) Within 10 days after December 30, 1980, the ~~executive~~ director shall provide a notice of intent form to all governmental subdivisions administering and enforcing a nationally recognized model code. This form shall set forth the date return receipt is required, which date shall not be less than 60 days after receipt. The chief elected official of the governmental subdivision that receives this notice shall indicate on the form the intention of the governmental subdivision as to whether it shall continue to administer and enforce its code and transmit this notice to the ~~executive~~ director within the prescribed period. If a governmental subdivision fails to submit a notice of intent to continue to administer and enforce its code within the date set forth in the notice, the ~~executive~~ director shall send a notice by registered mail to the clerk of that governmental subdivision. The registered notice shall indicate that the governmental subdivision has 15 additional days in which to submit a notice of intent to continue to administer and enforce its code. If the governmental subdivision does not respond by the end of the 15 additional days, it shall be conclusively presumed that the governmental subdivision does not intend to continue to administer and enforce its code, and the ~~executive~~ director shall assume the responsibility for administering and enforcing this act and the code in that governmental subdivision, unless the county within which that governmental subdivision is located has submitted a notice of intent to continue to administer and enforce this act and the code. Governmental subdivisions may provide by agreement for joint enforcement of another nationally recognized model code adopted pursuant to subsection (1).

(3) A county that was administering and enforcing this act and the code pursuant to section 9(1) on December 30, 1980, and has submitted a notice of intent to continue to administer and enforce the code to the ~~executive~~ director pursuant to section 9, after December 30, 1980, may exempt itself pursuant to subsection (1) by the passage of an ordinance adopting by reference or otherwise without amendment a nationally recognized model building code or other nationally recognized model codes. However, that action shall not take effect until 90 days after passage of an ordinance to that effect. Before the effective date of this action and the effective date of the ordinance, a county that proposes to adopt an ordinance to this effect shall file the proposed ordinance for approval pursuant to subsection (1) with the commission. The commission shall review the proposed ordinance. If the commission does not approve or disapprove the proposed ordinance within 90 days after it is filed with the commission, the proposed ordinance shall be considered approved unless the county grants the commission additional time to consider the proposed ordinance. The ~~executive~~ director shall notify a county that elects to exempt itself pursuant to subsection (1) of all governmental subdivisions within their jurisdiction that have not submitted a notice of intent to continue to administer and enforce its code. It is the responsibility of that county to administer and enforce that code for all of the governmental subdivisions within the county that have not submitted a notice of intent to continue to administer and enforce its code within its jurisdiction. A structure commenced under an effective code shall be completed under that code. A county that elects to exempt itself in accordance with this subsection may exercise the option to administer and enforce this act and the code pursuant to section 9(1). However, the exercise of this election to administer and enforce this act and the code shall not take effect until 6 months after passage of an ordinance to that effect.

(4) A governmental subdivision that has elected to assume responsibility for the administration and enforcement of this act and the code, and has submitted a notice of intent to continue to administer and enforce the code to the ~~executive~~ director pursuant to section 9, after December 30, 1980, may reverse that election and exempt itself pursuant to subsection (1) by the passage of an ordinance adopting by reference or otherwise without amendment a nationally recognized model building code or other nationally recognized model codes. However, that action shall not take effect until 90 days after passage of an ordinance to that effect. Before the effective date of this action and the effective date

of the ordinance, a governmental subdivision that proposes to adopt an ordinance to this effect shall file the proposed ordinance for approval pursuant to subsection (1) with the commission. The commission shall review the proposed ordinance. If the commission does not approve or disapprove the proposed ordinance within 90 days after it is filed with the commission, the proposed ordinance shall be considered approved unless the governmental subdivision grants the commission additional time to consider the proposed ordinance. A structure commenced under an effective code shall be completed under that code. A governmental subdivision that elects to exempt itself in accordance with this subsection may exercise the option to make itself subject to this act and the code pursuant to section 9(1). However, the exercise of this election to be subject to this act and the code shall not take effect until 6 months after passage of an ordinance to that effect.

(5) A governmental subdivision that has elected to exempt itself pursuant to subsection (1) may reverse that election, making itself subject to the act and the code. However, that action shall not take effect until 60 days after passage of an ordinance to that effect. A structure commenced under an effective code shall be completed under that code. A governmental subdivision that elects to make itself subject to the code in accordance with this subsection may exercise the option to exempt itself pursuant to subsection (1) not later than 3 years after its administration and enforcement of the code. However, that exemption shall not take effect until 1 year after passage of an ordinance to that effect.

(6) A governmental subdivision that before December 30, 1980, has not administered and enforced either this act and the code or another nationally recognized model code may elect to exempt itself from certain parts of this act and the code pursuant to subsection (1) by the passage of an ordinance to that effect. A governmental subdivision that makes this election after December 30, 1980 shall submit, in addition to the ordinance, an application to the commission for approval to administer and enforce that code within its jurisdiction. This application shall be made on the proper form to be provided by the commission. The standards for approval shall include, but not be limited to, the certification by the governmental subdivision that the enforcing agency is qualified by experience or training to administer and enforce that nationally recognized model code and all related acts and rules, that agency personnel are provided as necessary, administrative services are provided, plan review services are provided, and timely field inspection services shall be provided. The ~~executive~~ director shall seek additional information if the ~~executive~~ director considers it necessary. The commission shall render a decision on the application for approval to administer and enforce that code that has been adopted and transmit its findings to that governmental subdivision within 90 days of receipt of the application. The commission shall document its reasons if the commission disapproves an application. A governmental subdivision that receives a disapproval may resubmit its application for approval. Upon receipt of approval from the commission for the administration and enforcement of that adopted code, the governmental subdivision shall administer and enforce that code within its jurisdiction pursuant to the provisions of its approved application.

(7) The state construction code or any of its sections shall take effect 6 months after the code's initial promulgation. The 6-month delay does not apply to rules promulgated to implement sections 13a, 13b, 19, and 21 and the requirements of barrier free design and energy conservation of this act and code. A governmental subdivision may not exempt itself from the requirements of this section, section 9(8) or (10), or section 9a, 10, 13a, 13b, 14, 15, 20, 21a, 22(1), 23, or 23a. The 6-month delay does not apply to amendments to the code or any of the code's sections after the initial promulgation. A governmental subdivision that elects to exempt itself from this act and the code may do so within 6 months after the promulgation of the code in the manner provided in subsection (1), except that any amendments the governmental subdivision adopts at that time are subject to review by the commission as set forth in subsection (1) within 120 days after a copy of the adopted amendments is delivered to the commission by certified mail with return receipt requested.

(8) A governmental subdivision that elects to exempt itself from certain parts of this act and the code pursuant to subsection (1) and is enforcing its code within its jurisdiction pursuant to subsection (1) may rescind that ordinance by which it elected to exempt itself from certain parts of this act and the code, and transfer the responsibility for the administration and enforcement of this act and the code within the governmental subdivision to the ~~executive~~ director. The ~~executive~~ director shall assume the responsibility for administering and enforcing this act and the code in that governmental subdivision, unless the county within which that governmental subdivision is located has submitted a notice of intent to continue to administer and enforce the code. However, that action shall not take effect until 12 months after the passage of an ordinance to that effect. A structure commenced under an effective code shall be completed under that code.

(9) Locally adopted codes do not apply to public or nonpublic schools within the governmental subdivision without concurrence by the school authorities having jurisdiction.

(10) Sections 10, 13a, 13b, 16, 17, 18, 19, 21, 21a, and 23a, subsection (13), and other provisions of this act and code directly relating to the provisions of sections 10, 13a, 13b, 16, 17, 18, 19, 21, 21a, and 23a, subsection (13), and provisions of the code relating to the requirements of barrier free design, energy conservation, and, except as provided in subsection (11), for plans submitted for approval after January 1, 1994 the type and number of plumbing fixtures for men and women required in an assembly building with an occupancy of more than 150 are effective throughout the state without local modifications notwithstanding the exception of subsections (1) to (9). The standards for

premanufactured housing shall not be less than the standards required for nonpremanufactured housing, except that mobile homes shall be considered to have complied with this requirement by compliance with the state code provisions adopting a nationally recognized mobile home code. As used in this subsection, "assembly building" means a theater, sports arena, stadium, food service establishment with or without a liquor license, exhibition hall, library, recreation center, passenger terminal, and outdoor assembly structure which includes an outdoor grandstand, bleacher, colosseum, stadium, amusement park structure, and fair or carnival structure.

(11) With respect to the type and number of plumbing fixtures required for men and women in an assembly building pursuant to subsection (10), the ~~executive~~ director, in his or her sole discretion, may exempt from the effective date provision those projects for which plans were near finalization before January 1, 1994, but were submitted after that date.

(12) The commission may limit the application of a part of the code to include or exclude the following:

(a) Specified classes or types of buildings or structures, according to use, or other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable. The commission shall consider the specific problems of the construction or alteration of a single family, owner-occupied recreational dwelling that is located in a sparsely populated area and that is to be occupied on a part-time basis.

(b) Specified areas of the state based on size, population density, special conditions prevailing in the area, or other factors as may make differentiation or separate classification or regulation necessary, proper, or desirable.

(13) A building or structure that has baby changing stations in the women's restrooms shall have baby changing stations in the men's restrooms.

(14) THE CODE SHALL PROVIDE, WHERE APPROPRIATE, FOR STANDARDS INVOLVING LOCATION AND CONSTRUCTION OF RATWALLS THAT ARE NOT LESS THAN THOSE STANDARDS IN EXISTENCE ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

SEC. 8A. (1) THIS ACT AND THE CODE APPLY THROUGHOUT THE STATE.

(2) WITHIN 10 DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, THE DIRECTOR SHALL PROVIDE A NOTICE OF INTENT FORM TO ALL GOVERNMENTAL SUBDIVISIONS ADMINISTERING AND ENFORCING A NATIONALLY RECOGNIZED MODEL CODE OTHER THAN THE CODE ESTABLISHED BY THE COMMISSION UNDER THIS ACT. THIS FORM SHALL SET FORTH THE DATE RETURN RECEIPT IS REQUIRED, WHICH DATE SHALL NOT BE LESS THAN 60 DAYS AFTER RECEIPT. THE CHIEF ELECTED OFFICIAL OF THE GOVERNMENTAL SUBDIVISION THAT RECEIVES THIS NOTICE SHALL INDICATE ON THE FORM THE INTENTION OF THE GOVERNMENTAL SUBDIVISION AS TO WHETHER IT SHALL ADMINISTER AND ENFORCE THE CODE AND TRANSMIT THIS NOTICE TO THE DIRECTOR WITHIN THE PRESCRIBED PERIOD. IF A GOVERNMENTAL SUBDIVISION FAILS TO SUBMIT A NOTICE OF INTENT TO ADMINISTER AND ENFORCE THE CODE WITHIN THE DATE SET FORTH IN THE NOTICE, THE DIRECTOR SHALL SEND A NOTICE BY REGISTERED MAIL TO THE CLERK OF THAT GOVERNMENTAL SUBDIVISION. THE REGISTERED NOTICE SHALL INDICATE THAT THE GOVERNMENTAL SUBDIVISION HAS 15 ADDITIONAL DAYS IN WHICH TO SUBMIT A NOTICE OF INTENT TO ADMINISTER AND ENFORCE THE CODE. IF THE GOVERNMENTAL SUBDIVISION DOES NOT RESPOND BY THE END OF THE 15 ADDITIONAL DAYS, IT SHALL BE CONCLUSIVELY PRESUMED THAT THE GOVERNMENTAL SUBDIVISION DOES NOT INTEND TO ADMINISTER AND ENFORCE THE CODE, AND THE DIRECTOR SHALL ASSUME THE RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE IN THAT GOVERNMENTAL SUBDIVISION, UNLESS THE COUNTY WITHIN WHICH THAT GOVERNMENTAL SUBDIVISION IS LOCATED HAS SUBMITTED A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE. GOVERNMENTAL SUBDIVISIONS MAY PROVIDE BY AGREEMENT FOR JOINT ENFORCEMENT OF THE CODE.

(3) A GOVERNMENTAL SUBDIVISION THAT HAS ELECTED TO ASSUME RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE, AND HAS SUBMITTED A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THE CODE TO THE DIRECTOR PURSUANT TO SECTION 8B, AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, MAY REVERSE THAT ELECTION.

(4) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION, HAS ELECTED TO EXEMPT ITSELF PURSUANT TO SECTION 8(1) MAY REVERSE THAT ELECTION, MAKING ITSELF SUBJECT TO THE ACT AND THE CODE. HOWEVER, THAT ACTION SHALL NOT TAKE EFFECT UNTIL 60 DAYS AFTER PASSAGE OF AN ORDINANCE TO THAT EFFECT. A STRUCTURE COMMENCED UNDER AN EFFECTIVE CODE SHALL BE COMPLETED UNDER THAT CODE.

(5) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION, HAS NOT ADMINISTERED AND ENFORCED EITHER THIS ACT AND THE CODE OR ANOTHER NATIONALLY RECOGNIZED MODEL CODE MAY ELECT TO ENFORCE THIS ACT AND THE CODE PURSUANT TO SUBSECTION (1) BY THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A GOVERNMENTAL SUBDIVISION THAT MAKES THIS ELECTION AFTER THE EFFECTIVE DATE OF THIS SUBSECTION SHALL SUBMIT, IN ADDITION TO THE ORDINANCE, AN APPLICATION TO THE COMMISSION FOR APPROVAL TO

ADMINISTER AND ENFORCE THAT CODE WITHIN ITS JURISDICTION. THIS APPLICATION SHALL BE MADE ON THE PROPER FORM TO BE PROVIDED BY THE COMMISSION. THE STANDARDS FOR APPROVAL SHALL INCLUDE, BUT NOT BE LIMITED TO, THE CERTIFICATION BY THE GOVERNMENTAL SUBDIVISION THAT THE ENFORCING AGENCY IS QUALIFIED BY EXPERIENCE OR TRAINING TO ADMINISTER AND ENFORCE THE CODE AND ALL RELATED ACTS AND RULES, THAT AGENCY PERSONNEL ARE PROVIDED AS NECESSARY, ADMINISTRATIVE SERVICES ARE PROVIDED, PLAN REVIEW SERVICES ARE PROVIDED, AND TIMELY FIELD INSPECTION SERVICES SHALL BE PROVIDED. THE DIRECTOR SHALL SEEK ADDITIONAL INFORMATION IF THE DIRECTOR CONSIDERS IT NECESSARY. THE COMMISSION SHALL RENDER A DECISION ON THE APPLICATION FOR APPROVAL TO ADMINISTER AND ENFORCE THE CODE THAT HAS BEEN ADOPTED AND TRANSMIT ITS FINDINGS TO THAT GOVERNMENTAL SUBDIVISION WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION. THE COMMISSION SHALL DOCUMENT ITS REASONS IF THE COMMISSION DISAPPROVES AN APPLICATION. A GOVERNMENTAL SUBDIVISION THAT RECEIVES A DISAPPROVAL MAY RESUBMIT ITS APPLICATION FOR APPROVAL. UPON RECEIPT OF APPROVAL FROM THE COMMISSION FOR THE ADMINISTRATION AND ENFORCEMENT OF THE CODE, THE GOVERNMENTAL SUBDIVISION SHALL ADMINISTER AND ENFORCE THE CODE WITHIN ITS JURISDICTION PURSUANT TO THE PROVISIONS OF ITS APPROVED APPLICATION.

(6) THE CODE OR ANY OF ITS SECTIONS SHALL TAKE EFFECT 6 MONTHS AFTER THE CODE'S INITIAL PROMULGATION. THE 6-MONTH DELAY DOES NOT APPLY TO RULES PROMULGATED TO IMPLEMENT SECTIONS 13A, 13B, 13C, 19, AND 21 AND THE REQUIREMENTS OF BARRIER FREE DESIGN AND ENERGY CONSERVATION OF THIS ACT AND CODE. THE 6-MONTH DELAY DOES NOT APPLY TO AMENDMENTS TO THE CODE OR ANY OF THE CODE'S SECTIONS AFTER THE INITIAL PROMULGATION.

(7) THE STANDARDS FOR PREMANUFACTURED HOUSING SHALL NOT BE LESS THAN THE STANDARDS REQUIRED FOR NONPREMANUFACTURED HOUSING, EXCEPT THAT MANUFACTURED HOMES LABELED PURSUANT TO THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974, TITLE VI OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, PUBLIC LAW 93-383, 42 U.S.C. 5401 TO 5426, SHALL BE CONSIDERED TO HAVE COMPLIED WITH THIS REQUIREMENT.

(8) THE COMMISSION MAY LIMIT THE APPLICATION OF A PART OF THE CODE TO INCLUDE OR EXCLUDE THE FOLLOWING:

(A) SPECIFIED CLASSES OR TYPES OF BUILDINGS OR STRUCTURES, ACCORDING TO USE, OR OTHER DISTINCTIONS AS MAY MAKE DIFFERENTIATION OR SEPARATE CLASSIFICATION OR REGULATION NECESSARY, PROPER, OR DESIRABLE. THE COMMISSION SHALL CONSIDER THE SPECIFIC PROBLEMS OF THE CONSTRUCTION OR ALTERATION OF A SINGLE FAMILY, OWNER-OCCUPIED RECREATIONAL DWELLING THAT IS LOCATED IN A SPARSELY POPULATED AREA AND THAT IS TO BE OCCUPIED ON A PART-TIME BASIS.

(B) SPECIFIED AREAS OF THE STATE BASED ON SIZE, POPULATION DENSITY, SPECIAL CONDITIONS PREVAILING IN THE AREA, OR OTHER FACTORS AS MAY MAKE DIFFERENTIATION OR SEPARATE CLASSIFICATION OR REGULATION NECESSARY, PROPER, OR DESIRABLE.

(9) A BUILDING OR STRUCTURE THAT HAS BABY CHANGING STATIONS IN THE WOMEN'S RESTROOMS SHALL HAVE BABY CHANGING STATIONS IN THE MEN'S RESTROOMS.

(10) THE CODE SHALL PROVIDE, WHERE APPROPRIATE, FOR STANDARDS INVOLVING LOCATION AND CONSTRUCTION OF RATWALLS THAT ARE NOT LESS THAN THOSE STANDARDS IN EXISTENCE ON THE EFFECTIVE DATE OF THIS SECTION.

SEC. 8B. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE DIRECTOR IS RESPONSIBLE FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE. A GOVERNMENTAL SUBDIVISION MAY BY ORDINANCE ASSUME RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT WITHIN ITS POLITICAL BOUNDARY. A COUNTY ORDINANCE ADOPTED PURSUANT TO THIS ACT SHALL BE ADOPTED BY THE COUNTY BOARD OF COMMISSIONERS AND SHALL BE SIGNED BY THE CHAIRPERSON OF THE COUNTY BOARD OF COMMISSIONERS AND CERTIFIED BY THE COUNTY CLERK.

(2) A GOVERNMENTAL SUBDIVISION THAT HAS ASSUMED THE RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE MAY, THROUGH ITS CHIEF LEGAL OFFICER, ISSUE A COMPLAINT AND OBTAIN A WARRANT FOR A VIOLATION OF THIS ACT OR THE CODE AND PROSECUTE THE VIOLATION WITH THE SAME POWER AND AUTHORITY IT POSSESSES IN PROSECUTING A LOCAL ORDINANCE VIOLATION. IF PURSUANT TO SECTION 23, A GOVERNMENTAL SUBDIVISION HAS BY ORDINANCE DESIGNATED A VIOLATION OF THE ACT OR CODE AS A MUNICIPAL CIVIL INFRACTION, THE GOVERNMENTAL SUBDIVISION MAY ISSUE A CITATION OR MUNICIPAL ORDINANCE VIOLATION NOTICE PURSUANT TO CHAPTER 87 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL

600.8701 TO 600.8735, FOR A VIOLATION OF THE ACT OR CODE. UNLESS OTHERWISE PROVIDED BY LOCAL LAW OR ORDINANCE, THE LEGISLATIVE BODY OF A GOVERNMENTAL SUBDIVISION RESPONSIBLE FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE SHALL DESIGNATE AN ENFORCING AGENCY THAT SHALL DISCHARGE THE RESPONSIBILITIES OF THE GOVERNMENTAL SUBDIVISION UNDER THIS ACT. GOVERNMENTAL SUBDIVISIONS MAY PROVIDE BY AGREEMENT FOR JOINT ENFORCEMENT OF THIS ACT.

(3) SUBJECT TO THE OTHER PROVISIONS OF THIS ACT, AN ENFORCING AGENCY IS ANY OFFICIAL OR AGENT OF A GOVERNMENTAL SUBDIVISION THAT IS REGISTERED UNDER THE BUILDING OFFICIALS AND INSPECTORS REGISTRATION ACT, 1986 PA 54, MCL 338.2301 TO 338.2313, QUALIFIED BY EXPERIENCE OR TRAINING TO PERFORM THE DUTIES ASSOCIATED WITH CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT.

(4) BEFORE THE EFFECTIVE DATE OF THIS SECTION, THE DIRECTOR SHALL PROVIDE EACH GOVERNMENTAL SUBDIVISION ADMINISTERING AND ENFORCING THIS ACT AND THE CODE WITH A NOTICE OF INTENT FORM. THIS FORM SHALL SET FORTH THE DATE RETURN RECEIPT IS REQUIRED, WHICH DATE SHALL NOT BE LESS THAN 60 DAYS. THE CHIEF ELECTED OFFICIAL OF THE GOVERNMENTAL SUBDIVISION THAT RECEIVES THIS NOTICE SHALL INDICATE ON THE FORM THE INTENTION OF THE GOVERNMENTAL SUBDIVISION AS TO WHETHER IT SHALL CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE AND TRANSMIT THIS NOTICE TO THE DIRECTOR WITHIN THE PRESCRIBED PERIOD. IF A GOVERNMENTAL SUBDIVISION FAILS TO SUBMIT A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN THE DATE SET FORTH IN THE NOTICE, THE DIRECTOR SHALL SEND A NOTICE BY REGISTERED MAIL TO THE CLERK OF THAT GOVERNMENTAL SUBDIVISION. THIS NOTICE SHALL INDICATE THAT THE GOVERNMENTAL SUBDIVISION HAS 15 ADDITIONAL DAYS IN WHICH TO SUBMIT A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE. IF THE GOVERNMENTAL SUBDIVISION DOES NOT RESPOND BY THE END OF THE 15 ADDITIONAL DAYS, IT SHALL BE CONCLUSIVELY PRESUMED THAT THE GOVERNMENTAL SUBDIVISION DOES NOT INTEND TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE AND THE DIRECTOR SHALL ASSUME THE RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE IN THAT GOVERNMENTAL SUBDIVISION, UNLESS THE COUNTY WITHIN WHICH THE GOVERNMENTAL SUBDIVISION IS LOCATED SUBMITS A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE.

(5) A COUNTY THAT IS ADMINISTERING AND ENFORCING THIS ACT AND THE CODE ON THE EFFECTIVE DATE OF THIS SECTION AND THAT SUBMITS A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE PURSUANT TO SUBSECTION (4) IS RESPONSIBLE FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE FOR EACH GOVERNMENTAL SUBDIVISION WITHIN THE COUNTY THAT DOES NOT SUBMIT A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE. THE DIRECTOR SHALL NOTIFY THE COUNTY OF THOSE GOVERNMENTAL SUBDIVISIONS THAT DO NOT SUBMIT A NOTICE OF INTENT.

(6) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE DATE OF THIS SECTION, DID NOT ADMINISTER AND ENFORCE THIS ACT AND THE CODE MAY ELECT TO ASSUME THE RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE PURSUANT TO SUBSECTION (1) BY THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A GOVERNMENTAL SUBDIVISION THAT MAKES THIS ELECTION AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL SUBMIT, IN ADDITION TO THE ORDINANCE, AN APPLICATION TO THE COMMISSION FOR APPROVAL TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN ITS JURISDICTION. THIS APPLICATION SHALL BE MADE ON THE PROPER FORM TO BE PROVIDED BY THE COMMISSION. THE STANDARDS FOR APPROVAL SHALL INCLUDE, BUT NOT BE LIMITED TO, THE CERTIFICATION BY THE GOVERNMENTAL SUBDIVISION THAT THE ENFORCING AGENCY IS QUALIFIED BY EXPERIENCE OR TRAINING TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE AND ALL RELATED ACTS AND RULES, THAT AGENCY PERSONNEL ARE PROVIDED AS NECESSARY, THAT ADMINISTRATIVE SERVICES ARE PROVIDED, THAT PLAN REVIEW SERVICES ARE PROVIDED, AND THAT TIMELY FIELD INSPECTION SERVICES WILL BE PROVIDED. THE DIRECTOR SHALL SEEK ADDITIONAL INFORMATION IF THE DIRECTOR CONSIDERS IT NECESSARY. THE COMMISSION SHALL RENDER A DECISION ON THE APPLICATION FOR APPROVAL TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE AND TRANSMIT ITS FINDINGS TO THE GOVERNMENTAL SUBDIVISION WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION. THE COMMISSION SHALL DOCUMENT ITS REASONS, IF THE COMMISSION DISAPPROVES AN APPLICATION. A GOVERNMENTAL SUBDIVISION THAT RECEIVES A DISAPPROVAL MAY RESUBMIT ITS APPLICATION FOR APPROVAL. UPON RECEIPT OF APPROVAL FROM THE

COMMISSION FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE, THE GOVERNMENTAL SUBDIVISION SHALL ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN ITS JURISDICTION PURSUANT TO THE PROVISIONS OF THIS ACT AND THE APPLICATION.

(7) A GOVERNMENTAL SUBDIVISION THAT ELECTS TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN ITS JURISDICTION BY THE ADOPTION OF AN ORDINANCE MAY RESCIND THAT ORDINANCE AND TRANSFER THE RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE TO THE DIRECTOR. THE DIRECTOR SHALL ASSUME THE RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE IN THAT GOVERNMENTAL SUBDIVISION, UNLESS THE COUNTY WITHIN WHICH THAT GOVERNMENTAL SUBDIVISION IS LOCATED HAS SUBMITTED A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THE CODE. HOWEVER, THAT ACTION SHALL NOT TAKE EFFECT UNTIL 12 MONTHS AFTER THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A STRUCTURE COMMENCED UNDER AN EFFECTIVE CODE SHALL BE COMPLETED UNDER THAT CODE.

(8) THE DIRECTOR IS RESPONSIBLE FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE FOR BUILDINGS AND STRUCTURES THAT ARE NOT UNDER THE RESPONSIBILITY OF AN ENFORCING AGENCY IN THOSE GOVERNMENTAL SUBDIVISIONS THAT ELECT TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE. A BUILDING OR STRUCTURE OWNED BY THE STATE SHALL NOT BE ERECTED, REMODELED, OR RECONSTRUCTED IN THE STATE, EXCEPT SCHOOL BUILDINGS OR FACILITIES OR INSTITUTIONS OF HIGHER EDUCATION AS DESCRIBED IN SECTION 4 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, UNTIL WRITTEN APPROVAL OF THE PLANS AND SPECIFICATIONS HAS BEEN OBTAINED FROM THE BUREAU OF CONSTRUCTION CODES LOCATED WITHIN THE DEPARTMENT INDICATING THAT THE STATE OWNED FACILITIES SHALL BE DESIGNED AND CONSTRUCTED IN CONFORMANCE WITH THE STATE CONSTRUCTION CODE. THE BUREAU OF CONSTRUCTION CODES SHALL BE THE LEAD AGENCY IN THE COORDINATION AND IMPLEMENTATION OF THIS SUBSECTION. THE BUREAU OF CONSTRUCTION CODES SHALL PERFORM REQUIRED PLAN REVIEWS AND INSPECTIONS AS REQUIRED BY THE STATE CONSTRUCTION CODE. EACH DEPARTMENT SHALL SECURE REQUIRED PLAN APPROVALS AND PERMITS FROM THE BUREAU. FEES CHARGED BY THE BUREAU FOR PERMITS SHALL BE IN ACCORDANCE WITH THE COMMISSION'S APPROVED SCHEDULE OF FEES. STATE DEPARTMENTS AND INSTITUTIONS MAY ALLOW LOCAL INSPECTORS TO INSPECT THE CONSTRUCTION OF STATE OWNED FACILITIES. HOWEVER, AN INSPECTION CONDUCTED BY A LOCAL INSPECTOR SHALL BE OF AN ADVISORY NATURE ONLY.

(9) THIS SECTION DOES NOT AFFECT THE RESPONSIBILITIES OF THE COMMISSION FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT UNDER OTHER SECTIONS OF THIS ACT, OR RESPONSIBILITIES UNDER THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1 TO 29.34, EXCEPT SECTIONS 6 AND 7 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.6 AND 29.7; 1937 PA 306, MCL 388.851 TO 388.855A; THE FIRE FIGHTERS TRAINING COUNCIL ACT OF 1966, 1966 PA 291, MCL 29.361 TO 29.377; 1942 (1ST EX SESS) PA 9, MCL 419.201 TO 419.205; PARTS 215 AND 217 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.21501 TO 333.21799E; AND SECTION 58 OF THE SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.58.

(10) PURSUANT TO PARTS 215 AND 217 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.21501 TO 333.21799E, THE DIRECTOR SHALL DEVELOP CONSISTENT CONSTRUCTION STANDARDS FOR HOSPITALS AND NURSING HOMES. THESE STANDARDS SHALL ENSURE THAT CONSISTENT, UNIFORM, AND EQUITABLE CONSTRUCTION REQUIREMENTS AND STATE SUPERVISION OF THE REQUIREMENTS ARE ACHIEVED. THIS SUBSECTION DOES NOT PRECLUDE A STATE AGENCY OR A GOVERNMENTAL SUBDIVISION FROM CONDUCTING PLAN REVIEWS OR INSPECTIONS NECESSARY TO ENSURE COMPLIANCE WITH APPROVED CONSTRUCTION PLANS.

(11) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THIS ACT DOES NOT LIMIT OR RESTRICT EXISTING POWERS OR AUTHORITY OF GOVERNMENTAL SUBDIVISIONS, AND THIS ACT SHALL BE ENFORCED BY GOVERNMENTAL SUBDIVISIONS IN THE MANNER PRESCRIBED BY LOCAL LAW OR ORDINANCE. TO THE EXTENT NOT INCONSISTENT WITH THIS ACT, LOCAL LAWS AND ORDINANCES RELATING TO ADMINISTRATION AND ENFORCEMENT OF CONSTRUCTION REGULATIONS ENACTED BEFORE THE EFFECTIVE DATE OF THE CODE BY OR FOR A GOVERNMENTAL SUBDIVISION ARE APPLICABLE TO ADMINISTRATION AND ENFORCEMENT OF THE CODE IN THAT GOVERNMENTAL SUBDIVISION.

SEC. 9B. (1) THE DIRECTOR, AS PRESCRIBED IN THIS SECTION, MAY CONDUCT A PERFORMANCE EVALUATION OF AN ENFORCING AGENCY TO ASSURE THAT THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE IS BEING DONE PURSUANT TO EITHER SECTION 8A OR 8B. A PERFORMANCE EVALUATION MAY ONLY BE CONDUCTED EITHER AT THE REQUEST OF THE LOCAL ENFORCING AGENCY OR UPON THE RECEIPT OF A WRITTEN COMPLAINT. IF A PERFORMANCE

EVALUATION IS TO BE CONDUCTED UPON THE RECEIPT OF A WRITTEN COMPLAINT, THE DIRECTOR SHALL FIRST REFER THE WRITTEN COMPLAINT TO THE AFFECTED ENFORCING AGENCY REQUESTING A WRITTEN RESPONSE WITHIN 10 DAYS. IF THE LOCAL ENFORCING AGENCY FAILS TO PROVIDE A WRITTEN RESPONSE, OR IF THE RESPONSE IS CONSIDERED INADEQUATE, THE DIRECTOR SHALL CONSULT WITH THE COMMISSION AND REQUEST APPROVAL TO CONDUCT THE PERFORMANCE EVALUATION. THE DIRECTOR SHALL SUBMIT A WRITTEN RECOMMENDATION TO THE COMMISSION AND SHALL SEND A COPY TO THE AFFECTED ENFORCING AGENCY, ALONG WITH A REASONABLE NOTICE OF THE COMMISSION MEETING AT WHICH THE RECOMMENDATION WILL BE PRESENTED. THE DECISION OF THE COMMISSION TO PROCEED WITH A PERFORMANCE EVALUATION SHALL BE MADE AT A PUBLIC MEETING. THIS DECISION SHALL BE MAILED TO THE ENFORCING AGENCY 10 DAYS IN ADVANCE OF CONDUCTING THE PERFORMANCE EVALUATION.

(2) WHEN CONDUCTING A PERFORMANCE EVALUATION OF AN ENFORCING AGENCY, THE DIRECTOR MAY REQUEST THAT THE LOCAL ENFORCING AGENCY ACCOMPANY THE DIRECTOR OR OTHER STATE INSPECTORS ON INSPECTIONS. THE INSPECTIONS SHALL BE FOR THE ENFORCEMENT OF THIS ACT AND THE CODE. THE ENFORCING AGENCY SHALL MAINTAIN ALL OFFICIAL RECORDS AND DOCUMENTS RELATING TO APPLICATIONS FOR PERMITS, INSPECTION RECORDS INCLUDING CORRECTION NOTICES, ORDERS TO STOP CONSTRUCTION, AND CERTIFICATES OF USE AND OCCUPANCY. THE ENFORCING AGENCY SHALL MAKE AVAILABLE FOR REVIEW ALL OFFICIAL RECORDS BETWEEN 8 A.M. AND 5 P.M. ON BUSINESS DAYS.

(3) UPON COMPLETION OF A PERFORMANCE EVALUATION, THE DIRECTOR SHALL REPORT THE FINDINGS AND ANY RECOMMENDATIONS TO THE COMMISSION AND THE LOCAL ENFORCING AGENCY. THE COMMISSION MAY ISSUE A NOTICE OF INTENT TO WITHDRAW THE RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE FROM A GOVERNMENTAL SUBDIVISION AFTER RECEIVING THE RESULTS OF A PERFORMANCE EVALUATION. THE NOTICE SHALL INCLUDE THE RIGHT TO APPEAL WITHIN 30 BUSINESS DAYS AFTER RECEIPT OF THE NOTICE OF INTENT TO WITHDRAW THE RESPONSIBILITY. THE NOTICE SHALL ALSO INCLUDE THE FINDINGS OF THE DIRECTOR, AFTER COMPLETION OF A PERFORMANCE EVALUATION, THAT THE ENFORCING AGENCY OF THAT GOVERNMENTAL SUBDIVISION HAS FAILED TO FOLLOW THE DUTIES RECOGNIZED UNDER THIS ACT, THE CODE, OR ITS ORDINANCE. FAILURE BY THE ENFORCING AGENCY OR THE CHIEF ELECTED OFFICIAL OF THAT GOVERNMENTAL SUBDIVISION TO REQUEST A HEARING WITHIN 30 BUSINESS DAYS AFTER RECEIPT OF THE NOTICE OF INTENT TO WITHDRAW THE RESPONSIBILITY SHALL BE CONSIDERED TO EXHAUST THE ENFORCING AGENCY'S ADMINISTRATIVE REMEDIES AND THE NOTICE SHALL BE CONSIDERED A FINAL ORDER OF THE COMMISSION UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. THE DIRECTOR SHALL ASSUME RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE, UNLESS THE COUNTY WITHIN WHICH THAT GOVERNMENTAL SUBDIVISION IS LOCATED HAS SUBMITTED A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE, WHEN THE NOTICE IS CONSIDERED A FINAL ORDER OF THE COMMISSION. A STRUCTURE COMMENCED UNDER AN EFFECTIVE CODE SHALL BE COMPLETED UNDER THAT CODE.

(4) IF AN ENFORCING AGENCY OR THE CHIEF ELECTED OFFICIAL OF THE GOVERNMENTAL SUBDIVISION TRANSMITS AN APPEAL OF THE NOTICE OF INTENT TO WITHDRAW THE RESPONSIBILITY ISSUED UNDER SUBSECTION (3), THE COMMISSION CHAIRPERSON SHALL REQUEST APPOINTMENT OF A HEARINGS OFFICER. THE HEARINGS OFFICER SHALL CONDUCT A HEARING OF THE APPEAL PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, AND ISSUE A PROPOSED DECISION WHICH SHALL BE SENT TO THE AFFECTED PARTIES. THE PROPOSED DECISION SHALL BECOME THE FINAL ORDER ISSUED BY THE COMMISSION, UNLESS EXCEPTIONS ARE FILED BY A PARTY WITHIN 30 DAYS AFTER RECEIPT OF THE PROPOSED DECISION. THE COMMISSION SHALL REVIEW THE PROPOSED DECISION WHEN EXCEPTIONS ARE FILED.

(5) THE COMMISSION IN REVIEWING A PROPOSED DECISION MAY AFFIRM, MODIFY, REVERSE, OR REMAND THE PROPOSED DECISION. WHEN THE COMMISSION AFFIRMS, MODIFIES, REVERSES, OR REMANDS A PROPOSED DECISION, THE DECISION OF THE COMMISSION SHALL BE IN WRITING AND CONTAIN THE FINDINGS OF FACT AND CONCLUSIONS OF LAW UPON WHICH ITS DECISION IS BASED. OTHER THAN IN A CASE OF REMAND, THE PERIOD FOR SEEKING JUDICIAL REVIEW OF THE COMMISSION'S DECISION UNDER SECTION 104 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.304, SHALL BEGIN TO RUN UPON RECEIPT BY THE PARTIES OF THE COMMISSION'S WRITTEN DECISION.

Sec. 10. (1) Except as otherwise provided in the code, before construction of a building or structure, the owner, or the owner's builder, architect, engineer, or agent, shall submit an application in writing to the appropriate enforcing agency for a building permit. The application shall be on a form prescribed by the commission and shall be

accompanied by payment of the fee established by the enforcing agency. The application shall contain a detailed statement in writing, verified by affidavit of the person making it, of the specifications for the building or structure, and full and complete copies of the plans drawn to scale of the proposed work. A site plan showing the dimensions, and the location of the proposed building or structure and other buildings or structures on the same premises, shall be submitted with the application. The application shall state in full the name and residence, by street and number, of the owner in fee of the premises on which the building or structure will be constructed, and the purposes for which it will be used.

(2) If construction is proposed to be undertaken by a person other than the owner of the land in fee, the statement shall contain the full name and residence, by street and number, of the owner and also of the person proposing the construction. The affidavit shall state that the specifications and plans are true and complete and contain a correct description of the building or structure, lot, and proposed work. The statements and affidavits may be made by an owner, or the owner's attorney, agent, engineer, architect, or builder, by the person who proposes to make the construction or alteration, or by that person's agent, engineer, architect, or builder. A person shall not be recognized as the agent, attorney, engineer, architect, or builder of another person unless the person files with the enforcing agency a written instrument, which shall be an architectural, engineering or construction contract, power of attorney, or letter of authorization signed by that other person designating the person as the agent, attorney, architect, engineer, or builder and, in case of a residential builder or maintenance and alteration contractor, architect, or engineer, setting forth the person's license number and the expiration date of the license.

(3) A person licensed or required to be licensed as a residential builder or residential maintenance and alteration contractor under the occupational code, ~~Act No. 299 of the Public Acts of 1980, being sections 339.101 to 339.2721 of the Michigan Compiled Laws 1980 PA 299, MCL 339.101 TO 339.2721~~, a master or journeyman plumber pursuant to ~~Act No. 266 of the Public Acts of 1929, being sections 338.901 to 338.917 of the Michigan Compiled Laws 1929 PA 266, MCL 338.901 TO 338.917~~, an electrical contractor or master or journeyman electrician pursuant to the electrical administrative act, ~~Act No. 217 of the Public Acts of 1956, being sections 338.881 to 338.892 of the Michigan Compiled Laws 1956 PA 217, MCL 338.881 TO 338.892~~, or pursuant to a local ordinance, or as a mechanical contractor pursuant to the forbes mechanical contractors act, ~~Act No. 192 of the Public Acts of 1984, being sections 338.971 to 338.988 of the Michigan Compiled Laws 1984 PA 192, MCL 338.971 TO 338.988~~, who applies for a building permit to perform work on a residential building or a residential structure shall, in addition to any other information required pursuant to this act, provide on the building permit application all of the following information:

(a) The occupational license number of the applicant and the expiration date of the occupational license.

(b) One of the following:

(i) The name of each carrier providing worker's disability compensation insurance to the applicant if the applicant is required to be insured pursuant to the worker's disability compensation act of 1969, ~~Act No. 317 of the Public Acts of 1969, being sections 418.101 to 418.941 of the Michigan Compiled Laws 1969 PA 317, MCL 418.101 TO 418.941~~.

(ii) The reasons for exemption from the requirement to be insured pursuant to ~~Act No. 317 of the Public Acts of 1969~~, if the applicant is not required to be insured pursuant to ~~Act No. 317 of the Public Acts of 1969~~ UNDER THE WORKER'S DISABILITY COMPENSATION ACT OF 1969, 1969 PA 317, MCL 418.101 TO 418.941.

(c) One of the following:

(i) The employer identification number, if the applicant is required to have an employer identification number pursuant to section 6109 of the internal revenue code.

(ii) The reasons for exemption from the requirement to have an employer identification number pursuant to section 6109 of the internal revenue code if the applicant is not required to have an employer identification number pursuant to section 6109 of the internal revenue code.

(d) One of the following:

(i) The Michigan employment security commission employer number, if the applicant is required to make contributions pursuant to the Michigan employment security act, ~~Act No. 1 of the Public Acts of the extra session of 1936, being sections 421.1 to 421.73 of the Michigan Compiled Laws 1936 (EX SESS) PA 1, MCL 421.1 TO 421.75~~.

(ii) If the applicant is not required to make contributions, the reasons for exemptions from the requirement to make contributions pursuant to ~~Act No. 1 of the Public Acts of the extra session of 1936~~ UNDER THE MICHIGAN EMPLOYMENT SECURITY ACT, 1936 (EX SESS) PA 1, MCL 421.1 TO 421.75.

(4) The building permit application form shall contain the following statement in 8-point boldfaced type immediately above the location for the applicant's signature:

"Section 23a of the state construction code act of 1972, ~~Act No. 230 of the Public Acts of 1972, being section 125.1523a of the Michigan Compiled Laws 1972 PA 230, MCL 125.1523A~~, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines."

(5) The application for a building permit shall be filed with the enforcing agency and the application and any other writing prepared, owned, used, in the possession of, or retained by the enforcing agency in the performance of an

official function shall be made available to the public in compliance with the freedom of information act, ~~Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws 1976 PA 442, MCL 15.231 TO 15.246.~~ An application shall not be removed from the custody of the enforcing agency after a building permit has been issued.

(6) This section shall be construed to allow the imposition of requirements in the code, or in other laws or ordinances, for additional permits for particular kinds of work, including plumbing and electrical, or in other specified situations. The requirements of the code may provide for issuance of construction permits for certain of the systems of a structure and allow construction to commence on those systems approved under that permit even though the design and approval of all the systems of the structure have not been completed and subsequent construction permits have not been issued.

(7) Notwithstanding this section, a building permit is not required for ordinary repairs of a building and structure.

(8) NOTWITHSTANDING THIS SECTION, A BUILDING PERMIT IS NOT REQUIRED FOR A BUILDING INCIDENTAL TO THE USE FOR AGRICULTURAL PURPOSES OF THE LAND ON WHICH THE BUILDING IS LOCATED IF IT IS NOT USED IN THE BUSINESS OF RETAIL TRADE.

SEC. 13D. (1) NOTWITHSTANDING ANY PROVISION IN THIS ACT AND UNTIL THE PROMULGATION OF THE COMPLETE BUILDING CODE UPDATE AFTER OCTOBER 15, 1999, A GOVERNMENTAL SUBDIVISION SHALL NOT ENFORCE A REQUIREMENT FOR STAIRWELL GEOMETRY IN OCCUPANCIES IN USE GROUP R-3 STRUCTURES AND WITHIN DWELLING UNITS IN OCCUPANCIES IN USE GROUP R-2 STRUCTURES THAT DIFFERS FROM THE STAIRWELL GEOMETRY DESCRIBED IN THIS SECTION.

(2) AS USED IN THIS SECTION:

(A) "STAIRWELL GEOMETRY" REFERS TO THE CONFIGURATION OF A STAIRWELL OF A BUILDING IN WHICH THE MAXIMUM RISER HEIGHT IS 8-1/4 INCHES (210 MM), THE MINIMUM TREAD DEPTH IS 9 INCHES (229 MM), AND A 1-INCH (25 MM) NOSING ON STAIRWELLS WITH SOLID RISERS.

(B) "USE GROUP R-2 STRUCTURES" MEANS ALL MULTIPLE-FAMILY DWELLINGS HAVING MORE THAN 2 DWELLING UNITS INCLUDING, BUT NOT LIMITED TO, BOARDING HOUSES AND SIMILAR BUILDINGS ARRANGED FOR SHELTER AND SLEEPING ACCOMMODATIONS IN WHICH THE OCCUPANTS ARE PRIMARILY NOT TRANSIENT IN NATURE AND DORMITORY FACILITIES THAT ACCOMMODATE MORE THAN 5 PERSONS OVER 2-1/2 YEARS OF AGE.

(C) "USE GROUP R-3 STRUCTURES" MEANS ALL BUILDINGS ARRANGED FOR OCCUPANCY AS 1-FAMILY OR 2-FAMILY DWELLING UNITS INCLUDING, BUT NOT LIMITED TO, NOT MORE THAN 5 LODGERS OR BOARDERS PER FAMILY; MULTIPLE SINGLE-FAMILY DWELLINGS WHERE EACH UNIT HAS AN INDEPENDENT MEANS OF EGRESS AND IS SEPARATED BY A 2-HOUR FIRE SEPARATION ASSEMBLY; AND A CHILD CARE FACILITY THAT ACCOMMODATES 5 OR LESS CHILDREN OF ANY AGE.

Sec. 22. (1) The legislative body of a governmental subdivision shall establish reasonable fees to be charged by the governmental subdivision for acts and services performed by the enforcing agency or construction board of appeals ~~pursuant to~~ UNDER this act, which fees shall be intended to bear a reasonable relation to the cost, including overhead, to the governmental subdivision of the acts and services, including, without limitation, those services and acts as, in case of an enforcing agency, issuance of building permits, examination of plans and specifications, inspection of construction undertaken pursuant to a building permit, and the issuance of certificates of use and occupancy, and, in case of a board of appeals, hearing appeals in accordance with this act. The enforcing agency shall collect the fees established under this subsection. THE LEGISLATIVE BODY OF A GOVERNMENTAL SUBDIVISION SHALL ONLY USE FEES GENERATED UNDER THIS SECTION FOR THE OPERATION OF THE ENFORCING AGENCY OR THE CONSTRUCTION BOARD OF APPEALS, OR BOTH, AND SHALL NOT USE THE FEES FOR ANY OTHER PURPOSE.

(2) To accomplish the objectives of this section and this act, a state construction code fund is created. The director, ~~of labor,~~ after approval by the commission and following a public hearing held by the commission, shall establish reasonable fees to be charged by the commission for acts and services performed by the commission including, without limitation, inspection of plans and specifications, issuance of certificates of acceptability, testing and evaluation of new products, methods and processes of construction or alteration, issuance of building permits, inspection of construction undertaken pursuant to a building permit, the issuance of certificates of use and occupancy, and hearing of appeals. Fees established by the department shall be intended to bear a reasonable relation to the cost, including overhead, of the service or act. Until the director ~~of labor~~ establishes fees pursuant to this act, the fees established pursuant to this subsection shall remain in effect. The state treasurer shall be the custodian of the fund and may invest the surplus of the fund in investments as in the state treasurer's judgment are in the best interest of the fund. Earnings from those investments shall be credited to the fund. The state treasurer shall notify the director and the legislature of interest credited and the balance of the fund as of September 30 of each year. The director shall supervise and administer the fund. Fees received by the department and money collected under this act shall be deposited in the state construction code fund and shall be appropriated by the legislature for the operation of the bureau of construction codes, and indirect overhead expenses in the department. ~~However, this restricted fund shall not be appropriated for~~

~~the bureau of construction code's performance evaluation program and complaint investigation program. The performance evaluation program and complaint investigations mandated in this act shall be funded by appropriations from the general fund. Funds which~~ THAT are unexpended at the end of each fiscal year shall be returned to the state construction code fund. A self-supporting fund shall be established within the commission to provide for the purchase and sale of codes and standards to the general public.

Enacting section 1. The title and sections 2a, 3a, 8a, 8b, and 9b of the state construction code act of 1972, 1972 PA 230, the title as amended and sections 2a, 3a, 8a, 8b, and 9b as added by this amendatory act, are effective upon enactment but apply only to 1 or more of the following codes only upon the effective date of the particular code update promulgated after October 15, 1999:

- (a) The plumbing code, R 408.30701 to 408.30796 of the Michigan administrative code.
- (b) The electrical code, R 408.30801 to 408.30873 of the Michigan administrative code.
- (c) The mechanical code, R 408.30901a to 408.30995a of the Michigan administrative code.
- (d) The building code, R 408.30401 to 408.30499 of the Michigan administrative code.

Enacting section 2. The title and sections 2, 3, 8, 9, and 9a of the state construction code act of 1972, 1972 PA 230, MCL 125.1502, 125.1503, 125.1508, 125.1509, and 125.1509a, the title and sections 2 and 8 as amended by this amendatory act, apply to 1 or more of the following codes until the rules for the code update promulgated after October 15, 1999 for the specific code become effective, at which time each section does not apply to the particular code. Sections 2, 3, 8, 9, and 9a of the state construction code act of 1972, 1972 PA 230, MCL 125.1502, 125.1503, 125.1508, 125.1509, and 125.1509a, are repealed on the effective date of the last of the rules updating the following codes promulgated after October 15, 1999:

- (a) The plumbing code, R 408.30701 to 408.30796 of the Michigan administrative code.
- (b) The electrical code, R 408.30801 to 408.30873 of the Michigan administrative code.
- (c) The mechanical code, R 408.30901a to 408.30995a of the Michigan administrative code.
- (d) The building code, R 408.30401 to 408.30499 of the Michigan administrative code.

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

A bill to amend 1972 PA 230, entitled "An act to create a construction code commission and prescribe its functions; to authorize the commission to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide that governmental subdivisions may with exceptions elect not to be subject to certain parts of the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish remedies and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation," by amending the title and sections 1, 2, 4, 7, 8, 10, and 22 (MCL 125.1501, 125.1502, 125.1504, 125.1507, 125.1508, 125.1510, and 125.1522), the title and section 4 as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

Thaddeus G. McCotter  
Leon Stille  
Conferees for the Senate

Gene DeRossett  
Sue Rocca  
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,  
Senator Rogers moved that the rule be suspended.  
The motion prevailed.

The question being on the adoption of the conference report,  
The first conference report was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 622**

**Yeas—20**

Bennett	Goschka	McManus	Shugars
Bullard	Gougeon	North	Sikkema
DeGrow	Hammerstrom	Rogers	Steil

Dunaskiss  
Gast

Johnson  
McCotter

Schuette  
Schwarz

Stille  
Van Regenmorter

**Nays—15**

Byrum  
Cherry  
DeBeaussaert  
Dingell

Emerson  
Hart  
Jaye  
Koivisto

Leland  
Miller  
Peters  
Smith, A.

Smith, V.  
Vaughn  
Young

**Excused—3**

Emmons

Hoffman

Murphy

**Not Voting—0**

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Rogers moved that the Committee on Local, Urban and State Affairs be discharged from further consideration of the following bill:

**Senate Bill No. 523, entitled**

A bill to authorize the department of natural resources to convey certain state owned property in Otsego county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

**Senate Bill No. 523**

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

The following communication was received and read:  
Office of the Senate Majority Leader

December 2, 1999

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the Conference Committee on Senate Bill 198:

Senator Dan L. DeGrow (Chair)  
Senator Loren Bennett  
Senator Virgil Smith

Sincerely,  
Dan L. DeGrow  
Senate Majority Leader

This communication was referred to the Secretary for record.

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

The following bill was read a third time:

**Senate Bill No. 523, entitled**

A bill to authorize the department of natural resources to convey certain state owned property in Otsego county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 623**

**Yeas—35**

Bennett	Gast	McCotter	Sikkema
Bullard	Goschka	McManus	Smith, A.
Byrum	Gougeon	Miller	Smith, V.
Cherry	Hammerstrom	North	Steil
DeBeaussaert	Hart	Peters	Stille
DeGrow	Jaye	Rogers	Van Regenmorter
Dingell	Johnson	Schuette	Vaughn
Dunaskiss	Koivisto	Schwarz	Young
Emerson	Leland	Shugars	

**Nays—0**

**Excused—3**

Emmons	Hoffman	Murphy
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of  
**Statements**

Senators Van Regenmorter, Vaughn, Jaye and Goschka asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Van Regenmorter’s statement is as follows:

Earlier, following the vote on Senate Bill No. 605, judicial retirement, the Senator from the 12th District exercised his constitutional right to give a “no” vote explanation. I respect that right, but I think it is important to understand that much of the description of the court process that he used in his “no” vote explanation really was directed at the appeals court and the Michigan Supreme Court. Senate Bill No. 605 deals with neither of them. Senate Bill No. 605 only addresses judges in the trial courts in the state of Michigan.

Senator Vaughn's statement is as follows:

Mr. President, all of you this morning received a present from the Lewis College of Business. This afternoon they are having a reception for all of us, and we urge you to attend.

Secondly, the President, Ms. Marjorie Harris, has invited all of you, and I urge you to attend that affair. They are great supporters of all of you, and they were kind of enough to give all of you a present, both the entire Senate and the House.

Senator Jaye's statement is as follows:

I wanted to make an extra effort to recognize the efforts by the chairman of the Judiciary Committee and the Senate Majority Leader on improving Senate Bill No. 605 from the taxpayer giveaway that was negotiated by the executive branch and these judges. It was much more of a costly bill; it was much more of a sweetener bill. It was much more of a taxpayer ripoff until these two individuals got their hands on it, so I want to make sure that they got the recognition for being able to slam shut several upstairs doors to the taxpayers' home from the clutches of these judges trying to line their own nests.

My attempts are trying, however, to stop at the front porch. To lock these folks out, these overpaid judges, at the front porch from getting in and enhancing their pension benefits after the fact, would also then still allow the class action lawsuits on behalf of the other state employees. The issue again of the 7 percent being paid out of the surplus judicial retirement fund, which has got over \$52 million in a surplus, and the issue of getting a new special tax break of the medical benefit administrative account fund, are still new perks for the judges. However, about 80 percent or more of these giveaways were taken away by the negotiations and hard and prudent work on behalf of the taxpayers of the Majority Leader and the Judiciary Committee chairman. I wanted to make sure that their efforts are recognized.

Senator Goschka moved the following written statements be printed in the Journal.

The motion prevailed.

Senator Goschka's first statement is as follows:

Mr. President and members of the Senate, it is my distinct pleasure to have the honor of representing Saginaw High School and the Michigan High School Athletic Association Division 2 State Champion Saginaw High School Trojans football team. These young men gave several thrills to their loyal fans each and every time they graced the football field, and they capped the entire season by capturing the State Championship! This is the first State Championship that has ever been won by a Saginaw High School football team, and we are most proud of their accomplishment!

The Trojans of Saginaw High School won the State Championship by defeating a very formidable opponent, Birmingham Brother Rice, by the score of 14-7. Indeed, the Trojans were involved in a most difficult struggle of good football and sportsmanship throughout the hard fought contest, but they never lost sight of their team goal and they brought home the State Championship!

The teams that Saginaw played against en route to their 12-2 season, as well as the scores, are as follows: Monroe, 34-6; Bay City Western, 45-0; Flint Central, 40-18; Midland, 6-27; Saginaw Heritage, 12-35; Flint Northern, 32-0; Bay City Central, 35-0; Flint Southwestern, 55-6; Saginaw Arthur Hill, 44-0; Muskegon Reeths-Puffer, 44-13; Saginaw Heritage, 20-0; Hudsonville, 26-7; East Lansing, 16-9, and Birmingham Brother Rice, 14-7. Indeed, at one time, this team had a record of 3-2, but overcame the early losses and melded together to finish the rest of the season undefeated. Also, they came back in the playoffs and defeated one of the teams that had defeated them earlier in the year.

The names of the individuals the will be forever connected to this wonderful State Championship team and its magical season are as follows: Head Coach Donald Durrett; Assistant Coaches Brian Conover, John Engel and Jim Geary; Players Anthony Baker (#1), Brandon Cork (#2), Kirk Carruth (#10), Jason Riley (#13), Anthony Roberson (#15), Anthony Ware (#18), Aaron Cooper (#20), Terry Jackson (#21), Charles Rogers (#22), Jerome Jackson (#25), Ronnie Bryant (#26), Jeremiah McLaurin (#29), Moses Holmes (#30), Rashad Davis (#34), DeAndre Clement (#42), Ronald Stanley (#44), Clifford Calhoun (#45), Otis Washington (#48), Ira Jackson (#49), Demontrial Williamson (#52), Craig Boyle (#54), Antwann Robinson (#55), Lamarr Woodley (#56), Dan Davis (#57), Terry Bracken II (#60), Anthony Rogers (#65), Jamel Dillard (#66), Michael Reedy (#68), Tim Gray (#70), Tory Humphrey (#72), Cliff Davis (#74), Andre White (#77), Seddrick Brown (#79), Samuel Johnson (#81), Jerrad Humes (#84), Roy Manning (#85), and Marcel Dillard (#86); Trainer Rob Ueberroth; Statistician Gary Martin; Cameraperson Pamela Evans; Ball Boys Andrew Conover and Josh Washington; and Mascot Judy Smith (#62).

One individual who was not able to be present with this great team, but who has been on the minds and hearts of everyone, is Daniel Smothers, a former teammate who was tragically shot and killed on January 6 of this year. Daniel Smothers was a gifted athlete and a friend to each member of this team, and he would be proud of the wonderful accomplishments of the 1999 State Champion Saginaw High Trojans.

The Trojans of Saginaw High School deserve our respect and praise. They have brought great honor to their school and city, and we, the Michigan Legislature, honor them. Go Trojans! Go Black and Gold!

Senator Goschka's second statement is as follows:

Mr. President and members of the Senate, it is my distinct pleasure to have the honor of representing St. Charles High School and the Michigan High School Athletic Association Division 6 State Champion St. Charles Bulldogs (Dawgs) Football Team. These young men gave several thrills to their loyal fans each and every time they graced the football field, and they capped the entire season by going undefeated with a 14-0 record and winning the State Championship! St. Charles High School had the good fortune of winning two other state football titles, in 1935 and 1963, but this is the first time that they made the State Playoffs—and they went all the way to the State Championship!

The “Dawgs” of St. Charles High School won the State Championship by defeating a very formidable opponent, Hopkins, by the score of 21-14. Indeed, the Big Red of St. Charles were involved in a most difficult struggle of good football and sportsmanship throughout the hard-fought contest, but they never lost sight of their team goal, and they brought home the State Championship!

The teams that St. Charles played against en route to their undefeated 14-0 season, as well as the scores, are as follows: Ithaca, 14-0; Hemlock, 57-8; Merrill, 60-17; Swan Valley, 28-0; Michigan Lutheran Seminary, 36-6; Freeland, 35-0; Midland Bullock Creek, 42-6; Carrollton, 60-8; Birch Run, 47-11; Freeland, 49-7; Unionville-Sebewaing (USA), 36-16; Carson City-Crystal, 41-12; Gwinn, 40-12; and Hopkins, 21-14.

The names of the individuals that will be forever connected to this wonderful, undefeated 14-0 team and its magical season are as follows: Head Coach Robert Welzein; Assistant Coaches Jim Mroz, Pat Rusz, Larry Mishler, Roger Henninger, Roger Delemeester, Bill Wood and Jim Swartzendruber; Players Ryan Griffus (#5), Pat Mishler (#12), Neil Turner (#16), Kyle Marietta (#20), Scott Wicke (#21), Ryan Williams (#23), Andy Bolf (#24), Keith Dombrowski (#25), Tom Kermer (#30), Jason Dinninger (#32), Nate Trier (#33), Jared Duquette (#35), Ed Tithof (#40), Andy Fisk (#44), Eric Rehmann (#50), Rob Anthony (#51), Seth McKillop (#52), Brandon Revell (#53), Brian Mead (#54), Pat Wilding (#55), Mike Reinke (#60), Aaron Louchart (#62), J.J. Goidosik (#66), Andy Heister (#70), Jon Unger (#71), Jake Wood (#72), Gavin Lynch (#75), Sean Gustavison (#76), Josh Hafner (#77), and Adam Turner (#80); Trainer Tricia Douglas; and Manager Emily Swartzendruber.

The “Dawgs” of St. Charles High School deserve our respect and praise. They have brought great honor to their school, and we, the Michigan Legislature, honor them. Go Dawgs! Go Big Red!

By unanimous consent the Senate returned to the order of

#### **Introduction and Referral of Bills**

Senator Sikkema introduced

#### **Senate Bill No. 906, entitled**

A bill to amend 1974 PA 300, entitled “Motor vehicle service and repair act,” by amending section 4 (MCL 257.1304), as amended by 1980 PA 151.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

#### **House Bill No. 4335, entitled**

A bill to amend 1967 PA 150, entitled “Michigan military act,” by amending section 411 (MCL 32.811), as amended by 1996 PA 497.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

#### **House Bill No. 4592, entitled**

A bill to amend 1941 PA 207, entitled “Fire prevention code,” by amending section 7 (MCL 29.7).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

#### **House Bill No. 4651, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5501 (MCL 324.5501), as amended by 1998 PA 245, and by adding section 5503a.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

**House Bill No. 5028, entitled**

A bill to designate the part of highway I-75 located in Monroe county as the "Medal of Honor Recipient and American Legion Memorial Highway"; and to prescribe certain duties of the state transportation department.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**Committee Reports**

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4280, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503c.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Ken Sikkema  
Chairperson

To Report Out:

Yeas: Senators Sikkema, Peters and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4281, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503b; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Ken Sikkema  
Chairperson

To Report Out:

Yeas: Senators Sikkema, Peters and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4814, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 5534 (MCL 324.5534).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Ken Sikkema  
Chairperson

To Report Out:

Yeas: Senators Sikkema, Peters and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 5053, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43534 (MCL 324.43534), as added by 1995 PA 57.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Ken Sikkema  
Chairperson

## To Report Out:

Yeas: Senators Sikkema, Peters and Young

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:

Meeting held on Tuesday, November 30, 1999, at 2:00 p.m., Room 100, Farnum Building

Present: Senators Sikkema (C), Dunaskiss, Peters and Young

Excused: Senator Gast

The Committee on Judiciary reported

**Senate Bill No. 605, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 701, 702, 705, 706, and 711 (MCL 38.2651, 38.2652, 38.2655, 38.2656, and 38.2661), sections 701 and 702 as amended by 1998 PA 66 and sections 705, 706, and 711 as added by 1996 PA 523.

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

The committee further recommends that the bill be given immediate effect.

William Van Regenmorter  
Chairperson

## To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4708, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529, 2950, and 2950a (MCL 600.2529, 600.2950, and 600.2950a), section 2529 as amended by 1994 PA 403, section 2950 as amended by 1998 PA 477, and section 2950a as amended by 1998 PA 476.

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

## To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4709, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 15, 15a, 15b, 15c, and 15e of chapter IV (MCL 764.15, 764.15a, 764.15b, 764.15c, and 764.15e), section 15 as amended by 1996 PA 490, section 15a as amended by 1996 PA 138, sections 15b and 15c as amended by 1998 PA 475, and section 15e as added by 1993 PA 52.

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

## To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4710, entitled**

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 6 (MCL 28.6), as amended by 1989 PA 10.

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4711, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411 (MCL 750.411).

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4712, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 916 and 2950b (MCL 600.916 and 600.2950b), section 2950b as amended by 1994 PA 403, and by adding section 2950c.

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4713, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 81 and 81a (MCL 750.81 and 750.81a), section 81 as amended by 1994 PA 64 and section 81a as amended by 1994 PA 65.

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4714, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 36 (MCL 791.236), as amended by 1998 PA 315.

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4715, entitled**

A bill to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the department of social services," by amending the title and section 1 (MCL 400.1501).

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4716, entitled**

A bill to amend 1961 PA 44, entitled "An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts," by amending section 2a (MCL 780.582a), as added by 1990 PA 308.

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4718, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1137a.

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

## To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, December 1, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

The Committee on Education reported

**House Bill No. 4959, entitled**

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

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Loren N. Bennett  
Chairperson

## To Report Out:

Yeas: Senators Bennett, Stille and Peters

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Wednesday, December 1, 1999, at 3:00 p.m., Room 810, Farnum Building

Present: Senators Bennett (C), Stille, Peters and Leland

Excused: Senator Emmons

The Committee on Families, Mental Health and Human Services reported

**House Bill No. 4599, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20115 (MCL 333.20115) and by adding section 22224.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Beverly S. Hammerstrom  
Chairperson

## To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Jaye and Hart

Nays: Senators Johnson and Vaughn

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

**House Bill No. 4600, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2835 (MCL 333.2835).

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

The committee further recommends that the bill be given immediate effect.

Beverly S. Hammerstrom  
Chairperson

## To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Jaye and Hart

Nays: Senators Johnson and Vaughn

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

**House Bill No. 4601, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2837. With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Jaye and Hart

Nays: Senators Johnson and Vaughn

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:

Meeting held on Wednesday, December 1, 1999, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Hammerstrom (C), Gougeon, Jaye, Johnson, Hart and Vaughn

Excused: Senator Goschka

The Committee on Appropriations reported

**Senate Bill No. 882, entitled**

A bill to create certain funds; to provide for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Harry Gast  
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 5088, entitled**

A bill to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act.

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

1. Amend page 6, line 27, after "the" by striking out "attorney general" and inserting "department of treasury".

The committee further recommends that the bill be given immediate effect.

Harry Gast  
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The bill and the amendment recommended by the committee were referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Wednesday, December 1, 1999, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Excused: Senators Hoffman and Goschka

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources submits the following:

Meeting held on Tuesday, November 30, 1999, at 8:30 a.m., Senate Appropriations Room, Capitol Building

Present: Senators McManus (C), Gast, DeBeaussaert and Koivisto

Excused: Senator Hoffman

## COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submits the following:

Meeting held on Wednesday, December 1, 1999, at 8:15 a.m., Capitol Access Office, 15th Floor, Comerica Building

Present: Senators McManus (C) and Emerson

Excused: Senator Schwarz

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Joint Capital Outlay submits the following:

Meeting held on Wednesday, December 1, 1999, at 8:45 a.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Gougeon, Johnson, Koivisto, Young and Emerson

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 463 submits the following:

Meeting held on Wednesday, December 1, 1999, at 9:00 a.m., Room 405, Capitol Building

Present: Senators McCotter (C), Stille and Dingell

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 4485 submits the following:

Meeting held on Wednesday, December 1, 1999, at 9:30 a.m., Room 424, Capitol Building

Present: Senators Shugars (C), Schwarz and Murphy

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 4486 submits the following:

Meeting held on Wednesday, December 1, 1999, at 9:30 a.m., Room 424, Capitol Building

Present: Senators Shugars (C), Schwarz and Murphy

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 4487 submits the following:

Meeting held on Wednesday, December 1, 1999, at 9:30 a.m., Room 424, Capitol Building

Present: Senators Shugars (C), Schwarz and Murphy

**Scheduled Meetings**

Appropriations Committee - Tuesday, December 7, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

State Police and Military Affairs Appropriations Subcommittee - Wednesday, December 8, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-2426).

Transportation Appropriations Subcommittee - Tuesday, December 7, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-2426).

Senator Rogers moved that the Senate adjourn.  
The motion prevailed, the time being 1:04 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, December 7, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

