

No. 79  
STATE OF MICHIGAN  
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**House of Representatives**  
90th Legislature  
REGULAR SESSION OF 1999

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House Chamber, Lansing, Tuesday, November 9, 1999.

2:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Mary Ann Middaugh, from the 80th District, offered the following invocation:

“Dear Father, we pause before You a moment today to ask for Your guidance, for Your wisdom, in all our deliberations that we do today. Help us to make good decisions, help us to make fair decisions, and instill in us a bit of Your wisdom. In Your name, we pray. Amen.”

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Rep. Koetje moved that Rep. Toy be excused temporarily from today’s session.  
The motion prevailed.

### Introduction of Bills

Reps. Cameron Brown, Allen, Mead, Birkholz, LaSata, Mortimer, Pumford, Rick Johnson, Shulman, Vear, Ehardt, Cassis and Scranton introduced

**House Bill No. 5105, entitled**

A bill to designate the official children’s book of this state.

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

Reps. Howell, Cassis, Birkholz, Caul, Bishop, Ehardt, Julian and Scranton introduced

**House Bill No. 5106, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 1997 PA 86; and to repeal acts and parts of acts.

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

Reps. Godchaux, Martinez, Schauer, Thomas, Scranton, Brater, Woodward, LaForge, Price, Hansen, Garza, Bogardus, Jacobs, Minore and Stallworth introduced

**House Bill No. 5107, entitled**

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending the title and sections 102, 103, 202, 203, 204, 205, 206, 207, 209, 302, 302a, 402, 502, 504, 505, and 506 (MCL 37.2102, 37.2103, 37.2202, 37.2203, 37.2204, 37.2205, 37.2206, 37.2207, 37.2209, 37.2302, 37.2302a, 37.2402, 37.2502, 37.2504, 37.2505, and 37.2506), the title as amended by 1992 PA 258, sections 102, 103, 502, 504, 505, and 506 as amended by 1992 PA 124, section 202 as amended by 1991 PA 11, section 302a as added by 1992 PA 70, and section 402 as amended by 1993 PA 216.

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

Rep. Law introduced

**House Bill No. 5108, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 504a and 1311h (MCL 380.504a and 380.1311h), section 504a as amended by 1995 PA 289 and section 1311h as added by 1999 PA 23.

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

Rep. Law introduced

**House Bill No. 5109, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 675 (MCL 257.675), as amended by 1999 PA 34.

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

Reps. Kowall, Shackleton, Hale, Pappageorge, Vear, Sheltroun, Hager, Bishop, DeRossett, Gilbert, Garcia, Ehardt, Allen, Richardville and Bisbee introduced

**House Bill No. 5110, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 506 (MCL 206.506), as amended by 1996 PA 484.

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

Reps. Rivet and Callahan introduced

**House Bill No. 5111, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81119 and 82107 (MCL 324.81119 and 324.82107), as added by 1995 PA 58.

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

Reps. Godchaux, Toy, Caul, Garcia, Vander Roest, Middaugh, Switalski, Hager, Woodward, Lockwood, Schauer, Kuipers, Jamnick and Birkholz introduced

**House Bill No. 5112, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending the title and section 613a (MCL 168.613a), the title as amended by 1994 PA 441 and section 613a as amended by 1999 PA 72, and by adding section 613b; and to repeal acts and parts of acts.

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

Reps. Daniels, Hale, Allen, Howell, Richner, Thomas, Vaughn, Reeves, Brater, Martinez, Bogardus, Basham, Neumann, Hardman, Rison, Clark, Garza, Bovin, Clarke, Green, Woronchak, Patterson, Brewer, Julian, DeRossett, Hager, Kowall, Byl, Hart, Mead, Mortimer, Faunce, Shulman, DeWeese, Ruth Johnson, Woodward, Sanborn, Cassis, DeHart, Kilpatrick, Rick Johnson, Quarles, Geiger, Kelly, LaForge, Scranton, Gielegem, Dennis, Mans and O'Neil introduced

**House Bill No. 5113, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1561 and 1596 (MCL 380.1561 and 380.1596), section 1561 as amended by 1996 PA 339.

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

Rep. Callahan introduced

**House Bill No. 5114, entitled**

A bill to require for certain inspections of septic systems.

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

Rep. Brewer introduced

**House Bill No. 5115, entitled**

A bill to prohibit the use of the name of a state agency or a name similar to the name of a state agency without fair compensation; and to provide penalties.

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

Rep. Middaugh introduced

**House Bill No. 5116, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 201 (MCL 484.2201) and by adding section 214.

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

Rep. Middaugh introduced

**House Bill No. 5117, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 304a (MCL 484.2304a), as added by 1995 PA 216.

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

By unanimous consent the House returned to the order of

**Messages from the Governor**

Executive Office, Lansing, November 4, 1999

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48909  
Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled House Bill 4426. This bill would exempt buildings constructed by students in vocational and education programs for nonprofit organizations from the real estate transfer tax.

As you know, the real estate transfer tax is an important source of funding for the state's K-12 school system. The bill is clearly motivated by an interest in supporting student built home construction. While this is a laudable goal, I do not support enactment of a specific tax exemption for this purpose.

To allow this new specific tax exemption to take effect would be to further complicate an already excessively complex tax code while offering only minimal incentive to increase the underlying activity in question—the building of new homes by students. Tax policy is best which is simple and uniform, and which treats similarly situated activities in the same manner. Certain exceptions and credits are appropriate to accomplish important public purposes where the credit or exemption will truly foster the activity in question, and other options are not effective. This proposed exemption meets neither test.

In 1999, we have jointly demonstrated a strong commitment to across-the-board tax relief. I look forward to working with you on such broad-based relief again in the future.

For these reasons, I am returning Enrolled House Bill 4426 without signature.

Sincerely,  
John Engler  
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,

Rep. Raczkowski moved that the bill be re-referred to the Committee on Tax Policy.  
The motion prevailed.

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

The Speaker laid before the House  
**House Bill No. 4656, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as added by 1998 PA 317.

(The bill was received from the Senate on November 4 with substitute (S-1) and full title inserted, consideration of which, under the rules, was postponed until today, see House Journal No. 78, p. 2204.)

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

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

**Roll Call No. 991**

**Yeas—70**

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

**Nays—37**

Baird	Gielegem	Kilpatrick	Schauer
Bogardus	Godchaux	LaForge	Scott

Brater	Hale	Lemmons	Scranton
Brewer	Hanley	Martinez	Stallworth
Cherry	Hansen	Minore	Switalski
Clark, I.	Hardman	Price	Tesanovich
Clarke, H.	Jacobs	Prusi	Thomas
Daniels	Jamnick	Quarles	Vaughn
Dennis	Kelly	Rison	Woodward
Garza			

In The Chair: Scranton

The House agreed to the full title of the bill.

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

### Second Reading of Bills

#### House Bill No. 5008, entitled

A bill to amend 1945 PA 246, entitled “An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act,” by amending sections 1, 4, and 5 (MCL 41.181, 41.184, and 41.185), section 1 as amended by 1994 PA 315, section 4 as amended by 1994 PA 14, and section 5 as added by 1989 PA 78.

The bill was read a second time.

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5008, entitled

A bill to amend 1945 PA 246, entitled “An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act,” by amending sections 1, 4, and 5 (MCL 41.181, 41.184, and 41.185), section 1 as amended by 1994 PA 315, section 4 as amended by 1994 PA 14, and section 5 as added by 1989 PA 78.

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

#### Roll Call No. 992

#### Yeas—102

Allen	Frank	Kowall	Richardville
Baird	Garcia	Kuipers	Richner
Basham	Garza	Kukuk	Rison
Birkholz	Geiger	LaForge	Rivet
Bisbee	Gielegthem	LaSata	Rocca
Bishop	Gilbert	Law	Sanborn
Bogardus	Godchaux	Lockwood	Schauer

Bovin	Gosselin	Mans	Schermesser
Bradstreet	Green	Martinez	Scranton
Brater	Hager	Mead	Shackleton
Brewer	Hale	Middaugh	Sheltrown
Brown, B.	Hanley	Minore	Shulman
Brown, C.	Hansen	Mortimer	Spade
Byl	Hart	Neumann	Stamas
Callahan	Howell	O'Neil	Switalski
Cassis	Jacobs	Pappageorge	Tabor
Caul	Jamnack	Patterson	Tesanovich
Cherry	Jansen	Perricone	Thomas
Clarke, H.	Jelinek	Pestka	Van Woerkom
DeHart	Jellema	Price	Vander Roest
Dennis	Johnson, Rick	Prusi	Vear
DeRossett	Johnson, Ruth	Pumford	Voorhees
DeVuyst	Julian	Quarles	Wojno
DeWeese	Kelly	Raczkowski	Woodward
Ehardt	Kilpatrick	Reeves	Woronchak
Faunce	Koetje		

#### Nays—7

Clark, I.	Hardman	Scott	Vaughn
Daniels	Lemmons	Stallworth	

In The Chair: Scranton

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

#### Second Reading of Bills

##### House Bill No. 5009, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 23 (MCL 78.23), as amended by 1982 PA 373.

The bill was read a second time.

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

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

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

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

By unanimous consent the House returned to the order of

#### Third Reading of Bills

##### House Bill No. 5009, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 23 (MCL 78.23), as amended by 1982 PA 373.

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

#### Roll Call No. 993

#### Yeas—107

Allen	Faunce	Koetje	Richner
Baird	Frank	Kowall	Rison





By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 5016, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 3 (MCL 117.3), as amended by 1993 PA 207.

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

**Roll Call No. 995**

**Yeas—102**

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

**Nays—4**

Lemmons	Scott	Stallworth	Vaughn
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In The Chair: Scranton

The House agreed to the title of the bill.

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

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

**Second Reading of Bills**

**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.

The bill was read a second time.

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

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

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

**House Bill No. 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.

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

**Roll Call No. 996**

**Yeas—108**

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

**Nays—0**

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

**Second Reading of Bills**

**Senate Bill No. 505, entitled**

A bill to amend 1984 PA 387, entitled “State food stamp distribution act,” by amending section 1 (MCL 400.751).  
The bill was read a second time.

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

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

**Senate Bill No. 505, entitled**

A bill to amend 1984 PA 387, entitled "State food stamp distribution act," by amending section 1 (MCL 400.751).  
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 997**

**Yeas—107**

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

**Nays—0**

In The Chair: Scranton

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

"An act to establish a system for distributing food stamps; and to prescribe certain powers and duties of certain state agencies,".

The House agreed to the full title.

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

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

### Second Reading of Bills

#### Senate Bill No. 506, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 60 (MCL 400.60).  
The bill was read a second time.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 506, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 60 (MCL 400.60).

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

#### Roll Call No. 998

#### Yeas—108

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

#### Nays—0

In The Chair: Scranton

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

"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.”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### 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.

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

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

Reps. Schauer and Martinez moved to amend the bill as follows:

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

“Sec. 1. The legislature finds and declares the following:

(a) Cigarette smoking presents serious public health concerns to the state and to the citizens of the state. The surgeon general of the United States has determined that smoking causes lung cancer, heart disease, and other serious diseases and that there are hundreds of thousands of tobacco-related deaths in the United States each year. These diseases most often do not appear until many years after the person in question begins smoking.

(b) Cigarette smoking also presents serious financial concerns for the state. Under certain health care programs, the state may have a legal obligation to provide medical assistance to eligible persons for health conditions associated with cigarette smoking and those persons may have a legal entitlement to receive such medical assistance.

(c) Under these programs, the state pays millions of dollars each year to provide medical assistance for these persons for health conditions associated with cigarette smoking.

(d) It is the policy of the state that financial burdens imposed on the state by cigarette smoking be borne by tobacco product manufacturers rather than by the state to the extent that such manufacturers either determine to enter into a settlement with the state or are found culpable by the courts.

(e) On November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the master settlement agreement, with the state. The master settlement agreement obligates these manufacturers, in return for a release of past, present, and certain future claims against them as described therein, to pay substantial sums to the state, tied in part to their volume of sales; to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking.

(f) It would be contrary to the policy of the state if tobacco product manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that the state will have an eventual source of recovery from them if they are proven to have acted culpably. It is thus in the interest of the state to require that such manufacturers establish a reserve fund to guarantee a source of compensation and to prevent such manufacturers from deriving large, short-term profits and then becoming judgment-proof before liability may arise.” and renumbering the remaining sections.

2. Amend page 3, line 21, after “section” by striking out “2(2)” and inserting “3(2)”.

The question being on the adoption of the amendments offered by Reps. Schauer and Martinez,

Rep. Schauer demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Schauer and Martinez,

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

**Roll Call No. 999****Yeas—52**

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

**Nays—58**

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

In The Chair: Scranton

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

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

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills****House Bill No. 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.

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

**Roll Call No. 1000****Yeas—108**

Allen	Faunce	Koetje	Richardville
Baird	Frank	Kowall	Richner

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

### Nays—0

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 4523, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 33 and 35 (MCL 169.233 and 169.235), section 33 as amended by 1995 PA 264 and section 35 as amended by 1989 PA 95.

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

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4523, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 33 and 35 (MCL 169.233 and 169.235), section 33 as amended by 1995 PA 264 and section 35 as amended by 1989 PA 95.

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

**Roll Call No. 1001****Yeas—84**

Allen	Ehardt	Kilpatrick	Richardville
Baird	Faunce	Koetje	Richner
Basham	Frank	Kowall	Rocca
Birkholz	Garcia	Kuipers	Sanborn
Bisbee	Garza	Kukuk	Schauer
Bishop	Geiger	LaSata	Schermesser
Bradstreet	Gielegem	Law	Scranton
Brater	Gilbert	Lockwood	Shackleton
Brewer	Godchaux	Mans	Sheltrown
Brown, B.	Gosselin	Martinez	Shulman
Brown, C.	Green	Mead	Spade
Byl	Hager	Middaugh	Stamas
Callahan	Hansen	Mortimer	Switalski
Cassis	Howell	Neumann	Tabor
Caul	Jacobs	O'Neil	Toy
Clarke, H.	Jansen	Pappageorge	Van Woerkom
DeHart	Jelinek	Patterson	Vander Roest
Dennis	Jellema	Perricone	Voorhees
DeRossett	Johnson, Rick	Pestka	Wojno
DeVuyst	Johnson, Ruth	Pumford	Woodward
DeWeese	Julian	Rackowski	Woronchak

**Nays—22**

Bogardus	Hanley	Quarles	Stallworth
Bovin	Hardman	Reeves	Tesanovich
Cherry	LaForge	Rison	Thomas
Clark, I.	Lemmons	Rivet	Vaughn
Daniels	Price	Scott	Vear
Hale	Prusi		

In The Chair: Scranton

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

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

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 35 (MCL 169.235), as amended by 1989 PA 95.

The motion prevailed.

The House agreed to the title as amended.

**Second Reading of Bills****House Bill No. 5055, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 558, 826, 841, and 933 (MCL 168.558, 168.826, 168.841, and 168.933), sections 558 and 993 as amended by 1997 PA 137 and sections 826 and 841 as amended by 1995 PA 261.

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

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

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

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

**House Bill No. 5055, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 558, 826, 841, and 933 (MCL 168.558, 168.826, 168.841, and 168.933), sections 558 and 993 as amended by 1997 PA 137 and sections 826 and 841 as amended by 1995 PA 261.

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

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

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

**Second Reading of Bills**

**House Bill No. 5057, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 15, 16, 33, 34, and 35 (MCL 169.215, 169.216, 169.233, 169.234, and 169.235), section 15 as amended by 1996 PA 590, section 16 as amended by 1992 PA 188, section 33 as amended by 1995 PA 264, and sections 34 and 35 as amended by 1989 PA 95.

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

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

Rep. Vaughn moved to amend the bill as follows:

1. Amend page 5, line 13, after "NONACTION." by inserting "THE SECRETARY OF STATE SHALL MAKE A DETERMINATION ON A COMPLAINT THAT HAS BEEN FILED UNDER THIS SUBSECTION WITHIN 180 DAYS AFTER THE COMPLAINT WAS FILED."

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

Rep. Vaughn demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 1002**

**Yeas—51**

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

Callahan	Hardman	Price	Tesanovich
Cherry	Jacobs	Prusi	Thomas
Clark, I.	Jamnick	Quarles	Vaughn
Clarke, H.	Kilpatrick	Raczkowski	Wojno
Daniels	LaForge	Reeves	Woodward
DeHart	Lemmons	Rison	

**Nays—57**

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

In The Chair: Scranton

Rep. Minore moved to amend the bill as follows:

1. Amend page 12, line 8, by striking out all of line 8 through "YEARS," on line 9.
2. Amend page 12, line 10, after "unfiled," by striking out the balance of the line through "UNFILED," on line 13.
3. Amend page 14, line 20, after "fee." by striking out the balance of the line through "YEARS," on line 21.
4. Amend page 14, line 23, after "UNFILED," by striking out the balance of the line through "UNFILED," on line 26.
5. Amend page 15, line 6, after "fee." by striking out the balance of the line through "YEARS," on line 7.
6. Amend page 15, line 10, after "UNFILED," by striking out the balance of the line through "UNFILED," on line 13.
7. Amend page 16, line 25, after "fee." by striking out the balance of the line through "YEARS," on line 26.
8. Amend page 17, line 1, after "UNFILED," by striking out the balance of the line through "UNFILED," on line 4.

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

Rep. Minore demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 1003****Yeas—49**

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

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

**Nays—58**

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

In The Chair: Scranton

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

Rep. Vear moved to amend the bill as follows:

1. Amend page 12, line 12, after "fee" by striking out the balance of the sentence and inserting a comma and "THAT shall not exceed ~~\$500.00~~ \$1,000.00, DETERMINED AS FOLLOWS:

(A) TWENTY-FIVE DOLLARS FOR EACH BUSINESS DAY THE REPORT REMAINS UNFILED.

(B) AN ADDITIONAL \$25.00 FOR EACH BUSINESS DAY AFTER THE FIRST 3 BUSINESS DAYS THE REPORT REMAINS UNFILED.

(C) AN ADDITIONAL \$50.00 FOR EACH BUSINESS DAY AFTER THE FIRST 10 BUSINESS DAYS THE REPORT REMAINS UNFILED.

(8)" and renumbering the remaining subsections.

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

Rep. Cherry demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 1004****Yeas—89**

Allen	Faunce	Koetje	Rison
Baird	Frank	Kowall	Rivet
Basham	Garza	LaForge	Rocca
Birkholz	Geiger	Law	Schermesser

Bogardus	Gielegem	Lockwood	Scott
Bovin	Godchaux	Mans	Scranton
Bradstreet	Gosselin	Martinez	Shackleton
Brater	Hager	Mead	Sheltrown
Brown, B.	Hale	Middaugh	Shulman
Brown, C.	Hanley	Minore	Spade
Byl	Hansen	Neumann	Stallworth
Callahan	Hardman	O'Neil	Switalski
Cassis	Hart	Pappageorge	Tesanovich
Caul	Howell	Patterson	Thomas
Cherry	Jacobs	Pestka	Toy
Clark, I.	Jamnick	Price	Van Woerkom
Clarke, H.	Jelinek	Prusi	Vander Roest
Daniels	Jellema	Pumford	Vaughn
DeHart	Johnson, Rick	Quarles	Vear
Dennis	Johnson, Ruth	Reeves	Wojno
DeRossett	Julian	Richardville	Woodward
DeWeese	Kilpatrick	Richner	Woronchak
Ehardt			

**Nays—17**

Bisbee	Green	LaSata	Sanborn
Bishop	Jansen	Mortimer	Stamas
DeVuyst	Kuipers	Perricone	Tabor
Garcia	Kukuk	Rackowski	Voorhees
Gilbert			

In The Chair: Scranton

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

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

**House Bill No. 5057, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 15, 16, 33, 34, and 35 (MCL 169.215, 169.216, 169.233, 169.234, and 169.235), section 15 as amended by 1996 PA 590, section 16 as amended by 1992 PA 188, section 33 as amended by 1995 PA 264, and sections 34 and 35 as amended by 1989 PA 95.

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

**Roll Call No. 1005****Yeas—100**

Allen	Frank	Koetje	Richner
Baird	Garcia	Kowall	Rivet
Basham	Garza	Kuipers	Rocca
Birkholz	Geiger	Kukuk	Sanborn
Bisbee	Gielegem	LaSata	Schermesser
Bishop	Gilbert	Law	Scranton

Bovin	Godchaux	Lockwood	Shackleton
Bradstreet	Gosselin	Mans	Sheltrown
Brewer	Green	Martinez	Shulman
Brown, B.	Hager	Mead	Spade
Brown, C.	Hale	Middaugh	Stallworth
Byl	Hanley	Minore	Stamas
Callahan	Hansen	Mortimer	Switalski
Cassis	Hardman	Neumann	Tabor
Caul	Hart	O'Neil	Tesanovich
Clark, I.	Howell	Pappageorge	Thomas
Clarke, H.	Jacobs	Patterson	Toy
Daniels	Jamnack	Perricone	Van Woerkom
DeHart	Jansen	Pestka	Vander Roest
Dennis	Jelinek	Price	Vaughn
DeRossett	Jellema	Prusi	Vear
DeVuyst	Johnson, Rick	Pumford	Voorhees
DeWeese	Johnson, Ruth	Raczkowski	Wojno
Ehardt	Julian	Reeves	Woodward
Faunce	Kilpatrick	Richardville	Woronchak

### Nays—7

Bogardus	Cherry	Lemmons	Scott
Brater	LaForge	Rison	

In The Chair: Scranton

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

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

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 15, 33, 34, and 35 (MCL 169.215, 169.233, 169.234, and 169.235), section 15 as amended by 1996 PA 590, section 33 as amended by 1995 PA 264, and sections 34 and 35 as amended by 1989 PA 95.

The motion prevailed.

The House agreed to the title as amended.

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

The motion prevailed.

### Second Reading of Bills

#### House Bill No. 5060, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 53, 71, 161, 163, 191, 193, 224, 254, 281, 322, 342, 349, 391, 404, 409, 409b, 409l, 411, 413, 424, 424a, 426b, 426d, 431, 433, 444, 467, 467b, 467m, 544c, 544d, 624, 644f, 667, 685, and 795 (MCL 168.53, 168.71, 168.161, 168.163, 168.191, 168.193, 168.224, 168.254, 168.281, 168.322, 168.342, 168.349, 168.391, 168.404, 168.409, 168.409b, 168.409l, 168.411, 168.413, 168.424, 168.424a, 168.426b, 168.426d, 168.431, 168.433, 168.444, 168.467, 168.467b, 168.467m, 168.544c, 168.544d, 168.624, 168.644f, 168.667, 168.685, and 168.795), sections 53, 163, 193, 224, 254, 322, 349, 409b, 413, 426d, 433, 467b, and 624 as amended by 1996 PA 583, sections 71, 161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended by 1982 PA 505, sections 409l, 424, 424a, 444, and 467m as amended by 1990 PA 32, section 544c

as amended by 1993 PA 137, section 544d as amended by 1988 PA 116, section 644f as amended by 1990 PA 7, section 685 as amended by 1990 PA 329, and section 795 as amended by 1998 PA 21, and by adding section 544f; and to repeal acts and parts of acts.

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

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

Rep. Mortimer moved to amend the bill as follows:

1. Amend page 40, line 7, after "CLERKS." by striking out the balance of the line through "PROCESS." on line 9.
2. Amend page 40, line 17, after "OTHER" by striking out "UNIQUE".
3. Amend page 40, line 21, by striking out "UNIQUE".

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

Rep. Richner moved to amend the bill as follows:

1. Amend page 14, line 18, after "election." by inserting "HOWEVER, IF AN INCUMBENT JUDGE OF THE COURT OF APPEALS WAS APPOINTED TO FILL A VACANCY AND THE JUDGE ENTERED UPON THE DUTIES OF OFFICE LESS THAN 137 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION BUT BEFORE THE FOURTEENTH TUESDAY PRECEDING THE PRIMARY ELECTION, THE INCUMBENT JUDGE MAY FILE THE AFFIDAVIT OF CANDIDACY NOT MORE THAN 3 DAYS AFTER ENTERING UPON THE DUTIES OF OFFICE."

2. Amend page 18, line 2, after "election." by inserting "HOWEVER, IF AN INCUMBENT JUDGE OF THE CIRCUIT COURT WAS APPOINTED TO FILL A VACANCY AND THE JUDGE ENTERED UPON THE DUTIES OF OFFICE LESS THAN 137 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION BUT BEFORE THE FOURTEENTH TUESDAY PRECEDING THE PRIMARY ELECTION, THE INCUMBENT JUDGE MAY FILE THE AFFIDAVIT OF CANDIDACY NOT MORE THAN 3 DAYS AFTER ENTERING UPON THE DUTIES OF OFFICE."

3. Amend page 26, line 6, after "election." by inserting "HOWEVER, IF AN INCUMBENT JUDGE OF PROBATE WAS APPOINTED TO FILL A VACANCY AND THE JUDGE ENTERED UPON THE DUTIES OF OFFICE LESS THAN 137 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION BUT BEFORE THE FOURTEENTH TUESDAY PRECEDING THE PRIMARY ELECTION, THE INCUMBENT JUDGE MAY FILE THE AFFIDAVIT OF CANDIDACY NOT MORE THAN 3 DAYS AFTER ENTERING UPON THE DUTIES OF OFFICE."

4. Amend page 29, line 27, after "election." by inserting "HOWEVER, IF AN INCUMBENT DISTRICT COURT JUDGE WAS APPOINTED TO FILL A VACANCY AND THE JUDGE ENTERED UPON THE DUTIES OF OFFICE LESS THAN 137 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION BUT BEFORE THE FOURTEENTH TUESDAY PRECEDING THE PRIMARY ELECTION, THE INCUMBENT JUDGE MAY FILE THE AFFIDAVIT OF CANDIDACY NOT MORE THAN 3 DAYS AFTER ENTERING UPON THE DUTIES OF OFFICE."

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

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

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

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

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

By unanimous consent the House returned to the order of

### **Third Reading of Bills**

#### **House Bill No. 5060, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 53, 71, 161, 163, 191, 193, 224, 254, 281, 322, 342, 349, 391, 404, 409, 409b, 409l, 411, 413, 424, 424a, 426b, 426d, 431, 433, 444, 467, 467b, 467m, 544c, 544d, 624, 644f, 667, 685, and 795 (MCL 168.53, 168.71, 168.161, 168.163, 168.191, 168.193, 168.224, 168.254, 168.281, 168.322, 168.342, 168.349, 168.391, 168.404, 168.409, 168.409b, 168.409l, 168.411, 168.413, 168.424, 168.424a, 168.426b, 168.426d, 168.431, 168.433, 168.444, 168.467, 168.467b, 168.467m, 168.544c, 168.544d, 168.624, 168.644f, 168.667, 168.685, and 168.795), sections 53, 163, 193, 224, 254, 322, 349, 409b, 413, 426d, 433, 467b, and 624 as amended by 1996 PA 583, sections 71, 161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended by 1982 PA 505, sections 409l, 424, 424a, 444, and 467m as amended by 1990 PA 32, section 544c as amended by 1993 PA 137, section 544d as amended by 1988 PA 116, section 644f as amended by 1990 PA 7, section 685 as amended by 1990 PA 329, and section 795 as amended by 1998 PA 21, and by adding section 544f; and to repeal acts and parts of acts.

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

**Roll Call No. 1006****Yeas—65**

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

**Nays—42**

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

In The Chair: Scranton

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

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

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 53, 71, 161, 163, 191, 193, 224, 254, 281, 322, 342, 349, 391, 404, 409, 409b, 409c, 409l, 411, 413, 413a, 414, 424, 424a, 426b, 426d, 431, 433, 433a, 434, 444, 467, 467b, 467c, 467d, 467m, 544d, 624, 644f, 667, and 795 (MCL 168.53, 168.71, 168.161, 168.163, 168.191, 168.193, 168.224, 168.254, 168.281, 168.322, 168.342, 168.349, 168.391, 168.404, 168.409, 168.409b, 168.409c, 168.409l, 168.411, 168.413, 168.413a, 168.414, 168.424, 168.424a, 168.426b, 168.426d, 168.431, 168.433, 168.433a, 168.434, 168.444, 168.467, 168.467b, 168.467c, 168.467d, 168.467m, 168.544d, 168.624, 168.644f, 168.667, and 168.795), sections 53, 163, 193, 224, 254, 322, 349, 409b, 413, 426d, 433, 467b, and 624 as amended by 1996 PA 583, sections 71, 161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended by 1982 PA 505, sections 409l, 424, 424a, 444, 467c, and 467m as amended by 1990 PA 32, section 544d as amended by 1988 PA 116, section 644f as amended by 1990 PA 7, and section 795 as amended by 1998 PA 21, and by adding section 544f; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

**Second Reading of Bills****House Bill No. 5064, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 476, 552, 961a, and 963 (MCL 168.31, 168.476, 168.552, 168.961a, and 168.963), section 31 as amended by 1998 PA 215, section 552 as amended by 1990 PA 7, and sections 961a and 963 as amended by 1982 PA 456.

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

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

Rep. Mortimer moved to amend the bill as follows:

1. Amend page 6, line 17, after "PETITION." by inserting "BEGINNING WITH THE RECEIPT OF ANY DOCUMENT FROM LOCAL ELECTION OFFICIALS PURSUANT TO SUBSECTION (2) OR (3), THE COUNTY CLERK SHALL MAKE THAT DOCUMENT AVAILABLE TO PETITIONERS AND CHALLENGERS ON A DAILY BASIS."

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5064, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 476, 552, 961a, and 963 (MCL 168.31, 168.476, 168.552, 168.961a, and 168.963), section 31 as amended by 1998 PA 215, section 552 as amended by 1990 PA 7, and sections 961a and 963 as amended by 1982 PA 456.

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

#### Roll Call No. 1007

#### Yeas—58

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

#### Nays—48

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

Daniels  
DeHart

Kilpatrick  
LaForge

Quarles  
Reeves

Wojno  
Woodward

In The Chair: Scranton

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

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

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 552, 961a, and 963 (MCL 168.31, 168.552, 168.961a, and 168.963), section 31 as amended by 1998 PA 215, section 552 as amended by 1990 PA 7, and sections 961a and 963 as amended by 1982 PA 456.

The motion prevailed.

The House agreed to the title as amended.

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

Rep. Bradstreet moved that Rep. Ehardt be excused temporarily from today's session.

The motion prevailed.

### Second Reading of Bills

#### House Bill No. 5054, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 42, 73, 74, 283, 284, 393, 394, 544b, 662, 686, 686a, 759a, and 879 (MCL 168.2, 168.42, 168.73, 168.74, 168.283, 168.284, 168.393, 168.394, 168.544b, 168.662, 168.686, 168.686a, 168.759a, and 168.879), section 284 as amended by 1990 PA 7, sections 662 and 759a as amended by 1996 PA 207, section 686a as amended by 1988 PA 116, and section 879 as amended by 1995 PA 261, and by adding section 30; and to repeal acts and parts of acts.

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

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

Rep. Brater moved to amend the bill as follows:

1. Amend page 18, line 22, by striking out all of enacting section 1.

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

Rep. Brater demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 1008

#### Yeas—46

Baird  
Basham  
Bogardus  
Bovin  
Brater  
Brown, B.  
Callahan  
Cherry

Frank  
Gielegem  
Hale  
Hanley  
Hansen  
Hardman  
Jacobs  
Jamnick

Mans  
Martinez  
Minore  
Neumann  
O'Neil  
Pestka  
Price  
Prusi

Rivet  
Scott  
Sheltrown  
Spade  
Stallworth  
Switalski  
Tesanovich  
Thomas

Clark, I.	Kilpatrick	Quarles	Vaughn
Clarke, H.	LaForge	Reeves	Wojno
Daniels	Lemmons	Rison	Woodward
Dennis	Lockwood		

### Nays—57

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

In The Chair: Scranton

Rep. Garza moved to amend the bill as follows:

1. Amend page 6, following line 18, by inserting:

“Sec. 509n. The secretary of state is responsible for the coordination of the requirements imposed under this chapter and the national voter registration act of 1993. The secretary of state shall do all of the following:

(a) Develop a mail registration form and make the form available for distribution through governmental and private entities, with special emphasis on making the form available to voter registration programs established for the purpose of registering citizens of this state to vote.

(b) Instruct designated voter registration agencies; county, city, township, and village clerks; and school officials regarding the voter registration procedures and requirements imposed by law.

(C) BY JUNE 15 OF EACH ODD NUMBERED YEAR, SUBMIT TO EACH MEMBER OF THE COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES WITH PRIMARY RESPONSIBILITY FOR ELECTION MATTERS A REPORT ON THE QUALIFIED VOTER FILE. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, BOTH OF THE FOLLOWING:

(i) INFORMATION ON THE EFFICIENCY AND EFFECTIVENESS OF THE QUALIFIED VOTER FILE AS A VOTER REGISTRATION SYSTEM.

(ii) ANY RECOMMENDATIONS OF THE SECRETARY OF STATE FOR AMENDMENTS TO THIS ACT TO INCREASE THE EFFICIENCY AND EFFECTIVENESS OF THE QUALIFIED VOTER FILE AS A VOTER REGISTRATION SYSTEM.”.

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5054, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 2, 42, 73, 74, 283, 284, 393, 394, 544b, 662, 686, 686a, 759a, and 879 (MCL 168.2, 168.42, 168.73, 168.74, 168.283, 168.284, 168.393, 168.394, 168.544b, 168.662, 168.686, 168.686a, 168.759a, and 168.879), section 284 as amended by 1990 PA 7, sections 662 and 759a as amended by 1996 PA 207, section 686a as amended by 1988 PA 116, and section 879 as amended by 1995 PA 261, and by adding section 30; and to repeal acts and parts of acts.

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

**Roll Call No. 1009****Yeas—98**

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

**Nays—6**

Hanley	Lemmons	Stallworth	Vaughn
LaForge	Scott		

In The Chair: Scranton

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

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

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 42, 73, 74, 283, 284, 393, 394, 509n, 544b, 662, 686, 686a, 759a, and 879 (MCL 168.2, 168.42, 168.73, 168.74, 168.283, 168.284, 168.393, 168.394, 168.509n, 168.544b, 168.662, 168.686, 168.686a, 168.759a, and 168.879), section 284 as amended by 1990 PA 7, section 509n as added by 1994 PA 441, sections 662 and 759a as amended by 1996 PA 207, section 686a as amended by 1988 PA 116, and section 879 as amended by 1995 PA 261, and by adding section 30; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

The House returned to the consideration of

**House Bill No. 5055, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 558, 826, 841, and 933 (MCL 168.558, 168.826, 168.841, and 168.933), sections 558 and 933 as amended by 1997 PA 137 and sections 826 and 841 as amended by 1995 PA 261.

(The bill was considered earlier today, see today's Journal, p. 2225.)

The question on the passage of the bill,

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

**Roll Call No. 1010****Yeas—98**

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

**Nays—4**

LaForge	Lemmons	Scott	Vaughn
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In The Chair: Scranton

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

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

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 558, 826, 845, and 933 (MCL 169.558, 169.826, 169.845, and 169.933), sections 558 and 933 as amended by 1997 PA 137 and section 826 as amended by 1995 PA 261.

The motion prevailed.

The House agreed to the title as amended.

Reps. Allen, Bishop, Bradstreet, DeRossett, DeWeese, Ehardt, Faunce, Gilbert, Hart, Ruth Johnson, Julian, Kuipers, Kukuk, Law, Mortimer, Pappageorge, Patterson, Rocca, Shackleton, Tabor, Toy, Van Woerkom and Vander Roest were named co-sponsors of the bill.

**Second Reading of Bills****House Bill No. 5056, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 16 and 32 (MCL 169.216 and 169.232), section 16 as amended by 1992 PA 188 and section 32 as amended by 1995 PA 264.

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

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

Rep. Vear moved to amend the bill as follows:

1. Amend page 5, line 7, after “fee” by striking out the balance of the subsection and inserting a comma and “THAT SHALL NOT EXCEED \$2,000.00, DETERMINED AS FOLLOWS:

(A) TWENTY-FIVE DOLLARS FOR EACH BUSINESS DAY THE REPORT REMAINS UNFILED.

(B) AN ADDITIONAL \$25.00 FOR EACH BUSINESS DAY AFTER THE FIRST 3 BUSINESS DAYS THE REPORT REMAINS UNFILED.

(C) AN ADDITIONAL \$50.00 FOR EACH BUSINESS DAY AFTER THE FIRST 10 BUSINESS DAYS THE REPORT REMAINS UNFILED.”.

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

The demand was supported.

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

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

**Roll Call No. 1011**

**Yeas—88**

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

**Nays—16**

Bisbee	Garcia	Kukuk	Perricone
Bishop	Geiger	LaSata	Rackowski
Cassis	Gilbert	Mortimer	Shulman
DeVuyst	Kuipers	Pappageorge	Stamas

In The Chair: Scranton

Rep. LaForge moved to amend the bill as follows:

1. Amend page 2, line 3, after “STATE.” by inserting “IF THE SECRETARY OF STATE DOES NOT MAKE THE REPORT AVAILABLE TO THE PUBLIC ON THE INTERNET BY THE END OF THE BUSINESS DAY ON WHICH IT WAS RECEIVED, THE SECRETARY OF STATE SHALL PAY TO THE GENERAL FUND A LATE FEE OF \$25.00.”.

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

The demand was supported.

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

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

**Roll Call No. 1012****Yeas—44**

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

**Nays—57**

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

In The Chair: Scranton

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

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

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

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

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

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

**House Bill No. 5056, entitled**

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 16 and 32 (MCL 169.216 and 169.232), section 16 as amended by 1992 PA 188 and section 32 as amended by 1995 PA 264.

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

**Roll Call No. 1013**

**Yeas—98**

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

**Nays—5**

Hale	Lemmons	Scott	Vaughn
Hardman			

In The Chair: Scranton

The House agreed to the title of the bill.

**Second Reading of Bills**

**House Bill No. 5061, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 471, 472a, 474a, 475, 476, 477, 544c, 552, 961, and 961a (MCL 168.471, 168.472a, 168.474a, 168.475, 168.476, 168.477, 168.544c, 168.552,

168.961, and 168.961a), section 544c as amended by 1993 PA 137, section 552 as amended by 1990 PA 7, and sections 961 and 961a as amended by 1982 PA 456, and by adding sections 9a and 473b.

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

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

Rep. Spade moved to amend the bill as follows:

1. Amend page 14, following line 8, by inserting:

“Sec. 758. ~~(1) For the purposes of AS USED IN~~ this act, “absent voter” means a qualified and registered elector who ~~meets 1 or more of the following requirements;~~

~~(a) On account of physical disability, cannot without another’s assistance attend~~ WISHES TO VOTE WITHOUT ATTENDING the polls on the day of an election.

~~(b) On account of the tenets of his or her religion, cannot attend the polls on the day of election.~~

~~(c) Cannot attend the polls on the day of an election in the precinct in which he or she resides because of being an election precinct inspector in another precinct.~~

~~(d) Is 60 years of age or older.~~

~~(e) Is absent or expects to be absent from the township or city in which he or she resides during the entire period the polls are open for voting on the day of an election.~~

~~(f) Cannot attend the polls on election day because of being confined in jail awaiting arraignment or trial.~~

~~(2) Subsection (1) does not apply to ABSENT VOTER DOES NOT INCLUDE~~ a person who has moved outside of this state, regardless of length of his or her residence outside of this state, and who no longer maintains an actual residence in this state. The storage of personal effects or household goods, the ownership of property that is rented or leased to others, or occasional brief visits to a former domicile in this state while residing outside of this state for most of the year does not constitute a residence for voting purposes in this state, except for each of the following:

(a) A person described in section 1 of article II of the state constitution of 1963 and statutes enacted under that section.

(b) A person described in section 759a.

Sec. 759. (1) At any time during the 75 days before a primary or special primary, but not later than 2 p.m. of the Saturday immediately before the primary or special primary, an elector who qualifies to vote as an absent voter, as defined in section 758, may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the elector is registered. An application received before a primary or special primary may be for either that primary only, or for that primary and the election that follows.

(2) Except as otherwise provided in subsection (1), at any time during the 75 days before an election, but not later than 2 p.m. of the Saturday before the election, an elector who qualifies to vote as an absent voter, as defined in section 758, may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

(a) By a written request signed by the ~~voter stating the statutory grounds for making the application~~ ELECTOR.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city, township, or village.

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person other than the applicant; a member of the applicant’s immediate family; a person residing in the applicant’s household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant; or a clerk, assistant of the clerk, or other authorized election official shall not be in possession of a signed absent voter ballot application. A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of the city, township, or village shall have absent voter ballot application forms available in the office of the clerk at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application shall be in substantially the following form:

“Application for absent voter ballot for:

[ ] The primary or special primary election to be held on \_\_\_\_\_, 19\_\_\_\_ [DATE].

[ ] The election to be held on \_\_\_\_\_, 19\_\_\_\_ [DATE].

(Check applicable election or elections)

I, \_\_\_\_\_, a qualified and registered elector of the \_\_\_\_\_ precinct of the township of \_\_\_\_\_ or village of \_\_\_\_\_ or of the \_\_\_\_\_ ward of the city of \_\_\_\_\_, in the county of \_\_\_\_\_ and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

~~The statutory grounds on which I base my request are:~~

~~[ ] I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.~~

~~[ ] I am physically unable to attend the polls without the assistance of another.~~

~~[ ] I cannot attend the polls because of the tenets of my religion.~~

~~[ ] I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.~~

~~[ ] I am 60 years of age or older.~~

~~[ ] I cannot attend the polls because I am confined to jail awaiting arraignment or trial.~~

~~(Check applicable reason)~~

Send absent voter ballot to me at:

.....

(Street No. or R.R.)

.....

(Post Office)

(State)

My registered address.....

(Street No. or R.R.)

.....

(Post Office)

(State)

Date.....

I declare that the statements in this absent voter ballot application are true.

.....

(Signature)

**WARNING**

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the office of the clerk must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

**Certificate of Authorized Registered  
Elector Returning Absent Voter  
Ballot Application**

I certify that my name is ....., my address is ....., and my date of birth is .....; that I am delivering the absent voter ballot application of ..... at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)"

(6) The following instructions for an applicant for an absent voter ballot shall be included with each application furnished an applicant:

**INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS**

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

(a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.

(d) In the event an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.

Sec. 759b. (1) ~~Any~~ A registered elector may apply for AN absent voter ~~ballots~~ BALLOT at any time ~~prior to~~ BEFORE 4 p.m. on election day if ~~he shall have become physically disabled or shall be absent from the city or township because of sickness or death in the family which~~ AN EVENT has occurred at a time ~~which has~~ THAT made it impossible to apply for absent voter ballots by the statutory deadline. The application shall be called an emergency absent voter BALLOT application.

(2) Emergency absent voter BALLOT applications may be made by letter or on a form PRESCRIBED BY THE SECRETARY OF STATE AND provided by the clerk. The application shall set forth that the voter is qualified to vote in the election ~~, stating the statutory reason for applying for an emergency absent voter ballot and that the reason for applying after the statutory deadline~~ AN EVENT occurred at such a time to make it impossible to file an application for AN absent voter ~~ballots~~ BALLOT by the statutory deadline. THE SECRETARY OF STATE SHALL PRESCRIBE A STANDARD EMERGENCY ABSENT VOTER BALLOT APPLICATION FORM, INCLUDING THE SIZE OF THE FORM AND THE COLOR OF PAPER UPON WHICH THE FORM IS PRINTED.

(3) ~~Any~~ A person intentionally making a false statement in ~~such~~ AN EMERGENCY ABSENT VOTER BALLOT application is guilty of a felony. ~~Any~~ A person aiding or abetting ~~any~~ ANOTHER person to make a false statement ~~on~~ ~~such~~ IN AN EMERGENCY ABSENT VOTER BALLOT application is guilty of a felony.

(4) Upon receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ABSENT VOTER ballots to the applicant in person, through a deputy or an election assistant, or ~~he may deliver them~~ at his OR HER office to a person named by the applicant in the EMERGENCY ABSENT VOTER BALLOT application. The ABSENT voter may return the ABSENT VOTER ballots to the clerk ~~in the sealed envelope provided therefor~~ in any manner. ~~he sees fit. To~~ HOWEVER, TO be valid, ~~ballots must be returned~~ THE ABSENT VOTER SHALL RETURN THE ABSENT VOTER BALLOTS to the clerk IN THE SEALED ENVELOPE PROVIDED FOR THAT REASON AND in time to be delivered to the polls ~~prior to~~ BEFORE 8 p.m. on election day.”.

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

Rep. Spade demanded the yeas and nays.

The demand was supported.

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

### Point of Order

Rep. Raczkowski requested a ruling from the Chair regarding the germaneness of the amendment offered by Rep. Spade.

The Chair ruled that the amendment is not germane pursuant to House Rule 64. The amendment introduces a new proposition which is not germane to the subject matter of the bill as it was originally introduced and as it is currently before the House.

Rep. Rivet moved to amend the bill as follows:

1. Amend page 14, following line 8, by inserting:

“Sec. 726. ~~No ballots~~ A BALLOT shall NOT be delivered to an elector by ~~any~~ A person other than 1 of the inspectors of election and only within the polling place, except as provided in this act for absent ~~voters’~~ VOTER ballots AND ELECTION BY MAIL BALLOTS.

SEC. 750A. (1) BEGINNING JANUARY 1, 2000 AND THROUGH DECEMBER 31, 2003, THE SECRETARY OF STATE IN COOPERATION WITH LOCAL UNITS OF GOVERNMENT SHALL ESTABLISH A PILOT PROJECT TO TEST VOTE BY MAIL IN AT LEAST 6 BUT NOT MORE THAN 8 PILOT JURISDICTIONS. THE SECRETARY OF STATE SHALL NAME PILOT JURISDICTIONS THAT VARY IN SIZE OF POPULATION. THE SECRETARY OF STATE SHALL NAME PILOT JURISDICTIONS OF WHICH HALF VOTED FOR A REPUBLICAN AND HALF VOTED FOR A DEMOCRAT FOR PRESIDENT IN THE 1996 PRESIDENTIAL ELECTION. THE SECRETARY OF STATE SHALL IMPLEMENT VOTE BY MAIL IN THE PILOT JURISDICTIONS IN ELECTIONS AT WHICH ONLY A SINGLE QUESTION IS PLACED BEFORE THE VOTERS. THE SECRETARY OF STATE AND A PILOT JURISDICTION THAT CONDUCTS AN ELECTION BY MAIL

UNDER THIS SUBSECTION SHALL COMPLY WITH THIS SECTION AND SECTION 750B. THE SECRETARY OF STATE SHALL REPORT TO THE HOUSE AND SENATE COMMITTEES THAT CONSIDER ELECTION ISSUES THE RESULTS OF THE PILOT PROJECT ON OR BEFORE JANUARY 15, 2004. THE SECRETARY OF STATE SHALL INCLUDE ALL OF THE FOLLOWING IN THE REPORT:

- (A) THE COST OF HOLDING THE LOCAL ELECTION BY MAIL.
- (B) THE LEVEL OF VOTER PARTICIPATION IN THAT LOCAL ELECTION BY MAIL.
- (C) ANY OTHER INFORMATION THE SECRETARY OF STATE CONSIDERS RELEVANT.

(2) ON AND AFTER JANUARY 1, 2004, THE GOVERNING BODY OF A CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT MAY REQUIRE THAT A LOCAL ELECTION TO BE HELD ONLY IN THAT CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT BE CONDUCTED AS AN ELECTION BY MAIL. THE GOVERNING BODY SHALL PROMPTLY NOTIFY THE CITY, TOWNSHIP, OR VILLAGE CLERK OR THE SECRETARY OF THE SCHOOL DISTRICT OF THE DECISION TO CONDUCT A LOCAL ELECTION AS AN ELECTION BY MAIL. A CITY, TOWNSHIP, OR VILLAGE CLERK OR THE SECRETARY OF A SCHOOL DISTRICT SHALL CONDUCT THE LOCAL ELECTION BY MAIL IN THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT SUBJECT TO THIS SECTION AND SECTION 750B, UPON RECEIPT OF THE NOTICE FROM THE GOVERNING BODY AS DESCRIBED IN THIS SECTION. IF A LOCAL ELECTION IS SCHEDULED IN A DISTRICT THAT COMPRISES MORE THAN 1 LOCAL UNIT OF GOVERNMENT, THE ELECTION SHALL NOT BE HELD BY MAIL UNLESS ALL PARTICIPATING UNITS DECIDE TO CONDUCT THE ELECTION BY MAIL NO LATER THAN 60 DAYS BEFORE THE DATE OF THE ELECTION. AS USED IN THIS SECTION, "LOCAL ELECTION" INCLUDES ANY ELECTION CONDUCTED IN A LOCAL UNIT OF GOVERNMENT OTHER THAN AN ELECTION DESCRIBED IN SUBSECTION (4).

(3) THE SECRETARY OF STATE SHALL COOPERATE WITH A LOCAL UNIT OF GOVERNMENT THAT CONDUCTS A LOCAL ELECTION BY MAIL UNDER THIS SECTION. WHENEVER POSSIBLE, THE SECRETARY OF STATE SHALL ASSIST A LOCAL UNIT OF GOVERNMENT IN CONDUCTING THE LOCAL ELECTION BY MAIL.

(4) ON AND AFTER JANUARY 1, 2004, THE SECRETARY OF STATE MAY CONDUCT EACH OF THE FOLLOWING ELECTIONS AS AN ELECTION BY MAIL:

- (A) THE AUGUST PRIMARY HELD PURSUANT TO SECTION 534.
- (B) THE GENERAL NOVEMBER ELECTION.
- (C) AN ELECTION IN WHICH A CANDIDATE FOR STATE OR FEDERAL OFFICE OR FOR THE OFFICE OF SUPREME COURT JUSTICE OR JUDGE OF THE COURT OF APPEALS IS NOMINATED OR ELECTED.
- (D) A STATEWIDE SPECIAL ELECTION.

(5) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN THE MANNER PRESCRIBED IN THIS ACT TO PROVIDE PROCEDURES FOR CONDUCTING AN ELECTION BY MAIL.

SEC. 750B. (1) A CITY, TOWNSHIP, OR VILLAGE CLERK OR A SECRETARY OF A SCHOOL DISTRICT THAT CONDUCTS AN ELECTION BY MAIL PURSUANT TO SECTION 750A SHALL CONDUCT THE ELECTION BY MAIL AS PROVIDED IN THIS SECTION.

(2) THE BOARD OF ELECTION COMMISSIONERS, CLERK, OR SECRETARY SHALL DESIGNATE 1 OR MORE PLACES OF DEPOSIT IN THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT FOR VOTERS TO RETURN VOTED BALLOTS FOR THE ELECTION BY MAIL. THE BOARD, CLERK, OR SECRETARY SHALL PROVIDE THAT THE PLACES DESIGNATED FOR THE DEPOSIT OF VOTED BALLOTS IN THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT BE OPEN ON THE DATE OF THE ELECTION BEGINNING AT 7 A.M. AND ENDING AT 8 P.M. THE BOARD, CLERK, OR SECRETARY SHALL PROVIDE FOR THE SECURITY OF THE BALLOTS AT THE PLACES DESIGNATED FOR THE DEPOSIT OF VOTED BALLOTS UNDER THIS SECTION.

(3) THE CITY, TOWNSHIP, OR VILLAGE CLERK OR THE SECRETARY OF A SCHOOL DISTRICT SHALL SEND BY NONFORWARDABLE MAIL AN OFFICIAL BALLOT WITH A PREADDRESSED, RETURN IDENTIFICATION ENVELOPE, A SECRECY ENVELOPE, AND INSTRUCTIONS TO EACH VOTER WHO IS REGISTERED IN THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT AS OF THE THIRTIETH DAY BEFORE THE DATE OF THE ELECTION BY MAIL. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE CLERK OR SECRETARY SHALL MAIL THE OFFICIAL BALLOTS AND ENVELOPES DURING THE PERIOD BEGINNING ON THE TWENTIETH DAY BEFORE THE DATE OF THE ELECTION BY MAIL AND ENDING ON THE FOURTEENTH DAY BEFORE THE DATE OF THE ELECTION BY MAIL. FOR A STATEWIDE ELECTION BY MAIL, THE SECRETARY OF STATE SHALL PRESCRIBE IN RULES PROMULGATED PURSUANT TO SECTION 750A(5) THE DATE ON WHICH THE OFFICIAL BALLOTS AND ENVELOPES FOR THE STATEWIDE ELECTION BY MAIL ARE TO BE MAILED BY A CLERK OR SECRETARY UNDER THIS SUBSECTION. HOWEVER, THE SECRETARY OF STATE SHALL PROVIDE IN THOSE RULES THAT ALL BALLOTS SHALL BE MAILED BY THE FOURTEENTH DAY BEFORE THE DATE OF THE ELECTION BY MAIL. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION OR SECTION 750A

TO THE CONTRARY, A CLERK SHALL HANDLE THE OFFICIAL BALLOTS AND ENVELOPES IN THE MANNER PRESCRIBED IN SECTION 759A FOR A VOTER WHO MEETS THE REQUIREMENTS OF THAT SECTION.

(4) THE CLERK OR SECRETARY SHALL INCLUDE WITH AN OFFICIAL BALLOT SENT UNDER SUBSECTION (3) OR A REPLACEMENT BALLOT UNDER SUBSECTION (5) ALL APPLICABLE INSTRUCTIONS AND WARNINGS REQUIRED FOR ABSENT VOTER BALLOTS UNDER SECTION 764A. FOR A PRIMARY ELECTION, THE ELECTION BY MAIL BALLOT SHALL CONTAIN A SECTION FOR THE SELECTION OF CANDIDATES FROM EACH POLITICAL PARTY THAT IS PARTICIPATING IN THE PRIMARY ELECTION. THE INSTRUCTIONS ACCOMPANYING THE PRIMARY ELECTION BY MAIL BALLOTS SHALL STATE CLEARLY THAT THE VOTER MAY VOTE FOR THE APPROPRIATE NUMBER OF CANDIDATES OF 1 PARTY ONLY AND THAT A PRIMARY BALLOT ON WHICH CANDIDATES FROM MORE THAN 1 PARTY ARE SELECTED WILL NOT BE COUNTED.

(5) A VOTER MAY OBTAIN A REPLACEMENT ELECTION BY MAIL BALLOT IF THE ORIGINAL BALLOT IS DESTROYED, SPOILED, LOST, OR NOT RECEIVED BY THE VOTER. A VOTER WHO SEEKS A REPLACEMENT BALLOT SHALL SIGN A SWORN STATEMENT THAT THE BALLOT WAS DESTROYED, SPOILED, LOST, OR NOT RECEIVED BY THE VOTER TO THE APPROPRIATE CLERK OR SECRETARY BEFORE THE END OF THE PERIOD DETERMINED UNDER SUBSECTION (2). THE CLERK OR SECRETARY SHALL KEEP A RECORD OF EACH REPLACEMENT ELECTION BY MAIL BALLOT PROVIDED UNDER THIS SUBSECTION. IF AN ORIGINAL BALLOT IS RETURNED TO THE CLERK OR SECRETARY AND A REPLACEMENT IS SOUGHT BY THAT VOTER WHO RECEIVED THE ORIGINAL BALLOT, THE CLERK SHALL MARK THE ORIGINAL BALLOT "CANCELED" AND PLACE IT IN THE REGULAR BOX WITH OTHER CANCELED BALLOTS. THE BOARD, CLERK, OR SECRETARY SHALL DESIGNATE THE CLERK'S OR SECRETARY'S OFFICE OR A CENTRAL LOCATION IN THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT IN WHICH THE ELECTION IS HELD AS THE SINGLE PLACE TO OBTAIN A REPLACEMENT ELECTION BY MAIL BALLOT UNDER THIS SUBSECTION. NOTWITHSTANDING SUBSECTION (3), A CLERK OR SECRETARY MAY MAIL REPLACEMENT BALLOTS 5 DAYS OR MORE BEFORE THE DATE OF THE ELECTION BY MAIL. THE CLERK OR SECRETARY MAY ISSUE TO A REGISTERED VOTER A REPLACEMENT BALLOT UP UNTIL AND INCLUDING THE DATE OF THE ELECTION BY MAIL.

(6) FOR AN ELECTOR WHO HAS APPLIED TO REGISTER TO VOTE ON OR BEFORE THE CLOSE OF REGISTRATION AND IS NOT LISTED IN THE REGISTRATION RECORDS OF THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT, THE CLERK OR SECRETARY SHALL PROCEED AS PRESCRIBED IN SECTION 509Y. IF THE ELECTOR MEETS THE REQUIREMENTS OF SECTION 509Y, THE CLERK OR SECRETARY SHALL MAKE THE OFFICIAL BALLOT, THE RETURN IDENTIFICATION ENVELOPE, THE SECRECY ENVELOPE, AND INSTRUCTIONS AVAILABLE AT THE CLERK'S OR SECRETARY'S OFFICE OR OTHER PLACE DESIGNATED BY THE BOARD, CLERK, OR SECRETARY.

(7) IN ORDER TO VOTE AN ELECTION BY MAIL BALLOT RECEIVED UNDER THIS SECTION, A REGISTERED VOTER SHALL MARK THE BALLOT, SIGN THE RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH THE BALLOT, AND COMPLY WITH THE INSTRUCTIONS PROVIDED WITH THE BALLOT. THE VOTER SHALL RETURN THE BALLOT IN THE RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH THE BALLOT OR THE BALLOT WILL NOT BE COUNTED. AN ELECTION BY MAIL BALLOT MUST BE RECEIVED AT THE OFFICE OF THE APPROPRIATE CLERK OR SECRETARY OR OTHER PLACE OF DEPOSIT DESIGNATED BY THE BOARD, CLERK, OR SECRETARY NOT LATER THAN 8 P.M. ON THE DATE OF THE ELECTION OR THE BALLOT WILL NOT BE COUNTED.

(8) IN ORDER TO VOTE AN ELECTION BY MAIL BALLOT UNDER THIS SECTION, A REGISTERED VOTER SHALL DELIVER THE RETURN ENVELOPE BY 1 OF THE FOLLOWING METHODS:

(A) PLACE THE NECESSARY POSTAGE UPON THE RETURN ENVELOPE AND DEPOSIT IT IN THE UNITED STATES MAIL OR WITH ANOTHER PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER.

(B) DELIVER THE ENVELOPE PERSONALLY TO THE OFFICE OF THE CLERK, TO THE CLERK, TO AN AUTHORIZED ASSISTANT OF THE CLERK, OR TO A PLACE OF DEPOSIT DESIGNATED BY THE CLERK UNDER SUBSECTION (2). A PERSON AUTHORIZED BY THE CLERK TO ACCEPT VOTE BY MAIL BALLOTS SHALL CARRY CREDENTIALS ISSUED BY THE CLERK, WHICH SHALL BE SHOWN TO A VOTER UNDER THIS SUBDIVISION UPON REQUEST.

(C) IN EITHER SUBDIVISION (A) OR (B), A MEMBER OF THE IMMEDIATE FAMILY OF THE VOTER INCLUDING A FATHER-IN-LAW, MOTHER-IN-LAW, BROTHER-IN-LAW, SISTER-IN-LAW, SON-IN-LAW, DAUGHTER-IN-LAW, GRANDPARENT, OR GRANDCHILD OR A PERSON RESIDING IN THE VOTER'S HOUSEHOLD MAY MAIL OR DELIVER A BALLOT TO THE CLERK FOR THE VOTER.

(9) ELECTION OFFICIALS SHALL COUNT AN ELECTION BY MAIL BALLOT ONLY IF THAT BALLOT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(A) THE BALLOT IS RETURNED IN THE RETURN IDENTIFICATION ENVELOPE.

(B) THE RETURN IDENTIFICATION ENVELOPE IS SIGNED BY THE VOTER TO WHOM THE BALLOT WAS ISSUED.

(C) THE SIGNATURE IS VERIFIED AS PROVIDED IN SUBSECTION (10).

(D) THE BALLOT WAS RECEIVED AT THE OFFICE OF THE APPROPRIATE CLERK OR SECRETARY OR OTHER DESIGNATED PLACE OF DEPOSIT ON OR BEFORE 8 P.M. ON THE DATE OF THE ELECTION.

(E) FOR A PRIMARY ELECTION, THE VOTER HAS VOTED FOR THE APPROPRIATE NUMBER OF CANDIDATES OF 1 PARTY ONLY.

(10) THE CITY, TOWNSHIP, OR VILLAGE CLERK OR SECRETARY OF A SCHOOL DISTRICT, OR HIS OR HER AUTHORIZED DESIGNEE, SHALL VERIFY THE SIGNATURE OF EACH VOTER ON THE RETURN IDENTIFICATION ENVELOPE WITH THE SIGNATURE OF THE VOTER CONTAINED IN THE OFFICIAL VOTER REGISTRATION FILE, ACCORDING TO THE PROCEDURES PRESCRIBED IN THIS ACT AND RULES PROMULGATED BY THE SECRETARY OF STATE. THE CLERK, SECRETARY, OR AUTHORIZED DESIGNEE SHALL PROCESS ELECTION BY MAIL BALLOTS IN THE SAME MANNER AS IS REQUIRED OF ABSENT VOTER BALLOTS IN THAT PRECINCT UNDER THIS ACT, AND AS PRESCRIBED IN RULES PROMULGATED UNDER THIS ACT.

(11) A PERSON WHO KNOWINGLY VOTES MORE THAN ONCE AT AN ELECTION BY MAIL OR A PERSON WHO KNOWINGLY ATTEMPTS TO VOTE MORE THAN ONCE IS GUILTY OF A FELONY. A CLERK, SECRETARY, OR OTHER ELECTION OFFICIAL WHO BECOMES AWARE OF A PERSON WHO VOTES OR ATTEMPTS TO VOTE MORE THAN ONCE SHALL REPORT THAT INFORMATION TO THE PROSECUTING ATTORNEY FOR THAT COUNTY AND TO THE SECRETARY OF STATE.

(12) AN ELECTION BY MAIL BALLOT OR A VOTER CASTING A BALLOT AT AN ELECTION BY MAIL, OR BOTH, IS SUBJECT TO CHALLENGE AS PRESCRIBED IN THIS ACT.”.

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

Rep. Rivet demanded the yeas and nays.

The demand was supported.

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

### **Point of Order**

Rep. Raczkowski requested a ruling from the Chair regarding the germaneness of the amendment offered by Rep. Rivet.

The Chair ruled that the amendment is not germane pursuant to House Rule 64. The amendment introduces a new proposition which is not germane to the subject matter of the bill as it was originally introduced and as it is currently before the House.

Rep. Brater moved to substitute (H-4) the bill.

The question being on the adoption of the substitute (H-4) offered by Rep. Brater,

Rep. Brater demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-4) offered by Rep. Brater,

### **Point of Order**

Rep. Raczkowski requested a ruling from the Chair regarding the germaneness of the substitute (H-4) offered by Rep. Brater.

The Chair ruled that the substitute is not germane pursuant to House Rule 64. The substitute introduces a new proposition which is not germane to the subject matter of the bill as it was originally introduced and as it is currently before the House.

Rep. Kilpatrick appealed the decision of the Chair.

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

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

**Roll Call No. 1014****Yeas—57**

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

**Nays—46**

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

In The Chair: Scranton

The Speaker Pro Tempore assumed the Chair.

Rep. Lockwood moved that Rep. O'Neil be excused temporarily from today's session.  
The motion prevailed.

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

Rep. Brater moved to amend the bill as follows:

1. Amend page 5, line 22, after "477." by striking out "(1)".
2. Amend page 6, line 11, by striking out all of subsection (2).

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

Rep. Brater demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 1015****Yeas—45**

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

**Nays—57**

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

In The Chair: Birkholz

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

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

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

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

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Associate Speaker Pro Tempore Scranton resumed the Chair.

Rep. Reeves moved that Rep. Scott be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 5061, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 471, 472a, 474a, 475, 476, 477, 544c, 552, 961, and 961a (MCL 168.471, 168.472a, 168.474a, 168.475, 168.476, 168.477, 168.544c, 168.552, 168.961, and 168.961a), section 544c as amended by 1993 PA 137, section 552 as amended by 1990 PA 7, and sections 961 and 961a as amended by 1982 PA 456, and by adding sections 9a and 473b.

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

**Roll Call No. 1016**

**Yeas—58**

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

**Nays—44**

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

In The Chair: Scranton

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

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

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 471, 472a, 474a, 475, 476, 477, 544c, and 961 (MCL 168.471, 168.472a, 168.474a, 168.475, 168.476, 168.477, 168.544c, and 168.961), section 544c as amended by 1993 PA 137 and section 961 as amended by 1982 PA 456, and by adding sections 9a and 473b.

The motion prevailed.

The House agreed to the title as amended.

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

“Mr. Speaker and members of the House:

I am voting no because this bill stifles the public’s right to petition. This is a basic right of the citizens of Michigan that should not be limited. Petitioning is the citizen’s right to protect themselves against onerous laws passed by the legislature. We should not place additional limitations on the right to petition.”

### Second Reading of Bills

#### House Bill No. 5058, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 15 (MCL 169.215), as amended by 1996 PA 590.

The bill was read a second time.

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

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5058, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 15 (MCL 169.215), as amended by 1996 PA 590.

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

### Roll Call No. 1017

### Yeas—103

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

Faunce  
Frank

Kilpatrick  
Koetje

Richardville  
Richner

Woronchak

**Nays—0**

In The Chair: Scranton

The House agreed to the title of the bill.

Reps. Bradstreet, DeRossett, Hansen, Hardman, Jacobs, Jelinek, Rick Johnson, Julian, Kuipers, Law, Mans, Middaugh, Mortimer, Neumann, Richner, Shackleton, Stamas, Switalski, Tabor, Tesanovich, Van Woerkom, Vander Roest, Vaughn and Woodward were named co-sponsors of the bill.

**Second Reading of Bills**

**House Bill No. 4154, 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.

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

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

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

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

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

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

Rep. Bovin moved that Rep. Garza be excused from the balance of today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 4154, 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.

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

**Roll Call No. 1018**

**Yeas—100**

Allen  
Baird  
Basham  
Birkholz  
Bisbee

Garcia  
Geiger  
Gielegem  
Gilbert  
Godchaux

Kowall  
Kuipers  
Kukuk  
LaSata  
Law

Rison  
Rivet  
Rocca  
Sanborn  
Scott

Bishop	Gosselin	Lemmons	Scranton
Bogardus	Green	Lockwood	Shackleton
Bovin	Hager	Mans	Sheltrown
Bradstreet	Hale	Martinez	Shulman
Brater	Hanley	Mead	Spade
Brown, B.	Hansen	Middaugh	Stallworth
Brown, C.	Hardman	Minore	Stamas
Byl	Hart	Mortimer	Switalski
Cassis	Howell	Neumann	Tabor
Caul	Jacobs	Pappageorge	Tesanovich
Cherry	Jamnack	Patterson	Thomas
Clark, I.	Jansen	Perricone	Toy
Clarke, H.	Jelinek	Pestka	Van Woerkom
Dennis	Jellema	Price	Vander Roest
DeRossett	Johnson, Rick	Prusi	Vaughn
DeVuyst	Johnson, Ruth	Pumford	Vear
DeWeese	Julian	Raczkowski	Voorhees
Ehardt	Kelly	Reeves	Wojno
Faunce	Kilpatrick	Richardville	Woodward
Frank	Koetje	Richner	Woronchak

### Nays—1

Callahan

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 4155, 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.

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

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4155, 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.

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

**Roll Call No. 1019****Yeas—98**

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

**Nays—1**

Callahan

In The Chair: Scranton

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

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

A bill to amend 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 motion prevailed.

The House agreed to the title as amended.

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

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Lemmons, LaForge, Kelly, Brater, DeHart, Daniels, Hale, Kilpatrick, Jacobs, Minore, Woodward, Reeves, Rivet, Hansen, Spade, Mead, Jansen, LaSata, Hardman, Schauer, Baird, Cherry, Ehardt, Jamnick, Hager, DeRossett, Scott, Hanley, Pappageorge and Allen offered the following resolution:

**House Resolution No. 221.**

A resolution honoring Bertrina Alicia Thomas.

Whereas, It is with great pleasure that we join with her family, friends, peers, and the entire community in congratulating Bertrina Thomas on being selected to be a Youth Ambassador to Israel. This honor recognizes her exceptional abilities in many areas, including her strong sense of compassion and leadership within her community. The receipt of such an award portrays Bertrina as a young woman with great potential for prominence as an adult; and

Whereas, Bertrina Thomas dedicated her time to take full advantage of the U.S. Israel Youth Ambassadors Exchange Program in every way. She diligently worked through the rigorous requirements so that she could make this great achievement. This is an important occasion in Bertrina's life and a most appropriate time to recognize her many accomplishments. Bertrina is an honor student at Detroit High School for the Fine and Performing Arts (DSA) and was inducted into the National Honor Society on May 5th, 1998. Bertrina is also an honorary member of the Second Canaan Missionary Baptist Church Community Drill Team and was a member of the Detroit Symphony Civic Orchestra during their 1997-1998, 1998-1999, and 1999-2000 seasons; and

Whereas, Bertrina has won many outstanding awards such as Who's Who Among American High School Students in 1996-1999; special recognition from President Bill Clinton; a State of Michigan Special Tribute from Senator Jackie Vaughn III; County of Wayne, Michigan Resolution from Wayne County Commissioner, District 2, Bernard Parker; City of Detroit Certificate of Achievement from Mayor Dennis W. Archer; Detroit City Council Testimonial Resolution; Detroit City Council Award of Recognition; Suzuki Royal Oak Institute of Music, Suzuki Method Repertoire Books 1-8 completed, teacher Mark Mutter; National Association of Negro Business and Professional Women's Clubs, Inc., Award of Achievement; 3rd Annual Michigan Science and Engineering Fair, Finalist 1997; 4th Annual Michigan Science and Engineering Fair, 3rd place Microbiology Gold winner; Optimist Club of Northwest Detroit Essay Contest, 3rd place; World Card Junior 2nd place Super Tournament XXIV-MLAG 1998; Detroit Branch NAACP 1998-1999 ACT-SO Classical Instrumental Gold Award; 1999 Schrock Interlochen Competition, 2nd place; and 1999 Scholarship recipient for the Interlochen Center for the Arts Summer Music Camp; and

Whereas, It is most encouraging to learn that Bertrina has achieved these high levels of accomplishment at such a young age, especially with the challenges of the 21st century fast approaching. Her maturity, selflessness, and commitment will serve her well throughout her lifetime and will enrich her community and state in many ways; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate Bertrina Thomas as she receives the honor of being United States Youth Ambassador to Israel for this year. We encourage her to continue her pursuit of excellence in all that she pursues; and be it further

Resolved, That a copy of this resolution be transmitted to Bertrina Thomas as a token of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Mead, Kelly, Neumann, DeHart, Hale, Kilpatrick, Lemmons, Minore, Woodward, Scranton, Spade, Julian, DeWeese, Faunce, Kowall, Cassis, Jansen, Garcia, LaSata, Birkholz, Raczkowski, Cherry, Ehardt, Jamnick, Vander Roest, Green, Hager, DeRossett, Bishop, Scott, Caul, Pappageorge and Allen offered the following resolution:

**House Resolution No. 222.**

A resolution of tribute to the Michigan Water Environment Association.

Whereas, The Michigan Water Environment Association, at its annual conference on the weekend of June 18 to 21, 2000, will be celebrating the 75th Anniversary of the founding of the Association; and

Whereas, The Michigan Water Environment Association, over the past 75 years, has made the protection of Michigan's water resources a primary concern and has been a solid supporter of clean water; and

Whereas, The Association has grown to a membership of 1,600 water professionals from every facet of the industry including engineers, operators, plant supervisors, scientists, professors, consultants, suppliers, and government representatives; and

Whereas, The Association provides its members with the added support needed to enhance and expand their skills in an ever-changing political, economic, and worldwide environment; and

Whereas, Through the contributions of the Michigan Water Environment Association, the water resources of the great State of Michigan have experienced superb levels of pollution reduction. The dissemination of publications and other scholarly materials to the members of the Association has been a leading stimulator of this change; now, therefore, be it

Resolved by the House of Representatives, That tribute is hereby bestowed upon the Michigan Water Environment Association upon its 75th Anniversary and its continued leadership and dedication to the protection of Michigan's water resources; and be it further

Resolved, That a copy of this resolution be presented to the Michigan Water Environment Association as a testimony of the high regard in which it is held by the members of this legislative body.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Frank, Howell, Hanley, Sheltroun, Neumann, Rivet, Stamas, LaForge, Kelly, Brater, DeHart, Hale, Kilpatrick, Lemmons, Jacobs, Wojno, Dennis, Bovin, Minore, Woodward, Hansen, Spade, Julian, DeWeese, Mead, Faunce, Kowall, Jansen, Garcia, Koetje, LaSata, Birkholz, Raczkowski, Schauer, Baird, Schermesser, Cherry, Ehardt, Jammick, Pestka, Green, Hager, DeRossett, Scott, Jellema, Pappageorge and Allen offered the following resolution:

**House Resolution No. 223.**

A resolution honoring E. Malcolm Field, M.D., upon the occasion of being honored as the recipient of the Spirit of St. Vincent DePaul Award.

Thy love shall chant its own beatitudes,  
After its own like working. A child's kiss  
Set on thy singing lips shall make thee glad;  
A poor man served by thee shall make thee rich;  
A sick man helped by thee shall make thee strong;  
Thou shalt be served thyself by every sense  
Of service which thou renderest.

Reward of Service

Elizabeth Barrett Browning

Whereas, As a practicing physician in Saginaw since 1962, Dr. Field has dedicated himself to the citizens of Michigan, bringing his knowledge and expertise of neurosurgery to those in need of his skills; and

Whereas, His compassion and dedication to excellence in patient care is known to his patients and staff at Saint Mary's Hospital. This caring, soft-spoken, gentle man is respected throughout Michigan as well as nationally renowned. Always known to go the extra mile for his patients, Dr. Field is a pioneer in neuroscience and is committed to serving as a mentor to new physicians, taking his valuable time to listen and teach; and

Whereas, His vision and legacy for the future in the field of neuroscience is evident in his founding of the Field Neurological Institute. The Institute is dedicated to excellence in neurology for the citizens of our great state, in particular serving people in mid-Michigan so they may remain close to family during their time of need; and

Whereas, Dr. Field was brought up on a dairy farm in Brighton, Michigan. He credits his faith, hope and direction in life to his parents, who instilled in him his compassion and a tireless work ethic which continues today. He has been married to his wife Lois for over 25 years and together they enjoy their precious leisure time with their beloved pets in Michigan's upper peninsula; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body and the people of the State of Michigan honor and recognize E. Malcolm Field, M.D., as he receives the Spirit of St. Vincent DePaul Award; and be it further

Resolved, That copies of this resolution be transmitted to Dr. Field as an expression of our highest esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Godchaux, LaForge, Kelly, Brater, DeHart, Hale, Kilpatrick, Bogardus, Lemmons, Jacobs, Minore, Woodward, Scranton, Rivet, Hansen, Spade, Mead, Faunce, Kowall, Shulman, Cassis, Jansen, Price, Koetje, LaSata, Birkholz, Raczkowski, Schauer, Baird, Quarles, Cherry, Ehardt, Jamnick, Ruth Johnson, Hager, DeRossett, Bishop, Scott, Hanley and Pappageorge offered the following resolution:

**House Resolution No. 224.**

A resolution honoring Mary Lu Robertson.

Whereas, Mary Lu Robertson has demonstrated her commitment to meeting the needs of students with communication disabilities with her pioneering efforts by ensuring service to the schools in Oakland County before districts began hiring their own speech/language pathologists; and

Whereas, Mary Lu Robertson has had an instrumental role in developing county guidelines for service and delivery to students with communication disabilities. She has held a leadership role in the long-standing relationship between the Oakland County Speech - Language - Hearing Association and Oakland Schools; and

Whereas, Mary Lu Robertson has maintained a caring attitude with colleagues who regularly came to her for professional guidance; and

Whereas, Mary Lu Robertson is a spirited adventurer for lifelong learning about communication disorders and the effect those difficulties present for students and families; and

Whereas, Mary Lu Robertson recently received the Ability is Ageless award presented by Operation Able, an agency that provides career development support and recognition to individuals aged 40 and over. Mary Lu was selected as one of the top 10 winners from over 115 nominations for her long-term contributions and dedicated service to Oakland Schools and was honored at a ceremony held in Dearborn, Michigan, hosted by Carmen Harlen of WDIV; now, therefore, be it

Resolved by the House of Representatives, That the State of Michigan joins Oakland Schools Intermediate School District of Oakland County, Michigan, in expressing recognition to Mary Lu Robertson for an incredible 45 years of dedication to students and to furthering the educational needs of students with communication disorders; and be it further

Resolved, That a copy of this resolution be transmitted to Mary Lu Robertson as evidence of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL § 18.1246.

Rep. Jellema offered the following concurrent resolution:

**House Concurrent Resolution No. 70.**

A concurrent resolution to change the scope of the Multipurpose Educational Facility and General Campus Renovations project at North Central Michigan College.

Whereas, The North Central Michigan College Multipurpose Educational Facility and General Campus Renovations project was authorized with a total cost of \$10,000,000 by 1996 PA 321 and 1998 PA 538; and

Whereas, North Central Michigan College has estimated that the total cost to complete the Multipurpose Educational Facility and General Campus Renovations project has increased to \$11,474,500; and

Whereas, North Central Michigan College has agreed to fund the increase in the project cost of \$1,474,500, with the state commitment remaining at \$3,967,500; and

Whereas, Pursuant to section 246 of 1984 PA 432, as amended, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost for the North Central Michigan College Multipurpose Educational Facility and General Campus Renovations project to an amount not to exceed \$11,474,500 (State Building Authority share \$3,967,400; State General Campus Fund/General Campus Purpose share \$100; North Central Michigan College share \$7,507,000); and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes in the legislative process; and be it further

Resolved, That a copy of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and North Central Michigan College.

The concurrent resolution was referred to the Committee on Appropriations.

Reps. Raczkowski and Kilpatrick offered the following resolution:

**House Concurrent Resolution No. 71.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives adjourns on Wednesday, November 10, 1999, it stand adjourned until Tuesday, November 30, 1999, at 12:00 Noon; and be it further

Resolved, That when the Senate adjourns on Wednesday, November 10, 1999, it stand adjourned until Tuesday, November 30, 1999, at 10:00 a.m.

Pending the reference of the concurrent resolution to a committee,

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

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

### Reports of Standing Committees

The Committee on Health Policy, by Rep. Law, Chair, reported

**House Bill No. 4021, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 92a.

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

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

#### Favorable Roll Call

**HB 4021** To Report Out:

Yeas: Reps. Law, DeWeese, DeRossett, Gosselin, Ruth Johnson, Raczkowski, Rocca, Vear, Schauer, Dennis, Jacobs, Neumann,

Nays: None.

The Committee on Health Policy, by Rep. Law, Chair, reported

**Senate Bill No. 589, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 401 (MCL 550.1401), as amended by 1998 PA 135.

With the recommendation that the bill pass.

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

#### Favorable Roll Call

**SB 589** To Report Out:

Yeas: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Rocca, Vear, Schauer,

Nays: None.

The Committee on Health Policy, by Rep. Law, Chair, reported

**Senate Bill No. 590, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407b.

With the recommendation that the bill pass.

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

#### Favorable Roll Call

**SB 590** To Report Out:

Yeas: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Rocca, Vear, Schauer,

Nays: None.

The Committee on Health Policy, by Rep. Law, Chair, reported

**Senate Bill No. 591, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21072a.

With the recommendation that the bill pass.

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

Favorable Roll Call

**SB 591** To Report Out:

Yeas: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Rocca, Vear, Schauer,

Nays: None.

The Committee on Health Policy, by Rep. Law, Chair, reported

**Senate Bill No. 725, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20965 (MCL 333.20965), as amended by 1997 PA 78.

With the recommendation that the bill pass.

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

Favorable Roll Call

**SB 725** To Report Out:

Yeas: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Rocca, Vear, Schauer, Dennis, Jacobs, Neumann, Woodward,

Nays: None.

The Committee on Health Policy, by Rep. Law, Chair, reported

**Senate Bill No. 807, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5431 (MCL 333.5431), as amended by 1998 PA 88.

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

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

Favorable Roll Call

**SB 807** To Report Out:

Yeas: Reps. Law, DeWeese, Ehardt, Gosselin, Green, Ruth Johnson, Rocca, Vear, Schauer, Dennis, Jacobs, Neumann, Woodward,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, November 4, 1999, at 10:30 a.m.,

Present: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Raczowski, Rocca, Vear, Schauer, Baird, Dennis, Jacobs, Neumann, Woodward,

Absent: Rep. Reeves,

Excused: Rep. Reeves.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

**House Bill No. 5059, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 5, 22, 26, 28, 29, 41, and 42 (MCL 169.205, 169.222, 169.226, 169.228, 169.229, 169.241, and 169.242), sections 5, 26, and 29 as amended

by 1995 PA 264, section 22 as amended by 1989 PA 95, and sections 28, 41, and 42 as amended by 1994 PA 117, and by adding section 18; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Favorable Roll Call

**HB 5059** To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Koetje, Law, Sanborn, Voorhees,

Nays: Reps. Baird, Minore, Switalski.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

**House Bill No. 5075, entitled**

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies," by amending section 5 (MCL 45.505), as amended by 1980 PA 7.

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

1. Amend page 4, line 20, after "INFERENCE." by striking out the balance of the line through "DIVISION." on line 24. The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

**HB 5075** To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Koetje, Law, Sanborn, Voorhees,

Nays: Reps. Baird, Minore, Switalski.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

**Senate Bill No. 810, entitled**

A bill to provide for the redistricting of congressional districts; and to establish guidelines for the decennial adoption of a redistricting plan for congressional districts.

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

1. Amend page 3, line 4, after "in" by striking out "no".

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

Favorable Roll Call

**SB 810** To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Koetje, Law, Sanborn, Voorhees,

Nays: Reps. Baird, Minore, Switalski.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

**Senate Bill No. 811, entitled**

A bill to confer original jurisdiction on the supreme court to hear and decide cases on congressional redistricting; and to allow the supreme court to review and order congressional redistricting plans.

With the recommendation that the bill pass.

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

Favorable Roll Call

**SB 811** To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Koetje, Law, Sanborn, Voorhees,

Nays: Reps. Baird, Minore, Switalski.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

**Senate Bill No. 812, entitled**

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 4 and 8 (MCL 46.404 and 46.408).

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

1. Amend page 2, line 18, after "INFERENCE." by striking out the balance of the line through "division." on line 23.

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

Favorable Roll Call

**SB 812** To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Koetje, Law, Sanborn, Voorhees,

Nays: Reps. Baird, Minore, Switalski.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

**Senate Bill No. 813, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 302 (MCL 600.302), as amended by 1993 PA 190.

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

1. Amend page 2, line 19, after "APPEALS" by striking out "DISTRICT'S" and inserting "DISTRICTS".

2. Amend page 3, line 13, after "THIS" by striking out "ACT" and inserting "SECTION".

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

Favorable Roll Call

**SB 813** To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Koetje, Law, Sanborn, Voorhees,

Nays: Reps. Baird, Minore, Switalski.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

**Senate Bill No. 814, entitled**

A bill to amend 1996 PA 463, entitled "An act to establish guidelines for the decennial adoption of redistricting plans for the senate and house of representatives; to provide original jurisdiction to the supreme court to review redistricting plans enacted by the legislature for compliance with those guidelines; and to provide a procedure for the supreme court to use to redistrict the senate and house of representatives under certain circumstances," by amending section 2 (MCL 4.262) and by adding section 1a.

With the recommendation that the bill pass.

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

Favorable Roll Call

**SB 814** To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Koetje, Law, Sanborn, Voorhees,

Nays: Reps. Baird, Minore, Switalski.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Richner, Chair of the Committee on Family and Civil Law, was received and read:

Meeting held on: Thursday, November 4, 1999, at 9:00 a.m.,

Present: Reps. Richner, Shulman, Hart, Koetje, Law, Sanborn, Voorhees, Baird, Minore, Switalski,

Absent: Rep. Schermesser,

Excused: Rep. Schermesser.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported  
**Senate Bill No. 454, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 508 (MCL 206.508), as amended by 1990 PA 283.

With the recommendation that the bill pass.

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

#### Favorable Roll Call

**SB 454** To Report Out:

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

Nays: None.

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 9, 1999, at 9:00 a.m.,

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

Absent: Rep. Garza,

Excused: Rep. Garza.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4327, entitled**

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending sections 1, 5, and 7 (MCL 722.671, 722.675, and 722.677).

The committee recommended that the bill be referred to the Committee on Constitutional Law and Ethics.

#### Favorable Roll Call

**HB 4327** To Report Out:

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

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on Constitutional Law and Ethics.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4525, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520d, and 520e (MCL 750.520a, 750.520d, and 750.520e), section 520a as amended by 1983 PA 158 and sections 520d and 520e as amended by 1996 PA 155, and by adding section 520n.

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

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

"Enacting section 1. This amendatory act takes effect June 1, 2000."

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

#### Favorable Roll Call

**HB 4525** To Report Out:

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

Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4526, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 1987 PA 255.

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

1. Amend page 2, following line 19, by inserting:

"Enacting section 1. This amendatory act takes effect June 1, 2000." and renumbering the remaining enacting section.

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

Favorable Roll Call

**HB 4526** To Report Out:

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

Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**House Bill No. 4881, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520c and 520e (MCL 750.520c and 750.520e), section 520c as amended by 1983 PA 158 and section 520e as amended by 1996 PA 155.

With the recommendation that the bill pass.

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

Favorable Roll Call

**HB 4881** To Report Out:

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

Nays: None.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported

**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.

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

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

Favorable Roll Call

**SB 562** To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 9, 1999, at 10:30 a.m.,

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Green, Chair of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Tuesday, November 9, 1999, at 8:00 a.m.,

Present: Reps. Green, Julian, Bradstreet, DeRossett, DeVuyst, Ehardt, Howell, Rick Johnson, Koetje, Vear, Brater, Bogardus, Hansen, LaForge, Rivet, Sheltroun, Spade.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 9, 1999, at 9:00 a.m.,

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 9, 1999, at 10:30 a.m.,

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

Absent: Rep. DeWeese,

Excused: Rep. DeWeese.

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

The Clerk announced that the following bills had been printed and placed upon the files of the members, Wednesday, November 3:

**Senate Bill Nos. 868 869 870 871 872 873 874 875 876 877 878 879**

The Clerk announced the enrollment printing and presentation to the Governor on Friday, November 5, for his approval of the following bills:

**Enrolled House Bill No. 4420 at 2:29 p.m.**

**Enrolled House Bill No. 4632 at 2:31 p.m.**

**Enrolled House Bill No. 4796 at 2:33 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, November 5:

**House Bill Nos. 5096 5097 5098 5099 5100 5101 5102 5103 5104**

The Clerk announced that the following Senate bills had been received on Tuesday, November 9:

**Senate Bill Nos. 734 763 773**

By unanimous consent the House returned to the order of

**Messages from the Senate****Senate Bill No. 734, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 763, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 36109 (MCL 324.36109), as amended by 1996 PA 233.

The Senate has passed the bill.

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

**Senate Bill No. 773, entitled**

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

The Senate has passed the bill.

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

**Messages from the Governor**

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

Date: November 4, 1999  
Time: 9:05 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4310 (Public Act No. 162, I.E.), being**

An act to make appropriations for the department of natural resources for the fiscal year ending September 30, 2000; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State November 4, 1999, at 2:50 p.m.)

Date: November 4, 1999  
Time: 9:10 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4764 (Public Act No. 163, I.E.), being**

An act to amend 1996 PA 386, entitled “An act to regulate the sale and purchase of viatical settlement contracts; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties,” (MCL 550.521 to 550.528) by adding section 4a.

(Filed with the Secretary of State November 4, 1999, at 2:52 p.m.)

Date: November 4, 1999  
Time: 9:12 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4413 (Public Act No. 164, I.E.), being**

An act 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,” (MCL 750.1 to 750.568) by adding section 219e.

(Filed with the Secretary of State November 4, 1999, at 2:54 p.m.)

Date: November 4, 1999  
Time: 9:14 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4670 (Public Act No. 165, I.E.), being**

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 161 of chapter XVII (MCL 777.161), as added by 1998 PA 317.

(Filed with the Secretary of State November 4, 1999, at 2:56 p.m.)

Date: November 4, 1999  
Time: 9:16 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4598 (Public Act No. 166, I.E.), being**

An act 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,” (MCL 750.1 to 750.568) by adding section 219f.

(Filed with the Secretary of State November 4, 1999, at 2:58 p.m.)

Date: November 8, 1999  
Time: 10:00 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4354 (Public Act No. 167), being**

An act 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,” (MCL 750.1 to 750.568) by adding section 217d.

(Filed with the Secretary of State November 8, 1999, at 10:30 a.m.)

Date: November 8, 1999  
Time: 10:02 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4352 (Public Act No. 168), being**

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16l of chapter XVII (MCL 777.16l), as added by 1998 PA 317.

(Filed with the Secretary of State November 8, 1999, at 10:32 a.m.)

Date: November 8, 1999  
Time: 10:10 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4132 (Public Act No. 169, I.E.), 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," (MCL 400.1 to 400.119b) by adding section 115p.

(Filed with the Secretary of State November 8, 1999, at 10:34 a.m.)

### Communications from State Officers

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

#### Notice of Filing Administrative Rules

October 7, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:10 P.M. this date, administrative rule (99-10-07) for the Department of Family Independence Agency, Director's Office, entitled "*General Rules: Part 9. Hearings, Appeals, and Declaratory Rulings*", effective 15 days hereafter.

October 7, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:15 P.M. this date, administrative rule (99-10-08) for the Department of Agriculture, Pesticide and Plant Pest Management Division, entitled "*Commercial Fertilizer Bulk Storage*", effective 15 days hereafter.

October 11, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:05 A.M. this date, administrative rule (99-10-09) for the Department of Environmental Quality, Surface Water Quality Division, entitled "*Clean Michigan Initiative Nonpoint Source Pollution*", effective 15 days hereafter.

October 12, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:37 A.M. this date, administrative rule (99-10-10) for the Department of Environmental Quality, Air Quality Division, entitled "*Air Pollution Control*", effective 15 days hereafter.

October 15, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:10 A.M. this date, administrative rule (99-10-11) for the Department of Environmental Quality, Air Quality Division, entitled "*Water Resources Protection*", effective 15 days hereafter.

October 18, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:10 P.M. this date, administrative rule (99-10-12) for the Department of Consumer and Industry Services, Safety Standards Division, entitled "*Lead Exposure in Construction*", effective 15 days hereafter.

October 19, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:45 A.M. this date, administrative rule (99-10-13) for the Department of Environmental Quality, Air Quality Division, entitled "*Air Pollution Control*", effective 15 days hereafter.

Sincerely,  
Candice S. Miller  
Secretary of State  
Helen Kruger, Supervisor  
Office of the Great Seal

The communications were referred to the Clerk.

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Rep. Hardman moved that the House adjourn.  
The motion prevailed, the time being 6:55 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Wednesday, November 10, at 2:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives.