

No. 12
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House of Representatives
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House Chamber, Lansing, Wednesday, February 16, 2000.

2:00 p.m.

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

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

Allen—present	Frank—present	Kuipers—present	Rison—present
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—present	LaForge—excused	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gielegem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—excused	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—excused	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	Jamnack—present	Perricone—e/d/s	Thomas—present
Clark—excused	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—excused	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—present	Quarles—present	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

e/d/s = entered during session

Rev. Ron Graes, Pastor of Evangel Baptist Church in Taylor, offered the following invocation:

“Heavenly Father, Thou art worthy of glory and honor and praise because You have created all things and for Your pleasure they are created. We want to thank You because You are the One who is high and lifted up and today we acknowledge that. We confess our humbleness before You and our dependence upon You. Heavenly Father, we thank You that You so blessed us in the state of Michigan. We are reminded that we have nothing that we have not received from Your good hand. Every good gift and every perfect gift is from above—from the Father of lights in whom there is no variance. Thank You for being there for us at all times and for caring. Heavenly Father, we come before You now at the beginning of this business session thanking You for this group of representatives from across our state. We thank You for their dedication. We thank You for their expertise and their experience. Lord, we pray that You would guide them. We are asking that You would have Your hand upon their families as well. Keep them safe, healthy, alert and strong in mind and body. Be with them in their marriages. May their husbands and their wives rejoice in the things that You have done for them. May their marriages be secure. May their children be honorable. Protect them. Father, we would also ask that as they conduct their business, that they would have the heart of the people in their own heart. We pray that they would carry the concerns of their constituency as they come to this place and that the decisions that they make are the ones that You would want them to make. May they be sensitive to Your leading in their lives. Father in Heaven, we also pray that there might be an honor given to them by the people in their districts that would be commensurate with the role and the responsibility that they carry. We also pray, Father, that You would help them to remember that ultimately each one of us would be accountable to You for all of our decisions and deliberations. Bless them at this time we pray. Amen.”

Rep. Price asked and obtained an excuse from tomorrow’s session.

Rep. Scott moved that Reps. Brater, LaForge and Lemmons be excused from today’s session.
The motion prevailed.

Rep. DeWeese moved that Rep. Rick Johnson be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5184, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 18a to chapter XVII.

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

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. DeRossett 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. 5184, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 18a to chapter XVII.

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

Roll Call No. 35**Yeas—102**

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

Nays—0

In The Chair: Patterson

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 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as amended by 1999 PA 67.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Allen, Basham, Birkholz, Bovin, Callahan, Cassis, DeVuyst, DeWeese, Hager, Ruth Johnson, Julian, Kelly, Kowall, Kuipers, Kukuk, Law, Lockwood, Mans, Neumann, Pappageorge, Patterson, Rackowski, Richner, Rocca, Shulman, Stamas, Toy, Van Woerkom, Vander Roest, Vear and Wojno were named co-sponsors of the bill.

Rep. Perricone entered the House Chambers.

Second Reading of Bills

House Bill No. 5185, entitled

A bill to amend 1979 PA 53, entitled “An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties,” by amending section 6 (MCL 752.796), as amended by 1996 PA 326.

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

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

Rep. O’Neil 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. 5185, entitled

A bill to amend 1979 PA 53, entitled “An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties,” by amending section 6 (MCL 752.796), as amended by 1996 PA 326.

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

Roll Call No. 36

Yeas—105

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

Nays—0

In The Chair: Patterson

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

Second Reading of Bills**House Bill No. 5186, entitled**

A bill to amend 1979 PA 53, entitled “An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties,” by amending section 7 (MCL 752.797), as amended by 1996 PA 326.

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

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

Rep. Howell 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. 5186, entitled**

A bill to amend 1979 PA 53, entitled “An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties,” by amending section 7 (MCL 752.797), as amended by 1996 PA 326.

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

Roll Call No. 37**Yeas—104**

Allen	Frank	Kowall	Rivet
Baird	Garcia	Kuipers	Rocca
Basham	Garza	Kukuk	Sanborn
Birkholz	Geiger	LaSata	Schauer
Bisbee	Gielegem	Law	Schermesser
Bishop	Gilbert	Lockwood	Scott
Bogardus	Godchaux	Martinez	Scranton
Bovin	Gosselin	Mead	Shackleton
Bradstreet	Green	Middaugh	Sheltrown
Brewer	Hager	Minore	Shulman
Brown, B.	Hale	Mortimer	Spade
Brown, C.	Hanley	Neumann	Stallworth
Byl	Hansen	O’Neil	Stamas
Callahan	Hardman	Pappageorge	Switalski
Cassis	Hart	Patterson	Tabor
Caul	Howell	Perricone	Tesanovich
Cherry	Jacobs	Pestka	Thomas

Clarke, H.	Jamnick	Price	Toy
Daniels	Jansen	Prusi	Van Woerkom
DeHart	Jelinek	Pumford	Vander Roest
Dennis	Jellema	Quarles	Vaughn
DeRossett	Johnson, Ruth	Raczkowski	Vear
DeVuyst	Julian	Reeves	Voorhees
DeWeese	Kelly	Richardville	Wojno
Ehardt	Kilpatrick	Richner	Woodward
Faunce	Koetje	Rison	Woronchak

Nays—0

In The Chair: Patterson

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

Second Reading of Bills

House Bill No. 5187, entitled

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," (MCL 752.791 to 752.797) by adding section 8.

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

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

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. 5187, entitled

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," (MCL 752.791 to 752.797) by adding section 8.

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

Roll Call No. 38

Yeas—104

Allen	Frank	Kuipers	Rivet
Baird	Garcia	Kukuk	Rocca
Basham	Garza	LaSata	Sanborn
Birkholz	Geiger	Law	Schauer
Bisbee	Gielegem	Lockwood	Schermesser
Bishop	Gilbert	Mans	Scott

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

Nays—0

In The Chair: Patterson

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 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," by amending section 2 (MCL 752.792), as amended by 1996 PA 326.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Basham, Bishop, Bogardus, Cameron Brown, Callahan, Cassis, Clarke, Dennis, Faunce, Hansen, Hart, Jacobs, Julian, Kelly, Koetje, Kukuk, LaSata, Law, Lockwood, Mans, Minore, Neumann, Pappageorge, Patterson, Rocca, Scott, Sheltrown, Shulman, Stallworth, Stamas, Toy, Van Woerkom, Vander Roest, Vaughn, Vear, Voorhees, Wojno and Woronchak were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 4752, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203).

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

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

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

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

Reps. Jelinek, Middaugh, Birkholz, LaSata and Allen moved to amend the bill as follows:

1. Amend page 2, line 20, after "OUTSIDE" by striking out "OF ALL SIDES".

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

Rep. Cassis 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. 4752, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203).

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

Roll Call No. 39

Yeas—102

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

Nays—0

In The Chair: Patterson

The House agreed to the title of the bill.

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

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

Reps. Basham, Cameron Brown, Caul, DeVuyst, Faunce, Garcia, Koetje, Kuipers, Kukuk, Law, Mortimer, O'Neil, Pappageorge, Patterson, Raczkowski, Rocca, Scott, Shulman, Van Woerkom, Vaughn, Vear and Woronchak were named co-sponsors of the bill.

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, Daniels, Richner, DeHart, Hansen, Vaughn, Bogardus, Kelly, Rivet, Kilpatrick, Hardman, Baird, Ehardt, Vear, Cherry, Thomas, Reeves, Clarke, Scott, Jamnick, Garza, O'Neil, Hale and DeWeese offered the following resolution:

House Resolution No. 278.

A resolution honoring Edward A. Carey, Jr.

Whereas, It is with a strong sense of admiration for all of the sacrifices he has made on behalf of the people of Wayne county that we salute Edward A. Carey, Jr. His retirement from public office as the Director of Wayne County Elections marks the end of an era of effectiveness and efficiency in public service. We thank this conscientious individual on this occasion and are confident that the people of Wayne county will long benefit from his service; and

Whereas, In the 13 years since Edward A. Carey, Jr. began his responsibilities as the Director of Elections, the people of Wayne county have appreciated the dedication and belief in this community's future that have marked all elements of his work. At a time in our history in which local officials face many challenges and changes, Edward A. Carey, Jr. has responded with energy and a heartfelt concern for the citizens, businesses, and institutions of Wayne county; and

Whereas, Edward A. Carey, Jr. retired as Director of Elections for the county of Wayne, Michigan, on December 31, 1999, capping a distinguished career of public service that lasted 32 years beginning in 1968; and

Whereas, Edward A. Carey, Jr. was born in the city of Detroit, Michigan, on June 20, 1950, the only son of Edward A. Carey, Sr. and Beatrice; A. (Warren). He was the last of six children, following his sisters Colleen, Patricia, Sheila, Shannon, and Mary Lou. Carey was raised in a strong labor-oriented and public service family. His father, Edward A., Sr., was pioneer in the early movement of the UAW at Chrysler Corporation where he served as an international representative. The elder Carey proudly seconded the nomination of Walter Reuther, then later ran for President of the UAW. Ed's father served as a member of the State House of Representatives from 1944 through 1957, rising to Democratic House Minority Leader, and later was elected to the Detroit Common Council in 1958 through 1969 serving two terms as Council President; and

Whereas, It was from this background that Edward, Jr. launched a career that spanned 32 years in public service. Beginning in Detroit parochial schools, Carey continued his education, attending Wayne State University during the years 1969 through 1977; and

Whereas, Edward's employment with the county of Wayne, began during the summer of 1968 as a temporary election worker for the Wayne County Election Commission. This service was interrupted only by a two-year enlistment in the United States Navy where he served honorably in the rank of a Third Class Petty Officer with Service Squadron 9, 9th Naval District stationed at Pear Harbor, Hawaii. Upon discharge in 1971, Ed began his career with Wayne county in earnest. He started as an entry clerk in the County Treasurer's office, subsequently transferring to the County Clerk's Office. He steadily rose in rank to become the Assistant Director of Elections in 1978 and Director of Elections in 1987, the position he held at his retirement; and

Whereas, Ed married Muriel Martha Ciesielski on June 6, 1975. "Marty" as she was affectionately called by all who knew her, departed from this life sadly on September 6, 1999 after a lingering illness of many years. Marty blessed Ed with three lovely daughters, Erin, 22, Maureen, 20, Elizabeth, 19, and a handsome son Edward A., III, 13. It is in her memory, that we proudly proclaim the outstanding accomplishments of her ever-loving and devoted husband, Edward A. Carey, Jr.; and

Whereas, Edward A. Carey, Jr. takes with him into retirement many memories of the difficult tasks that have fallen to him and valuable insights into the complexity of our system of self-government. With all that he has given to the people of Wayne County Elections, he can also take a great deal of personal pride and satisfaction; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body honor and thank Edward A. Carey, Jr. for his work as Director of Elections. May health and happiness be his in the future; and be it further

Resolved, That a copy of this resolution be transmitted to Edward A. Carey, Jr. 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. Lemmons, Daniels, Richner, DeHart, Hansen, Vaughn, Bogardus, Kelly, Rivet, Kilpatrick, Hardman, Baird, Ehardt, Cherry, Thomas, Reeves, Clarke, Scott, Jannick, Garza, O'Neil, Hale and DeWeese offered the following resolution:

House Resolution No. 279.

A resolution honoring Peter C. Barbieri.

Whereas, It is with a strong sense of admiration for all of the sacrifices he has made on behalf of the people of Wayne county that we salute Peter C. Barbieri. His retirement from public office as the Assistant Director of Wayne County Elections marks the end of an era of effectiveness and efficiency in public service. We thank this conscientious individual on this occasion and are confident that Wayne county will long benefit from his service; and

Whereas, In the five years since Peter C. Barbieri began his responsibilities as the Assistant Director, the people of Wayne county have appreciated the dedication and belief in this community's future that have marked all elements of his work. At a time in our history in which local officials face many challenges and changes, Peter C. Barbieri has responded with energy and a heartfelt concern for the citizens, businesses, and institutions of Wayne county; and

Whereas, Peter C. Barbieri retired as Assistant Director of Elections for the county of Wayne, Michigan, on December 31, 1999, capping a distinguished career of public service that lasted 31 years beginning in May 1969; and

Whereas, Peter C. Barbieri was the oldest of three children, given to this world by Chuck and Mary Barbieri. Peter was born in the city of Detroit on January 27, 1951. His siblings include a sister, Barbara, and brother, Michael. In 1974, he married his lovely wife, Cheryl (Creech), from which sprang forth three children, Jeff, Brian and Angela, as well as three grandchildren; and

Whereas, Peter C. Barbieri received his secondary education from Detroit Public Schools. He continued his formal education by attending classes at Wayne State University and Macomb County Community College. He began his career with the county of Wayne as a Clerk I tax collector in the office of the Wayne County Treasurer, ultimately transferring to the Wayne County Clerk's office in 1978. There, Peter distinguished himself in a variety of positions working in the Fiscal Unit Court Services, Vital Records, and Reproduction Departments of the Clerk's office. He also served as a Deputy Circuit Court Clerk for the Honorable M. Ryan in the 3rd Judicial Circuit; and

Whereas, Peter C. Barbieri, with his dedication, perseverance, and hard work earned himself a promotion to Assistant Director of Elections in 1995, the position from which he is now retiring. Peter is President of the Michigan Court Clerks' Association. He also was elected to serve two terms on the Executive Board of the Government Administrators Association as well as in many other capacities until his retirement; and

Whereas, Peter C. Barbieri takes with him into retirement many memories of the difficult tasks that have fallen to him and valuable insights into the complexity of our system of self-government. With all that he has given to the people of Wayne County, he can also take a great deal of personal pride and satisfaction; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body honor and thank Peter C. Barbieri for his work as Assistant Director of Wayne County Elections. May health and happiness be his in the future; and be it further

Resolved, That a copy of this resolution be transmitted to Peter C. Barbieri 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.

Reports of Standing Committees

The Committee on Transportation, by Rep. Gilbert, Vice-Chair, reported

House Bill No. 5227, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 232 (MCL 257.232), as amended by 1997 PA 101.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5227 To Report Out:

Yeas: Reps. Rick Johnson, Gilbert, DeVuyst, Garcia, Hart, Ruth Johnson, Middaugh, Patterson, Shackleton, Tabor, Schermesser,

Nays: Reps. Bovin, Lemmons.

The Committee on Transportation, by Rep. Gilbert, Vice-Chair, reported

House Bill No. 5230, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; and to prescribe certain penalties for violations," by amending sections 7 and 10 (MCL 28.297 and 28.300), as added by 1997 PA 99.

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 5230 To Report Out:

Yeas: Reps. Rick Johnson, Gilbert, DeVuyst, Garcia, Hart, Ruth Johnson, Middaugh, Patterson, Shackleton, Tabor, Schermesser,

Nays: Reps. Bovin, Lemmons.

The Committee on Transportation, by Rep. Gilbert, Vice-Chair, reported

House Bill No. 5270, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80130c, 80315c, 81114c, and 82156c (MCL 324.80130c, 324.80315c, 324.81114c, and 324.82156c), as added by 1997 PA 102.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5270 To Report Out:

Yeas: Reps. Rick Johnson, Gilbert, DeVuyst, Garcia, Hart, Ruth Johnson, Middaugh, Patterson, Shackleton, Tabor, Bovin, Schermesser,

Nays: Rep. Lemmons.

The Committee on Transportation, by Rep. Gilbert, Vice-Chair, reported

Senate Bill No. 857, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 33, 79, 216, 217b, 233a, 301, 657, 660, 705, and 801 (MCL 257.33, 257.79, 257.216, 257.217b, 257.233a, 257.301, 257.657, 257.660, 257.705, and 257.801), section 33 as amended by 1997 PA 56, section 79 as amended by 1992 PA 134, section 216 as amended by 1996 PA 141, section 233a as amended by 1988 PA 470, section 301 as amended by 1988 PA 346, section 660 as amended by 1994 PA 348, section 705 as amended by 1995 PA 91, and section 801 as amended by 1998 PA 384, and by adding sections 25b and 658b.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

SB 857 To Report Out:

Yeas: Reps. Rick Johnson, Gilbert, DeVuyst, Garcia, Hart, Ruth Johnson, Middaugh, Patterson, Shackleton, Tabor, Kilpatrick, Bovin, Jamnick, Lemmons, Schermesser,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 15, 2000, at 3:17 p.m.,

Present: Reps. Rick Johnson, Gilbert, DeVuyst, Garcia, Hart, Ruth Johnson, Middaugh, Patterson, Shackleton, Tabor, Kilpatrick, Bovin, Jamnick, Lemmons, Reeves, Schermesser,

Absent: Rep. Brewer,

Excused: Rep. Brewer.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported
House Bill No. 5126, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding article 17A. With the recommendation that the substitute (H-2) be adopted and that the bill then pass. The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5126 To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca,
Nays: Reps. Vaughn, Brater, Lemmons.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported
House Bill No. 5128, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding article 17A. With the recommendation that the substitute (H-3) be adopted and that the bill then pass. The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5128 To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca,
Nays: Reps. Vaughn, Brater, Lemmons.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported
House Bill No. 5129, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding article 17A. With the recommendation that the substitute (H-2) be adopted and that the bill then pass. The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5129 To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca,
Nays: None.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported
House Bill No. 5130, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding article 17A. With the recommendation that the substitute (H-2) be adopted and that the bill then pass. The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5130 To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca, Brater,
Nays: Reps. Vaughn, Lemmons.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bishop, Chair of the Committee on Constitutional Law and Ethics, was received and read:

Meeting held on: Tuesday, February 15, 2000, at 10:00 a.m.,

Present: Reps. Bishop, Patterson, Bradstreet, Green, Rocca, Vaughn, Brater, Garza, Lemmons.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 16, 2000, at 10:30 a.m.,

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

Absent: Rep. Lemmons,

Excused: Rep. Lemmons.

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, February 16:

House Bill Nos. 5349 5350 5351 5352 5353 5354 5355 5356 5357 5358 5359

The Clerk announced that the following Senate bill had been received on Wednesday, February 16:

Senate Bill No. 392

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4305, entitled**

A bill to make, supplement, and adjust appropriations for the department of environmental quality for the fiscal year ending September 30, 2000 and other fiscal periods; to prescribe the powers and duties of certain state agencies and officials; and to provide for the expenditure of the appropriations.

The Senate has appointed Senators Bennett, Gast and A. Smith as conferees to join with Reps. Byl, Mead and Cherry.

The bill was referred to Conference Committee on February 16, 2000.

Senate Bill No. 392, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627a (MCL 257.627a), as amended by 1996 PA 574.

The Senate has passed the bill.

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

Introduction of Bills

Rep. Geiger introduced

House Bill No. 5360, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by various agencies.

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

Rep. Geiger introduced

House Bill No. 5361, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to

provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

Rep. Geiger introduced

House Bill No. 5362, entitled

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 2001; and to provide for the expenditure of the appropriations.

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

Rep. Geiger introduced

House Bill No. 5363, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Geiger introduced

House Bill No. 5364, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Rep. Geiger introduced

House Bill No. 5365, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to adult corrections for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by state agencies.

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

Rep. Geiger introduced

House Bill No. 5366, entitled

A bill to make appropriations for the legislature, the judiciary, the executive, the department of attorney general, the department of state, the department of treasury, the department of management and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

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

Rep. Geiger introduced

House Bill No. 5367, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2001; and to provide for the expenditures of the appropriations.

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

Rep. Geiger introduced

House Bill No. 5368, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Geiger introduced

House Bill No. 5369, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Geiger introduced

House Bill No. 5370, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Geiger introduced

House Bill No. 5371, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2001; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Rep. Geiger introduced

House Bill No. 5372, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Geiger introduced

House Bill No. 5373, entitled

A bill to make appropriations for the department of military affairs and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Geiger introduced

House Bill No. 5374, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 1999 PA 119.

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

Rep. Geiger introduced

House Bill No. 5375, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), as amended by 1999 PA 119.

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

Rep. Geiger introduced

House Bill No. 5376, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Geiger introduced

House Bill No. 5377, entitled

A bill to make appropriations for various state departments and agencies for the fiscal year ending September 30, 2000; and to provide for the expenditure of the appropriations.

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

Rep. Geiger introduced

House Bill No. 5378, entitled

A bill to make appropriations for the state transportation department and certain state purposes from the funds designated in this act for the fiscal year ending September 30, 2001; and to provide for the expenditure of the appropriations.

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

Reps. Cameron Brown, Vear, Caul, Middaugh, Jelinek, Green, LaSata, Ruth Johnson, DeHart, Mortimer, Richner, Vander Roest, Ehardt and Birkholz introduced

House Bill No. 5379, entitled

A bill to create an awards program; and to authorize the governor to make certain awards.

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

Reps. Mead, Tabor, Pumford and Allen introduced

House Bill No. 5380, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901, 16902, 16903, 16904a, 16905, 16906, and 16909 (MCL 324.16901, 324.16902, 324.16903, 324.16904a, 324.16905, 324.16906, and 324.16909), sections 16901 and 16903 as amended and section 16904a as added by 1997 PA 17, and by adding section 16909a; and to repeal acts and parts of acts.

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

Reps. Allen, Tabor, Mead and Pumford introduced

House Bill No. 5381, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 1998 PA 547.

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

Reps. Tabor, Mead, Pumford and Allen introduced

House Bill No. 5382, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 1995 PA 267.

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

Reps. Spade, Hager, Cameron Brown and Vander Roest introduced

House Bill No. 5383, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending sections 6, 7, and 9f (MCL 552.6, 552.7, and 552.9f) and by adding sections 5, 8, and 8a.

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

Reps. Hager, Pappageorge, Mortimer, Garcia, Green, Law, Allen, Spade, Ehardt, Cameron Brown and Gosselin introduced

House Bill No. 5384, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending sections 1, 3, and 3a (MCL 551.101, 551.103, and 551.103a), section 3 as amended by 1984 PA 346 and section 3a as amended by 1989 PA 270, and by adding sections 3c, 3e, and 3g.

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

Rep. Brewer introduced

House Bill No. 5385, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 673a, 674, 682, and 683 (MCL 168.673a, 168.674, 168.682, and 168.683), section 673a as amended by 1996 PA 583 and section 674 as amended by 1996 PA 207.

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

Rep. Switalski introduced

House Bill No. 5386, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 653 (MCL 380.653) and by adding sections 506a and 1220.

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

Rep. Switalski introduced

House Bill No. 5387, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1344 (MCL 600.1344), as amended by 1982 PA 226.

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

Reps. Cameron Brown, Julian, Patterson, Faunce, Van Woerkom, Woronchak, Kowall, Hager, Vear, Birkholz, Caul, Richardville, Middaugh, Jelinek, Ruth Johnson, Shackleton, Mortimer and Ehardt introduced

House Joint Resolution P, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 40 to article IX, to provide for the protection of the funds of the public school employees' retirement system.

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

Rep. Bob Brown moved that the House adjourn.
The motion prevailed, the time being 3:40 p.m.

Associate Speaker Pro Tempore Patterson declared the House adjourned until Thursday, February 17, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives.

