

**No. 48**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**90th Legislature**  
**REGULAR SESSION OF 2000**

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House Chamber, Lansing, Wednesday, May 24, 2000.

12:00 Noon.

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—present	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gielegem—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	Jamnack—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—excused	Van Woerkom—present
DeHart—present	Johnson, Rick—present	Pumford—present	Vaughn—excused
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

Mr. Howard Deardoff, from Ann Arbor, offered the following invocation:

“Heavenly Father, we thank You and praise You for the many gifts You have given to us. Specifically, gifts of relationships—in family, friends and community. Today we focus upon Your wonderful gift of creation and for the natural beauty of our state at this time of year. We know that You give us this natural beauty freely to reveal who You are. We confess that we have not always respected Your gift of creation the way we should have. Guide this body of representatives to respect Your creation as the revelation of You, Lord. Give this body wisdom and unity as they deal with our state’s unique gifts that help to tell us who You are. While I personally pray in the name of Jesus Christ, we realize that others in this body pray in other names. Amen.”

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 458-472. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 463, 467, 471 and 472 and ‘nay’ on Roll Call Nos. 458-463, 464, 466, 469.”

### Second Reading of Bills

#### House Bill No. 5781, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” (MCL 28.421 to 28.434) by amending the title, as amended by 1990 PA 320, and by adding section 15.

The bill was read a second time.

Rep. Baird moved to amend the bill as follows:

1. Amend page 2, line 23, after “KEEP.” by inserting “A SEPARATE TRIGGER LOCK OR DEVICE AND A SEPARATE PURCHASE RECEIPT SHALL BE REQUIRED FOR EACH FIREARM PURCHASED.”.

2. Amend page 2, line 27, after “KEEP.” by inserting “A SEPARATE GUN CASE OR STORAGE CONTAINER AND A SEPARATE PURCHASE RECEIPT SHALL BE REQUIRED FOR EACH FIREARM PURCHASED.”.

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

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

The motion prevailed.

Rep. Gielegghem moved to amend the bill as follows:

1. Amend page 4, line 7, by striking out all of subsections (9) through (13) and renumbering the remaining subsections.

2. Amend page 6, line 12, by striking out all of subdivision (D) and relettering the remaining subdivision.

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

Rep. Gielegghem demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 477

#### Yeas—41

Baird  
Basham  
Bogardus

Daniels  
Dennis  
Garza

Kelly  
Kilpatrick  
LaForge

Rison  
Schauer  
Schermesser

Bovin	Gielegem	Lemmons	Scott
Brater	Hale	Lockwood	Stallworth
Brewer	Hanley	Martinez	Switalski
Brown, B.	Hansen	O'Neil	Tesanovich
Callahan	Hardman	Price	Thomas
Cherry	Jacobs	Quarles	Wojno
Clark, I.	Jamnick	Reeves	Woodward
Clarke, H.			

**Nays—63**

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

In The Chair: Patterson

Rep. Brater moved to amend the bill as follows:

1. Amend page 3, line 26, by striking out all of subsection (7) and renumbering the remaining subsections.

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. 478****Yeas—37**

Baird	Garza	Kilpatrick	Rison
Bogardus	Gielegem	LaForge	Schauer
Brater	Hale	Lemmons	Scott
Brewer	Hanley	Lockwood	Stallworth
Brown, B.	Hansen	Martinez	Switalski
Callahan	Hardman	Minore	Thomas
Clark, I.	Jacobs	Price	Wojno
Clarke, H.	Jamnick	Quarles	Woodward
Daniels	Kelly	Reeves	Woronchak
Dennis			

**Nays—69**

Allen	Garcia	Kukuk	Rivet
Basham	Gilbert	LaSata	Rocca
Birkholz	Godchaux	Law	Sanborn

Bisbee	Gosselin	Mans	Schermesser
Bishop	Green	Mead	Scranton
Bovin	Hager	Middaugh	Shackleton
Bradstreet	Hart	Mortimer	Sheltrown
Brown, C.	Howell	Neumann	Shulman
Byl	Jansen	O'Neil	Spade
Cassis	Jelinek	Pappageorge	Stamas
Caul	Jellema	Patterson	Tabor
DeHart	Johnson, Rick	Perricone	Tesanovich
DeRossett	Johnson, Ruth	Pestka	Toy
DeVuyst	Julian	Pumford	Van Woerkom
DeWeese	Koetje	Raczkowski	Vander Roest
Ehardt	Kowall	Richardville	Vear
Faunce	Kuipers	Richner	Voorhees
Frank			

In The Chair: Patterson

Rep. Basham moved to amend the bill as follows:

1. Amend page 4, line 7, after "(12)," by inserting "AFTER MAY 1, 2000".
2. Amend page 5, line 16, by striking out all of subsection (13) and renumbering the remaining subsections.

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

Rep. Basham demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 479

#### Yeas—47

Baird	Dennis	Law	Rison
Basham	Garza	Lemmons	Schauer
Bogardus	Gielegem	Lockwood	Schermesser
Brater	Hale	Mans	Scott
Brewer	Hanley	Martinez	Stallworth
Brown, B.	Hansen	Minore	Switalski
Byl	Hardman	O'Neil	Tesanovich
Callahan	Jacobs	Pestka	Thomas
Cherry	Jamnick	Price	Wojno
Clark, I.	Kelly	Quarles	Woodward
Clarke, H.	Kilpatrick	Reeves	Woronchak
Daniels	LaForge	Richner	

#### Nays—60

Allen	Frank	Koetje	Rivet
Birkholz	Garcia	Kowall	Rocca
Bisbee	Gilbert	Kuipers	Sanborn
Bishop	Godchaux	Kukuk	Scranton
Bovin	Gosselin	LaSata	Shackleton
Bradstreet	Green	Mead	Sheltrown
Brown, C.	Hager	Middaugh	Shulman
Cassis	Hart	Mortimer	Spade

Caul	Howell	Neumann	Stamas
DeHart	Jansen	Pappageorge	Tabor
DeRossett	Jelinek	Patterson	Toy
DeVuyst	Jellema	Perricone	Van Woerkom
DeWeese	Johnson, Rick	Pumford	Vander Roest
Ehardt	Johnson, Ruth	Rackowski	Vear
Faunce	Julian	Richardville	Voorhees

In The Chair: Patterson

Rep. Pappageorge moved that Rep. Geiger be excused temporarily from today's session.  
The motion prevailed.

Rep. Jacobs moved to substitute (H-1) the bill.  
The question being on the adoption of the substitute (H-1) offered by Rep. Jacobs,  
Rep. Jacobs demanded the yeas and nays.  
The demand was supported.

The question being on the adoption of the substitute (H-1) offered by Rep. Jacobs,  
The substitute (H-1) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 480**

**Yeas—39**

Baird	Garza	Kilpatrick	Rison
Bogardus	Gielegem	LaForge	Schermesser
Brater	Hager	Lemmons	Scott
Brewer	Hale	Lockwood	Stallworth
Brown, B.	Hanley	Martinez	Switalski
Callahan	Hansen	Minore	Thomas
Clark, I.	Hardman	O'Neil	Wojno
Clarke, H.	Jacobs	Price	Woodward
Daniels	Jamnick	Quarles	Woronchak
Dennis	Kelly	Reeves	

**Nays—68**

Allen	Faunce	Kuipers	Rivet
Basham	Frank	Kukuk	Rocca
Birkholz	Garcia	LaSata	Sanborn
Bisbee	Gilbert	Law	Schauer
Bishop	Godchaux	Mans	Scranton
Bovin	Gosselin	Mead	Shackleton
Bradstreet	Green	Middaugh	Sheltrown
Brown, C.	Hart	Mortimer	Shulman
Byl	Howell	Neumann	Spade
Cassis	Jansen	Pappageorge	Stamas
Caul	Jelinek	Patterson	Tabor
Cherry	Jellema	Perricone	Tesanovich
DeHart	Johnson, Rick	Pestka	Toy
DeRossett	Johnson, Ruth	Pumford	Van Woerkom

DeVuyst  
DeWeese  
Ehardt

Julian  
Koetje  
Kowall

Rackowski  
Richardville  
Richner

Vander Roest  
Vear  
Voorhees

In The Chair: Patterson

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 5, following line 19, by inserting:

“(14) THE STATE SHALL REIMBURSE A LOCAL UNIT OF GOVERNMENT FOR REASONABLE COSTS INCURRED BY THAT LOCAL UNIT OF GOVERNMENT PRIOR TO THE EFFECTIVE DATE OF THIS ACT IN RESEARCHING, INVESTIGATING, AND LITIGATING A CAUSE OF ACTION THAT IS PENDING ON THE EFFECTIVE DATE OF THIS ACT AND THAT MAY BE PROHIBITED BY THIS ACT.” and renumbering the remaining subsections.

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

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 481**

**Yeas—41**

Baird  
Basham  
Bogardus  
Bovin  
Brater  
Brown, B.  
Callahan  
Cherry  
Clark, I.  
Clarke, H.  
Daniels

Dennis  
Garza  
Gielegem  
Hale  
Hanley  
Hansen  
Hardman  
Jacobs  
Jammick  
Kelly

Kilpatrick  
LaForge  
Lemmons  
Lockwood  
Martinez  
Minore  
Price  
Quarles  
Reeves  
Rison

Rivet  
Schauer  
Schermesser  
Scott  
Stallworth  
Switalski  
Tesanovich  
Thomas  
Wojno  
Woronchak

**Nays—63**

Allen  
Birkholz  
Bisbee  
Bishop  
Bradstreet  
Brown, C.  
Byl  
Cassis  
Caul  
DeHart  
DeRossett  
DeVuyst  
DeWeese  
Ehardt  
Faunce  
Frank

Garcia  
Gilbert  
Godchaux  
Gosselin  
Green  
Hager  
Hart  
Howell  
Jansen  
Jelinek  
Jellema  
Johnson, Rick  
Johnson, Ruth  
Julian  
Koetje  
Kowall

Kuipers  
Kukuk  
LaSata  
Law  
Mans  
Mead  
Middaugh  
Mortimer  
Neumann  
Pappageorge  
Patterson  
Perricone  
Pestka  
Pumford  
Rackowski  
Richardville

Richner  
Rocca  
Sanborn  
Scranton  
Shackleton  
Sheltrown  
Shulman  
Spade  
Stamas  
Tabor  
Toy  
Van Woerkom  
Vander Roest  
Vear  
Voorhees

In The Chair: Patterson

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 5, following line 19, by inserting:

“(14) THE STATE SHALL REIMBURSE A LOCAL UNIT OF GOVERNMENT FOR REASONABLE COSTS AND EXPENSES INCURRED BY THAT LOCAL UNIT OF GOVERNMENT PRIOR TO THE EFFECTIVE DATE OF THIS ACT IN RESEARCHING, INVESTIGATING AND LITIGATING A CAUSE OF ACTION THAT IS PENDING ON THE EFFECTIVE DATE OF THIS ACT AND THAT MAY BE PROHIBITED BY THIS ACT.” and renumbering the remaining subsections.

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

The demand was supported.

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

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

**Roll Call No. 482**

**Yeas—40**

Baird	Daniels	Kilpatrick	Rivet
Basham	Garza	LaForge	Schauer
Bogardus	Gielegem	Lemmons	Schermesser
Bovin	Hale	Lockwood	Scott
Brater	Hanley	Martinez	Stallworth
Brown, B.	Hansen	Minore	Switalski
Callahan	Hardman	Price	Tesanovich
Cherry	Jacobs	Quarles	Thomas
Clark, I.	Jamnack	Reeves	Wojno
Clarke, H.	Kelly	Rison	Woronchak

**Nays—62**

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

In The Chair: Patterson

Rep. Tabor 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. 5781, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by amending the title, as amended by 1990 PA 320, and by adding section 15.

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

**Roll Call No. 483**

**Yeas—71**

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

**Nays—37**

Baird	Garza	Kelly	Quarles
Basham	Gielegem	Kilpatrick	Reeves
Bogardus	Godchaux	LaForge	Richner
Brater	Hale	Lemmons	Rison
Brewer	Hanley	Lockwood	Scott
Cherry	Hansen	Martinez	Stallworth
Clark, I.	Hardman	Minore	Switalski
Clarke, H.	Jacobs	O'Neil	Thomas
Daniels	Jamnick	Price	Woodward
Dennis			

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. Hanley, Jacobs, Woodward, Lockwood, Clark, Reeves, Hardman, Garza, Jamnick, Quarles, Scott and Bogardus, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Today I voted no on House Bill 5781 because, while I support trigger locks as a responsible safety device that every gun buyer should be provided at the point of sale, this bill irresponsibly shields the gun industry from lawsuits brought by local communities that are concerned about the threat that the proliferation of guns on their streets brings to children.

We have no business as a state legislature taking away the vested rights of local communities to pursue legal action through the American court system. That is the true purpose of this bill.

I strongly believe that we should have separated the issues of trigger locks and gun industry immunity and voted on each as separate bills. That, unfortunately, was not the intention of the Republican Majority. Instead, legislators were forced to compromise their principles and make an unseemly choice between two unrelated issues combined into one bill. My choice is to vote no.”

Rep. Brater, 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:

Today I voted no on House Bill 5781 because, while I support trigger locks as a responsible safety device that every gun buyer should be provided at the point of sale, this bill irresponsibly shields the gun industry from lawsuits brought by local communities that are concerned about the threat that the proliferation of guns on their streets brings to children.

I am also concerned that this bill is unconstitutional 1) because it retroactively takes away a vested interest in a lawsuit already in progress and 2) because it is contrary to the title-object clause of the Michigan Constitution.”

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

“Mr. Speaker and members of the House:

This bill deals with eliminating another provision of local control. There will be 13 more children in our country today that will die as a result of gun violence. It is unfortunate that we as a legislature did not deal with the real core matter on this issue, saving young peoples lives. We need to put more money and effort into constructive programs on the front end that will prevent gun violence. Until we do this, we as an elected body have failed our mission.”

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

“Mr. Speaker and members of the House:

I voted no on House Bill 5781 because of its dual nature. While I support trigger locks as a responsible safety device that every gun buyer should be provided at the point of sale, HB 5781 irresponsibly shields the gun industry from lawsuits brought by local communities that are concerned about the threat that the proliferation of guns on their streets brings to children.

This is once again an attack on local control of communities that want to protect their citizens and their quality of life. I further believe that we should have separated the issues of trigger locks and gun industry immunity. To put these two issues together only misleads the people of Michigan.

Legislators have been forced to compromise their principles and make an unseemly choice between two unrelated issues combined into one bill.

Therefore, I vote no on HB 5781.”

## Second Reading of Bills

### House Bill No. 5745, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 223a. 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. Thomas moved to substitute (H-2) the bill.

The question being on the adoption of the substitute (H-2) offered by Rep. Thomas,

Rep. Thomas demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-2) offered by Rep. Thomas,

**Point of Order**

Rep. Shulman requested a point of order on whether the Thomas substitute (H-2) is in violation of House Rule 56 which prohibits a bill from embracing more than one object and from being altered or amended such that it changes its original purpose.

The Chair ruled that the Thomas substitute (H-2) is in violation of House Rule 56 and is therefore out of order.

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. 484****Yeas—56**

Allen	Garcia	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	Rackowski	Voorhees
Faunce	Julian	Richardville	Woronchak

**Nays—50**

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.	Jamnack	Quarles	Thomas
Clarke, H.	Kelly	Reeves	Wojno
Daniels	Kilpatrick	Rison	Woodward
DeHart	LaForge		

In The Chair: Patterson

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

Rep. Jacobs moved to amend the bill as follows:

1. Amend page 3, line 5, after “OR” by striking out “RECKLESSLY” and inserting “CARELESSLY”.

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

Rep. Jacobs demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 485****Yeas—41**

Baird	Dennis	Kelly	Reeves
Bogardus	Frank	Kilpatrick	Rison
Brater	Garza	LaForge	Rivet
Brewer	Gielegem	Lemmons	Schauer
Brown, B.	Hale	Lockwood	Scott
Byl	Hanley	Martinez	Stallworth
Callahan	Hansen	Minore	Switalski
Cherry	Hardman	Pestka	Thomas
Clark, I.	Jacobs	Price	Wojno
Clarke, H.	Jamnack	Quarles	Woodward
Daniels			

**Nays—65**

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

In The Chair: Patterson

Rep. Thomas moved to amend the bill as follows:

1. Amend page 2, line 9, by striking out all of subdivision (E) and relettering the remaining subdivisions.

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

Rep. Thomas demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 486****Yeas—37**

Baird	Garza	Kilpatrick	Rison
Bogardus	Gielegem	LaForge	Schauer
Brater	Hale	Lemmons	Schermesser
Brewer	Hanley	Lockwood	Scott
Brown, B.	Hansen	Martinez	Stallworth
Cherry	Hardman	Minore	Switalski
Clark, I.	Jacobs	Price	Thomas
Clarke, H.	Jamnick	Quarles	Wojno
Daniels	Kelly	Reeves	Woodward
Dennis			

**Nays—69**

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

In The Chair: Patterson

Rep. LaForge moved to amend the bill as follows:

1. Amend page 2, line 22, by striking out all of subsection (2) and renumbering the remaining subsections.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not 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. 5745, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 223a. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 487****Yeas—72**

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

**Nays—35**

Baird	Daniels	Jacobs	Quarles
Basham	Dennis	Jamnick	Reeves
Bisbee	Garza	Kelly	Richner
Bogardus	Gielegem	Kilpatrick	Rison
Bradstreet	Godchaux	LaForge	Scott
Brater	Hale	Lemmons	Stallworth
Brewer	Hanley	Martinez	Switalski
Clark, I.	Hansen	Minore	Thomas
Clarke, H.	Hardman	Price	

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.

Rep. Bogardus, 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:

Today I voted no on House Bill 5745 because this bill will open too many loopholes to prevent the prosecution of those whose negligence results in the senseless deaths of children and others from gun violence.

The bill establishes a ridiculously high legal threshold for bringing charges against those who are responsible for criminal acts. It provides near blanket immunity to those who comply with current Michigan law in obtaining their weapon and purchasing a safety device for it, regardless of how their subsequent actions or behaviors contributed to criminal activity. This blanket immunity will serve to shield the negligent at the expense of children and families whose lives will be put at risk.”

Rep. Jamnick, 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:

Today I voted no on House Bill 5745 because this bill will open too many loopholes to prevent the prosecution of those whose negligence results in the senseless deaths of children and others from gun violence.

The bill establishes an incredibly high legal threshold for bringing charges against those who are responsible for criminal acts. It provides near blanket immunity to those who comply with current Michigan law in obtaining their weapon and purchasing a safety device for it, regardless of how their subsequent actions or behaviors contributed to criminal activity. I believe this blanket immunity will serve to shield the negligent at the expense of children and families whose lives will be put at risk.”

---

Rep. Clark moved that Rep. Reeves be excused temporarily from today’s session.  
The motion prevailed.

Rep. Pappageorge moved that Rep. Geiger 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.

### Second Reading of Bills

#### House Bill No. 5747, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding section 2951a.

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. Callahan moved to amend the bill as follows:

1. Amend page 3, line 4, after “OR” by striking out “RECKLESSLY” and inserting “CARELESSLY”.

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

Rep. Callahan demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 488

#### Yeas—39

Baird	Dennis	Kelly	Rison
Bogardus	Frank	Kilpatrick	Rivet
Brater	Garza	LaForge	Schauer
Brown, B.	Gielegthem	Lemmons	Scott
Byl	Hale	Lockwood	Stallworth
Callahan	Hanley	Martinez	Switalski
Cherry	Hansen	Minore	Thomas
Clark, I.	Hardman	O’Neil	Wojno
Clarke, H.	Jacobs	Pestka	Woodward
Daniels	Jamnick	Price	

**Nays—64**

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

In The Chair: Patterson

Rep. Thomas moved to amend the bill as follows:

1. Amend page 2, line 9, by striking out all of subdivision (E) and relettering the remaining subdivisions.

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

Rep. Thomas demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 489****Yeas—30**

Baird	Gielegem	Kilpatrick	Rison
Bogardus	Hale	LaForge	Schauer
Brater	Hanley	Lemmons	Scott
Brewer	Hansen	Martinez	Stallworth
Clark, I.	Hardman	Minore	Switalski
Clarke, H.	Jacobs	Price	Thomas
Dennis	Jamnick	Quarles	Woodward
Garza	Kelly		

**Nays—73**

Allen	Frank	Kukuk	Rocca
Basham	Garcia	LaSata	Sanborn
Birkholz	Gilbert	Law	Schermesser
Bisbee	Godchaux	Lockwood	Scranton
Bishop	Gosselin	Mans	Shackleton
Bovin	Green	Mead	Sheltrown
Bradstreet	Hager	Middaugh	Shulman
Brown, B.	Hart	Mortimer	Spade
Brown, C.	Howell	Neumann	Stamas
Byl	Jansen	O'Neil	Tabor

Callahan	Jelinek	Pappageorge	Tesanovich
Cassis	Jellema	Patterson	Toy
Caul	Johnson, Rick	Pestka	Van Woerkom
DeHart	Johnson, Ruth	Pumford	Vander Roest
DeRossett	Julian	Raczkowski	Vear
DeVuyst	Koetje	Richardville	Voorhees
DeWeese	Kowall	Richner	Wojno
Ehardt	Kuipers	Rivet	Woronchak
Faunce			

In The Chair: Patterson

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

The motion did not prevail and the substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Baird moved to amend the bill as follows:

1. Amend page 3, line 12, after "PERSON" by inserting "OTHER THAN A JUVENILE".
2. Amend page 3, line 14, after "THE" by striking out "PERSON'S ESTATE" and inserting "ESTATE OF A PERSON OTHER THAN A JUVENILE".

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

Rep. Baird demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 490

#### Yeas—35

Baird	Dennis	Kelly	Rison
Bogardus	Garza	Kilpatrick	Schauer
Brater	Gielegem	LaForge	Scott
Brown, B.	Hale	Lemmons	Stallworth
Callahan	Hanley	Lockwood	Switalski
Cherry	Hansen	Martinez	Thomas
Clark, I.	Hardman	Minore	Wojno
Clarke, H.	Jacobs	Price	Woodward
Daniels	Jamnick	Quarles	

#### Nays—69

Allen	Garcia	Kukuk	Rocca
Basham	Gilbert	LaSata	Sanborn
Birkholz	Godchaux	Law	Schermesser
Bisbee	Gosselin	Mans	Scranton
Bishop	Green	Mead	Shackleton
Bovin	Hager	Middaugh	Sheltrown
Bradstreet	Hart	Mortimer	Shulman
Brown, C.	Howell	Neumann	Spade
Byl	Jansen	O'Neil	Stamas
Cassis	Jelinek	Pappageorge	Tabor
Caul	Jellema	Patterson	Tesanovich
DeHart	Johnson, Rick	Pestka	Toy

DeRossett	Johnson, Ruth	Pumford	Van Woerkom
DeVuyst	Julian	Rackowski	Vander Roest
DeWeese	Koetje	Richardville	Vear
Ehardt	Kowall	Richner	Voorhees
Faunce	Kuipers	Rivet	Woronchak
Frank			

In The Chair: Patterson

Rep. Koetje 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.

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

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

**House Bill No. 5747, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2951a.

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

**Roll Call No. 491**

**Yeas—68**

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

**Nays—39**

Baird	Dennis	Jamnick	Quarles
Basham	Frank	Kelly	Reeves
Bogardus	Garza	Kilpatrick	Rison

Bradstreet	Gielegem	LaForge	Schauer
Brater	Godchaux	Lemmons	Scott
Brewer	Hale	Lockwood	Stallworth
Cherry	Hanley	Martinez	Switalski
Clark, I.	Hansen	Minore	Thomas
Clarke, H.	Hardman	O'Neil	Woodward
Daniels	Jacobs	Price	

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.

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Rep. Bogardus, 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:

Today I voted no on House Bill 5747 because this bill will open too many loopholes to prevent the prosecution of those whose negligence results in the senseless deaths of children and others from gun violence.

The bill establishes a ridiculously high legal threshold for bringing charges against those who are responsible for criminal acts. It provides near blanket immunity to those who comply with current Michigan law in obtaining their weapon and purchasing a safety device for it, regardless of how their subsequent actions or behaviors contributed to criminal activity. This blanket immunity will serve to shield the negligent at the expense of children and families whose lives will be put at risk.”

Rep. Jamnick, 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:

Today I voted no on House Bill 5747 because this bill will open too many loopholes to prevent the prosecution of those whose negligence results in the senseless deaths of children and others from gun violence.

The bill establishes an incredibly high legal threshold for bringing charges against those who are responsible for criminal acts. It provides near blanket immunity to those who comply with current Michigan law in obtaining their weapon and purchasing a safety device for it, regardless of how their subsequent actions or behaviors contributed to criminal activity. I believe this blanket immunity will serve to shield the negligent at the expense of children and families whose lives will be put at risk.”

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Rep. Reeves moved that Rep. Hardman be excused temporarily from today's session.  
The motion prevailed.

Rep. Pappageorge moved that Rep. Geiger be excused temporarily from today's session.  
The motion prevailed.

### Second Reading of Bills

#### House Bill No. 5744, entitled

A bill to create the project exile commission; to prescribe the duties of the members of the commission; to create the project exile fund; and to provide for disbursements from the fund.

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 3, line 18, by striking out “agencies and prosecuting attorneys” and inserting “agencies, prosecuting attorneys, and the state appellate defender office”.

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. 492**

**Yeas—24**

Baird	Daniels	LaForge	Rison
Bogardus	Garza	Lemmons	Schauer
Brater	Hale	Lockwood	Scott
Cherry	Hansen	Martinez	Stallworth
Clark, I.	Kelly	Price	Switalski
Clarke, H.	Kilpatrick	Reeves	Thomas

**Nays—74**

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

In The Chair: Patterson

Rep. Martinez moved that Rep. Baird be excused temporarily from today’s session.

The motion prevailed.

Rep. Gielegem moved to amend the bill as follows:

1. Amend page 3, following line 24, by inserting:

“(c) Provide information and training to law enforcement agencies and prosecuting attorneys to facilitate and encourage the prosecution of firearms dealers who sell firearms to minors or persons otherwise prohibited from purchasing firearms under the laws of this state or of the United States.” and relettering the remaining subdivisions.

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

The demand was supported.

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

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

**Roll Call No. 493****Yeas—38**

Bogardus	Frank	Lemmons	Rivet
Brater	Garza	Lockwood	Schauer
Brown, B.	Gielegem	Martinez	Scott
Byl	Hale	Minore	Stallworth
Callahan	Hanley	O'Neil	Switalski
Cherry	Hansen	Pestka	Thomas
Clark, I.	Jacobs	Price	Wojno
Clarke, H.	Jamnick	Reeves	Woodward
Daniels	Kelly	Rison	Woronchak
Dennis	LaForge		

**Nays—63**

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

In The Chair: Patterson

Rep. Jacobs moved to amend the bill as follows:

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

“Sec. 4. The commission shall file an annual report with the secretary of the senate and the clerk of the house of representatives disclosing all of the following:

(a) All contributions to the fund.

(b) All expenditures from the fund.

(c) The number of arrests made for felony firearm violations in this state and the disposition of those cases. The information provided under this subdivision shall be broken down on a geographical basis.”

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

Rep. Garza moved to amend the bill as follows:

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

“Sec. 4. This act is repealed September 1, 2005.”.

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

Rep. Garza moved to amend the bill as follows:

1. Amend page 4, following line 12, by inserting:

“(e) To develop standards recommended for use by county prosecuting attorneys in deciding whether a case should be prosecuted under the laws of this state or the United States to ensure consistency in prosecution among the various counties of this state.”.

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

Rep. Garza demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 494**

**Yeas—31**

Bogardus	Garza	Kilpatrick	Rison
Brater	Gielegem	LaForge	Scott
Callahan	Hale	Lemmons	Stallworth
Cherry	Hanley	Lockwood	Switalski
Clark, I.	Hansen	Martinez	Thomas
Clarke, H.	Jacobs	Minore	Wojno
Daniels	Jamnick	Price	Woodward
Dennis	Kelly	Reeves	

**Nays—70**

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

In The Chair: Patterson

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. Byl 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. 5744, entitled**

A bill to create the project exile commission; to prescribe the duties of the members of the commission; to create the project exile fund; and to provide for disbursements from the fund.

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

**Roll Call No. 495**

**Yeas—80**

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

**Nays—23**

Bradstreet	Godchaux	Kilpatrick	Reeves
Brater	Hale	LaForge	Rison
Clark, I.	Hanley	Lemmons	Scott
Clarke, H.	Hansen	Martinez	Stallworth
Daniels	Jamnack	Minore	Thomas
Garza	Kelly	Price	

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.

Rep. Jamnick, 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:

This bill is just another means of warehousing people in jails and prisons rather than begin to deal with the challenges of society today.”

### 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, Thursday, May 18:

**Senate Bill Nos. 1283 1284 1287**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, May 19:

**Senate Bill Nos. 1274 1276 1278 1281 1282 1285 1286**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Wednesday, May 24:

**House Bill Nos. 5814 5815 5816 5817 5818 5819 5820 5821 5822 5823 5824 5825 5826 5827  
5828 5829 5830 5831 5832 5833**

The Clerk announced that the following Senate bills had been received on Wednesday, May 24:

**Senate Bill Nos. 1052 1053 1187 1208 1209 1210 1211 1254 1277**

By unanimous consent the House returned to the order of

### Messages from the Senate

#### House Bill No. 4684, entitled

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 2162 (MCL 600.2162), as amended by 1994 PA 67.

The Senate has amended the bill as follows:

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

"Enacting section 1. This act takes effect 90 days after the date this act is enacted."

The Senate has passed the bill as amended.

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

#### House Bill No. 5273, 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; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

#### House Bill No. 5276, 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 those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

#### House Bill No. 5279, 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 Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to make appropriations for the judicial branch for the fiscal years ending September 30, 2000 and 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 Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 5280, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

**House Bill No. 5282, 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 those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

**Senate Bill No. 1052, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIII (MCL 712A.19b), as amended by 2000 PA 46, and by adding chapter XII.

The Senate has passed the bill.

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

**Senate Bill No. 1053, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 135 (MCL 750.135).

The Senate has passed the bill.

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

**Senate Bill No. 1187, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2000 PA 45.

The Senate has passed the bill.

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

**Senate Bill No. 1208, entitled**

A bill to provide review of certain health care coverage adverse determinations made by health carriers; to prescribe eligibility, powers, and duties of certain independent review organizations; to prescribe the powers and duties of certain health carriers; to prescribe the powers and duties of certain persons; to prescribe the powers and duties of certain state officials; to provide for the reporting of certain information; to establish the cancer clinical trials fund; to provide fees; and to provide penalties for violations of this act.

The Senate has passed the bill.

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

**Senate Bill No. 1209, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 102, 224, 240, and 2213 (MCL 500.102, 500.224, 500.240, and 500.2213), section 224 as amended by 1998 PA 121, section 240 as amended by 1987 PA 261, and section 2213 as added by 1996 PA 517, and by adding chapter 35; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

**Senate Bill No. 1210, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3580.

The Senate has passed the bill.

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

**Senate Bill No. 1211, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20106, 20124, 20161, and 22205 (MCL 333.20106, 333.20124, 333.20161, and 333.22205), sections 20106 and 20161 as amended by 1996 PA 267 and section 22205 as amended by 1993 PA 88.

The Senate has passed the bill.

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

**Senate Bill No. 1254, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 1999 PA 140.

The Senate has passed the bill.

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

**Senate Bill No. 1277, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding section 10z.

The Senate has passed the bill.

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

**Motions and Resolutions**

Reps. Toy, Spade, Sheltroun, DeHart, Hansen, Richner, Martinez, Pappageorge, Middaugh, Scott, Wojno, Ehardt, Hager, Mead, Garcia, Faunce, Kowall, Julian, Gosselin, Perricone, Birkholz, Shackleton, Voorhees, Cherry, Kelly, LaForge, Jansen, Vander Roest, Switalski, Rocca, Raczowski, Van Woerkom, Gielegem, Baird, Bogardus, Bob Brown, Kukuk, Tesanovich, Woronchak, Caul, Tabor, DeRossett, Koetje, Jamnick, Vear, Jellema, Minore and Brater offered the following resolution:

**House Resolution No. 359.**

A resolution proclaiming October 2-8, 2000, as Italian-American Heritage Week.

Whereas, Over 5.7 million Italians, the third largest group that has immigrated, have come to the United States of America to find a better life; and

Whereas, Our state and nation continue to be renewed and enriched by the many different people from throughout the world who choose to come here and become our fellow citizens. Each brings a part of his or her own heritage, which over time becomes part of our common heritage; and

Whereas, In this millennium year, the Italian-Americans in Michigan will be celebrating the millennium with a series of events to take place during the first week of October to highlight the contribution of the Italian-Americans to American society; and

Whereas, Michigan is fortunate to count among its population significant numbers of families of Italian descent whose culture has contributed greatly to our society and whose many talents and abilities have strengthened and enhanced our state like Marconi whose experiments in wireless communication contributed to the development of our current telecommunication industry and Enrico Fermi whose experiments in controlled nuclear fission led to the peaceful use of nuclear energy. Italian-Americans from Michigan have made noteworthy contributions including Lee Iacocca in the automobile industry and Ambassador Peter Secchia in international politics; and

Whereas, This celebration provides us with an excellent opportunity to not only reflect upon the life and legacy of Italian-Americans, but also to rejoice in our shared culture and celebrate the achievements of Italian-Americans in all fields of endeavor who have brought so much to our communities; now, therefore, be it

Resolved by the House of Representatives, That we proclaim October 2-8 as Italian-American Heritage Week.

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.

### 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: May 23, 2000

Time: 2:05 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5044 (Public Act No. 111, I.E.), being**

An act to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,” by amending section 1 of chapter XI (MCL 711.1), as amended by 1996 PA 495, and by adding section 3 to chapter XI.

(Filed with the Secretary of State May 24, 2000, at 9:23 a.m.)

Date: May 23, 2000

Time: 5:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4712 (Public Act No. 112, I.E.), being**

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 916, 934, and 2950b (MCL 600.916, 600.934, and 600.2950b), section 934 as amended by 1980 PA 271 and section 2950b as amended by 1994 PA 403, and by adding section 2950c.

(Filed with the Secretary of State May 24, 2000, at 9:25 a.m.)

**Introduction of Bills**

Rep. Vander Roest introduced

**House Bill No. 5834, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 12 (MCL 125.2692). The bill was read a first time by its title and referred to the Committee on Economic Development.

Reps. Kelly, Stallworth, Sheltroun and Rick Johnson introduced

**House Bill No. 5835, entitled**

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending section 4 (MCL 207.214), as amended by 1996 PA 584.

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

Rep. Law introduced

**House Bill No. 5836, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3406k (MCL 500.3406k), as added by 1998 PA 125.

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

Rep. Law introduced

**House Bill No. 5837, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 418 (MCL 550.1418), as added by 1998 PA 124.

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

Rep. Law introduced

**House Bill No. 5838, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21052c.

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

Reps. Birkholz, Rick Johnson, Tabor, Jellema, Byl and DeVuyst introduced

**House Bill No. 5839, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5527 (MCL 324.5527).

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

Reps. Scott, Price, DeHart, Scranton, Hale, Daniels, Quarles, Brewer, Stallworth, Rison, Hardman, Reeves, Basham, Clark, Garza, DeWeese, Martinez, Jacobs, Brater, Schermesser, Kelly, Cherry, Godchaux, Hanley, Baird, Lockwood, Callahan, Clarke, Gielegem, Minore, Jamnick, Frank, Sheltroun, Bovin, Wojno, Woodward, O'Neil, Dennis, Mans, Tesanovich, Kilpatrick, Stamas and Thomas introduced

**House Bill No. 5840, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 31 and 32 (MCL 389.31 and 389.32).

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

Rep. Tabor introduced

**House Bill No. 5841, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 481; 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.

Rep. Tabor introduced

**House Bill No. 5842, entitled**

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 7 (MCL 24.207), as amended by 1999 PA 262.

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

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Associate Speaker Pro Tempore Scranton assumed the Chair.

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

**House Bill No. 5746, entitled**

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

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. 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.

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Rep. Price moved that Rep. Hanley be excused temporarily from today’s session.

The motion prevailed.

Rep. Schauer moved that Rep. Mans be excused temporarily from today’s session.

The motion prevailed.

Rep. O’Neil moved that Rep. Lockwood 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. 5746, entitled**

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

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

**Roll Call No. 496**

**Yeas—84**

Allen	Faunce	Kuipers	Rocca
Basham	Frank	Kukuk	Sanborn
Birkholz	Garcia	LaSata	Schauer
Bisbee	Geiger	Law	Schermesser
Bishop	Gielegem	Martinez	Scranton
Bogardus	Gilbert	Mead	Shackleton
Brater	Gosselin	Middaugh	Sheltrown

Brewer	Green	Minore	Shulman
Brown, B.	Hager	Mortimer	Spade
Brown, C.	Hansen	Neumann	Stamas
Byl	Hart	O'Neil	Switalski
Callahan	Howell	Pappageorge	Tabor
Cassis	Jamnack	Patterson	Tesanovich
Caul	Jansen	Perricone	Toy
Cherry	Jelinek	Pestka	Van Woerkom
DeHart	Jellema	Price	Vander Roest
Dennis	Johnson, Rick	Pumford	Vear
DeRossett	Johnson, Ruth	Raczkowski	Voorhees
DeVuyst	Julian	Richardville	Wojno
DeWeese	Koetje	Richner	Woodward
Ehardt	Kowall	Rivet	Woronchak

**Nays—19**

Bradstreet	Godchaux	Kilpatrick	Rison
Clark, I.	Hale	LaForge	Scott
Clarke, H.	Hardman	Lemmons	Stallworth
Daniels	Jacobs	Quarles	Thomas
Garza	Kelly	Reeves	

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. 5782, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as amended by 1999 PA 90.

The bill was read a second time.

Rep. DeVuyst 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. 5782, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as amended by 1999 PA 90.

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

**Roll Call No. 497****Yeas—93**

Allen	Frank	Kuipers	Richner
Basham	Garcia	Kukuk	Rivet
Birkholz	Gielegem	LaForge	Rocca

Bisbee	Gilbert	LaSata	Sanborn
Bishop	Godchaux	Law	Schauer
Bogardus	Gosselin	Lockwood	Schermesser
Bradstreet	Green	Mans	Scranton
Brater	Hager	Mead	Shackleton
Brewer	Hanley	Middaugh	Sheltrown
Brown, B.	Hansen	Minore	Shulman
Brown, C.	Hart	Mortimer	Spade
Byl	Howell	Neumann	Stamas
Callahan	Jacobs	O'Neil	Switalski
Cassis	Jamnick	Pappageorge	Tabor
Caul	Jansen	Patterson	Tesanovich
Cherry	Jelinek	Perricone	Toy
Clark, I.	Jellema	Pestka	Van Woerkom
Clarke, H.	Johnson, Rick	Price	Vander Roest
DeHart	Johnson, Ruth	Pumford	Vear
DeRossett	Julian	Quarles	Voorhees
DeVuyst	Kelly	Raczkowski	Wojno
DeWeese	Koetje	Reeves	Woodward
Ehardt	Kowall	Richardville	Woronchak
Faunce			

#### Nays—9

Daniels	Hardman	Lemmons	Stallworth
Garza	Kilpatrick	Scott	Thomas
Hale			

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. 5741, entitled

A bill to require disclosures of criminal convictions and certain conduct by certain persons; to require criminal history checks of certain persons; to require disclosure of child abuse or child neglect records of certain persons; to regulate the employment of certain persons; to prescribe the powers and duties and limit the liability of certain state and local departments and agencies; and to prescribe penalties.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Family and Children Services,

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

Reps. Callahan and LaForge moved to substitute (H-6) the bill.

The question being on the adoption of the substitute (H-6) offered by Reps. Callahan and LaForge,

Rep. Callahan demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-6) offered by Reps. Callahan and LaForge,

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

**Roll Call No. 498****Yeas—46**

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

**Nays—57**

Allen	Gilbert	Kowall	Richner
Birkholz	Godchaux	Kuipers	Rocca
Bisbee	Gosselin	Kukuk	Sanborn
Bishop	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	Vear
Faunce	Julian	Rackowski	Voorhees
Garcia	Koetje	Richardville	Woronchak
Geiger			

In The Chair: Scranton

Reps. Hart and Clarke moved to amend the bill as follows:

1. Amend page 3, line 3, after “services” by inserting “under section 1(e), (f)(iii), or (f)(iv) of 1973 PA 116, MCL 722.111,”.

2. Amend page 3, line 7, after “activities.” by striking out the balance of the subdivision.

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

Rep. Jacobs moved that Rep. Kilpatrick be excused temporarily from today’s session.  
The motion prevailed.

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

Rep. Hardman moved to amend the bill as follows:

1. Amend page 9, line 25, after “may” by striking out “employ” and inserting “hire”.

2. Amend page 9, line 27, after “check” by striking out “with appropriate staff supervision” and inserting “but the applicant may not work for the child-related employer”.

3. Amend page 10, line 6, after "shall" by striking out "not hire the applicant or may".

4. Amend page 10, line 7, after "employee." by striking out the balance of the subsection.

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

The demand was supported.

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

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

**Roll Call No. 499****Yeas—52**

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

**Nays—52**

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

**In The Chair: Scranton**

Rep. LaForge moved to amend the bill as follows:

1. Amend page 10, following line 24, by inserting:

"(12) An applicant, child-related employee, or volunteer who fully complies with the conditions under this act, may request of their employer and shall receive a copy of their background and central registry checks.".

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

**Roll Call No. 500****Yeas—103**

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

**Nays—0**

In The Chair: Scranton

Rep. LaForge moved to amend the bill as follows:

1. Amend page 3, following line 9, by inserting:

“(h) Child-related volunteer” means a child-related employer’s full-time or part-time unpaid volunteer who has provided services for at least 1 year.” and relettering the remaining subdivisions.

2. Amend page 12, line 12, after “Sec. 11.” by striking out the balance of the section and inserting “a child-related employer shall request a criminal record check and a central registry check on a child-related volunteer who has provided volunteer services for at least 1 year. A child-related volunteer shall comply with and is subject to all the provisions of this act.”.

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

Rep. LaForge demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 501****Yeas—20**

Brater	Garza	LaForge	Quarles
Brown, B.	Hale	Mans	Rison
Clark, I.	Hansen	Martinez	Scott
Clarke, H.	Hardman	Minore	Stallworth
Daniels	Kelly	Price	Thomas

**Nays—79**

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

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. 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. 5741, entitled**

A bill to require disclosures of criminal convictions and certain conduct by certain persons; to require criminal history checks of certain persons; to require disclosure of child abuse or child neglect records of certain persons; to regulate the employment of certain persons; to prescribe the powers and duties and limit the liability of certain state and local departments and agencies; and to prescribe penalties.

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

**Roll Call No. 502****Yeas—106**

Allen	Garcia	Kuipers	Rison
Basham	Garza	Kukuk	Rivet
Birkholz	Geiger	LaForge	Rocca
Bisbee	Gielegem	LaSata	Sanborn
Bishop	Gilbert	Law	Schauer
Bogardus	Godchaux	Lemmons	Schermesser
Bovin	Gosselin	Lockwood	Scott
Bradstreet	Green	Mans	Scranton
Brater	Hager	Martinez	Shackleton
Brewer	Hale	Mead	Sheltrown
Brown, B.	Hanley	Middaugh	Shulman

Brown, C.	Hansen	Minore	Spade
Byl	Hardman	Mortimer	Stallworth
Callahan	Hart	Neumann	Stamas
Cassis	Howell	O'Neil	Switalski
Caul	Jacobs	Pappageorge	Tabor
Clark, I.	Jamnick	Patterson	Tesanovich
Clarke, H.	Jansen	Perricone	Thomas
Daniels	Jelinek	Pestka	Toy
DeHart	Jellema	Price	Van Woerkom
Dennis	Johnson, Rick	Pumford	Vander Roest
DeRossett	Johnson, Ruth	Quarles	Vear
DeVuyst	Julian	Raczkowski	Voorhees
DeWeese	Kelly	Reeves	Wojno
Ehardt	Kilpatrick	Richardville	Woodward
Faunce	Koetje	Richner	Woronchak
Frank	Kowall		

### 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.

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 496. Had I been present, I would have voted ‘yea’.”

### Second Reading of Bills

#### House Bill No. 5742, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending sections 5 and 11 (MCL 722.115 and 722.121), section 5 as amended by 1998 PA 519 and section 11 as amended by 1980 PA 232.

The bill was read a second time.

Rep. Faunce 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. Spade moved that Rep. Mans be excused temporarily from today’s session.

The motion prevailed.

Associate Speaker Pro Tempore Patterson resumed the Chair.

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

**House Bill No. 5742, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 5 and 11 (MCL 722.115 and 722.121), section 5 as amended by 1998 PA 519 and section 11 as amended by 1980 PA 232.

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

**Roll Call No. 503**

**Yeas—104**

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

**Nays—0**

In The Chair: Patterson

The House agreed to the title of the bill.

Rep. Rackowski 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. 5743, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 1998 PA 485.

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

The substitute (H-1) was adopted, a majority of the members serving voting therefor.  
 Rep. Kukuk 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. Cherry moved that Rep. Thomas 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. 5743, entitled**

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 7 (MCL 722.627), as amended by 1998 PA 485.

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

**Roll Call No. 504**

**Yeas—103**

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

**Nays—0**

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. 5693, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1305.  
Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Education,  
The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 1, line 1, after "(1)" by striking out the balance of the line through "YEAR," on line 2.
2. Amend page 1, line 4, after "ACADEMY" by striking out "SHALL" and inserting "MAY".
3. Amend page 1, line 8, after "POLICY" by striking out "REQUIRED" and inserting "ALLOWED".
4. Amend page 2, line 10, after "POLICY" by striking out "REQUIRED" and inserting "ALLOWED".

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

Rep. Quarles demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 505

#### Yeas—39

Basham	Dennis	LaForge	Rivet
Bogardus	Garza	Lemmons	Schauer
Bovin	Gielegem	Lockwood	Scott
Brater	Hale	Martinez	Stallworth
Brewer	Hansen	Minore	Switalski
Callahan	Hardman	O'Neil	Tesanovich
Cherry	Jacobs	Price	Thomas
Clark, I.	Jamnick	Quarles	Wojno
Clarke, H.	Kelly	Reeves	Woodward
Daniels	Kilpatrick	Rison	

#### Nays—63

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

In The Chair: Patterson

Rep. Faunce moved to amend the bill as follows:

1. Amend page 1, line 5, after "AWARENESS" by inserting "AND CONFLICT RESOLUTION INSTRUCTION".
  2. Amend page 1, line 8, after "AWARENESS" by inserting "AND CONFLICT RESOLUTION INSTRUCTION".
  3. Amend page 2, line 1, after "INFORMATION" by inserting "AND CONFLICT RESOLUTION INSTRUCTION".
  4. Amend page 2, line 3, after "THESE." by striking out the balance of the line through "RESOLUTION." on line 4.
- The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Dennis moved to amend the bill as follows:

1. Amend page 2, line 3, after "THESE." by inserting "THE POLICY SHALL PROVIDE THAT A FIREARM SAFETY AND AWARENESS PROGRAM OR FIREARM SAFETY AND AWARENESS INFORMATION SHALL BE BASED ON THE "STOP, DON'T TOUCH, LEAVE THE AREA, AND TELL AN ADULT" MODEL, AND SHALL SPECIFICALLY PROHIBIT INSTRUCTION THAT TEACHES A CHILD HOW TO FIRE OR LOAD A FIREARM."

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

Rep. Dennis demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 506

#### Yeas—48

Baird	Dennis	LaForge	Rivet
Basham	Frank	Lemmons	Schauer
Bogardus	Garza	Lockwood	Schermesser
Bovin	Gielegthem	Martinez	Scott
Brater	Hale	Minore	Sheltrown
Brown, B.	Hansen	O'Neil	Spade
Byl	Hardman	Patterson	Stallworth
Callahan	Jacobs	Pestka	Tesanovich
Cherry	Jamnick	Price	Thomas
Clark, I.	Jellema	Quarles	Wojno
Clarke, H.	Kelly	Reeves	Woodward
Daniels	Kilpatrick	Rison	Woronchak

#### Nays—56

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

Rep. Thomas moved to amend the bill as follows:

1. Amend page 2, line 3, after "POLICY" by striking out "MAY" and inserting "SHALL".

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

Rep. Thomas demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 507**

**Yeas—45**

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

**Nays—60**

Allen	Garcia	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	Spade
Cassis	Howell	Mortimer	Stamas
Caul	Jansen	Neumann	Tabor
DeHart	Jelinek	Pappageorge	Tesanovich
DeRossett	Jellema	Patterson	Toy
DeVuyst	Johnson, Rick	Perricone	Van Woerkom
DeWeese	Johnson, Ruth	Pumford	Vander Roest
Ehardt	Julian	Raczkowski	Vear
Faunce	Koetje	Richardville	Voorhees

In The Chair: Patterson

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

The motion prevailed.

**Senate Bill No. 754, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 701.1 to 712A.32) by adding section 18/ to chapter XIIA.

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

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

Rep. Richner moved to amend the bill as follows:

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

“Enacting section 1. This amendatory act takes effect October 1, 2000.”.

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

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. 754, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” (MCL 701.1 to 712A.32) by adding section 18/ to chapter X11A.

The bill was read a third time.

The question being on the passage of the bill,

After debate,

Rep. Sheltroun demanded the previous question.

The demand was supported.

The question being, “Shall the main question now be put?”

The previous question was ordered.

The question being on the passage of the bill,

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

**Roll Call No. 508**

**Yeas—95**

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

**Nays—7**

Bradstreet	Koetje	Mortimer	Voorhees
Gosselin	Kuipers	Vear	

In The Chair: Patterson

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

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties.”.

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

The House returned to the consideration of

#### House Bill No. 5693, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1305. (The bill was considered earlier today, see today’s journal, p. 1196.)

Rep. Brater moved to amend the bill as follows:

1. Amend page 1, line 5, after “6” by inserting “UNLESS THE PARENT TEACHER ORGANIZATION OR ASSOCIATION DECIDES BY MAJORITY VOTE AT A REGULARLY SCHEDULED MEETING NOT TO HAVE SUCH A POLICY AT THEIR SCHOOL”.

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. 509

#### Yeas—28

Baird	Clarke, H.	Jacobs	Quarles
Bogardus	Daniels	Jamnick	Reeves
Brater	Garza	LaForge	Rison
Brewer	Gielegem	Lockwood	Schauer
Callahan	Hale	Martinez	Scott
Cherry	Hansen	Minore	Stallworth
Clark, I.	Hardman	Price	Thomas

#### Nays—71

Allen	Garcia	Kuipers	Sanborn
Basham	Gilbert	Kukuk	Schermesser
Birkholz	Godchaux	LaSata	Scranton
Bisbee	Gosselin	Law	Shackleton
Bishop	Green	Mead	Sheltrown
Bovin	Hager	Middaugh	Shulman
Bradstreet	Hanley	Mortimer	Spade
Brown, B.	Hart	Neumann	Stamas
Brown, C.	Howell	O’Neil	Switalski
Cassis	Jansen	Pappageorge	Tabor
Caul	Jelinek	Patterson	Toy

DeHart	Jellema	Perricone	Van Woerkom
DeRossett	Johnson, Rick	Pestka	Vander Roest
DeVuyst	Johnson, Ruth	Pumford	Vear
DeWeese	Julian	Raczkowski	Voorhees
Ehardt	Kilpatrick	Richardville	Wojno
Faunce	Koetje	Richner	Woronchak
Frank	Kowall	Rocca	

In The Chair: Patterson

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. 5693, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1305.

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

**Roll Call No. 510**

**Yeas—85**

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

**Nays—20**

Bogardus	Hale	LaForge	Quarles
Bradstreet	Hardman	Law	Rison
Brater	Jacobs	Lemmons	Scott
Daniels	Kilpatrick	Martinez	Stallworth
Godchaux	Kuipers	Minore	Thomas

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. 5255, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1312 (MCL 380.1312), as amended by 1995 PA 289.

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

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. 5255, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1312 (MCL 380.1312), as amended by 1995 PA 289.

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

#### Roll Call No. 511

#### Yeas—86

Allen	Ehardt	Kowall	Rocca
Baird	Faunce	Kuipers	Sanborn
Basham	Frank	Kukuk	Schauer
Birkholz	Garcia	LaSata	Schermesser
Bisbee	Gielegthem	Law	Scranton
Bishop	Gilbert	Lockwood	Shackleton
Bovin	Gosselin	Mead	Sheltrown
Bradstreet	Green	Middaugh	Shulman
Brewer	Hager	Mortimer	Spade
Brown, B.	Hanley	Neumann	Stamas
Brown, C.	Hansen	Pappageorge	Tabor
Byl	Hart	Patterson	Tesanovich
Callahan	Howell	Perricone	Thomas
Cassis	Jamnick	Pestka	Toy
Caul	Jansen	Price	Van Woerkom
Cherry	Jelinek	Pumford	Vander Roest
Clarke, H.	Jellema	Raczkowski	Vear
DeHart	Johnson, Rick	Reeves	Voorhees
Dennis	Johnson, Ruth	Richardville	Wojno
DeRossett	Julian	Richner	Woodward
DeVuyst	Kilpatrick	Rivet	Woronchak
DeWeese	Koetje		

#### Nays—19

Bogardus	Godchaux	LaForge	Rison
Brater	Hale	Lemmons	Scott

Clark, I.  
Daniels  
Garza

Hardman  
Jacobs  
Kelly

Martinez  
Minore  
O'Neil

Stallworth  
Switalski

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. 5256, entitled

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

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Family and Civil Law (for amendment, see House Journal No. 46, p. 1077),

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

Rep. Hager 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. 5256, entitled

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

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

### Roll Call No. 512

### Yeas—93

Allen	Frank	Kuipers	Rison
Baird	Garcia	Kukuk	Rivet
Basham	Garza	LaSata	Rocca
Birkholz	Gielegem	Law	Sanborn
Bisbee	Gilbert	Lemmons	Schauer
Bishop	Gosselin	Lockwood	Scott
Bovin	Green	Mead	Scranton
Bradstreet	Hager	Middaugh	Shackleton
Brewer	Hanley	Minore	Sheltrown
Brown, B.	Hansen	Mortimer	Shulman
Brown, C.	Hart	Neumann	Spade
Byl	Howell	O'Neil	Stamas
Callahan	Jamnick	Pappageorge	Tabor
Cassis	Jansen	Patterson	Tesanovich
Caul	Jelinek	Perricone	Thomas
Cherry	Jellema	Pestka	Toy
Clark, I.	Johnson, Rick	Price	Van Woerkom
Clarke, H.	Johnson, Ruth	Pumford	Vander Roest
DeHart	Julian	Quarles	Vear

DeRossett  
DeVuyst  
DeWeese  
Ehardt  
Faunce

Kelly  
Kilpatrick  
Koetje  
Kowall

Raczkowski  
Reeves  
Richardville  
Richner

Voorhees  
Wojno  
Woodward  
Woronchak

### Nays—10

Brater  
Daniels  
Godchaux

Hale  
Hardman  
Jacobs

LaForge  
Martinez

Stallworth  
Switalski

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.

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 493-505. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 493-500 and 502-505, and ‘nay’ on Roll Call No. 501.”

### Second Reading of Bills

#### House Bill No. 5740, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1233 (MCL 380.1233), as amended by 1995 PA 289.

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

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

Rep. Gielegem moved to amend the bill as follows:

1. Amend page 4, following line 21, by inserting:

“(8) THE BOARD OF A SCHOOL DISTRICT OR LOCAL ACT SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL EMPLOY AND ASSIGN SUFFICIENT SCHOOL COUNSELORS TO ENSURE THAT THE FOLLOWING RATIOS OF SCHOOL COUNSELORS TO PUPILS ARE MAINTAINED:

(A) FOR THE 2000-2001 SCHOOL YEAR, AT LEAST 1 SCHOOL COUNSELOR FOR EVERY 650 PUPILS.

(B) FOR THE 2001-2002 SCHOOL YEAR, AT LEAST 1 SCHOOL COUNSELOR FOR EVERY 550 PUPILS.

(C) FOR THE 2002-2003 SCHOOL YEAR, AT LEAST 1 SCHOOL COUNSELOR FOR EVERY 450 PUPILS.

(D) FOR THE 2003-2004 SCHOOL YEAR, AT LEAST 1 SCHOOL COUNSELOR FOR EVERY 350 PUPILS.

(E) FOR THE 2004-2005 SCHOOL YEAR AND SUBSEQUENT SCHOOL YEARS, AT LEAST 1 SCHOOL COUNSELOR FOR EVERY 300 PUPILS.”.

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

Rep. Gielegem demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 513****Yeas—50**

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

**Nays—56**

Allen	Garcia	Koetje	Richardville
Birkholz	Gilbert	Kowall	Richner
Bisbee	Godchaux	Kuipers	Rocca
Bishop	Gosselin	Kukuk	Sanborn
Bradstreet	Green	LaSata	Scranton
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	Rackowski	Woronchak

In The Chair: Patterson

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

1. Amend page 4, following line 21, by inserting:

“(8) THE BOARD OF A SCHOOL DISTRICT OR LOCAL ACT SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL EMPLOY AND ASSIGN SUFFICIENT SCHOOL COUNSELORS TO ENSURE THAT THE FOLLOWING RATIOS OF SCHOOL COUNSELORS TO PUPILS ARE MAINTAINED:

(A) FOR THE 2000-2001 SCHOOL YEAR, AT LEAST 1 SCHOOL COUNSELOR FOR EVERY 650 PUPILS.

(B) FOR THE 2001-2002 SCHOOL YEAR, AT LEAST 1 SCHOOL COUNSELOR FOR EVERY 550 PUPILS.

(C) FOR THE 2002-2003 SCHOOL YEAR, AT LEAST 1 SCHOOL COUNSELOR FOR EVERY 450 PUPILS.

(D) FOR THE 2003-2004 SCHOOL YEAR, AT LEAST 1 SCHOOL COUNSELOR FOR EVERY 350 PUPILS.

(E) FOR THE 2004-2005 SCHOOL YEAR AND SUBSEQUENT SCHOOL YEARS, AT LEAST 1 SCHOOL COUNSELOR FOR EVERY 300 PUPILS.

(9) THE BOARD OF A SCHOOL DISTRICT OR LOCAL ACT SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL EMPLOY AND ASSIGN SUFFICIENT SCHOOL SOCIAL WORKERS TO ENSURE THAT THE FOLLOWING RATIOS OF SCHOOL SOCIAL WORKERS TO PUPILS ARE MAINTAINED:

(A) FOR THE 2000-2001 SCHOOL YEAR, AT LEAST 1 SCHOOL SOCIAL WORKER FOR EVERY 650 PUPILS.

(B) FOR THE 2001-2002 SCHOOL YEAR, AT LEAST 1 SCHOOL SOCIAL WORKER FOR EVERY 550 PUPILS.  
 (C) FOR THE 2002-2003 SCHOOL YEAR, AT LEAST 1 SCHOOL SOCIAL WORKER FOR EVERY 450 PUPILS.  
 (D) FOR THE 2003-2004 SCHOOL YEAR, AT LEAST 1 SCHOOL SOCIAL WORKER FOR EVERY 350 PUPILS.  
 (E) FOR THE 2004-2005 SCHOOL YEAR, AND SUBSEQUENT SCHOOL YEARS, AT LEAST 1 SCHOOL SOCIAL WORKER FOR EVERY 300 PUPILS.”.

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

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Gielegem and Schauer,

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

**Roll Call No. 514**

**Yeas—49**

Baird	Dennis	LaForge	Schauer
Basham	Frank	Lemmons	Schermesser
Bogardus	Garza	Lockwood	Scott
Bovin	Gielegem	Martinez	Shackleton
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	Quarles	Thomas
Clarke, H.	Kelly	Rison	Wojno
Daniels	Kilpatrick	Rivet	Woodward
DeHart			

**Nays—55**

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

In The Chair: Patterson

Rep. Van Woerkom 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. 5740, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1233 (MCL 380.1233), as amended by 1995 PA 289.

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

**Roll Call No. 515**

**Yeas—67**

Allen	Faunce	Kukuk	Sanborn
Baird	Frank	LaSata	Schermesser
Birkholz	Garcia	Law	Scranton
Bishop	Gilbert	Lemmons	Shackleton
Bradstreet	Gosselin	Mead	Sheltrown
Brewer	Green	Middaugh	Shulman
Brown, B.	Hart	Mortimer	Stamas
Brown, C.	Howell	Neumann	Switalski
Byl	Jansen	O'Neil	Tabor
Cassis	Jelinek	Pappageorge	Tesanovich
Caul	Jellema	Patterson	Toy
Clarke, H.	Johnson, Rick	Pestka	Van Woerkom
DeHart	Johnson, Ruth	Raczkowski	Vander Roest
Dennis	Julian	Richardville	Vear
DeVuyst	Koetje	Richner	Voorhees
DeWeese	Kowall	Rivet	Woronchak
Ehardt	Kuipers	Rocca	

**Nays—37**

Basham	Garza	Jamnick	Reeves
Bisbee	Gielegem	Kelly	Rison
Bogardus	Godchaux	Kilpatrick	Schauer
Bovin	Hager	LaForge	Scott
Brater	Hale	Lockwood	Spade
Callahan	Hanley	Martinez	Stallworth
Cherry	Hansen	Minore	Thomas
Clark, I.	Hardman	Price	Wojno
Daniels	Jacobs	Pumford	Woodward
DeRossett			

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.

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

"Mr. Speaker and members of the House:

I opposed passage of HB 5740; lowering the standards for school counselors. This bill demonstrates the disdain in which we hold children. We maintain high standards for auto mechanics, builders, electricians, barbers, and a myriad of other trades, professions and laborers. For children, however, rather than paying a wage that would attract qualified counselors, the legislature chooses to lower qualifications."

### Second Reading of Bills

#### House Bill No. 5783, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267.  
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.

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The Speaker Pro Tempore assumed the Chair.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5783, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267.  
The bill was read a third time.

The question being on the passage of the bill,

Rep. Minore moved that the bill be referred to the Committee on Tax Policy.

The question being on the motion made by Rep. Minore,

Rep. Minore demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Minore,

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

#### Roll Call No. 516

#### Yeas—46

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

#### Nays—58

Allen	Garcia	Kowall	Rocca
Birkholz	Gilbert	Kuipers	Sanborn
Bisbee	Godchaux	Kukuk	Scranton
Bishop	Gosselin	LaSata	Shackleton

Bradstreet	Green	Law	Shulman
Brown, C.	Hager	Mead	Spade
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor
Caul	Jansen	Pappageorge	Toy
DeHart	Jelinek	Patterson	Van Woerkom
DeRossett	Jellema	Pumford	Vander Roest
DeVuyst	Johnson, Rick	Rackowski	Vear
DeWeese	Johnson, Ruth	Richardville	Voorhees
Ehardt	Julian	Richner	Woronchak
Faunce	Koetje		

In The Chair: Birkholz

The question being on the passage of the bill,  
After debate,

Rep. O'Neil demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

The question being on the passage of the bill,

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

**Roll Call No. 517**

**Yeas—70**

Allen	Garcia	Kukuk	Schauer
Basham	Gielegem	LaSata	Schermesser
Birkholz	Gilbert	Law	Scranton
Bisbee	Gosselin	Mead	Shackleton
Bishop	Green	Middaugh	Sheltrown
Bovin	Hager	Mortimer	Shulman
Bradstreet	Hansen	Neumann	Spade
Brewer	Hart	Pappageorge	Stamas
Brown, B.	Howell	Patterson	Tabor
Brown, C.	Jansen	Pestka	Toy
Cassis	Jelinek	Pumford	Van Woerkom
Caul	Jellema	Rackowski	Vander Roest
DeHart	Johnson, Rick	Richardville	Vear
DeRossett	Johnson, Ruth	Richner	Voorhees
DeVuyst	Julian	Rivet	Wojno
Ehardt	Koetje	Rocca	Woodward
Faunce	Kowall	Sanborn	Woronchak
Frank	Kuipers		

**Nays—33**

Baird	Dennis	Kelly	Price
Bogardus	DeWeese	Kilpatrick	Quarles
Brater	Garza	LaForge	Reeves
Byl	Godchaux	Lemmons	Rison
Callahan	Hale	Lockwood	Scott
Cherry	Hanley	Martinez	Stallworth
Clark, I.	Hardman	Minore	Switalski
Clarke, H.	Jacobs	O'Neil	Thomas
Daniels			

In The Chair: Birkholz

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. 5784, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 268.  
 The bill was read a second time.

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. 5784, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 268.  
 The bill was read a third time.

The question being on the passage of the bill,

Rep. Minore moved that the bill be referred to the Committee on Tax Policy.

The question being on the motion made by Rep. Minore,

Rep. Minore demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Minore,

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

#### Roll Call No. 518

#### Yeas—44

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

#### Nays—62

Allen	Gilbert	Kukuk	Rocca
Birkholz	Godchaux	LaSata	Sanborn
Bisbee	Gosselin	Law	Scranton
Bishop	Green	Mead	Shackleton
Bradstreet	Hager	Middaugh	Sheltrown
Brown, C.	Hart	Mortimer	Shulman

Byl	Howell	Neumann	Spade
Cassis	Jansen	Pappageorge	Stamas
Caul	Jelinek	Patterson	Tabor
DeHart	Jellema	Perricone	Toy
DeRossett	Johnson, Rick	Pumford	Van Woerkom
DeVuyst	Johnson, Ruth	Raczkowski	Vander Roest
DeWeese	Julian	Richardville	Vear
Ehardt	Koetje	Richner	Voorhees
Faunce	Kowall	Rison	Woronchak
Garcia	Kuipers		

In The Chair: Birkholz

The question being on the passage of the bill,

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

**Roll Call No. 519**

**Yeas—69**

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

**Nays—36**

Baird	DeWeese	Kilpatrick	Reeves
Bogardus	Garza	LaForge	Rison
Brater	Godchaux	Lemmons	Schermesser
Byl	Hale	Lockwood	Scott
Callahan	Hanley	Martinez	Stallworth
Clark, I.	Hardman	Minore	Switalski
Clarke, H.	Jacobs	O'Neil	Tesanovich
Daniels	Jamnack	Price	Thomas
Dennis	Kelly	Quarles	Woodward

In The Chair: Birkholz

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. 5572, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3580.

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

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

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

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

Rep. Law moved to amend the bill as follows:

1. Amend page 1, line 5, after "YEAR" by inserting "AND FOR THE IMMEDIATELY PRECEDING YEAR".
2. Amend page 1, line 7, after "OF" by inserting "AND ANY LIMITATION ON ACCREDITATION FOR".
3. Amend page 2, line 13, after "ORGANIZATION" by inserting "AND THE DEPARTMENT OF COMMUNITY HEALTH".

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

Rep. Jacobs moved to amend the bill as follows:

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

"(D) A SUMMARY FOR EACH HEALTH MAINTENANCE ORGANIZATION OF THE REPORT REQUIRED TO BE PROVIDED TO THE COMMISSIONER UNDER SECTION 23 OF THE PATIENT'S RIGHT TO INDEPENDENT REVIEW ACT."

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

Rep. Caul moved to amend the bill as follows:

1. Amend page 2, following line 7, by inserting:

"(vi) WOMEN'S HEALTH."

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

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. 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. 5572, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3580.

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

#### Roll Call No. 520

#### Yeas—103

Allen	Frank	Kuipers	Rivet
Baird	Garcia	Kukuk	Rocca
Basham	Garza	LaForge	Sanborn
Birkholz	Gielegem	LaSata	Schauer
Bisbee	Gilbert	Law	Schermesser
Bishop	Godchaux	Lemmons	Scott
Bogardus	Gosselin	Lockwood	Scranton
Bovin	Green	Martinez	Shackleton
Bradstreet	Hager	Mead	Sheltrown

Brater	Hale	Middaugh	Shulman
Brewer	Hanley	Minore	Spade
Brown, B.	Hansen	Mortimer	Stallworth
Brown, C.	Hardman	Neumann	Stamas
Byl	Hart	O'Neil	Switalski
Callahan	Howell	Pappageorge	Tabor
Cassis	Jacobs	Patterson	Tesanovich
Caul	Jamnick	Perricone	Thomas
Clark, I.	Jansen	Pestka	Toy
Clarke, H.	Jelinek	Price	Van Woerkom
DeHart	Jellema	Pumford	Vander Roest
Dennis	Johnson, Rick	Quarles	Vear
DeRossett	Johnson, Ruth	Raczkowski	Voorhees
DeVuyst	Julian	Reeves	Wojno
DeWeese	Kelly	Richardville	Woodward
Ehardt	Koetje	Richner	Woronchak
Faunce	Kowall	Rison	

### Nays—0

In The Chair: Birkholz

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. 5573, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 404 (MCL 550.1404), as amended by 1996 PA 516.

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

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

Rep. Neumann moved to amend the bill as follows:

1. Amend page 5, following line 9, by inserting:

"(8) A HEALTH CARE CORPORATION SHALL NOT FINANCIALLY REWARD OR PENALIZE A HEALTH CARE PROVIDER BASED UPON HIS OR HER ABILITY TO DIRECTLY OR INDIRECTLY REDUCE OR LIMIT HEALTH CARE SERVICES TO MEMBERS.

(9) SUBSECTION (8) DOES NOT PROHIBIT BONUSES OR OTHER ARRANGEMENTS THAT ARE BASED SOLELY ON QUALITY OF CARE OR OTHER NONUTILIZATION OF HEALTH CARE SERVICES FACTORS."

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

### Point of Order

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

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. 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. 521****Yeas—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
Ehardt	Julian	Rackowski	Voorhees
Faunce	Koetje	Richardville	Woronchak
Garcia			

**Nays—49**

Baird	Dennis	LaForge	Rivet
Basham	Frank	Lemmons	Schauer
Bogardus	Garza	Lockwood	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	Quarles	Thomas
Clarke, H.	Kelly	Reeves	Wojno
Daniels	Kilpatrick	Rison	Woodward
DeHart			

In The Chair: Birkholz

Rep. Woronchak moved to amend the bill as follows:

1. Amend page 2, line 7, after "than" by striking out "45" and inserting "25".
2. Amend page 2, line 11, by striking out "45-CALENDAR-DAY" and inserting "25-CALENDAR-DAY".
3. Amend page 2, line 13, after "procedure" by inserting "AND FOR A PERIOD OF TIME THAT SHALL NOT EXCEED 5 DAYS IF THE HEALTH CARE CORPORATION HAS NOT RECEIVED REQUESTED INFORMATION FROM A HEALTH PROVIDER".

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

Rep. Gielegem moved to amend the bill as follows:

1. Amend page 2, line 7, after "than" by striking out "25" and inserting "21".
2. Amend page 2, line 11, by striking out "25-CALENDAR-DAY" and inserting "21-CALENDAR-DAY".

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

Rep. Gielegem demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 522**

**Yeas—49**

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

**Nays—57**

Allen	Gilbert	Kowall	Richner
Birkholz	Godchaux	Kuipers	Rocca
Bisbee	Gosselin	Kukuk	Sanborn
Bishop	Green	LaSata	Scranton
Bradstreet	Hansen	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
Ehardt	Julian	Raczkowski	Voorhees
Faunce	Koetje	Richardville	Woronchak
Garcia			

In The Chair: Birkholz

Rep. Hager 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. 5573, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 404 (MCL 550.1404), as amended by 1996 PA 516.

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

**Roll Call No. 523****Yeas—106**

Allen	Faunce	Kowall	Rison
Baird	Frank	Kuipers	Rivet
Basham	Garcia	Kukuk	Rocca
Birkholz	Garza	LaForge	Sanborn
Bisbee	Gielegem	LaSata	Schauer
Bishop	Gilbert	Law	Schermesser
Bogardus	Godchaux	Lemmons	Scott
Bovin	Gosselin	Lockwood	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
Daniels	Jellema	Pumford	Vander Roest
DeHart	Johnson, Rick	Quarles	Vear
Dennis	Johnson, Ruth	Raczkowski	Voorhees
DeRossett	Julian	Reeves	Wojno
DeVuyst	Kelly	Richardville	Woodward
DeWeese	Kilpatrick	Richner	Woronchak
Ehardt	Koetje		

**Nays—0**

In The Chair: Birkholz

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. 5575, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 102, 224, 240, and 2213 (MCL 500.102, 500.224, 500.240, and 500.2213), section 224 as amended by 1998 PA 121, section 240 as amended by 1987 PA 261, and section 2213 as added by 1996 PA 517, and by adding chapter 35; 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 Health Policy,

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

Rep. Baird moved to amend the bill as follows:

1. Amend page 27, line 14, after "SERVICES" by inserting "AS THOSE SERVICES ARE CONSIDERED MEDICALLY NECESSARY BY THE TREATING PHYSICIAN".

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

Rep. Baird demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 524****Yeas—49**

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

**Nays—54**

Allen	Gilbert	Kowall	Richardville
Birkholz	Godchaux	Kuipers	Richner
Bisbee	Gosselin	Kukuk	Rocca
Bishop	Green	LaSata	Sanborn
Bradstreet	Hager	Law	Scranton
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	Vear
Ehardt	Johnson, Ruth	Pumford	Voorhees
Faunce	Julian	Rackowski	Woronchak
Garcia	Koetje		

In The Chair: Birkholz

Rep. Caul moved to amend the bill as follows:

1. Amend page 13, line 13, by striking out "45" and inserting "25".
2. Amend page 13, line 15, by striking out "45-CALENDAR-DAY" and inserting "25-CALENDAR-DAY".
3. Amend page 13, line 17, after "procedure" by inserting "AND FOR A PERIOD OF TIME THAT SHALL NOT EXCEED 5 DAYS IF THE INSURER OR HEALTH MAINTENANCE ORGANIZATION HAS NOT RECEIVED REQUESTED INFORMATION FROM A HEALTH CARE FACILITY OR HEALTH PROFESSIONAL".

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

Rep. LaSata moved to amend the bill as follows:

1. Amend page 46, following line 12, by inserting:  
"SEC. 3542. (1) A HEALTH MAINTENANCE ORGANIZATION SHALL NOT USE ANY FINANCIAL INCENTIVE OR MAKE ANY PAYMENT TO A HEALTH PROFESSIONAL THAT ACTS DIRECTLY OR

INDIRECTLY AS AN INDUCEMENT TO DENY, REDUCE, LIMIT, OR DELAY SPECIFIC MEDICALLY NECESSARY AND APPROPRIATE SERVICES.

(2) SUBSECTION (1) DOES NOT PROHIBIT PAYMENT ARRANGEMENTS THAT ARE NOT TIED TO SPECIFIC MEDICAL DECISIONS OR PROHIBIT THE USE OF RISK SHARING AS OTHERWISE AUTHORIZED IN THIS CHAPTER.”.

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

Rep. DeWeese moved to amend the bill as follows:

1. Amend page 55, line 4, after “INSOLVENCY.” by inserting “A CONTRACT UNDER THIS SUBDIVISION SHALL PROVIDE A MECHANISM FOR APPROPRIATE SHARING BY THE HEALTH MAINTENANCE ORGANIZATION OF THE CONTINUATION OF PROVIDER SERVICES AS APPROVED BY THE COMMISSIONER AND SHALL NOT PROVIDE THAT CONTINUATION OF PROVIDER SERVICES IS SOLELY THE RESPONSIBILITY OF THE AFFILIATED PROVIDERS.”.

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

Rep. Lockwood moved to amend the bill as follows:

1. Amend page 46, following line 12, following section 3542, by inserting:

“SEC. 3542A. (1) A HEALTH MAINTENANCE ORGANIZATION SHALL NOT FINANCIALLY REWARD OR PENALIZE A HEALTH PROFESSIONAL BASED UPON HIS OR HER ABILITY TO DIRECTLY OR INDIRECTLY REDUCE OR LIMIT HEALTH CARE SERVICES TO ENROLLEES.

(2) SUBSECTION (1) DOES NOT PROHIBIT BONUSES OR OTHER ARRANGEMENTS THAT ARE BASED SOLELY ON QUALITY OF CARE OR OTHER NONUTILIZATION OF HEALTH CARE SERVICES FACTORS.”.

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

Rep. Lockwood demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 525

#### Yeas—47

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

#### Nays—56

Allen	Garcia	Koetje	Richardville
Birkholz	Gilbert	Kowall	Richner
Bisbee	Godchaux	Kuipers	Rocca
Bishop	Gosselin	Kukuk	Sanborn
Bradstreet	Green	LaSata	Scranton
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	Raczkowski	Woronchak

In The Chair: Birkholz

Rep. Van Woerkom 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. Vander Roest moved that Rep. Mortimer 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. 5575, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 102, 224, 240, and 2213 (MCL 500.102, 500.224, 500.240, and 500.2213), section 224 as amended by 1998 PA 121, section 240 as amended by 1987 PA 261, and section 2213 as added by 1996 PA 517, and by adding chapter 35; 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. 526

#### 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	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			

#### Nays—49

Baird	Dennis	LaForge	Rivet
Basham	Frank	Lemmons	Schauer
Bogardus	Garza	Lockwood	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	Quarles	Thomas
Clarke, H.	Kelly	Reeves	Wojno
Daniels	Kilpatrick	Rison	Woodward
DeHart			

In The Chair: Birkholz

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.

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Reps. Bob Brown, Lemmons, Scott, Reeves, Hale, O'Neil, Woodward, Wojno, Pestka, Clark, Sheltrown, Hardman, Garza, Jamnick, Minore, Hanley, Jacobs, Callahan, Gielegem, Clarke, Basham, Frank, Bogardus, Spade, Lockwood and Rivet, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 5575 because this bill is part of a package that is not true HMO reform. It institutes too much bureaucracy. It shuts doctors out of decision making. It fails to give patients any recourse through the courts if they are harmed because their HMO denied them necessary medical treatment. The package reinforces a system where bureaucrats have more power over health decisions than doctors, where seriously ill patients and their families are forced to deal with a cumbersome bureaucracy and where people who are injured are denied their day in court. This is not the HMO reform the people of Michigan expect and deserve from their state legislature.”

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

“Mr. Speaker and members of the House:

I voted no on HB 5575 due to my belief that this is not the HMO reform. HMO reform was supposed to ensure the patients right to determine their course of health care with their doctor. This legislation strengthens the insurance companies and disregards the consumer.”

Rep. DeHart, 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 was compelled to vote no on this legislation which was purported to be part of the HMO reform package for one main reason. Rep. Baird's amendment #6—record role call 524—was defeated on strictly partisan lines. With the defeat of this amendment, the insurance industry and Lansing bureaucrats will determine health care procedures and their necessity. I firmly believe this decision should be made between the attending physician and the patient. When insurance companies can base the care of their customers on profit margins and bonuses, the losers will be the citizens of Michigan. True reform puts consumers first. This bill does not.”

### Second Reading of Bills

#### House Bill No. 5574, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20106, 20124, 20161, and 22205 (MCL 333.20106, 333.20124, 333.20161, and 333.22205), sections 20106 and 20161 as amended by 1996 PA 267 and section 22205 as amended by 1993 PA 88.

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

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

Rep. Mortimer moved that Rep. Ehardt be excused temporarily from today's session.  
The motion prevailed.

Rep. Schauer moved to amend the bill as follows:

1. Amend page 9, following line 6, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4127 of the 90th Legislature is enacted into law.”

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

Rep. Kilpatrick demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 527**

**Yeas—47**

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

**Nays—56**

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

In The Chair: Birkholz

Rep. Caul 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. Ehardt moved that Rep. Geiger 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. 5574, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20106, 20124, 20161, and 22205 (MCL 333.20106, 333.20124, 333.20161, and 333.22205), sections 20106 and 20161 as amended by 1996 PA 267 and section 22205 as amended by 1993 PA 88.

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

**Roll Call No. 528**

**Yeas—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
Ehardt	Julian	Raczkowski	Voorhees
Faunce	Koetje	Richardville	Woronchak
Garcia			

**Nays—49**

Baird	Dennis	LaForge	Rivet
Basham	Frank	Lemmons	Schauer
Bogardus	Garza	Lockwood	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	Quarles	Thomas
Clarke, H.	Kelly	Reeves	Wojno
Daniels	Kilpatrick	Rison	Woodward
DeHart			

In The Chair: Birkholz

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. Bob Brown, Callahan, Woodward, Jamnick, Bogardus, Clark, Garza, Reeves, Hardman, Basham, Pestka, Minore, Lockwood, Wojno, Clarke, O'Neil, Frank, Spade and Jacobs, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 5574 because this bill is part of a package that is not true HMO reform. It institutes too much bureaucracy. It shuts doctors out of decision making. It fails to give patients any recourse through the courts if they are harmed because their HMO denied them necessary medical treatment. The package reinforces a system where bureaucrats have more power over health decisions than doctors, where seriously ill patients and their families are forced to deal with a cumbersome bureaucracy and where people who are injured are denied their day in court. This is not the HMO reform the people of Michigan expect and deserve from their state legislature.”

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

“Mr. Speaker and members of the House:

I voted no on HB 5574 because again as stated in my no vote on 5575, by passing this bill we are ignoring the rights of consumers and strengthen the insurance commissioner and the insurance bureaucrats. This is pure political campaigning at the expense of the citizens of this state.”

Rep. DeHart, 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:

Please consider this my no vote on the above referenced bill. For the same reasons as my no vote for HB 5575 I voted no on HB 5574. When ‘HMO reform’ does not put the best interests of the consumers, the citizens of Michigan and my constituents first I must vote no. I was elected to represent the citizens of the 18th District—Westland and Canton—not the insurance industry. I can not be bought by the insurance companies—I am not for sale. When a consumer’s medical cares are not met because the HMO believes it is too costly, something is drastically wrong. I was elected to be a public servant for the people not a mouth piece for the insurance industry.”

## Second Reading of Bills

### House Bill No. 5576, entitled

A bill to provide review of certain health care treatment adverse determinations; to provide for the review of review of health care coverage treatment adverse determinations by independent review organizations; to prescribe eligibility, powers, and duties of certain independent review organizations; to prescribe the powers and duties of certain health carriers; to prescribe the powers and duties of certain persons; to prescribe the powers and duties of certain state officials; to provide for the reporting of certain information; to provide fees; and to provide penalties for violations of this act.

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

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

Rep. Callahan moved to amend the bill as follows:

1. Amend page 15, line 19, after “carrier.” by inserting “The independent review organization’s medical determinations are not reviewable by the commissioner and shall be adopted by the commissioner in making his or her determinations of the covered person’s health benefit plan’s terms of coverage.”.

2. Amend page 19, line 16, after “carrier.” by inserting “The independent review organization’s medical determinations are not reviewable by the commissioner and shall be adopted by the commissioner in making his or her determinations of the covered person’s health benefit plan’s terms of coverage.”.

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

Rep. Callahan demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 529****Yeas—47**

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

**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
Cherry	Jelinek	Pappageorge	Van Woerkom
DeRossett	Jellema	Patterson	Vander Roest
DeVuyst	Johnson, Rick	Perricone	Vear
Ehardt	Johnson, Ruth	Pumford	Voorhees
Faunce	Julian	Rackowski	Woronchak
Garcia			

In The Chair: Birkholz

Rep. Woodward moved to amend the bill as follows:

1. Amend page 15, line 26, after "recommendation." by inserting "In reaching his or her decision, the commissioner shall not consider the cost of the health care service that is the subject of the adverse determination or final adverse determination except if that cost causes the covered person to exceed his or her maximum coverage amount under the health benefit plan."

2. Amend page 20, line 3, after "section 11(15)." by inserting "In reaching his or her decision, the commissioner shall not consider the cost of the health care service that is the subject of the adverse decision or final adverse decision except if that cost causes the covered person to exceed his or her maximum coverage amount under the health benefit plan."

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

Rep. Woodward demanded the yeas and nays.

The demand was supported.

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

After debate,

Rep. Kuipers demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

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

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

**Roll Call No. 530****Yeas—46**

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

**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	Rackowski	Voorhees
Faunce	Julian	Richardville	Woronchak
Garcia	Koetje		

In The Chair: Birkholz

Rep. Baird moved to amend the bill as follows:

1. Amend page 7, following line 20, by inserting:

“Sec. 6. (1) A health carrier shall exercise ordinary care when making a health care treatment decision and is liable for damages for harm to a covered person proximately caused by its failure to exercise ordinary care.

(2) A health carrier is liable for damages for harm to a covered person proximately caused by a health care treatment decision made by a health carrier employee, agent, ostensible agent, or representative acting on behalf of the health carrier and over whom the health carrier has the right to exercise influence or control or has exercised influence or control that resulted in the failure to exercise ordinary care. However, a finding that a health care provider is an employee, agent, ostensible agent, or representative of a health carrier shall not be based solely on proof that the individual's name appears in a listing of approved providers made available by the health carrier.

(3) Both of the following are defenses in an action brought pursuant to subsection (1) or (2):

(a) Neither the health carrier nor its employee, agent, ostensible agent, or representative controlled, influenced, or participated in the health care treatment decision.

(b) The health carrier did not deny or delay payment for any treatment prescribed or recommended by a provider to the covered person.

(4) This section does not create an obligation for a health carrier to provide to a covered person treatment that is not covered by the health carrier contract with the covered person.

(5) This section does not create any liability on the part of an employer, employer purchasing group, welfare benefit plan, or other entity that purchases coverage or assumes risk on behalf of its employees or participants.

(6) For purposes of the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948, this section does not create a medical malpractice cause of action.

(7) As used in this section:

(a) "Health care treatment decision" means either a determination as to when the health carrier actually provides medical services or a decision that affects the quality of the diagnosis, care, or treatment provided to the covered person.

(b) "Ordinary care" means for a health carrier that degree of care that a health carrier of ordinary prudence would use under the same or similar circumstances. For an employee, agent, ostensible agent, or representative acting on behalf of the health carrier, ordinary care means that degree of care that a person of ordinary prudence in the same profession, specialty, or area of practice as that person would use under the same or similar circumstances."

2. Amend page 28, line 19, after "(1)" by striking out "If" and inserting "Except as otherwise provided in subsection (5), if".

3. Amend page 30, following line 3, by inserting:

"(5) This section does not apply to a violation of section 6."

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

After debate,

Rep. Schauer demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

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

The amendments were not adopted, a majority of the members serving not voting therefor.

Reps. DeWeese and Howell moved to amend the bill as follows:

1. Amend page 28, line 26, after "than" by striking out "\$500.00" and inserting "\$1,000.00".

2. Amend page 29, line 3, after "than" by striking out "\$2,500.00" and inserting "\$5,000.00".

3. Amend page 29, line 3, after "violation." by striking out the balance of the line through "\$25,000.00." on line 5. The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. DeWeese moved to amend the bill as follows:

1. Amend page 23, line 20, after "plan" by striking out the comma and inserting "or".

2. Amend page 23, line 21, after "plans" by striking out the balance of the sentence and inserting a period.

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 15, line 24, after "than" by striking out "14" and inserting "7".

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

Rep. Baird moved to amend the bill as follows:

1. Amend page 7, following line 20, by inserting:

"Sec. 6. (1) A health carrier shall exercise ordinary care when making a health care treatment decision and is liable for compensatory damages for harm to a covered person proximately caused by its failure to exercise ordinary care.

(2) A health carrier is liable for damages for harm to a covered person proximately caused by a health care treatment decision made by a health carrier employee, agent, ostensible agent, or representative acting on behalf of the health carrier and over whom the health carrier has the right to exercise influence or control or has exercised influence or control that resulted in the failure to exercise ordinary care. However, a finding that a health care provider is an employee, agent, ostensible agent, or representative of a health carrier shall not be based solely on proof that the individual's name appears in a listing of approved providers made available by the health carrier.

(3) Both of the following are defenses in an action brought pursuant to subsection (1) or (2):

(a) Neither the health carrier nor its employee, agent, ostensible agent, or representative controlled, influenced, or participated in the health care treatment decision.

(b) The health carrier did not deny or delay payment for any treatment prescribed or recommended by a provider to the covered person.

(4) This section does not create an obligation for a health carrier to provide to a covered person treatment that is not covered by the health carrier contract with the covered person.

(5) This section does not create any liability on the part of an employer, employer purchasing group, welfare benefit plan, or other entity that purchases coverage or assumes risk on behalf of its employees or participants.

(6) For purposes of the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948, this section does not create a medical malpractice cause of action.

(7) As used in this section:

(a) "Health care treatment decision" means either a determination as to when the health carrier actually provides medical services or a decision that affects the quality of the diagnosis, care, or treatment provided to the covered person.

(b) "Ordinary care" means for a health carrier that degree of care that a health carrier of ordinary prudence would use under the same or similar circumstances. For an employee, agent, ostensible agent, or representative acting on behalf of the health carrier, ordinary care means that degree of care that a person of ordinary prudence in the same profession, specialty, or area of practice as that person would use under the same or similar circumstances."

2. Amend page 28, line 19, after "(1)" by striking out "If" and inserting "Except as otherwise provided in subsection (5), if".

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

Rep. Baird demanded the yeas and nays.

The demand was supported.

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

After debate,

Rep. Jelinek demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

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

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

**Roll Call No. 531**

**Yeas—48**

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

**Nays—54**

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

In The Chair: Birkholz

Rep. Spade moved to amend the bill as follows:

1. Amend page 15, line 24, after “than” by striking out “7” and inserting “5”.

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,

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

**Roll Call No. 532**

**Yeas—50**

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

**Nays—56**

Allen	Garcia	Koetje	Richardville
Birkholz	Gilbert	Kowall	Richner
Bisbee	Godchaux	Kuipers	Rocca
Bishop	Gosselin	Kukuk	Sanborn
Bradstreet	Green	LaSata	Scranton
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	Rackowski	Woronchak

In The Chair: Birkholz

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. 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. 5576, entitled**

A bill to provide review of certain health care treatment adverse determinations; to provide for the review of review of health care coverage treatment adverse determinations by independent review organizations; to prescribe eligibility,

powers, and duties of certain independent review organizations; to prescribe the powers and duties of certain health carriers; to prescribe the powers and duties of certain persons; to prescribe the powers and duties of certain state officials; to provide for the reporting of certain information; to provide fees; and to provide penalties for violations of this act.

The bill was read a third time.

The question being on the passage of the bill,

After debate,

Rep. Vear demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

The question being on the passage of the bill,

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

**Roll Call No. 533**

**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	Rackowski	Voorhees
Faunce	Julian	Richardville	Woronchak
Garcia	Koetje		

**Nays—49**

Baird	Dennis	LaForge	Rivet
Basham	Frank	Lemmons	Schauer
Bogardus	Garza	Lockwood	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	Quarles	Thomas
Clarke, H.	Kelly	Reeves	Wojno
Daniels	Kilpatrick	Rison	Woodward
DeHart			

In The Chair: Birkholz

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 provide review of certain health care coverage adverse determinations made by health carriers; to prescribe eligibility, powers, and duties of certain independent review organizations; to prescribe the powers and duties of certain health carriers; to prescribe the powers and duties of certain persons; to prescribe the powers and duties of certain state officials; to provide for the reporting of certain information; to provide fees; and to provide penalties for violations of this act.

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. DeHart, 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:

This is my no vote explanation for record roll call #533. I based this vote because the bill removes the provision to allow citizens of this state the right to sue an HMO for wrongdoing when the Baird amendment was not adopted. We are denying citizens their civil rights when we allow them no legal recourse.”

Reps. Jacobs, Hardman, Reeves, Garza, Clark, Clarke, Jamnick, Spade, Scott, Callahan, Woodward, Lemmons, Pestka, Wojno, Minore, Basham, O’Neil, Bogardus, Frank and Lockwood, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 5576 because this bill is part of a package that is not true HMO reform. It institutes too much bureaucracy. It shuts doctors out of decision making. It fails to give patients any recourse through the courts if they are harmed because their HMO denied them necessary medical treatment. The package reinforces a system where bureaucrats have more power over health decisions than doctors, where seriously ill patients and their families are forced to deal with a cumbersome bureaucracy and where people who are injured are denied their day in court. This is not the HMO reform the people of Michigan expect and deserve from their state legislature.”

Rep. Schermesser, 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:

My no vote on HB 5576 is due partly to the Republican party no vote on the Baird amendment that gives the consumer the right to sue. When we propose to have a patient right to independent review act it should open up their right completely to the consumers full right. It again gives the final decision of the review to the commissioner. Furthermore—as precedent has been set—discussion was halted by the majority party on such an important decision.”

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Rep. Minore moved that the Committee on Tax Policy be discharged from further consideration of **House Bill No. 5080**. (For first notice see House Journal No. 47, p. 1155.)

The question being on the motion made by Rep. Minore,

Rep. Minore demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. Minore,

After debate,

Rep. Cameron Brown demanded the previous question.

The demand was supported.

The question being, “Shall the main question now be put?”

The previous question was ordered.

The question being on the motion made by Rep. Minore,

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

### **Roll Call No. 534**

### **Yeas—46**

Baird  
 Basham  
 Bogardus

Frank  
 Garza  
 Gielegem

Lockwood  
 Martinez  
 Minore

Schauer  
 Schermesser  
 Scott

Bovin	Hale	Neumann	Sheltrown
Brater	Hanley	O'Neil	Spade
Brewer	Hansen	Pestka	Stallworth
Callahan	Hardman	Price	Switalski
Cherry	Jacobs	Quarles	Tesanovich
Clark, I.	Jamnick	Reeves	Thomas
Clarke, H.	Kelly	Rison	Wojno
Daniels	Kilpatrick	Rivet	Woodward
Dennis	Lemmons		

### 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: Birkholz

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

### Reports of Standing Committees

The Committee on Senior Health, Security and Retirement, by Rep. Vander Roest, Chair, reported

**House Bill No. 4362, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21720a (MCL 333.21720a).

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 4362** To Report Out:

Yeas: Reps. Vander Roest, Voorhees, Cassis, Faunce, Rocca, Woronchak, DeHart, Bovin, Hardman, Spade,

Nays: None.

The Committee on Senior Health, Security and Retirement, by Rep. Vander Roest, Chair, reported

**House Bill No. 5770, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21799a (MCL 333.21799a).

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 5770** To Report Out:

Yeas: Reps. Vander Roest, Voorhees, Cassis, Faunce, Rocca, Woronchak, DeHart, Bovin, Hardman, Spade,  
Nays: None.

The Committee on Senior Health, Security and Retirement, by Rep. Vander Roest, Chair, reported

**House Bill No. 5805, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21769.

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 5805** To Report Out:

Yeas: Reps. Vander Roest, Voorhees, Cassis, Faunce, Rocca, Woronchak, DeHart, Bovin, Hardman, Spade,  
Nays: None.

The Committee on Senior Health, Security and Retirement, by Rep. Vander Roest, Chair, reported

**House Bill No. 5825, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21773 (MCL 333.21773).

With the recommendation that the bill pass.

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

## Favorable Roll Call

**HB 5825** To Report Out:

Yeas: Reps. Vander Roest, Voorhees, Cassis, Faunce, Rocca, Woronchak, DeHart, Bovin, Hardman,  
Nays: None.

The Committee on Senior Health, Security and Retirement, by Rep. Vander Roest, Chair, reported

**House Bill No. 5826, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 506d.

With the recommendation that the bill pass.

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

## Favorable Roll Call

**HB 5826** To Report Out:

Yeas: Reps. Vander Roest, Voorhees, Cassis, Faunce, Rocca, Woronchak, DeHart, Bovin, Hardman, Spade,  
Nays: None.

The Committee on Senior Health, Security and Retirement, by Rep. Vander Roest, Chair, reported

**House Bill No. 5827, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21720a (MCL 333.21720a).

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 5827** To Report Out:

Yeas: Reps. Vander Roest, Voorhees, Cassis, Faunce, Rocca, Woronchak, DeHart, Bovin, Hardman, Spade,  
Nays: None.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Vander Roest, Chair of the Committee on Senior Health, Security and Retirement, was received and read:

Meeting held on: Wednesday, May 24, 2000, at 8:30 a.m.,

Present: Reps. Vander Roest, Voorhees, Cassis, Faunce, Rocca, Woronchak, DeHart, Bovin, Hardman, Spade,

Absent: Rep. Tabor,

Excused: Rep. Tabor.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 23, 2000, at 10:00 a.m.,

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

Absent: Rep. Daniels.

The Committee on Education, by Rep. Allen, Chair, reported

**House Bill No. 5802, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5, 1229, 1277, and 1473 (MCL 380.5, 380.1229, 380.1277, and 380.1473), section 5 as amended by 1999 PA 23, section 1229 as added by 1995 PA 289, section 1277 as amended by 1997 PA 179, and section 1473 as added by 1996 PA 159, and by adding sections 1238, 1280b, and 1282a and part 20B.

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 5802** To Report Out:

Yeas: Reps. Allen, Ruth Johnson, Bradstreet, DeWeese, Hart, Rick Johnson, Kuipers, Van Woerkom, Voorhees, Gielegem, Hansen,

Nays: Reps. Hager, Bogardus, Spade.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 24, 2000, at 9:30 a.m.,

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

## 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, May 24, 2000, at 9:30 a.m.,

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

Absent: Rep. Daniels,

Excused: Rep. Daniels.

**Notices**

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 5198**.

Rep. Jacobs

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **House Bill No. 4740**.

Rep. Jacobs

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 4254**.

Rep. Thomas

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Rep. Jelinek moved that the House adjourn.  
The motion prevailed, the time being 11:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, May 25, at 12:00 Noon.

GARY L. RANDALL  
Clerk of the House of Representatives.