

**No. 41**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**90th Legislature**  
**REGULAR SESSION OF 1999**

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House Chamber, Lansing, Tuesday, May 11, 1999.

2:00 p.m.

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

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

Allen—present	Frank—present	Kuipers—present	Rison—present
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—present	LaForge—present	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	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	Jamnick—present	Perricone—present	Thomas—present
Clark—present	Jansen—present	Pestka—present	Toy—present
Clarke—present	Jelinek—present	Price—present	Vander Roest—present
Daniels—present	Jellema—present	Prusi—present	Van Woerkom—present
DeHart—present	Johnson, Rick—present	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—present	Quarles—present	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

e/d/s = entered during session

Father Maurice Restivo, from the St. Anne's Parish in Detroit, offered the following invocation:

“Gracious and Loving God, You bring light from darkness, You bring order from chaos. You created the beautiful land in which we live, You created Michigan, with its lakes, with its greenery, with its minerals, and with its richness. You created the human family in Your own image and likeness, and called us to follow in Your work of creation. You have allowed us to create society and to build cities. Guide these legislators today as they continue Your work of creation, as they bring order out of chaos, and bring justice where there is injustice. Help them to bring life where there is decay. Help them to make Your presence known. We pray that You bless each one of us and to bless this work. In the name of the Father, and of the Son, and of the Holy Spirit. Amen.”

### Third Reading of Bills

#### Senate Bill No. 420, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20129a (MCL 324.20129a), as amended by 1997 PA 61.

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

#### Roll Call No. 307

#### Yeas—107

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

#### Nays—0

In The Chair: Scranton

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

“Natural resources and environmental protection act,” and inserting “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources

of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The House agreed to the full title.

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

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

### Second Reading of Bills

#### House Bill No. 4354, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 217d.

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

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

Rep. Gosselin 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. 4354, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 217d.

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

#### Roll Call No. 308

#### Yeas—109

Allen	Frank	Kowall	Richner
Baird	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	Stamas
Callahan	Hart	Neumann	Switalski
Cassis	Howell	O’Neil	Tabor
Caul	Jacobs	Pappageorge	Tesanovich
Cherry	Jamnack	Patterson	Thomas
Clark	Jansen	Perricone	Toy
Clarke	Jelinek	Pestka	Van Woerkom
Daniels	Jellema	Price	Vander Roest
DeHart	Johnson, Rick	Prusi	Vaughn
Dennis	Johnson, Ruth	Pumford	Vear
DeRossett	Julian	Quarles	Voorhees
DeVuyst	Kelly	Raczkowski	Wojno

DeWeese  
Ehardt  
Faunce

Kilpatrick  
Koetje

Reeves  
Richardville

Woodward  
Woronchak

### Nays—1

Stallworth

In The Chair: Scranton

The House agreed to the title of the bill.

### Second Reading of Bills

#### House Bill No. 4352, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16*l* of chapter XVII (MCL 777.16*l*), 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 Criminal Law and Corrections,

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

Rep. Faunce 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. Gosselin 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. 4352, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16*l* of chapter XVII (MCL 777.16*l*), 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. 309

### Yeas—109

Allen  
Baird  
Basham  
Birkholz  
Bisbee  
Bishop  
Bogardus  
Bovin  
Bradstreet  
Brater  
Brewer  
Brown, B.

Frank  
Garcia  
Garza  
Geiger  
Gielegem  
Gilbert  
Godchaux  
Gosselin  
Green  
Hager  
Hale  
Hanley

Kowall  
Kuipers  
Kukuk  
LaForge  
LaSata  
Law  
Lemmons  
Lockwood  
Mans  
Martinez  
Mead  
Middaugh

Rison  
Rivet  
Rocca  
Sanborn  
Schauer  
Schermesser  
Scott  
Scranton  
Shackleton  
Sheltrown  
Shulman  
Spade

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

### Nays—0

In The Chair: Scranton

The House agreed to the title of the bill.

### Second Reading of Bills

#### Senate Bill No. 335, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 710d and 710e (MCL 257.710d and 257.710e), section 710d as amended by 1990 PA 90 and section 710e as amended by 1991 PA 25.

The bill was read a second time.

Rep. Brewer moved to amend the bill as follows:

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

"Enacting section 1. It is the intent of the legislature that the cost savings realized by insurance companies because of the changes made by this amendatory act shall be passed on to insurance policyholders."

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

Rep. Brewer demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 310

### Yeas—100

Allen	Faunce	Kuipers	Richner
Baird	Frank	LaForge	Rison
Basham	Garza	LaSata	Rivet
Birkholz	Geiger	Law	Sanborn
Bisbee	Gielegem	Lemmons	Schauer
Bishop	Gilbert	Lockwood	Schermesser
Bogardus	Gosselin	Mans	Scott

Bradstreet	Hager	Martinez	Scranton
Brater	Hale	Mead	Shackleton
Brewer	Hanley	Middaugh	Sheltrown
Brown, B.	Hansen	Minore	Shulman
Brown, C.	Hardman	Mortimer	Spade
Byl	Hart	Neumann	Stallworth
Callahan	Howell	O'Neil	Switalski
Cassis	Jacobs	Pappageorge	Tesanovich
Caul	Jamnack	Patterson	Thomas
Cherry	Jansen	Perricone	Toy
Clark	Jelinek	Pestka	Van Woerkom
Clarke	Jellema	Price	Vander Roest
Daniels	Johnson, Rick	Prusi	Vaughn
DeHart	Johnson, Ruth	Pumford	Vear
Dennis	Julian	Quarles	Voorhees
DeRossett	Kelly	Rackowski	Wojno
DeVuyst	Kilpatrick	Reeves	Woodward
Ehardt	Kowall	Richardville	Woronchak

#### Nays—8

DeWeese	Godchaux	Kukuk	Stamas
Garcia	Koetje	Rocca	Tabor

In The Chair: Scranton

Rep. Ruth Johnson moved to amend the bill as follows:

1. Amend page 5, following line 2, by inserting:

“(6) STATE AND LOCAL LAW ENFORCEMENT AGENCIES MAY ENFORCE SUBSECTION (5) AS A PRIMARY ACTION ONLY IF A LAW ENFORCEMENT OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON UNDER 18 YEARS OF AGE IS IMPROPERLY RESTRAINED OR IS UNRESTRAINED IN A MOTOR VEHICLE.” 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. Jacobs moved to amend the bill as follows:

1. Amend page 5, following line 23, subsection (11), after the second “TO” by striking out the balance of the subsection and inserting “ALL OF THE FOLLOWING NOT LATER THAN MAY 1, 2000:

(A) THE SENATE AND HOUSE OF REPRESENTATIVES APPROPRIATIONS COMMITTEES.

(B) THE SENATE AND HOUSE OF REPRESENTATIVES FISCAL AGENCIES.”.

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

Rep. DeWeese moved that Rep. Birkholz be excused temporarily from today's session.

The motion prevailed.

Rep. Hale moved to amend the bill as follows:

1. Amend page 5, line 19, after “after “THEREAFTER.” by inserting “THE REPORT SHALL INCLUDE THE FOLLOWING DATA ON TRAFFIC STOPS FROM STATE AND LOCAL LAW ENFORCEMENT AGENCIES:

(A) THE TRAFFIC INFRACTION ALLEGED TO HAVE BEEN COMMITTED THAT LED TO THE STOP.

(B) THE IDENTIFYING CHARACTERISTICS OF THE DRIVER STOPPED, INCLUDING, BUT NOT LIMITED TO, THE DRIVER'S RACE, GENDER, ETHNICITY, AND APPROXIMATE AGE.

(C) WHETHER IMMIGRATION STATUS WAS QUESTIONED, IMMIGRATION DOCUMENTS WERE REQUESTED, OR AN INQUIRY WAS MADE TO THE IMMIGRATION AND NATURALIZATION SERVICE CONCERNING A PERSON IN THE VEHICLE.

- (D) THE NUMBER OF INDIVIDUALS IN THE STOPPED VEHICLE.
- (E) WHETHER A SEARCH WAS INITIATED AS A RESULT OF THE STOP AND WHETHER CONSENT WAS REQUESTED FOR THE SEARCH.
- (F) ANY ALLEGED CRIMINAL BEHAVIOR BY THE DRIVER THAT JUSTIFIED THE SEARCH.
- (G) ANY ITEMS SEIZED, INCLUDING, BUT NOT LIMITED TO, CONTRABAND OR MONEY.
- (H) WHETHER A WARNING OR CITATION WAS ISSUED AS A RESULT OF THE STOP.
- (I) WHETHER AN ARREST WAS MADE AS A RESULT OF EITHER THE STOP OR THE SEARCH AND THE JUSTIFICATION FOR THE ARREST.
- (J) THE DURATION OF THE STOP.”.

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

The demand was supported.

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

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

**Roll Call No. 311**

**Yeas—42**

Baird	Gieleghem	Martinez	Schauer
Bogardus	Hale	Minore	Scott
Brater	Hansen	Neumann	Sheltrown
Brown, B.	Hardman	O’Neil	Stallworth
Cherry	Jacobs	Pestka	Switalski
Clark	Jamnick	Price	Tesanovich
Clarke	Kelly	Prusi	Thomas
Daniels	Kilpatrick	Reeves	Vaughn
Dennis	LaForge	Rison	Vear
Frank	Lemmons	Rivet	Woodward
Garza	Lockwood		

**Nays—56**

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

In The Chair: Scranton

Rep. Brewer moved to amend the bill as follows:

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

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4619 of the 90th Legislature is enacted into law.” and renumbering the remaining enacting section.

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

Rep. Richner moved to amend the bill as follows:

1. Amend page 5, following line 23, subsection (11), after "THAN" by striking out "MAY 1, 2000" and inserting "JANUARY 1, 2001".

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

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

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

Rep. Lemmons moved to amend the bill as follows:

1. Amend page 5, line 2, after "act." by inserting "WHEN CONDITIONS PREVENT CLEAR VISIBILITY OF THE PASSENGERS OF THE VEHICLE, LAW ENFORCEMENT OFFICERS SHALL NOT PULL OVER A VEHICLE FOR THE VIOLATION OF THIS ACT AS THE PRIMARY OFFENSE."

The motion did not prevail and the amendment was not adopted, a majority of the members serving not 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. 335, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 710d and 710e (MCL 257.710d and 257.710e), section 710d as amended by 1990 PA 90 and section 710e as amended by 1991 PA 25.

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

#### Roll Call No. 312

#### Yeas—68

Allen	DeVuyst	Koetje	Pumford
Baird	DeWeese	Kuipers	Quarles
Basham	Garza	LaForge	Raczkowski
Birkholz	Geiger	LaSata	Rivet
Bogardus	Gilbert	Law	Sanborn
Brater	Godchaux	Lemmons	Schauer
Brewer	Hager	Lockwood	Schermesser
Brown, B.	Hanley	Mans	Scott
Byl	Hansen	Martinez	Scranton
Callahan	Hardman	Mead	Shulman
Cassis	Howell	Minore	Stallworth
Cherry	Jacobs	Mortimer	Switalski
Clark	Jamnick	O'Neil	Thomas
Clarke	Jellema	Pappageorge	Toy
Daniels	Julian	Patterson	Van Woerkom
DeHart	Kelly	Pestka	Vaughn
Dennis	Kilpatrick	Price	Woronchak

#### Nays—42

Bisbee	Gielegem	Middaugh	Sheltrown
Bishop	Gosselin	Neumann	Spade
Bovin	Green	Perricone	Stamas
Bradstreet	Hale	Prusi	Tabor



Brown, C.	Hart	Reeves	Tesanovich
Caul	Jansen	Richardville	Vander Roest
DeRossett	Jelinek	Richner	Vear
Ehardt	Johnson, Rick	Rison	Voorhees
Faunce	Johnson, Ruth	Rocca	Wojno
Frank	Kowall	Shackleton	Woodward
Garcia	Kukuk		

In The Chair: Scranton

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The House agreed to the full title.

By unanimous consent the House returned to the order of

#### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 4103, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8401 (MCL 600.8401), as amended by 1991 PA 192.

(The bill was received from the Senate on May 6, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 40, p. 771.)

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

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

#### Roll Call No. 313

#### Yeas—96

Allen	Faunce	Kelly	Rocca
Baird	Frank	Kowall	Sanborn
Basham	Garcia	Kuipers	Schauer
Birkholz	Geiger	Kukuk	Schermesser
Bisbee	Gielegem	LaSata	Scott
Bishop	Gilbert	Law	Scranton
Bovin	Godchaux	Lemmons	Shackleton
Bradstreet	Gosselin	Lockwood	Sheltrown
Brater	Green	Mans	Shulman
Brewer	Hager	Martinez	Spade
Brown, B.	Hale	Mead	Stamas
Brown, C.	Hanley	Middaugh	Switalski
Byl	Hansen	Mortimer	Tabor
Callahan	Hardman	Neumann	Tesanovich
Cassis	Hart	Pappageorge	Thomas

Caul	Howell	Patterson	Toy
Cherry	Jacobs	Pestka	Van Woerkom
Clarke	Jamnack	Price	Vander Roest
DeHart	Jansen	Prusi	Vaughn
Dennis	Jelinek	Pumford	Vear
DeRossett	Jellema	Rackowski	Voorhees
DeVuyst	Johnson, Rick	Richardville	Wojno
DeWeese	Johnson, Ruth	Richner	Woodward
Ehardt	Julian	Rivet	Woronchak

**Nays—12**

Bogardus	Garza	LaForge	Reeves
Clark	Kilpatrick	Minore	Rison
Daniels	Koetje	Perricone	Stallworth

In The Chair: Scranton

The House agreed to the full title of the bill.

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

**Second Reading of Bills****House Bill No. 4418, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 316 (MCL 484.2316), as amended by 1997 PA 183.

The bill was read a second time.

Rep. Daniels moved to amend the bill as follows:

1. Amend page 2, line 2, after "minimum," by striking out "25%" and inserting "55%".

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

Rep. Daniels demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 314****Yeas—63**

Baird	Frank	Lockwood	Scott
Basham	Garza	Martinez	Scranton
Bogardus	Gielegem	Minore	Shackleton
Bovin	Hager	Neumann	Sheltrown
Brater	Hale	O'Neil	Spade
Brewer	Hanley	Pestka	Stallworth
Brown, B.	Hansen	Price	Switalski
Callahan	Hardman	Prusi	Tesanovich
Caul	Howell	Quarles	Thomas
Cherry	Jacobs	Reeves	Van Woerkom
Clark	Jamnack	Richardville	Vander Roest
Clarke	Kelly	Rison	Vaughn
Daniels	Kilpatrick	Rivet	Voorhees

DeHart  
Dennis  
Faunce

Kowall  
LaForge  
Lemmons

Rocca  
Schauer  
Schermesser

Wojno  
Woodward

### Nays—45

Allen  
Birkholz  
Bisbee  
Bishop  
Bradstreet  
Brown, C.  
Cassis  
DeRossett  
DeVuyst  
DeWeese  
Ehardt  
Garcia

Geiger  
Gilbert  
Godchaux  
Gosselin  
Green  
Hart  
Jansen  
Jelinek  
Jellema  
Johnson, Rick  
Johnson, Ruth

Julian  
Koetje  
Kuipers  
Kukuk  
LaSata  
Law  
Mead  
Middaugh  
Mortimer  
Pappageorge  
Patterson

Perricone  
Pumford  
Rackowski  
Richner  
Sanborn  
Shulman  
Stamas  
Tabor  
Toy  
Vear  
Woronchak

In The Chair: Scranton

Rep. Scott moved that Rep. Mans be excused from the balance of today's session.  
The motion prevailed.

Rep. Thomas moved to amend the bill as follows:

1. Amend page 1, line 8, by striking out "20%" and inserting "50%".

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

### Roll Call No. 315

### Yeas—57

Baird  
Basham  
Bogardus  
Bovin  
Brater  
Brewer  
Brown, B.  
Byl  
Callahan  
Cherry  
Clark  
Clarke  
Daniels  
DeHart  
Dennis

Frank  
Garza  
Gielegem  
Hager  
Hale  
Hanley  
Hansen  
Hardman  
Howell  
Jacobs  
Jammick  
Kelly  
Kilpatrick  
Kowall

LaForge  
Lockwood  
Martinez  
Minore  
Neumann  
O'Neil  
Pestka  
Price  
Prusi  
Quarles  
Reeves  
Richardville  
Rison  
Rivet

Schauer  
Schermesser  
Scott  
Scranton  
Shackleton  
Sheltrown  
Spade  
Stallworth  
Switalski  
Tesanovich  
Thomas  
Vaughn  
Wojno  
Woodward

**Nays—52**

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

In The Chair: Scranton

Rep. Thomas moved to amend the bill as follows:

1. Amend page 1, line 5, after “and” by striking out “(3)” and inserting “(4)”.
2. Amend page 1, line 6, after “subsections” by striking out “(3) and (4)” and inserting “(4) AND (5)”.
3. Amend page 1, following line 9, by inserting:

“(3) EXCEPT AS PROVIDED IN SUBSECTIONS (4) AND (5), IF THE CUSTOMER IS 65 YEARS OF AGE OR MORE, THE RATE REDUCTION SHALL BE 10% OF THE BASIC LOCAL EXCHANGE RATE.” and renumbering the remaining subsections.

4. Amend page 2, line 5, after “(2)” by striking out “or (3)” and inserting a comma and “(3), OR (4)”.

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

Rep. Thomas demanded the yeas and nays.

The demand was supported.

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

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

The motion prevailed.

**House Bill No. 4187, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5805 (MCL 600.5805), as amended by 1988 PA 115.

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. Cherry 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. 4187, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5805 (MCL 600.5805), as amended by 1988 PA 115.

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

**Roll Call No. 316****Yeas—105**

Allen	Faunce	Kowall	Rison
Baird	Frank	Kuipers	Rivet

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

### Nays—1

Koetje

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. 4524, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5805 (MCL 600.5805), as amended by 1988 PA 115.

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. 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. 4524, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5805 (MCL 600.5805), as amended by 1988 PA 115.

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

**Roll Call No. 317****Yeas—102**

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

**Nays—4**

Godchaux	Jellema	Koetje	Patterson
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In The Chair: Scranton

The House agreed to the title of the bill.

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

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

**Second Reading of Bills**

The House returned to the consideration of

**House Bill No. 4418, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 316 (MCL 484.2316), as amended by 1997 PA 183.

(The bill was considered earlier today, see today's journal, p. 782.)

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

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

**Roll Call No. 318****Yeas—52**

Baird	Dennis	Lockwood	Schermesser
Basham	Frank	Martinez	Scott

Bogardus	Garza	Minore	Scranton
Bovin	Gielegem	Neumann	Sheltrown
Brater	Hale	Pestka	Spade
Brewer	Hanley	Price	Stallworth
Brown, B.	Hardman	Prusi	Switalski
Callahan	Jacobs	Quarles	Tesanovich
Cherry	Jamnick	Reeves	Thomas
Clark	Kelly	Rison	Vaughn
Clarke	Kilpatrick	Rivet	Wojno
Daniels	LaForge	Rocca	Woodward
DeHart	Lemmons	Schauer	Woronchak

### Nays—55

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

In The Chair: Scranton

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

“Mr. Speaker and members of the House:

The Lifeline Program is intended to help elderly low-income and low-income families to afford phone service. This poorly-written amendment would augment wealthy senior citizens. Furthermore, because of the higher-effect of bigger phone bills, it would cost average-income families an inordinate, unfair subsidy. This is poor legislation.”

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

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

Rep. 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. 4418, entitled

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” by amending section 316 (MCL 484.2316), as amended by 1997 PA 183.

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

**Roll Call No. 319****Yeas—106**

Allen	Faunce	Kowall	Rison
Baird	Frank	Kuipers	Rivet
Basham	Garcia	Kukuk	Rocca
Birkholz	Garza	LaForge	Sanborn
Bisbee	Geiger	LaSata	Schauer
Bishop	Gielegem	Lemmons	Schermesser
Bogardus	Gilbert	Lockwood	Scott
Bovin	Godchaux	Martinez	Scranton
Bradstreet	Gosselin	Mead	Shackleton
Brater	Green	Middaugh	Sheltrown
Brewer	Hager	Minore	Shulman
Brown, B.	Hale	Mortimer	Spade
Brown, C.	Hansen	Neumann	Stamas
Byl	Hardman	O'Neil	Switalski
Callahan	Hart	Pappageorge	Tabor
Cassis	Howell	Patterson	Tesanovich
Caul	Jacobs	Perricone	Thomas
Cherry	Jamnack	Pestka	Toy
Clark	Jansen	Price	Van Woerkom
Clarke	Jelinek	Prusi	Vander Roest
Daniels	Jellema	Pumford	Vaughn
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: 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.

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

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Hale, Rivet, Hansen, DeHart, Spade, Scott, Daniels, Kelly, Schauer, Baird, Vaughn, Bovin, Wojno, Woodward, Dennis, Jamnick, Prusi, LaForge, Quarles, Ehardt, Schermesser, Bogardus, Hanley, Jacobs, Rison, Vear, Hager, DeRossett, Birkholz, Martinez, Kilpatrick and Brater offered the following resolution:

**House Resolution No. 93.**

A resolution honoring the life of Barbara Benekin Chambers.

Whereas, In honor and recognition of the life of Barbara Benekin Chambers, the members of the House of Representatives humbly submit our deepest sympathy; and



Whereas, A native of Jacksonville, Florida, Barbara Benekin Chambers was born on December 19, 1940. Throughout her entire life she strived to brighten and touch the lives of everyone around her; and

Whereas, She dedicated more than a quarter of a century to educating Southeastern Detroit youth at Detroit's Finney High School, giving countless unpaid hours to her students regardless of race, religion, or creed; and

Whereas, She actively served as a leader in her community, church, and other civic organizations by serving as Sunday School Superintendent, member of the Board of Trustees of Scott Memorial United Methodist Church, and a precinct delegate for the Grandmont Community; and

Whereas, On September 2, 1998, while on her way to work, Barbara was called back to the Lord. The memory of Barbara Benekin Chambers will forever remain cherished in the hearts and minds of those who knew and loved her. She leaves behind a legacy of love; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body bestow the highest accolade of tribute upon the memory of Barbara Benekin Chambers in recognition of her life's work; and be it further

Resolved, That copies of this resolution be transmitted to the family of Barbara Benekin Chambers, and placed in the archives of Detroit Finney High School, Detroit Public School - Office of School to Work, and Business Professionals of America - Michigan Association, as a symbol of our deepest sympathy.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Thomas, Rivet, Scranton, Hansen, DeHart, Spade, Hale, Scott, Daniels, Kelly, Schauer, Baird, Vaughn, Bovin, Wojno, Woodward, Dennis, Jamnick, Prusi, LaForge, Quarles, Ehardt, Schermesser, Bogardus, Hanley, Jacobs, Rison, Vear, Hardman, Jansen, Hager, DeRossett, Birkholz, Martinez, Kilpatrick and Brater offered the following resolution:

**House Resolution No. 94.**

A resolution to commemorate the 100th anniversary of The Detroit Study Club and to express appreciation for their valuable contributions in Michigan.

Whereas, We are proud to join with the members, officers, and friends of The Detroit Study Club as they gather to mark the 100th anniversary of this outstanding group. This milestone is a reflection of unselfishness and commitment to the common good that is most commendable. While the members of this distinguished organization celebrate 100 years of service, we offer our thanks for the gifts they have shared within the City of Detroit and throughout Michigan; and

Whereas, The Detroit Study Club can trace its origins to 1898 and the aspirations of its founders. In the years that have followed since they first came together, this organization has adapted to changes in society, membership, and expectations. This ability to grow and change has shown the belief that the members have maintained in their mission of service and the unity of the membership. The members have strived to continue the legacy of African-American women, gathering to exchange ideas, stimulate thought, and study great literature, as well as the important issues of the day. Many of the members are descendants of the founders and early members, as well as highly respected women in the Detroit community; and

Whereas, With ceremonies to celebrate its history, the members and officers of The Detroit Study Club will remember the vision of many people and the hours and years of commitment that have brought the group to this point. Fittingly, as they look to the past, they will also be casting an eye to the future and to the many ways in which The Detroit Study Club will continue to reach out in our state; now, therefore, be it

Resolved by the House of Representatives, That a unanimous accolade of tribute be hereby accorded to commemorate the 100th anniversary of The Detroit Study Club and to express appreciation for their valuable contributions in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to The Detroit Study Club as evidence of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Martinez, Rivet, Scranton, Hansen, DeHart, Spade, Hale, Scott, Daniels, Kelly, Schauer, Baird, Vaughn, Bovin, Wojno, Woodward, Dennis, Jamnick, Prusi, LaForge, Quarles, Ehardt, Schermesser, Bogardus, Hanley, Bishop, Jacobs, Rison, Vear, DeRossett, Birkholz, Kilpatrick and Brater offered the following resolution:

**House Resolution No. 95.**

A resolution honoring Pattengill Middle School Students.

Whereas, Pattengill Middle School students Marcus Alston, Ben Pedersen, Rebekah Savoie, Nancy Xiong, Brandon Young, and their teacher, Andon B. Pogoncheff, are being honored as one of the ten teams selected as National Finalists in the Bayer/National Science Foundation Award for Community Innovation. This recognition is a well-earned milestone that took hours of planning, work, and personal commitment by each participant; and

Whereas, The Bayer/National Science Foundation Award is sponsored by Bayer Corporation as part of its Making Science Make Sense Program, the National Science Foundation, the Christopher Columbus Fellowship Foundation, and Discover Magazine. The Bayer/NSF Award challenges students in grades six through eight to use science and technology to develop innovative solutions to real problems that they identify in their community; and

Whereas, The award is now in its third year, and more than 500 teams nationwide submitted entries which consist of written and visual presentations. The finalists were selected from 30 semi-finalist teams by a national judging panel; and

Whereas, Over 5,300 people die in house fires every year, most often as a result of smoke inhalation. The innovative team of eighth graders from Pattengill Middle School in Lansing, Michigan devised a modified smoke detector that will signal a light outside a bedroom window to flash, alerting fire fighters to the location of potential victims and enhancing rescue efforts; and

Whereas, These students used a team approach to assess local needs, conduct research, obtain the input of scientists, community leaders, their instructor and other experts, and develop and test their solution. They achieved great success in their results; now, therefore, be it

Resolved by the House of Representatives, That the members of the Michigan House of Representatives congratulate Pattengill Middle School students Marcus Alston, Ben Pedersen, Rebekah Savoie, Nancy Xiong, Brandon Young, and their instructor, Andon B. Pogoncheff, as they receive honors as one of the National Finalists in the Bayer/National Science Foundation Award for Community Innovation. We wish them continuing success in their efforts and many additions to the honors they have already received for their excellent record; and be it further

Resolved, That a copy of this resolution be transmitted to Pattengill Middle School as a token of our highest esteem and best wishes.

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.

#### **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, Friday, May 7:

<b>House Bill Nos.</b>	<b>4610</b>	<b>4611</b>	<b>4612</b>	<b>4613</b>	<b>4614</b>	<b>4615</b>	<b>4616</b>	<b>4617</b>	<b>4618</b>	<b>4619</b>	<b>4620</b>	<b>4621</b>	<b>4622</b>	<b>4623</b>
	<b>4624</b>	<b>4625</b>	<b>4626</b>	<b>4627</b>	<b>4628</b>	<b>4629</b>	<b>4630</b>	<b>4631</b>	<b>4632</b>	<b>4633</b>	<b>4634</b>	<b>4635</b>	<b>4636</b>	<b>4637</b>
	<b>4638</b>	<b>4639</b>												

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, May 10:

<b>House Bill Nos.</b>	<b>4640</b>	<b>4641</b>	<b>4642</b>	<b>4643</b>	<b>4644</b>	<b>4645</b>	<b>4646</b>	<b>4647</b>	<b>4648</b>
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The Clerk announced that the following Senate bills had been received on Tuesday, May 11:

<b>Senate Bill Nos.</b>	<b>195</b>	<b>396</b>
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By unanimous consent the House returned to the order of

#### **Reports of Standing Committees**

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

**House Bill No. 4648, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 904d (MCL 257.904d), as added by 1998 PA 358.

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 4648** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman,  
Nays: None.

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

**Senate Bill No. 106, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535a (MCL 750.535a), as amended by 1988 PA 140.

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

1. Amend page 2, following line 24, by inserting:

“(xiv) AN AIRBAG OR AIRBAG ASSEMBLY.

(xv) A WHEEL OR TIRE.” and renumbering the remaining subparagraph.

2. Amend page 2, line 27, after the second “to” by striking out “(xiii)” and inserting “(xv)”.

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

## Favorable Roll Call

**SB 106** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O’Neil,  
Nays: None.

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

**Senate Bill No. 155, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15d of chapter IV (MCL 764.15d), as added by 1987 PA 256.

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

1. Amend page 3, following line 11, by inserting:

“Enacting section 1. This amendatory act takes effect October 1, 1999.”.

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

## Favorable Roll Call

**SB 155** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O’Neil,  
Nays: None.

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

**Senate Bill No. 288, entitled**

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

With the recommendation that the bill pass.

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

## Favorable Roll Call

**SB 288** To Report Out:

Yeas: Reps. Faunce, Howell, Bishop, Julian, Richner, Sanborn, Shulman, Baird, Callahan, Jacobs, O’Neil,  
Nays: None.

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

**Senate Bill No. 430, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 316 (MCL 750.316), as amended by 1996 PA 21.

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

1. Amend page 3, following line 8, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 1999."

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

Favorable Roll Call

**SB 430** To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 11, 1999, at 10:30 a.m.,

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

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

**House Bill No. 4426, entitled**

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

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 4426** To Report Out:

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

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

**House Bill No. 4586, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 1996 PA 477.

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 4586** To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 11, 1999, at 8:30 a.m.,

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 11, 1999, at 9:00 a.m.,

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 11, 1999, at 10:30 a.m.,

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

**Messages from the Senate****House Bill No. 4241, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311 (MCL 380.1311), as amended by 1995 PA 250, and by adding sections 1311b, 1311c, 1311d, 1311e, 1311f, 1311g, 1311h, 1311i, 1311j, 1311k, and 1311l.

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

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

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 5, 14, 374, and 1311 (MCL 380.5, 380.14, 380.374, and 380.1311), section 5 as amended by 1995 PA 289, section 14 as added by 1998 PA 406, section 374 as added by 1999 PA 10, and section 1311 as amended by 1995 PA 250, and by adding sections 1311b, 1311c, 1311d, 1311e, 1311f, 1311g, 1311h, 1311i, 1311j, 1311k, and 1311l.

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

**Senate Bill No. 195, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 39 (MCL 211.39).

The Senate has passed the bill.

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

**Senate Bill No. 396, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4s.

The Senate has passed the bill.

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

**Notices**

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Insurance and Financial Services from further consideration of **House Bill No. 4619**.

Rep. Brewer

**Communications from State Officers**

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

Notices of Filing  
Administrative Rules

March 26, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:07 A.M. this date, administrative rule (99-03-7) for the Department of Environmental Quality, Waste Management Division, entitled "*Solid Waste Management*", effective 15 days hereafter.

April 5, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:16 P.M. this date, administrative rule (99-04-2) for the Department of Consumer and Industry Services, Director's Office, entitled "*Occupational Health Standards for Respiratory Protection*", effective 15 days hereafter.

April 5, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:17 P.M. this date, administrative rule (99-04-3) for the Department of Consumer and Industry Services, Director's Office, entitled "*Cadmium*", effective 15 days hereafter.

April 5, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:18 P.M. this date, administrative rule (99-04-4) for the Department of Consumer and Industry Services, Director's Office, entitled "*Part 25. Concrete Construction*", effective 15 days hereafter.

April 5, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:19 P.M. this date, administrative rule (99-04-5) for the Department of Consumer and Industry Services, Director's Office, entitled "*Part 49. Slings*", effective 15 days hereafter.

April 5, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:20 P.M. this date, administrative rule (99-04-6) for the Department of Consumer and Industry Services, Director's Office, entitled "*Personal Protective Equipment*", effective 15 days hereafter.

April 5, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:21 P.M. this date, administrative rule (99-04-7) for the Department of Consumer and Industry Services, Director's Office, entitled "*Part 12. Scaffolds & Scaffold Platforms*", effective 15 days hereafter.

April 23, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:55 A.M. this date, administrative rule (99-04-8) for the Department of Consumer and Industry Services, Bureau of Workers' Disability Compensation, entitled "*Workers' Disability Compensation General Rules*", effective 15 days hereafter.

April 23, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:57 A.M. this date, administrative rule (99-04-9) for the Department of Consumer and Industry Services, Office of Commercial Services, entitled "*Interior Design*", effective 15 days hereafter.

April 23, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:59 A.M. this date, administrative rule (99-04-10) for the Department of State, Bureau of Elections, entitled "*Casino Interest Registration Rules*", effective 15 days hereafter.

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

The communications were referred to the Clerk.

The following communication from the Livingston County Michigan Works! Agency was received and read:

May 7, 1999

Enclosed are the summaries of the PY 1999 JTPA Titles IIA, IIA 5% Older Worker, and IIC Local Biennial Job Training Plans for the Livingston County Michigan Works! Agency (MWA).

Sincerely,  
William S. Sleight  
Director

The communication was referred to the Clerk.

### Introduction of Bills

Reps. Sheltroun, Rivet, Neumann, Bradstreet, Prusi, Stallworth, Bovin and Tesanovich introduced

**House Bill No. 4649, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40113d.

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

Reps. Thomas, Neumann, Stallworth, Scott, Daniels, DeHart, Rivet, Spade, Woodward, Ehardt, Hale, Bovin, Clark, Prusi, Schauer, Baird, Cherry, Price, Jacobs and Bob Brown introduced

**House Bill No. 4650, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 10.

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

Reps. Kukuk, LaSata, Garcia, Voorhees, Gosselin, Kuipers, Kowall, Jansen, Birkholz and Scranton introduced

**House Bill No. 4651, entitled**

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

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

Reps. Thomas, Stallworth, Kelly, Neumann, Scott, Brater, Daniels, DeHart, Rivet, Woodward, Ehardt, Basham, Hale, Bovin, Clark, Prusi, Schauer, Baird, Cherry, Price and Jacobs introduced

**House Bill No. 4652, entitled**

A bill to create a child loan guarantee commission and its powers and duties; to create a child care loan guarantee fund; to prescribe the powers and duties for certain state agencies and officers; to prescribe limits on the use of the fund; and to make an appropriation.

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

Reps. Scott, DeHart, Kilpatrick, Stallworth, Thomas, Jacobs, Richner, LaForge, Prusi, Jelinek, Kelly, Frank, Pestka, Martinez, Rison, Quarles, Reeves, Hardman, Clark, Mans, Basham, Law, Faunce, Lockwood, Daniels, Price, Spade, Woodward, Wojno, Hansen, Lemmons, Gielegem, Minore, Sheltroun, Bob Brown, Schauer, Clarke, Cherry, Brater, Baird, Sanborn, Rocca, DeVuyt, Green, Woronchak, DeWeese and Dennis introduced

**House Bill No. 4653, entitled**

A bill to create a state anti-gang assistance program; to prescribe certain powers and duties of certain state departments and officials; to create a fund in the department of treasury; and to provide for an appropriation.

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

Reps. Law, Rocca, Woronchak, Gielegem, Thomas, LaSata, Hager, Sanborn, Green, Bogardus, Schauer, Spade and Switalski introduced

**House Bill No. 4654, entitled**

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending sections 7a and 15 (MCL 423.207a and 423.215), section 7a as added and section 15 as amended by 1994 PA 112, and by adding section 7b.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. Tabor, Shackleton, Rick Johnson, Patterson, Van Woerkom, Cameron Brown, Faunce, Allen, Mortimer, Vear, Pappageorge, Garcia, Birkholz, Godchaux, Julian, Spade and Hart introduced

**House Bill No. 4655, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1998 PA 103.

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

Reps. Julian, Frank, Birkholz, Vear, Garcia, Tabor, Bishop, Bradstreet, Van Woerkom, Rick Johnson, Richardville, Ehardt, Faunce, Hart, LaSata, Voorhees, Bisbee, Kukuk, Pumford, Vander Roest, Howell, DeWeese, Richner, Kuipers, Gosselin, Jelinek, Hager, Koetje, DeRossett, Stamas, Caul, Shackleton, Middaugh, Cameron Brown, Rocca, DeVuyt, Jellema, Toy, Mead, Kowall, Gilbert, Woronchak, Jansen, Callahan, Kelly, Cassis, Raczkowski, O'Neil, Basham, Bovin, Bob Brown, Sheltroun, Patterson, Green, Law, Geiger, Pappageorge, Byl, Rivet, Pestka, Wojno, Allen, Shulman and Sanborn introduced

**House Bill No. 4656, entitled**

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

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

Reps. Pestka, Spade, Kelly, Basham, Jacobs, O'Neil, Callahan, Wojno, Clark, Sheltroun, Neumann, Rivet, Daniels, Schauer, Prusi, Gielegem, Frank, Woodward, Bogardus, Bob Brown, Lockwood, Minore, Scott, Reeves, Hardman, Lemmons, Mans, Jamnick, Garza, Martinez, Bovin and DeHart introduced

**House Bill No. 4657, 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 first time by its title and referred to the Committee on Tax Policy.

Reps. Scranton, DeHart, Birkholz, Howell, LaSata, Garcia, Caul, Middaugh and Bovin introduced

**House Bill No. 4658, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 201 (MCL 484.1201), as amended by 1994 PA 29, and by adding sections 407, 408, 409, 410, 411, and 412; and to repeal acts and parts of acts.

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

Reps. Middaugh, DeHart, Birkholz, Gilbert, Howell, LaSata, Tabor, Cameron Brown, Ruth Johnson, Garcia, Kuipers, Jellema, Caul, Scranton, Raczkowski, Toy and Bovin introduced

**House Bill No. 4659, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," (MCL 484.1101 to 484.1604) by adding chapter VII; and to repeal acts and parts of acts.

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



Reps. Ruth Johnson, Woodward, Gosselin, Switalski, Pappageorge, Bishop, LaSata, Godchaux, Jacobs, Minore, Jansen and Jannick introduced

**House Bill No. 4660, entitled**

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 7 (MCL 224.7).

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

Reps. Ruth Johnson, Gosselin, Switalski, Pappageorge, Bishop, LaSata, Godchaux, Jacobs, Minore, Jansen and Jannick introduced

**House Bill No. 4661, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 257, 258, 261, 262, 263, and 264 (MCL 168.257, 168.258, 168.261, 168.262, 168.263, and 168.264).

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

Reps. Hager, Gilbert, Kowall, LaSata, DeHart, Caul, Faunce, Woodward, Ehardt, Bovin, Patterson, Hart, Howell, Allen, Shulman and Raczkowski introduced

**House Bill No. 4662, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 1998 PA 484.

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

Reps. Julian, Richner, Tesanovich, Birkholz, Howell, Kuipers, Ehardt, LaSata, Middaugh, Bishop, Hager, Voorhees, Bovin and Sanborn introduced

**House Bill No. 4663, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 8.

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

Reps. Richner, Tesanovich, Birkholz, Howell, Kuipers, Ehardt, LaSata, Middaugh, Julian, Bishop, Hager, Voorhees, Bovin and Sanborn introduced

**House Bill No. 4664, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 10.

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

Reps. Hager, Gilbert, Rocca, Richardville, Kowall, Shackleton, LaSata, DeHart, Caul, Tabor, Faunce, Woodward, Ehardt, Bovin, Patterson, Kukuk, Sanborn, Allen, Bisbee, Hart and Raczkowski introduced

**House Bill No. 4665, entitled**

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

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

Reps. Perricone, Allen, Birkholz, Ruth Johnson, Rick Johnson, Garcia, Julian, Mortimer, Van Woerkom, Ehardt, Pumford, Mead, LaSata, Kowall, Hager, DeRossett, Gilbert, Tabor, Rocca, Shackleton, Toy, Jelinek, Middaugh, DeVuyst, Sanborn and Richner introduced

**House Bill No. 4666, entitled**

A bill to create the Michigan merit award scholarship trust fund; to create the Michigan merit award scholarship trust fund commission and prescribe the powers and duties of the commission; and to provide for the Michigan merit award scholarship program.

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

Reps. Lemmons, Hale, Switalski, Vaughn, Stallworth, Jacobs, Mans, O'Neil, Spade, Daniels, Lockwood, Schauer, Cherry, Minore, Basham, Martinez, Reeves, Hardman, Clark, Neumann, LaForge, Kelly, Quarles, Clarke, Dennis, Rivet, Pestka, Sheltroun, Scott, Gielegem, Jammick, Woodward, Callahan, Bovin and DeHart introduced

**House Bill No. 4667, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," (MCL 450.1101 to 450.2098) by adding section 912.

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

Rep. Jammick introduced

**House Bill No. 4668, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 9 (MCL 117.9), as amended by 1984 PA 352.

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

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Rep. Prusi moved that the House adjourn.

The motion prevailed, the time being 5:15 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Wednesday, May 12, at 2:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives.