

**No. 84**  
**STATE OF MICHIGAN**  
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**OF THE**  
**House of Representatives**  
**90th Legislature**  
**REGULAR SESSION OF 1999**

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House Chamber, Lansing, Tuesday, December 7, 1999.

10:00 a.m.

The House was called to order by the Speaker Pro Tempore.

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—e/d/s
Dennis—present	Johnson, Ruth—present	Quarles—present	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

e/d/s = entered during session

Rep. Scott Shackleton, from the 107th District, offered the following invocation:

“Lord, during this joyous time of year we ask for Your blessing. Please fill our hearts and that of the citizens of Michigan with the spirit of Christmas. Thank You for the gift that we celebrate this time of year—the birth of Jesus Christ. As the members of this House deliberate and do the work of the people of Michigan, please give us the wisdom and the courage to do that which is right. Let us also recognize the significance of December 7 in the United States, and the world history, and please bless our veterans. Amen.”

The Speaker Pro Tempore called Associate Speaker Pro Tempore Scranton to the Chair.

### Reports of Select Committees

The Speaker laid before the House the conference report relative to

**House Bill No. 4485, entitled**

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 402c.

(The conference report was reported by the conference committee on December 1, consideration of which, under the rules, was postponed until December 2.)

(For conference report, see House Journal No. 82, p. 2368.)

The question being on the adoption of the conference report,

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

#### Roll Call No. 1098

#### Yeas—83

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

#### Nays—24

Basham	DeHart	Jamnick	Reeves
Bovin	Garza	Kelly	Schauer
Brewer	Hale	Kilpatrick	Schermesser

Byl	Hanley	LaForge	Scott
Clark, I.	Hardman	Lemmons	Stallworth
Daniels	Jacobs	Quarles	Thomas

In The Chair: Scranton

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

The Speaker laid before the House the conference report relative to  
**House Bill No. 4486, entitled**

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

(The conference report was reported by the conference committee on December 1, consideration of which, under the rules, was postponed until December 2.)

(For conference report, see House Journal No. 82, p. 2369.)

The question being on the adoption of the conference report,

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

**Roll Call No. 1099**

**Yeas—86**

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

**Nays—23**

Basham	Garza	Kilpatrick	Schauer
Bovin	Hale	LaForge	Schermesser
Brewer	Hanley	Lemmons	Scott
Clark, I.	Hardman	Minore	Stallworth
Daniels	Jacobs	Quarles	Thomas
DeHart	Kelly	Reeves	

In The Chair: Scranton

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

The Speaker laid before the House the conference report relative to  
**House Bill No. 4487, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2212b.

(The conference report was reported by the conference committee on December 1, consideration of which, under the rules, was postponed until December 2.)

(For conference report, see House Journal No. 82, p. 2369.)

The question being on the adoption of the conference report,

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

**Roll Call No. 1100**

**Yeas—86**

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

**Nays—21**

Basham	Hale	Kilpatrick	Schauer
Bovin	Hanley	LaForge	Schermesser
Clark, I.	Hardman	Lemmons	Scott
Daniels	Jacobs	Quarles	Stallworth
DeHart	Kelly	Reeves	Thomas
Garza			

In The Chair: Scranton

Rep. Rackowski moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Voorhees moved that Rep. Gosselin be excused temporarily from today's session.  
The motion prevailed.

### Messages from the Senate

The Speaker laid before the House

**House Bill No. 4625, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 3a to chapter X.

(The bill was received from the Senate on November 30 with amendments and full title inserted by the Senate, consideration of which, under the rules, was postponed until December 1, see House Journal No. 81, p. 2331.)

The question being on concurring in the adoption of the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1101**

**Yeas—75**

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

**Nays—30**

Baird	Hanley	LaSata	Reeves
Basham	Hansen	Lemmons	Rison
Brater	Hardman	Martinez	Rivet
Clark, I.	Jacobs	Minore	Scott
Daniels	Jamnick	Price	Stallworth
Dennis	Kelly	Prusi	Tesanovich
Garza	Kilpatrick	Quarles	Thomas
Hale	LaForge		

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.

By unanimous consent the House returned to the order of  
**Motions and Resolutions**

Rep. Raczkowski moved that a respectful message be sent to the Senate requesting the return of **Senate Bill No. 404**.  
 The motion prevailed.

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

Rep. Vaughn entered the House Chambers.

### Quorum Call

Rep. Raczkowski questioned the presence of a quorum and moved that the roll be called and printed in the Journal.  
 The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.  
 The following is the roll call:

### Roll Call No. 1102

### Yeas—108

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

### Second Reading of Bills

#### Senate Bill No. 550, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20126 (MCL 324.20126), as amended by 1996 PA 115.

The bill was read a second time.

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

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

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

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 550, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20126 (MCL 324.20126), as amended by 1996 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. 1103

#### Yeas—99

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

**Nays—0**

In The Chair: Scranton

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

“An act to protect the 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.

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

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

The Speaker laid before the House

**House Bill No. 4010, entitled**

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,” by amending sections 1 and 2 (MCL 691.1401 and 691.1402), section 1 as amended by 1986 PA 175 and section 2 as amended by 1996 PA 150, and by adding section 2a.

(The bill was received from the Senate on December 1 with amendments and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 2, see House Journal No. 82, p. 2366.)

The question being on concurring in the adoption of the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1104****Yeas—105**

Allen	Faunce	Kuipers	Rivet
Baird	Frank	Kukuk	Rocca
Basham	Garcia	LaForge	Sanborn
Birkholz	Garza	LaSata	Schauer
Bisbee	Gielegghem	Law	Schermesser
Bishop	Gilbert	Lemmons	Scott
Bogardus	Godchaux	Lockwood	Scranton
Bovin	Gosselin	Mans	Shackleton
Bradstreet	Green	Martinez	Sheltrown
Brater	Hager	Mead	Shulman
Brewer	Hale	Middaugh	Spade



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

### Nays—0

In The Chair: Scranton

Rep. Raczkowski moved that the bill be given immediate effect.  
 The motion prevailed, 2/3 of the members serving voting therefor.  
 The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

### Second Reading of Bills

#### Senate Bill No. 867, entitled

A bill to create certain authorities; to authorize creation of certain funds; to authorize expenditures from the funds; to finance the purchase of land and the development of certain convention facilities and of public improvements or related facilities; and to prescribe the powers and duties of certain state and local officials.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Local Government and Urban Policy (for amendments, see House Journal No. 83, p. 2426),

The amendments were 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. 867, entitled

A bill to create certain authorities; to authorize creation of certain funds; to authorize expenditures from the funds; to finance the purchase of land and the development of certain convention facilities and of public improvements or related facilities; and to prescribe the powers and duties of certain state and local officials.

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

### Roll Call No. 1105

### Yeas—105

Allen	Frank	Kuipers	Rivet
Baird	Garcia	Kukuk	Rocca
Basham	Garza	LaForge	Sanborn

Birkholz	Gielegem	LaSata	Schauer
Bisbee	Gilbert	Law	Schermesser
Bishop	Godchaux	Lemmons	Scott
Bovin	Gosselin	Lockwood	Scranton
Bradstreet	Green	Mans	Shackleton
Brater	Hager	Martinez	Sheltrown
Brewer	Hale	Mead	Shulman
Brown, B.	Hanley	Middaugh	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, I.	Jansen	Pestka	Toy
Clarke, H.	Jelinek	Price	Van Woerkom
Daniels	Jellema	Prusi	Vander Roest
DeHart	Johnson, Rick	Pumford	Vaughn
Dennis	Johnson, Ruth	Quarles	Vear
DeRossett	Julian	Raczkowski	Voorhees
DeVuyst	Kelly	Richardville	Wojno
DeWeese	Koetje	Richner	Woodward
Ehardt	Kowall	Rison	Woronchak
Faunce			

### Nays—0

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### Senate Bill No. 877, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending the title and sections 5, 7, 7a, 8, 24, 25, 33, 36, 40, 41a, 42, 44, 45, 46, 47, 48, 52, 53, 55, 56, 57, 58, and 59 (MCL 24.205, 24.207, 24.207a, 24.208, 24.224, 24.225, 24.233, 24.236, 24.240, 24.241a, 24.242, 24.244, 24.245, 24.246, 24.247, 24.248, 24.252, 24.253, 24.255, 24.256, 24.257, 24.258, and 24.259), the title as amended by 1993 PA 7, sections 5, 24, 52, and 56 as amended by 1982 PA 413, section 7 as amended by 1996 PA 489, sections 7a, 40, and 53 as added by 1984 PA 273, sections 8 and 57 as amended by 1988 PA 333, sections 42, 44, 45, and 46 as amended by 1993 PA 141, sections 48, 55, and 58 as amended by 1986 PA 292, and section 59 as amended by 1995 PA 178, and by adding sections 28, 34, 39, 39a, 45a, and 54.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Family and Civil Law (for amendments, see House Journal No. 83, p. 2426),

Rep. Raczkowski moved that the amendment Nos. 4 and 6 be considered separately.

The motion prevailed.

The question being on the adoption of amendment Nos. 1-3, 5 and 7-8 previously recommended by the Committee,

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

The question being on the adoption of amendment Nos. 4 and 6 previously recommended by the Committee,

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

Rep. Baird moved to amend the bill as follows:

1. Amend page 2, line 12, after "Sec. 5." by inserting "(1) "LEGISLATIVE DAY" MEANS ANY DAY IN WHICH EITHER OR BOTH HOUSES OF THE LEGISLATURE ARE IN SESSION." and renumbering the remaining subsections.

2. Amend page 28, line 4, after "HAS" by striking out "21 CALENDAR" and inserting "30 LEGISLATIVE".
3. Amend page 29, line 15, after "(C)," by striking out "21 CONSECUTIVE CALENDAR" and inserting "30 LEGISLATIVE".
4. Amend page 29, line 22, after "HOUSE." by striking out the balance of the subdivision.
5. Amend page 30, line 1, after "THE" by striking out "21-DAY" and inserting "30-LEGISLATIVE DAY".
6. Amend page 30, line 2, after the second "THE" by striking out "21-DAY" and inserting "30-LEGISLATIVE DAY".
7. Amend page 30, line 17, after the first "THE" by striking out "21-DAY" and inserting "30-LEGISLATIVE DAY".
8. Amend page 30, line 27, after "THE" by striking out "21-DAY" and inserting "30-LEGISLATIVE DAY".
9. Amend page 31, line 5, after "THE" by striking out "63-DAY LIMIT" and inserting "TIME PERIOD".
10. Amend page 31, line 9, after "UNTOLLED" by striking out "21-DAY" and inserting "30-LEGISLATIVE DAY".

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. 1106

#### Yeas—54

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

#### Nays—53

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

Rep. Baird moved to amend the bill as follows:

1. Amend page 30, line 21, after "EFFECT" by striking out "7" and inserting "15 LEGISLATIVE".

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. 1107**

**Yeas—50**

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

**Nays—56**

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

In The Chair: Scranton

Rep. Frank moved to amend the bill as follows:

1. Amend page 17, line 8, after "register" by inserting "not less than 30 days and not more than 90 days".

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

Rep. Frank demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 1108****Yeas—54**

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

**Nays—49**

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

**In The Chair: Scranton**

Rep. Middaugh moved to amend the bill as follows:

1. Amend page 14, line 14, by striking out “APPROVED BY” and inserting “SUBMITTED TO”.
  2. Amend page 14, line 14, after “REFORM.” by inserting “ON A WEEKLY BASIS, THE OFFICE OF REGULATORY REFORM SHALL PROVIDE TO THE COMMITTEE A LISTING OF ALL REQUESTS FOR RULE-MAKING APPROVED OR DENIED DURING THE PREVIOUS WEEK.”.
  3. Amend page 14, line 15, after “APPROVED” by striking out “REQUEST” and inserting “AND DENIED REQUESTS”.
- The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Martinez moved to amend the bill as follows:

1. Amend page 29, line 3, after “BILLS” by inserting “OR CONCURRENT RESOLUTIONS”.
2. Amend page 29, line 5, after the first “BILLS” by inserting “OR CONCURRENT RESOLUTIONS”.
3. Amend page 29, line 5, after the second “BILLS” by inserting “OR CONCURRENT RESOLUTIONS”.
4. Amend page 29, line 10, after “A” by striking out “BILL” and inserting “PROVISION”.
5. Amend page 30, line 5, after “IF” by striking out “THE”.
6. Amend page 30, line 15, after “IF” by striking out “THE”.
7. Amend page 30, following line 22, by inserting:
 

“(7) THE OFFICE OF REGULATORY REFORM SHALL NOT FILE RULES IF THE LEGISLATURE ADOPTS A CONCURRENT RESOLUTION DISAPPROVING THE RULES.” and renumbering the remaining subsections.

The question being on the adoption of the amendments offered by Rep. Martinez,  
Rep. Martinez demanded the yeas and nays.  
The demand was supported.  
The question being on the adoption of the amendments offered by Rep. Martinez,  
The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 1109****Yeas—52**

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

**Nays—55**

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

In The Chair: Scranton

Rep. Rackowski 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**

**Senate Bill No. 877, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending the title and sections 5, 7, 7a, 8, 24, 25, 33, 36, 40, 41a, 42, 44, 45, 46, 47, 48, 52, 53, 55, 56, 57, 58, and 59 (MCL 24.205, 24.207, 24.207a, 24.208, 24.224, 24.225, 24.233, 24.236, 24.240, 24.241a, 24.242, 24.244, 24.245, 24.246, 24.247, 24.248, 24.252, 24.253, 24.255, 24.256, 24.257, 24.258, and 24.259), the title as amended by 1993 PA 7, sections 5, 24, 52, and 56 as amended by 1982 PA 413, section 7 as amended by 1996 PA 489, sections 7a, 40, and 53 as added by 1984 PA 273, sections 8 and 57 as amended by 1988 PA 333, sections 42, 44, 45, and 46 as amended by 1993 PA 141, sections 48, 55, and 58 as amended by 1986 PA 292, and section 59 as amended by 1995 PA 178, and by adding sections 28, 34, 39, 39a, 45a, and 54.

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

**Roll Call No. 1110****Yeas—56**

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

**Nays—52**

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

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 effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of the Michigan register; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date.”.

The House agreed to the full title.

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

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

**Second Reading of Bills****Senate Bill No. 878, entitled**

A bill to amend 1970 PA 193, entitled “An act to provide for the compilation of the general laws of this state and the compilation and revision of state administrative rules; and to prescribe the functions of the legislative council relative thereto,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 (MCL 8.41, 8.42, 8.43, 8.44, 8.45, 8.46, 8.47, and 8.48).

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. 83, p. 2427),

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. 878, entitled

A bill to amend 1970 PA 193, entitled "An act to provide for the compilation of the general laws of this state and the compilation and revision of state administrative rules; and to prescribe the functions of the legislative council relative thereto," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 (MCL 8.41, 8.42, 8.43, 8.44, 8.45, 8.46, 8.47, and 8.48).

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

#### Roll Call No. 1111

#### Yeas—56

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

#### Nays—49

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



### Second Reading of Bills

#### Senate Bill No. 879, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending sections 201, 202, and 203 (MCL 4.1201, 4.1202, and 4.1203), section 203 as amended by 1999 PA 101.

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. 83, p. 2427),

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. 879, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending sections 201, 202, and 203 (MCL 4.1201, 4.1202, and 4.1203), section 203 as amended by 1999 PA 101.

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

#### Roll Call No. 1112

#### Yeas—57

Allen	Gilbert	Kowall	Richner
Birkholz	Godchaux	Kuipers	Sanborn
Bisbee	Gosselin	Kukuk	Scranton
Bishop	Green	LaSata	Shackleton
Bradstreet	Hager	Law	Shulman
Brown, C.	Hart	Mead	Stallworth
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—50

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

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

“An act to create the legislative council; to prescribe its membership, powers, and duties; to create a legislative service bureau to provide staff services to the legislature and the council; to provide for operation of legislative parking facilities; to create funds; to provide for the expenditure of appropriated funds by legislative council agencies; to authorize the sale of access to certain computerized data bases; to establish fees; to create the Michigan commission on uniform state laws; to create a law revision commission; to create a senate fiscal agency and a house fiscal agency; to create a Michigan capitol committee; to create a commission on intergovernmental relations; to prescribe the powers and duties of certain state agencies and departments; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates.”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### House Bill No. 4684, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2162 (MCL 600.2162), as amended by 1994 PA 67; and to repeal acts and parts of acts.

(The bill was read a second time, committee substitute (H-2) adopted and bill postponed temporarily on November 30, see House Journal No. 81, p. 2327.)

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

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

Rep. Baird demanded the yeas and nays.

The demand was supported.

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

The substitute (H-4) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

#### Roll Call No. 1113

#### Yeas—46

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

#### Nays—61

Allen	Geiger	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Green	Mead	Shackleton
Brown, B.	Hager	Middaugh	Shulman
Brown, C.	Hart	Mortimer	Spade

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

In The Chair: Scranton

Rep. Middaugh, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I believe that marital harmony should be preserved and current law goes to great length to preserve marital privilege and harmony. This bill would allow a spouse to testify only if they are willing and desire to testify. Obviously, in this instance, marital harmony is not a concern. I voted against this substitute because I believe we should allow the testifying spouse the freedom to testify when they desire to do so.”

Rep. Birkholz, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

It is important to make the decision to waive the privilege against offering testimony the decision of the spouse called upon to testify. In my judgment, Amendment #2 did not place the decision with the spouse to whom it belonged and therefore I could not support this substitute.”

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

“Mr. Speaker and members of the House:

My no vote on the Baird amendment number 2 to HB 4684 is simply based on the premise that if the spouse is willing and desires to testify, then ‘marital harmony’ is obviously not a concern of this spouse. The issue is one of freedom to choose to exercise a right to testify. The language of HB 4684 does not mandate a spouse to do so, it simply provides for that option if it is desired. Allowing one spouse to involuntarily ‘gag’ the other spouse forcing them into a conspiracy of silence regarding criminal activity in no way can be construed to preserve ‘marital harmony.’ To say so is a travesty.”

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.

By unanimous consent the House returned to the order of

### **Third Reading of Bills**

#### **House Bill No. 4684, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2162 (MCL 600.2162), as amended by 1994 PA 67; 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. 1114**

**Yeas—85**

Allen	Frank	Kuipers	Rocca
Basham	Garcia	LaForge	Sanborn

Birkholz	Geiger	LaSata	Schauer
Bisbee	Gielegem	Law	Schermesser
Bishop	Gilbert	Lockwood	Scranton
Bogardus	Godchaux	Mans	Shackleton
Bovin	Green	Mead	Shulman
Bradstreet	Hager	Middaugh	Spade
Brown, B.	Hansen	Mortimer	Stamas
Brown, C.	Hart	Neumann	Switalski
Byl	Howell	O'Neil	Tabor
Cassis	Jamnack	Pappageorge	Tesanovich
Caul	Jansen	Patterson	Thomas
Cherry	Jelinek	Perricone	Toy
Clarke, H.	Jellema	Pestka	Van Woerkom
DeHart	Johnson, Rick	Prusi	Vander Roest
Dennis	Johnson, Ruth	Pumford	Vear
DeRossett	Julian	Raczkowski	Voorhees
DeVuyst	Kelly	Richardville	Wojno
DeWeese	Koetje	Richner	Woodward
Ehardt	Kowall	Rivet	Woronchak
Faunce			

### Nays—22

Baird	Garza	Kukuk	Rison
Brater	Hale	Lemmons	Scott
Brewer	Hanley	Martinez	Sheltrown
Callahan	Hardman	Price	Stallworth
Clark, I.	Jacobs	Quarles	Vaughn
Daniels	Kilpatrick		

In The Chair: Scranton

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

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

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2162 (MCL 600.2162), as amended by 1994 PA 67.

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.

### Second Reading of Bills

#### House Bill No. 4803, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending sections 1, 2, 3, 6, 8, 10, 12, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 51, 52, 53, 54, 101, 102, 103, 104, 105, 106, 151, 152, 153, 154, 155, 156, 157, 158, 161, 191, 192, 199, 200, 221, 222, 223, 241, 242, 243, 244, 245, 247, 261, 262, 263, 265, 266, 267, 269, 270, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 301, 302, 303, 304, 306, 307, 322, 322b, 323, 324, 326, 327, 328, 391, 392, 393, 395, 421, 422, 423, 425, 429, 430, 431, 433, 463, 464, 465, 466, 467, 468, 469, 472, 473, 474, 476, 478, 483, 490, 491, 499, 513, 515, 517, 518, 519, 520, 521, 524, 525, 532, 540, 541, 601, 602, 626, and 627 (MCL 280.1, 280.2, 280.3, 280.6, 280.8, 280.10, 280.12, 280.21, 280.23, 280.24, 280.25, 280.26, 280.27, 280.28, 280.29, 280.30, 280.31, 280.32, 280.33, 280.51, 280.52, 280.53, 280.54, 280.101, 280.102, 280.103, 280.104, 280.105, 280.106, 280.151, 280.152, 280.153, 280.154, 280.155, 280.156, 280.157, 280.158, 280.161, 280.191, 280.192, 280.199, 280.200, 280.221, 280.222, 280.223, 280.241, 280.242, 280.243, 280.244, 280.245, 280.247, 280.261, 280.262, 280.263, 280.265, 280.266, 280.267, 280.269, 280.270, 280.273, 280.274, 280.275, 280.276, 280.277,

280.278, 280.279, 280.280, 280.282, 280.283, 280.301, 280.302, 280.303, 280.304, 280.306, 280.307, 280.322, 280.322b, 280.323, 280.324, 280.326, 280.327, 280.328, 280.391, 280.392, 280.393, 280.395, 280.421, 280.422, 280.423, 280.425, 280.429, 280.430, 280.431, 280.433, 280.463, 280.464, 280.465, 280.466, 280.467, 280.468, 280.469, 280.472, 280.473, 280.474, 280.476, 280.478, 280.483, 280.490, 280.491, 280.499, 280.513, 280.515, 280.517, 280.518, 280.519, 280.520, 280.521, 280.524, 280.525, 280.532, 280.540, 280.541, 280.601, 280.602, 280.626, and 280.627), sections 21 and 464 as amended by 1989 PA 134, section 33 as amended by 1982 PA 356, section 223 as amended by 1989 PA 61, section 280 as amended by 1983 PA 176, section 282 as amended by 1984 PA 80, sections 283 and 499 as amended by 1989 PA 149, section 423 as amended by 1996 PA 552, and section 433 as amended by 1982 PA 449, and by adding sections 7, 7a, 7b, 7c, 13, 14, 34, 35, 55, 56, 57, 58, 59, 107, 108, 109, 110, 111, 112, 113, 201, 275a, 277a, 329, 330, 467a, 467b, 474a, 500, 519a, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 603, 604, 605, 606, 607, 615, 616, and 617; 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 Agriculture,

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

Rep. Koetje moved to amend the bill as follows:

1. Amend page 45, line 9, after the second "A" by inserting "LANDOWNER AND".

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

Rep. Jelinek moved to amend the bill as follows:

1. Amend page 41, line 11, after "(A)" by inserting "SUBJECT TO SUBDIVISION (D),".

2. Amend page 41, line 19, after "HOWEVER," by inserting "SUBJECT TO SUBDIVISION (D),".

3. Amend page 42, following line 2, by inserting:

"(D) BY THE PETITIONERS, IF A MAJORITY OF THE PETITIONERS FILE A PETITION UNDER SECTION 52(3) REQUESTING THAT THE ORIGINAL PETITION FOR THE ESTABLISHMENT OF A DRAINAGE DISTRICT AND THE ESTABLISHMENT AND CONSTRUCTION OF A DRAIN BE REJECTED.".

4. Amend page 44, following line 15, by inserting:

"(3) IF, AFTER THE PRELIMINARY ENGINEERING ANALYSIS IS FILED UNDER SUBSECTION (2), BUT BEFORE THE FIRST ORDER OF DETERMINATION IS FILED UNDER SECTION 59, A MAJORITY OF THE PETITIONERS UNDER SECTION 51 FILE A PETITION WITH THE DRAIN COMMISSIONER REQUESTING THAT THE PETITION TO ESTABLISH THE DRAINAGE DISTRICT AND TO ESTABLISH AND CONSTRUCT THE DRAIN BE REJECTED, ALL OF THE FOLLOWING APPLY:

(A) THE DRAIN COMMISSIONER SHALL FILE AN ORDER REJECTING THE PETITION TO ESTABLISH THE DRAINAGE DISTRICT AND TO ESTABLISH AND CONSTRUCT THE DRAIN.

(B) COSTS SHALL BE PAID AS PROVIDED IN SECTION 51(7).

(C) A NEW PETITION FOR THE DRAIN SHALL NOT BE FILED WITHIN 1 YEAR AFTER THE FILING OF THE PETITION UNDER THIS SUBSECTION." and renumbering the remaining subsections.

5. Amend page 65, following line 25, by inserting:

"(7) IF, AFTER THE PRELIMINARY ENGINEERING ANALYSIS IS FILED UNDER SUBSECTION (6), BUT BEFORE THE FIRST ORDER OF DETERMINATION IS FILED UNDER SECTION 109, A MAJORITY OF THE PETITIONERS UNDER SECTION 101 FILE A PETITION WITH THE DRAINING BOARD REQUESTING THAT THE PETITION TO ESTABLISH THE DRAINAGE DISTRICT AND TO ESTABLISH AND CONSTRUCT THE DRAIN BE REJECTED, ALL OF THE FOLLOWING APPLY:

(A) THE DRAINAGE BOARD SHALL FILE AN ORDER DISMISSING THE PETITION TO ESTABLISH THE DRAINAGE DISTRICT AND TO ESTABLISH AND CONSTRUCT THE DRAIN.

(B) A NEW PETITION FOR THE DRAIN SHALL NOT BE FILED WITHIN 1 YEAR AFTER THE FILING OF THE PETITION UNDER THIS SUBSECTION." and renumbering the remaining subsections.

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

Rep. Jelinek demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 1115

#### Yeas—23

Birkholz  
Bishop

Jelinek  
Jellema

Mead  
Middaugh

Rocca  
Shackleton

Brown, C.	Johnson, Ruth	Mortimer	Tabor
Byl	Julian	Pumford	Vander Roest
DeWeese	Kowall	Rackowski	Vaughn
Gilbert	LaSata	Richardville	

**Nays—84**

Allen	Faunce	Kilpatrick	Rivet
Baird	Frank	Koetje	Sanborn
Basham	Garcia	Kuipers	Schauer
Bisbee	Garza	Kukuk	Schermesser
Bogardus	Geiger	LaForge	Scott
Bovin	Gielegem	Law	Scranton
Bradstreet	Godchaux	Lemmons	Sheltrown
Brater	Gosselin	Lockwood	Shulman
Brewer	Green	Mans	Spade
Brown, B.	Hager	Martinez	Stallworth
Callahan	Hale	Minore	Stamas
Cassis	Hanley	Neumann	Switalski
Caul	Hansen	O'Neil	Tesanovich
Cherry	Hardman	Pappageorge	Thomas
Clark, I.	Hart	Patterson	Toy
Clarke, H.	Howell	Perricone	Van Woerkom
Daniels	Jacobs	Price	Vear
DeHart	Jamnack	Prusi	Voorhees
Dennis	Jansen	Quarles	Wojno
DeRossett	Johnson, Rick	Richner	Woodward
Ehardt	Kelly	Rison	Woronchak

In The Chair: Scranton

Rep. Brater moved to amend the bill as follows:

1. Amend page 16, line 24, after the second "OF" by striking out the balance of the line through "CHAPTER 20" on line 25 and inserting "A DRAINAGE BOARD UNDER SECTION 467, 467B, OR 519A OR OF AN AUGMENTED DRAINAGE BOARD UNDER SECTION 519".

2. Amend page 17, line 18, after the second "DISTRICT" by inserting "AND WHO ARE ENTITLED TO NOTICE UNDER THIS SECTION".

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

Rep. Garcia moved to amend the bill as follows:

1. Amend page 115, following line 19, by inserting:

"(5) AT THE DISCRETION OF THE DRAIN COMMISSIONER OR DRAINAGE BOARD, PERIODIC HYDROLOGIC AND HYDRAULIC EVALUATIONS OF THE ADEQUACY OF A DRAIN TO ACCOMMODATE STORM WATER FLOWS MAY BE CONDUCTED." and renumbering the remaining subsections.

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

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 53, line 10, after "(3)" by striking out the balance of the subsection and inserting "THE BOARD OF DETERMINATION SHALL SELECT A PROPOSED PROJECT IF THE COSTS DO NOT EXCEED THE BENEFITS. THE DRAIN COMMISSIONER, IN CONSULTATION WITH HIS OR HER ENGINEERS OR OTHER QUALIFIED PROFESSIONALS, SHALL DETERMINE THE FINAL PLANS OF THE PROPOSED PROJECT.".

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

Rep. Bogardus demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 1116****Yeas—38**

Basham	Garcia	Kelly	Rison
Bogardus	Garza	Kilpatrick	Scott
Brater	Gielegem	LaForge	Stallworth
Brewer	Hale	Lemmons	Switalski
Brown, B.	Hanley	Martinez	Tesanovich
Callahan	Hansen	Minore	Thomas
Clark, I.	Hardman	Price	Vaughn
Clarke, H.	Jacobs	Prusi	Wojno
Daniels	Jamnick	Quarles	Woodward
Dennis	Jellema		

**Nays—68**

Allen	Frank	LaSata	Rivet
Baird	Gilbert	Law	Rocca
Birkholz	Godchaux	Lockwood	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	Johnson, Rick	Patterson	Tabor
Cherry	Johnson, Ruth	Perricone	Toy
DeRossett	Julian	Pestka	Van Woerkom
DeVuyst	Koetje	Pumford	Vander Roest
DeWeese	Kowall	Rackowski	Vear
Ehardt	Kuipers	Richardville	Voorhees
Faunce	Kukuk	Richner	Woronchak

In The Chair: Scranton

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 54, line 18, after "DETERMINATION" by striking out the balance of the section and inserting a period and "THE ACTION SHALL BE FILED WITHIN 21 DAYS AFTER THE FILING OF THE ORDER. THE CIRCUIT COURT SHALL DETERMINE WHETHER THE ORDER WAS AUTHORIZED BY LAW AND SUPPORTED BY SUBSTANTIAL, MATERIAL, AND COMPETENT EVIDENCE ON THE WHOLE RECORD. THE REVIEW SHALL BE MADE ON THE RECORD PRESENTED TO THE BOARD OF DETERMINATION. THE REVIEW, HOWEVER, SHALL NOT BE LIMITED TO THE PROCEDURAL ASPECTS OF THE RECORD PRESENTED TO THE BOARD OF DETERMINATION."

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

Rep. Bogardus demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 1117****Yeas—39**

Bogardus	Frank	Kelly	Schauer
Bovin	Garza	LaForge	Scott

Brater	Gielegem	Lemmons	Stallworth
Brown, B.	Hale	Minore	Switalski
Byl	Hanley	Neumann	Tesanovich
Callahan	Hansen	Pestka	Thomas
Cherry	Hardman	Price	Vaughn
Clark, I.	Jacobs	Prusi	Wojno
Daniels	Jamnick	Quarles	Woodward
Dennis	Jellema	Rison	

#### Nays—64

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

In The Chair: Scranton

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 18, line 21, after "TAKEN." by striking out the balance of the subsection and inserting "IF THE HEARING IS A HEARING OF NECESSITY OF THE BOARD OF DETERMINATION OR DRAINAGE BOARD, THE NOTICE SHALL ALSO SET FORTH ALL OF THE FOLLOWING:

(A) THE RELIEF REQUESTED BY THE PETITION.

(B) THE REASONS FOR RELIEF AS PRESENTED IN THE PETITION.

(C) THAT THERE IS AVAILABLE FOR INSPECTION AT THE DRAIN COMMISSIONER'S OFFICE A COPY OF THE PRELIMINARY ANALYSIS INCLUDING A DESCRIPTION OF THE DRAINAGE DISTRICT, A RECOMMENDED ROUTE AND COURSE FOR THE DRAIN, A RECOMMENDED TYPE OF CONSTRUCTION FOR THE DRAIN, AND AN ESTIMATE OF THE COST OF THE DRAIN. THIS SUBDIVISION DOES NOT APPLY TO A HEARING OF NECESSITY UNDER CHAPTER 20 OR 21."

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

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

Rep. Green moved to amend the bill as follows:

1. Amend page 58, line 16, by striking out all of subsection (5) and renumbering the remaining subsection.
2. Amend page 84, line 8, by striking out all of subsection (5) and renumbering the remaining subsection.
3. Amend page 109, line 6, by striking out all of subsection (5).
4. Amend page 113, line 20, by striking out all of subsection (5).



- 5. Amend page 217, line 19, after “(3)” by striking out “SUBJECT TO SUBSECTION (4).”.
- 6. Amend page 217, line 26, by striking out all of subsection (4).
- 7. Amend page 255, line 11, by striking out all of chapter 22.
- 8. Amend page 283, line 3, after “549,” by striking out “551 to 583.”.
- 9. Amend page 283, line 11, after “280.549,” by striking out “280.551 to 280.583.”.

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

The demand was supported.

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

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

**Roll Call No. 1118**

**Yeas—72**

Allen	Green	Martinez	Scott
Baird	Hager	Mead	Scranton
Birkholz	Hart	Middaugh	Shackleton
Bisbee	Howell	Mortimer	Sheltrown
Bishop	Jacobs	Neumann	Shulman
Bovin	Jansen	O’Neil	Spade
Bradstreet	Jelinek	Pappageorge	Stallworth
Brewer	Johnson, Rick	Patterson	Stamas
Brown, C.	Johnson, Ruth	Pestka	Tabor
Cassis	Julian	Price	Tesanovich
DeRossett	Koetje	Pumford	Toy
DeVuyst	Kowall	Quarles	Van Woerkom
Ehardt	Kuipers	Raczkowski	Vander Roest
Faunce	Kukuk	Richardville	Vaughn
Frank	LaSata	Richner	Vear
Garcia	Law	Rivet	Voorhees
Gilbert	Lemmons	Rocca	Woodward
Gosselin	Lockwood	Sanborn	Woronchak

**Nays—33**

Basham	Clarke, H.	Hansen	Minore
Bogardus	Daniels	Hardman	Prusi
Brater	DeHart	Jamnick	Rison
Brown, B.	Dennis	Jellema	Schauer
Byl	Garza	Kelly	Schermesser
Callahan	Gielegem	Kilpatrick	Switalski
Caul	Godchaux	LaForge	Thomas
Cherry	Hale	Mans	Wojno
Clark, I.			

In The Chair: Scranton

Rep. Julian moved to amend the bill as follows:

- 1. Amend page 167, line 12, after “paid” by striking out the balance of the sentence and inserting “PURSUANT TO SECTION 14A OF 1951 PA 51, MCL 247.664A.”.

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

Rep. Julian moved to amend the bill as follows:

- 1. Amend page 92, line 2, after “HIGHWAYS” by inserting a comma and “AND THE PORTION PAID BY COUNTY ROAD COMMISSIONS, THE COUNTY EXECUTIVE, OR OTHER AGENCY ACTING AS THE COUNTY ROAD COMMISSION FOR BENEFIT TO COUNTY ROADS”.

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

Rep. Green moved to amend the bill as follows:

1. Amend page 281, following line 12, by inserting:

~~“Sec. 622. In cases where the law shall have been~~ IF THIS ACT IS amended during the progress of any drain proceedings, ~~such~~ THE proceedings shall not be invalidated by ~~any such~~ THE amendment, but may be continued to completion. ~~, and each step~~ EACH STEP IN THE PROCEEDINGS shall be governed by the law in force ~~at the time such step was taken. Any drain proceedings pending when this act takes effect shall be completed in the manner prescribed in this act~~ WHEN THE STEP IS TAKEN. HOWEVER, IF A PETITION UNDER THIS ACT WAS FILED BEFORE THE EFFECTIVE DATE OF THE 2000 AMENDATORY ACT THAT AMENDED THIS SECTION, STEPS TAKEN ON OR AFTER THE EFFECTIVE DATE OF THE 2000 AMENDATORY ACT THAT AMENDED THIS SECTION IN PROCEEDINGS UNDER THAT PETITION SHALL BE GOVERNED BY THE LAW IN EFFECT ON THE DAY BEFORE THE EFFECTIVE DATE OF THE 2000 AMENDATORY ACT THAT AMENDED THIS SECTION.”.

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

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 57, line 15, after “DRAIN.” by striking out the balance of the section and inserting “IN APPROVING THE FINAL PLAN AS FURNISHED BY THE ENGINEER, THE COMMISSIONER IS LIMITED TO THE PROPOSED PROJECT IN THE FIRST ORDER OF DETERMINATION.”.

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

Rep. Brater moved to amend the bill as follows:

1. Amend page 10, line 12, after “FLOODWAYS” by inserting “IN NEW DRAINS, IMPROVEMENTS, AND MAINTENANCE PROJECTS”.

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

Rep. Brater moved to amend the bill as follows:

1. Amend page 10, line 23, after “AGRICULTURE” by inserting “IN NEW DRAINS, IMPROVEMENTS, AND MAINTENANCE PROJECTS”.

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

Rep. Brater moved to amend the bill as follows:

1. Amend page 44, following line 8, by inserting:

“(E) A DESCRIPTION OF THE IMPACTS TO THE NATURAL RESOURCES OF THE PROPOSED DRAIN.”.

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

## Roll Call No. 1119

## Yeas—96

Allen	Garza	Kowall	Rison
Baird	Geiger	Kuipers	Rivet
Birkholz	Gielegem	Kukuk	Rocca
Bisbee	Gilbert	LaForge	Sanborn
Bishop	Godchaux	LaSata	Schermesser
Bogardus	Gosselin	Law	Scott
Bovin	Green	Lemmons	Scranton
Bradstreet	Hager	Lockwood	Shackleton
Brater	Hale	Mans	Sheltrown
Brewer	Hanley	Mead	Shulman
Brown, B.	Hansen	Middaugh	Spade
Brown, C.	Hardman	Mortimer	Stallworth
Byl	Hart	Neumann	Stamas
Callahan	Howell	O'Neil	Tabor

Cassis	Jacobs	Pappageorge	Tesanovich
Caul	Jamnick	Patterson	Thomas
Cherry	Jansen	Pestka	Van Woerkom
Daniels	Jelinek	Price	Vander Roest
DeHart	Jellema	Prusi	Vaughn
DeRossett	Johnson, Rick	Pumford	Vear
Ehardt	Johnson, Ruth	Quarles	Voorhees
Faunce	Julian	Raczkowski	Wojno
Frank	Kelly	Richardville	Woodward
Garcia	Kilpatrick	Richner	Woronchak

### Nays—1

DeVuyst

In The Chair: Scranton

Rep. Jellema moved to amend the bill as follows:

1. Amend page 36, following line 18, by inserting:

“SEC. 35. A DRAIN COMMISSIONER SHALL MEET WITH A PERSON WHO IS CONSIDERING FILING A PETITION UNDER THIS ACT AND WHO REQUESTS A MEETING TO DISCUSS A POTENTIAL PROJECT OR THE REQUIREMENTS OF THIS ACT. THE DRAIN COMMISSIONER SHALL MEET WITHIN 14 DAYS AFTER THE REQUEST IS MADE, UNLESS THE PERSON REQUESTING THE MEETING AGREES TO MEET AT A LATER DATE.” and renumbering the remaining section.

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

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 114, line 21, by striking out all of subsection (2) and renumbering the remaining subsections.

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

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

The motion prevailed.

Rep. Jellema moved to amend the bill as follows:

1. Amend page 7, line 5, after “LANDOWNER” by inserting a comma and “BUT ONLY 1 SUCH PERSON SHALL SIGN A PETITION UNDER THIS ACT”.

2. Amend page 38, line 16, after “BY” by striking out “5” and inserting “10”.

3. Amend page 38, line 19, after “THAN” by striking out “5” and inserting “10”.

4. Amend page 61, line 14, after “BY” by striking out “5” and inserting “10”.

5. Amend page 61, line 16, after “THAN” by striking out “5” and inserting “10”.

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

Rep. Jellema demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 1120

### Yeas—102

Allen	Garcia	Kukuk	Rivet
Baird	Garza	LaForge	Sanborn

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

### Nays—3

Caul                                      DeVuyst                                      Koetje

In The Chair: Scranton

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 46, line 23, after "COURT." by inserting "THE AGGRIEVED PARTY MAY REQUEST AND SHALL BE PROMPTLY FURNISHED A TRANSCRIPT OF THE PROCEEDINGS AT COST."

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

Rep. Vear moved to amend the bill as follows:

1. Amend page 44, line 21, after "INDIVIDUAL." by inserting "THE DRAIN COMMISSIONER SHALL PROMPTLY NOTIFY THE COUNTY BOARD OF COMMISSIONERS IN WRITING OF AN APPOINTMENT TO A BOARD OF DETERMINATION. NOT MORE THAN 14 DAYS AFTER RECEIVING NOTICE OF AN APPOINTMENT, THE COUNTY BOARD OF COMMISSIONERS MAY DISAPPROVE THE APPOINTMENT. IF THE COUNTY BOARD OF COMMISSIONERS DISAPPROVES THE APPOINTMENT, THE APPOINTED INDIVIDUAL SHALL NOT SERVE AS A MEMBER OF THE BOARD OF DETERMINATION AND A REPLACEMENT SHALL BE APPOINTED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT."

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

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

1. Amend page 91, line 10, after "derived" by inserting "AS SPECIFICALLY DESCRIBED IN A WRITTEN DOCUMENT THAT SHALL BE AVAILABLE FOR INSPECTION ON THE DAY OF REVIEW".

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

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Rep. Middaugh moved that Rep. Cameron Brown be excused temporarily from today's session.  
The motion prevailed.

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

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

1. Amend page 30, line 7, after “COMMISSIONER.” by striking out the balance of the line through “DECREASED.” on line 11.

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

The demand was supported.

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

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

**Roll Call No. 1121**

**Yeas—99**

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

**Nays—5**

Brater	Hanley	Hansen	Rison
Garza			

In The Chair: Scranton

Rep. Green moved to amend the bill as follows:

1. Amend page 113, line 15, after “161.” by striking out the balance of the subsection.
2. Amend page 122, line 5, after “CHAPTER 7.” by inserting “FOR A PROJECT UNDER SECTION 199,”.
3. Amend page 122, line 7, after “NECESSARY.” by inserting “FOR A PROJECT UNDER SECTION 199,”.
4. Amend page 122, line 12, after “REVIEW” by inserting “AND THE PROCEDURE FOR APPEAL”.
5. Amend page 194, line 26, after “year.” by striking out the balance of the subsection.

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

Rep. Vander Roest moved to amend the bill as follows:

1. Amend page 11, line 4, after "QUALITY," by inserting "PUBLIC CORPORATIONS,".

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

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

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

By unanimous consent the House returned to the order of

### **Reports of Standing Committees**

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

#### **Senate Bill No. 605, entitled**

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

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

1. Amend page 18, line 8, after "THROUGH" by striking out "JUNE 30" and inserting "DECEMBER 31".

2. Amend page 18, line 27, by striking out "JULY 1" and inserting "JANUARY 1".

3. Amend page 19, line 2, after "OF" by striking out "JULY 1" and inserting "JANUARY 1".

4. Amend page 19, line 4, after "FROM" by striking out "JULY 1" and inserting "JANUARY 1".

5. Amend page 34, line 16, by striking out all of subsection (7).

6. Amend page 35, line 18, after "1998" by inserting "OR DECEMBER 31, 1998, AS SPECIFIED IN THE WRITTEN ELECTION".

7. Amend page 35, line 20, after "1998" by inserting "OR JANUARY 1, 1999, AS APPROPRIATE PURSUANT TO THE DATE SPECIFIED BY THE MEMBER UNDER SUBDIVISION (A)".

8. Amend page 35, line 24, after "ON" by striking out "JUNE 30, 1998" and inserting "THE DATE SPECIFIED BY THE MEMBER UNDER SUBDIVISION (A)".

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

### Favorable Roll Call

#### **SB 605 To Report Out:**

Yeas: Reps. Richner, Shulman, Hart, Koetje, Sanborn, Voorhees, Baird, Minore, Switalski, Schermesser,

Nays: None.

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 7, 1999, at 8:30 a.m.,

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

Absent: Rep. Law,

Excused: Rep. Law.

### Second Reading of Bills

#### **Senate Bill No. 605, entitled**

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

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Family and Civil Law (for amendments, see today's journal, p. 2462),

The amendments were 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. 605, entitled**

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

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

**Roll Call No. 1122**

**Yeas—99**

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

**Nays—9**

Brewer	Kuipers	Richardville	Tabor
Caul	Mortimer	Shackleton	Woronchak
Hager			

In The Chair: Scranton

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

“An act to establish a judges retirement system; to provide for the administration and maintenance of the retirement system; to create a retirement board; to prescribe the powers and duties of the retirement board; to establish certain reserves for the retirement system; to establish certain funds; to prescribe the powers and duties of certain state

departments and certain state and local officials and employees; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.”.

The House agreed to the full title.

Rep. Raczkowski moved that **House Bill No. 4803** be placed on its immediate passage.

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

**House Bill No. 4803, entitled**

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending sections 1, 2, 3, 6, 8, 10, 12, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 51, 52, 53, 54, 101, 102, 103, 104, 105, 106, 151, 152, 153, 154, 155, 156, 157, 158, 161, 191, 192, 199, 200, 221, 222, 223, 241, 242, 243, 244, 245, 247, 261, 262, 263, 265, 266, 267, 269, 270, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 301, 302, 303, 304, 306, 307, 322, 322b, 323, 324, 326, 327, 328, 391, 392, 393, 395, 421, 422, 423, 425, 429, 430, 431, 433, 463, 464, 465, 466, 467, 468, 469, 472, 473, 474, 476, 478, 483, 490, 491, 499, 513, 515, 517, 518, 519, 520, 521, 524, 525, 532, 540, 541, 601, 602, 626, and 627 (MCL 280.1, 280.2, 280.3, 280.6, 280.8, 280.10, 280.12, 280.21, 280.23, 280.24, 280.25, 280.26, 280.27, 280.28, 280.29, 280.30, 280.31, 280.32, 280.33, 280.51, 280.52, 280.53, 280.54, 280.101, 280.102, 280.103, 280.104, 280.105, 280.106, 280.151, 280.152, 280.153, 280.154, 280.155, 280.156, 280.157, 280.158, 280.161, 280.191, 280.192, 280.199, 280.200, 280.221, 280.222, 280.223, 280.241, 280.242, 280.243, 280.244, 280.245, 280.247, 280.261, 280.262, 280.263, 280.265, 280.266, 280.267, 280.269, 280.270, 280.273, 280.274, 280.275, 280.276, 280.277, 280.278, 280.279, 280.280, 280.282, 280.283, 280.301, 280.302, 280.303, 280.304, 280.306, 280.307, 280.322, 280.322b, 280.323, 280.324, 280.326, 280.327, 280.328, 280.391, 280.392, 280.393, 280.395, 280.421, 280.422, 280.423, 280.425, 280.429, 280.430, 280.431, 280.433, 280.463, 280.464, 280.465, 280.466, 280.467, 280.468, 280.469, 280.472, 280.473, 280.474, 280.476, 280.478, 280.483, 280.490, 280.491, 280.499, 280.513, 280.515, 280.517, 280.518, 280.519, 280.520, 280.521, 280.524, 280.525, 280.532, 280.540, 280.541, 280.601, 280.602, 280.626, and 280.627), sections 21 and 464 as amended by 1989 PA 134, section 33 as amended by 1982 PA 356, section 223 as amended by 1989 PA 61, section 280 as amended by 1983 PA 176, section 282 as amended by 1984 PA 80, sections 283 and 499 as amended by 1989 PA 149, section 423 as amended by 1996 PA 552, and section 433 as amended by 1982 PA 449, and by adding sections 7, 7a, 7b, 7c, 13, 14, 34, 35, 55, 56, 57, 58, 59, 107, 108, 109, 110, 111, 112, 113, 201, 275a, 277a, 329, 330, 467a, 467b, 474a, 500, 519a, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 603, 604, 605, 606, 607, 615, 616, and 617; 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. 1123**

**Yeas—103**

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



DeVuyst  
Ehardt  
Faunce  
Frank

Kilpatrick  
Koetje  
Kowall  
Kuipers

Raczkowski  
Richardville  
Rison  
Rivet

Wojno  
Woodward  
Woronchak

### Nays—5

Callahan  
Caul

Gosselin

Johnson, Ruth

Richner

In The Chair: Scranton

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

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

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending sections 1, 2, 3, 6, 8, 10, 12, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 51, 52, 53, 54, 101, 102, 103, 104, 105, 106, 151, 152, 153, 154, 155, 156, 157, 158, 161, 191, 192, 199, 200, 221, 222, 223, 241, 242, 243, 244, 245, 247, 261, 262, 263, 265, 266, 267, 269, 270, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 301, 302, 303, 304, 306, 307, 322, 322b, 323, 324, 326, 327, 328, 391, 392, 393, 395, 421, 422, 423, 425, 429, 430, 431, 433, 463, 464, 465, 466, 467, 468, 469, 472, 473, 474, 476, 478, 483, 490, 491, 499, 513, 515, 517, 518, 519, 520, 521, 524, 525, 532, 540, 541, 622, 626, and 627 (MCL 280.1, 280.2, 280.3, 280.6, 280.8, 280.10, 280.12, 280.21, 280.23, 280.24, 280.25, 280.26, 280.27, 280.28, 280.29, 280.30, 280.31, 280.32, 280.33, 280.51, 280.52, 280.53, 280.54, 280.101, 280.102, 280.103, 280.104, 280.105, 280.106, 280.151, 280.152, 280.153, 280.154, 280.155, 280.156, 280.157, 280.158, 280.161, 280.191, 280.192, 280.199, 280.200, 280.221, 280.222, 280.223, 280.241, 280.242, 280.243, 280.244, 280.245, 280.247, 280.261, 280.262, 280.263, 280.265, 280.266, 280.267, 280.269, 280.270, 280.273, 280.274, 280.275, 280.276, 280.277, 280.278, 280.279, 280.280, 280.282, 280.283, 280.301, 280.302, 280.303, 280.304, 280.306, 280.307, 280.322, 280.322b, 280.323, 280.324, 280.326, 280.327, 280.328, 280.391, 280.392, 280.393, 280.395, 280.421, 280.422, 280.423, 280.425, 280.429, 280.430, 280.431, 280.433, 280.463, 280.464, 280.465, 280.466, 280.467, 280.468, 280.469, 280.472, 280.473, 280.474, 280.476, 280.478, 280.483, 280.490, 280.491, 280.499, 280.513, 280.515, 280.517, 280.518, 280.519, 280.520, 280.521, 280.524, 280.525, 280.532, 280.540, 280.541, 280.622, 280.626, and 280.627), sections 21 and 464 as amended by 1989 PA 134, section 33 as amended by 1982 PA 356, section 223 as amended by 1989 PA 61, section 280 as amended by 1983 PA 176, section 282 as amended by 1984 PA 80, sections 283 and 499 as amended by 1989 PA 149, section 423 as amended by 1996 PA 552, and section 433 as amended by 1982 PA 449, and by adding sections 7, 7a, 7b, 7c, 13, 14, 34, 35, 36, 53a, 55, 56, 57, 58, 59, 60, 61, 62, 63, 103a, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201, 275a, 277a, 329, 330, 467a, 467b, 474a, 500, 519a, 615, 616, and 617; and to repeal acts and parts of acts.

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.

By unanimous consent the House returned to the order of

### Motions and Resolutions

Rep. Gielegghem moved that the Committee on Family and Civil Law be discharged from further consideration of **House Bill No. 4965**.

(For first notice see House Journal No. 83, p. 2430.)

The question being on the motion made previously by Rep. Gielegghem,

Rep. Gielegghem demanded the yeas and nays.

The demand was supported.

The question being on the motion made previously by Rep. Gielegghem,

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 motion made previously by Rep. Gielegem,

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

**Roll Call No. 1124**

**Yeas—50**

Baird	Frank	Lockwood	Schauer
Basham	Garza	Mans	Schermesser
Bogardus	Gielegem	Martinez	Scott
Bovin	Hale	Minore	Sheltrown
Brater	Hanley	Neumann	Spade
Brown, B.	Hansen	O'Neil	Stallworth
Callahan	Hardman	Pestka	Switalski
Cherry	Jacobs	Price	Tesanovich
Clark, I.	Jamnick	Prusi	Thomas
Clarke, H.	Kelly	Quarles	Vaughn
Daniels	Kilpatrick	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	Raczkowski	Voorhees
Faunce	Julian	Richardville	Woronchak
Garcia	Koetje		

In The Chair: Scranton

**Messages from the Senate**

The Senate returned, in accordance with the request of the House

**Senate Bill No. 404, entitled**

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for

the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923, 333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, and sections 20920, 20921, and 20965 as amended by 1997 PA 78.

Rep. Raczkowski moved to reconsider the vote by which the House passed the bill.  
The question being on the motion made by Rep. Raczkowski,  
Rep. Raczkowski moved that consideration of the motion be postponed for the day.  
The motion prevailed.

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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.

Rep. Raczkowski moved that when the House adjourns today it stand adjourned until Wednesday, December 8, at 10:00 a.m.  
The motion prevailed.

By unanimous consent the House returned to the order of  
**Motions and Resolutions**

Reps. Scott, Lemmons, Hansen, Cherry, Daniels, Spade, Jacobs, DeHart, Woodward, Minore, Bovin, Brater, Prusi, Kelly, LaForge, Baird, Scranton, Jamnick, Callahan, Mead, LaSata, Thomas, Jansen, Kowall, Julian, Dennis, Ehardt, Hardman, Clark, Schermesser, Hanley, Mortimer, Raczkowski, Kilpatrick, Koetje, Pappageorge and Richner offered the following resolution:

**House Resolution No. 235.**

A resolution honoring the life and memory of Nettie Hazel McKenzie.

Whereas, The Michigan House of Representatives celebrates the life and the home-going of Sister Nettie Hazel McKenzie, truly a loved and blessed woman who lived her life serving God, her family and others who were not as fortunate as sister McKenzie; and

Whereas, Nettie McKenzie was the first of five children born to Newton and Mary King, born on January 10, 1909, in Dooling, Georgia. Although she was raised in the country, she was a city girl at heart. Hazel, as she was fondly called, spent her elementary days in Dooly county and graduated from Spencer High School in Columbus, Georgia; and

Whereas, From an early age, she cared about the health and welfare of others, pursued a nursing career at Mercy Hospital in Atlanta, and began that profession in 1931 at Grady Memorial Hospital. She resumed her nursing career in 1962 at Detroit Memorial Hospital and retired in 1972; and

Whereas, In 1935, sister Hazel met and married Henry C. McKenzie in Atlanta, Georgia. To this union eight children were born, and they raised one cousin. She touched the hearts of many people, young and old. She assisted in guiding the lives of children in the neighborhood. She is loved and respected for the unselfish treatment of others and leaves a rich legacy of love, honor, and pride; and

Whereas, Mrs. McKenzie confessed Christ at an early age and was dedicated and faithful to serving her church until she became ill. She served on the Board of Trustees, the Women’s Club, the Dorcas Missionary Society, and was recently inducted into the Soaring South District Michigan Conference A.M.E. Church Women’s Missionary Society

Hall of Fame. We know her bright mansion above is fit for the queen sister Hazel was, because she showed everyone her "good works" right here on earth. Sister McKenzie was actively involved in community affairs, holding offices in the Willard, Ford, and High School P.T.A.s, was a Cub Scout Den Mother, was involved with the Boy Scouts, the Little League, the Highland Park Caucus Club, and served as President, Secretary, Treasurer, and Member of the Mothers Club of Highland Park. This community activist served on the Model Cities Neighborhood Advisory Council, the Education Task Force, was a Commissioner for the Recreation Department, and assisted children in the Reggis McKenzie Foundation. She received numerous awards for her commitment to youth and outstanding service to humankind. Mrs. McKenzie was an avid sports fan, loved to cook, and provided nutritional meals to all who were welcomed into her home; and

Whereas, Nettie Hazel McKenzie leaves to cherish her memory her sister, Cleonie Cross; her beloved children, Clinton (Renate'), JoAnn (Donald) Gray, Marjorie McKenzie, Eleanor Blackwell, Milton (Paulette), Reggis, Keith (Carolyn), and Kenneth; cousin, Terry Lewis; grandchildren, Clinton Pollehn, Glynn (Jillian) Blackwell, Raymond Kenyon, Glenn Odonal, Keith, Vanessa, Millicent and Melissa, Kenneth II, Jason, Stacey, and Kyle McKenzie; sisters-in-law Hattie King, Georgia Hill, May McKenzie, Ella Brown, and Julia Hampton; brothers-in-law Rome Kendrick and Alvin McKenzie; a host of nieces, nephews, other relatives, friends, and her "Mothers' Day Gang."; now, therefore, be it

Resolved by the House of Representatives, That tribute be hereby accorded to commemorate the 90 blessed years of life of Mrs. Nettie Hazel McKenzie; and be it further

Resolved, That a copy of this resolution be transmitted to her family as a reflection of our esteem.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Scranton, Lemmons, Wojno, Cherry, Spade, Jacobs, DeHart, Woodward, Minore, Bovin, Gielegem, Brater, Prusi, Kelly, LaForge, Switalski, Faunce, Baird, Rocca, Jamnick, Garza, Callahan, Scott, Richardville, Van Woerkom, Kukuk, Kuipers, Mead, LaSata, Middaugh, Thomas, Jansen, Cassis, Kowall, Julian, Vear, Ehardt, Lockwood, DeVuyst, Gosselin, Schermesser, Jellema, Mortimer, Geiger, Raczkowski, Garcia, Kilpatrick, Vander Roest, Koetje, Pappageorge, Voorhees and Richner offered the following resolution:

**House Resolution No. 236.**

A resolution honoring the Michigan Jaycees on the occasion of their 75th Anniversary.

Whereas, It is with deepest respect and admiration for the valuable work of the Michigan Jaycees that we honor their 75 years of community service, individual opportunity and professional advancement. This milestone is a reflection of unselfishness and commitment to the common good that is most commendable; and

Whereas, The Michigan Jaycees can trace its origin to September of 1924 when 50 delegates representing Junior Chambers from Saginaw, Pontiac, Flint and Jackson met for the primary purpose of organizing a Michigan Junior Chamber; and

Whereas, Under the direction of the first official State President, Martin P. Luthy, the charters organized projects aimed at providing services to their communities throughout the twenties. As a way of honoring his contributions and commitment, today the organization recognizes the top local chapter presidents with a "Luthy" award; and

Whereas, During the early years, one of the original Pontiac Jaycees, Bill Otto, traveled around the state promoting the values and ideals of the Michigan Junior Chamber. He is known as the father of the Michigan Jaycees and the group honors him by recognizing the top chapter of the year with the "Otto"; and

Whereas, The Michigan Jaycees has adapted to changes in society, membership and expectations. This ability to grow and change has shown that members have maintained their belief in their mission of service and the unity of the membership; and

Whereas, Throughout the years, the Michigan Jaycees has sponsored numerous events and activities that have benefitted many and contributed to the development of great leaders in the entire state of Michigan. While in constant pursuit of community improvement, this fine organization has been an excellent example for other states to follow; and

Whereas, With ceremonies to celebrate its history, the members and officers of the Michigan Jaycees 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 Michigan Jaycees will continue to reach out in our community; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body and the people of the state of Michigan honor and recognize the Michigan Jaycees as they observe their 75th anniversary; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Jaycees as an expression of our highest esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Richardville, Howell, Julian, Kowall, Gilbert, DeVuyst, Shackleton, Tabor, Faunce, Bradstreet, Pumford, Patterson, Woronchak, Bisbee, Sheltroun, Bovin, Mans, Prusi, Schermesser, DeHart, Ehardt, Gosselin, O'Neil, Mortimer, Caul, Green, Vear, Byl, Allen, DeRossett, Toy, Van Woerkom, Hager, Scranton, Garcia, Middaugh, Koetje, Tesanovich, Birkholz, Raczkowski, Kelly, Rocca, Kukuk, Mead, LaSata, Jansen, Cassis, Jellema, Geiger, Vander Roest, Pappageorge, Voorhees and Richner offered the following resolution:

**House Resolution No. 237.**

A resolution to urge the United States House of Representatives Committee on Resources to continue its investigation of certain expenditures and grants made by the United States Fish and Wildlife Service.

Whereas, The Pittman-Robertson Act and the Dingell-Johnson Act provide a variety of important services to promote hunting and fishing programs across our country. These acts represent a well-coordinated approach to the management of hunting and fishing. Programs for these activities are funded by money raised by excise taxes paid by those who enjoy hunting and fishing. The legislation provides for grants by the United States Fish and Wildlife Service (USFWS) to the states. Funds for the grants come from excise taxes paid on the purchase of hunting and fishing equipment and supplies; and

Whereas, The General Accounting Office (GAO) has identified a large number of highly questionable expenditures and grants made by the USFWS. The GAO has discovered millions of dollars diverted or misallocated to fund programs, projects, or initiatives not related to the administration of the Pittman-Robertson Act or the Dingell-Johnson Act. The House Committee on Resources has discovered unauthorized expenditures of millions of dollars that should have been available for grants to the states. The expenditures and grants apparently have been made from money that is supposed to go to administrative functions. News of these grants has angered hunting and fishing organizations. It has also upset members of Congress, who are now investigating the legality of numerous grants from the USFWS; and

Whereas, The legitimate programs funded through the Pittman-Robertson Act and the Dingell-Johnson Act are an example of the best in public-private cooperation. Any actions of a governmental agency that jeopardize the trust these acts have represented over the years must be fully and vigorously investigated; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States House of Representatives Committee on Resources to continue its investigation of certain expenditures and grants made by the United States Fish and Wildlife Service; and be it further

Resolved, That copies of this resolution be transmitted to the House Committee on Resources.

The resolution was referred to the Committee on Conservation and Outdoor Recreation.

Reps. Julian, Richardville, Kowall, Gilbert, DeVuyst, Shackleton, Tabor, Bisbee, Patterson, Green, Jansen, Prusi, Kelly, Faunce, Van Woerkom, Kukuk, Mead, LaSata, Middaugh, Cassis, Vear, Ehardt, Gosselin, Schermesser, Jellema, Mortimer, Geiger, Raczkowski, Garcia, Vander Roest, Koetje, Pappageorge, Voorhees and Richner offered the following resolution:

**House Resolution No. 238.**

A resolution to admonish the United States Fish and Wildlife Service for its apparent actions of using administrative funds under the Pittman-Robertson Act and the Dingell-Johnson Act for inappropriate purposes.

Whereas, The Pittman-Robertson Act and the Dingell-Johnson Act are cornerstones of the federal government's efforts to provide well-managed hunting and fishing recreation opportunities to our citizens. A key feature of these acts is how money raised through excise taxes on the sale of hunting and fishing equipment and supplies is used to fund a variety of opportunities through the awarding of grants to states; and

Whereas, The General Accounting Office (GAO) investigated and the House Committee on Resources in Washington is currently investigating information that indicates that the U. S. Fish and Wildlife Service (USFWS) may have misdirected millions of dollars to inappropriate uses. At question are expenditures and grants of money that are supposed to have been used for general administrative expenses. According to preliminary reports, the USFWS made expenditures and awarded grants for purposes not at all related to administration of the Pittman-Robertson Act and Dingell-Johnson Act programs; and

Whereas, Organizations representing hunting and fishing interests, the individuals with the most direct stake in the programs of the Pittman-Robertson Act and the Dingell-Johnson Act, are especially upset that the expenditures and grants in question allegedly expended millions of dollars that should have been available to the states; and

Whereas, While the congressional investigation is ongoing, it seems clear that the USFWS has likely violated the spirit of the federal laws, at the very least. These actions are most disturbing; now, therefore, be it

Resolved by the House of Representatives, That we admonish the United States Fish and Wildlife Service for its apparent actions of using administrative funds under the Pittman-Robertson Act and the Dingell-Johnson Act for inappropriate purposes; and be it further

Resolved, That copies of this resolution be transmitted to the United States Fish and Wildlife Service.

The resolution was referred to the Committee on Conservation and Outdoor Recreation.

Reps. Hansen, Lemmons, Wojno, Cherry, Daniels, Spade, Jacobs, DeHart, Woodward, Minore, Bovin, Gielegem, Brater, Prusi, Kelly, LaForge, Switalski, Faunce, Baird, Scranton, Jamnick, Garza, Scott, Van Woerkom, Kuipers, Mead, LaSata, Middaugh, Thomas, Jansen, Cassis, Kowall, Julian, Vear, Dennis, Ehardt, Hardman, Sheltroun, Lockwood, Schermesser, Hanley, Mortimer, Raczkowski, Garcia, Kilpatrick, Koetje, Pappageorge and Richner offered the following resolution:

**House Resolution No. 239.**

A resolution honoring Brownie Troop 2009 of South Lyon.

Whereas, The importance of reading as a life skill has been stressed by officials at the state and federal levels, including President Clinton and Governor John Engler; and

Whereas, Just last year, both of these heads of state pledged their commitment to programs that would ensure that children starting kindergarten in 1998 will be reading at their grade level by the time they reach the end of third grade; and

Whereas, Not only are politicians, parents, teachers and school administrators working to enhance reading skills in our young people...young people themselves have joined in the fight against illiteracy; and

Whereas, Brownie Troop 2009, of South Lyon, Michigan, began a book collection program back in November 1997 with a plan to redistribute the books to preschoolers and kindergartners at a local elementary school in the South Lyon School District. Over 200 books were collected, sorted and personally delivered by the Brownies. Each Brownie spent at least 30 minutes reading to the book's recipient; and

Whereas, In 1998, over 700 books were gathered and other elementary schools were included in the target group. Troop leaders encouraged by the enthusiasm generated by the book drives approached the Huron Valley Girl Scout Council in hopes of obtaining badges (in Brownies, called "Try-Its") for the young Scouts; and

Whereas, Reading and literacy badges are available to older Scouts, but no Try-Its were available for literacy projects done by Brownies. The Council agreed to its own Try-It called "Reading Is Magic", however, the Try-It was limited to Brownies only in the Huron Valley Girl Scout Council; and

Whereas, The Brownies (who are now Junior Girl Scouts) and their leaders believe that literacy awareness, especially in the young grades, is paramount to success in reading and success in life and that Brownies, nationwide, should have the opportunity to earn a Literacy Try-It, similar to the one available in the Huron Valley Girl Scout Council. The Try-It would be earned if at least 4 of 11 criteria are met in various aspects of literacy awareness; and

Whereas, To this end, they have endeavored to gather support from outside interest groups, organizations and individuals for a national Literacy Try-It, which will require approval from the Girl Scouts of the USA Headquarters in New York; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Girl Scouts of the USA to recognize the need for and encourage Brownie participation in literacy awareness through the adoption of a Literacy Try-It for all Brownies; and it be further

Resolved, That copies of this resolution be transmitted to the Girl Scouts of the USA Headquarters, the President of the United States, the U.S. Department of Education, the Governor of Michigan, and the Michigan Department of Education.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

### Reports of Select Committees

**House Bill No. 4485, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402c.

(For text of conference report, see House Journal No. 82, p. 2368.)

The Senate has adopted the report of the Committee of Conference.

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

**House Bill No. 4486, entitled**

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

(For text of conference report, see House Journal No. 82, p. 2369.)

The Senate has adopted the report of the Committee of Conference.

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

**House Bill No. 4487, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2212b.

(For text of conference report, see House Journal No. 82, p. 2369.)

The Senate has adopted the report of the Committee of Conference.

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

## Joint Committee on Administrative Rules

## Certificates of Approval

Date: December 1, 1999

Subject: Trans. No. 99-40

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Environmental Quality, Air Quality Division, pertaining to Air Pollution Control—Emission Limitations and Prohibitions (Part 6)—Existing Sources of Volatile Organic Compound Emissions, dated March 30, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-41

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of administrative rules from the Department of Consumer and Industry Services, Corporations, Securities and Land Development Bureau, pertaining to Manufactured Housing, dated July 23, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-42

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office, pertaining to Nursing—Nursing Scholarship Program (Part 7), dated July 27, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-48

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office, pertaining to Cosmetology, dated August 10, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-49

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office, pertaining to Boilers, dated August 12, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-50

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, State Fire Safety Board, pertaining to Dormitory Fire Safety for Schools, Colleges, and Universities, dated August 18, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-51

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, State Fire Safety Board, pertaining to Fire Prevention, dated August 18, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-52

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, State Fire Safety Board, pertaining to New and Existing School, College, and University Fire Safety, dated August 18, 1999.

Date: December 1, 1999  
 Subject: Trans. No. 99-53

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Treasury, Bureau of State Lottery, pertaining to Lottery Rules, dated September 1, 1999.

Date: December 1, 1999  
 Subject: Trans. No. 99-54

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Environmental Quality, Environmental Assistance Division, pertaining to Small Business Pollution Prevention Assistance Loan, dated August 30, 1999.

Date: December 1, 1999  
 Subject: Trans. No. 99-55

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of administrative rules from the Department of Transportation, Bureau of Urban and Public Transportation, pertaining to State Rail Line Divestiture, dated June 16, 1999.

Date: December 1, 1999  
 Subject: Trans. No. 99-56

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Unemployment Agency Director's Office, pertaining to Employment Security, dated August 1, 1999.

Date: December 1, 1999  
 Subject: Trans. No. 99-57

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Public Service Commission, pertaining to Gas Safety, dated August 31, 1999.

Date: December 1, 1999  
 Subject: Trans. No. 99-59

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office, pertaining to General Industry Safety Standards—Fire Brigades (Part 73), dated December 11, 1998.

Date: December 1, 1999  
 Subject: Trans. No. 99-60

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office, pertaining to Boilers (Miniature Locomotives), dated October 18, 1999.

Sincerely,  
 Representative Marc Shulman  
 Chair

Joint Committee on Administrative Rules

Kate McAuliffe  
 Regulatory Affairs Officer  
 Department of Education  
 Lansing, Michigan

December 1, 1999

Dear Ms. McAuliffe:

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-58, submitted by the Department of Education, State Tenure Commission, pertaining to General Rules.

Sincerely,  
 Representative Marc Shulman  
 Chair



R. Thomas Martin  
Regulatory Affairs Officer  
Department of Consumer and Industry Services  
Lansing, Michigan

December 1, 1999

Dear Mr. Martin:

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-61, submitted by the Department of Consumer and Industry Services, Wage and Hour Division, pertaining to General Rules.

December 1, 1999

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-62, submitted by the Department of Consumer and Industry Services, Wage and Hour Division, pertaining to Overtime Compensation.

Sincerely,  
Representative Marc Shulman  
Chair

### Reports of Standing Committees

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

**Senate Bill No. 855, entitled**

A bill to amend 1925 PA 289, entitled "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," by amending section 3 (MCL 28.243), as amended by 1999 PA 77.

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

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

### Favorable Roll Call

**SB 855** 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, December 7, 1999, at 12:13 p.m.,

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

### Messages from the Senate

**House Bill No. 4599, entitled**

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

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 4601, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2837. The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 4600, entitled**

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

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 pursuant to Joint Rule 20, inserted the full title.

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

**Notices**

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 198**, Reps. Perricone, Gosselin and Kilpatrick.

**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, December 3:

**House Bill Nos. 5155 5156 5157 5158 5159**

The Clerk announced the enrollment printing and presentation to the Governor on Monday, December 6, for his approval of the following bills:

**Enrolled House Bill No. 4628 at 10:26 a.m.**

**Enrolled House Bill No. 4629 at 10:28 a.m.**

**Introduction of Bills**

Reps. Schermesser, Rick Johnson, DeHart, Hale, Lockwood, Spade, Garcia, Scott, O'Neil, Basham, Thomas, Kelly, Brewer, Frank, Pestka, Woronchak, Mans, Prusi, Richardville, Price, Bob Brown, Cherry, Bogardus, Schauer, Clarke, Sheltroun, Hardman, Garza, Stallworth, Quarles, LaForge, Green, Ruth Johnson, Law, Mortimer, Vander Roest, Ehardt, Vear, Byl, Hart, Kowall, Gilbert, DeRossett, Julian, Toy, Tabor, Hager, Jacobs, Hansen, Wojno, Woodward, Daniels, Gielegem, Jamnick and Minore introduced

**House Bill No. 5160, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 135a.

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

Reps. Schermesser, Rick Johnson, DeHart, Hale, Lockwood, Spade, Garcia, Scott, O'Neil, Basham, Thomas, Kelly, Brewer, Frank, Pestka, Woronchak, Mans, Prusi, Richardville, Price, Bob Brown, Cherry, Jacobs, Schauer, Clarke, Sheltroun, Hardman, Stallworth, Kilpatrick, Quarles, LaForge, Green, Ruth Johnson, Law, Mortimer, Vander Roest, Ehardt, Vear, Byl, Hart, Kowall, Gilbert, DeRossett, Julian, Toy, Tabor, Hansen, Bogardus, Wojno, Woodward, Daniels, Garza, Gielegem, Jamnick and Minore introduced

**House Bill No. 5161, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 1999 PA 39.

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

Reps. Schermesser, Baird, DeHart, Hale, Pappageorge, Garcia, Schauer, Scott, Rick Johnson, Mans, Prusi, Richardville, Price, Tesanovich, Bob Brown, Cherry, Quarles, Green, Law, Mortimer, Ehardt, Byl, Clarke, Clark, Stallworth, Kilpatrick, LaForge, Vander Roest, Vear, Hart, Kowall, Gilbert, DeRossett, Tabor, Koetje, Toy, Julian, Hager, Switalski, Lockwood, Jacobs, Hansen, Wojno, Bogardus, Woodward, Callahan, Daniels, Garza, Gielegem, Jamnick and Minore introduced

**House Bill No. 5162, entitled**

A bill to designate the part of highway I-69 that is located between exit 94 and exit 105 as the "Purple Heart Highway"; and to prescribe the duties of the state transportation department.

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

Rep. Pumford introduced

**House Bill No. 5163, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8707 and 8715 (MCL 324.8707 and 324.8715), section 8715 as amended by 1995 PA 61; and to repeal acts and parts of acts.

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

Reps. Caul, Mead, Geiger, Pappageorge, Howell, DeVuyst, Spade, Richner, Ruth Johnson, Stamas, Green, Shackleton, Toy and Richardville introduced

**House Bill No. 5164, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 319 (MCL 257.319), as amended by 1999 PA 118.

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

Reps. Gielegem, Jacobs, Martinez, Woodward, Minore, Spade, Bishop, Bovin and Bogardus introduced

**House Bill No. 5165, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 47 (MCL 169.247), as amended by 1996 PA 225.

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

Reps. Koetje, Scranton, Patterson, Kuipers, Garcia, Gosselin, Voorhees, Rick Johnson, Tabor and Kukuk introduced

**House Bill No. 5166, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1318.

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

Reps. Mead, Bradstreet, Ruth Johnson, Rick Johnson, Allen, Kuipers, Voorhees, Van Woerkom, Pumford, Bishop, Hart, Jelinek and Scranton introduced

**House Bill No. 5167, entitled**

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

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

Rep. Law introduced

**House Bill No. 5168, entitled**

A bill to amend 1971 PA 79, entitled "Age of majority act of 1971," by amending section 2 (MCL 722.52), as amended by 1990 PA 104.

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

Reps. Dennis, DeHart, Schermesser, Schauer, Tesanovich, Daniels, Gielegem, Basham, Clark, Wojno, Hansen, Minore, Scott, Bovin, Garza, Rivet, Hardman, Neumann, Brewer, Pestka, Frank, Hale, Kelly, Bogardus, Thomas, Cherry, Bob Brown, Jamnick, O'Neil, Lockwood, Mans, Vaughn, Reeves, Jacobs, Woodward, Clarke, LaForge and Lemmons introduced

**House Bill No. 5169, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278 (MCL 380.1278), as amended by 1995 PA 289.

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

Reps. Shackleton, Rick Johnson, Ruth Johnson, Faunce, Gilbert, Ehardt, Hager, Kowall, Woronchak, LaSata, Rivet, Bishop, Allen, Caul and Toy introduced

**House Bill No. 5170, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4aa. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Bisbee introduced

**House Bill No. 5171, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 451 (MCL 750.451). The bill was read a first time by its title and referred to the Committee on Criminal Law and Corrections.

Reps. Voorhees, Gosselin, Faunce, Kukuk, Pappageorge, Tabor, Garcia, Richner and Caul introduced

**House Bill No. 5172, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312e (MCL 257.312e), as amended by 1991 PA 100.

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

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Rep. Green moved that the House adjourn.  
The motion prevailed, the time being 7:50 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Wednesday, December 8, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives.