

No. 73
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House of Representatives
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REGULAR SESSION OF 1998

House Chamber, Lansing, Wednesday, September 23, 1998.

10:00 a.m.

The House was called to order by Acting Speaker Hanley.

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

Agee—excused	Emerson—present	Kelly—present	Profit—present
Alley—present	Fitzgerald—present	Kilpatrick—present	Prusi—present
Anthony—present	Frank—present	Kukuk—present	Quarles—present
Baade—present	Freeman—present	LaForge—present	Raczkowski—present
Baird—present	Gagliardi—present	Law—present	Rhead—present
Bankes—present	Galloway—present	Leland—present	Richner—present
Basham—present	Geiger—present	LeTarte—present	Rison—present
Birkholz—present	Gernaat—present	Llewellyn—present	Rocca—present
Bobier—present	Gilmer—present	London—present	Sanborn—present
Bodem—present	Gire—present	Lowe—present	Schauer—present
Bogardus—present	Godchaux—present	Mans—present	Schermesser—present
Brackenridge—present	Goschka—present	Martinez—present	Schroer—present
Brater—present	Green—present	Mathieu—present	Scott—present
Brewer—present	Griffin—present	McBryde—present	Scranton—present
Brown—present	Gubow—present	McManus—present	Sikkema—present
Byl—present	Gustafson—present	McNutt—present	Stallworth—present
Callahan—present	Hale—present	Middaugh—present	Tesanovich—present
Cassis—present	Hammerstrom—present	Middleton—present	Thomas—excused
Cherry—present	Hanley—present	Murphy—absent	Varga—present
Ciaramitaro—present	Harder—excused	Nye—present	Vaughn—present
Crissman—present	Hertel—present	Olshove—present	Voorhees—present
Cropsey—present	Hood—present	Owen—present	Walberg—present
Curtis—present	Horton—present	Oxender—present	Wallace—present
Dalman—present	Jansen—present	Palamara—e/d/s	Wetters—present
DeHart—present	Jelinek—present	Parks—present	Whyman—excused
DeVuyst—present	Jellema—present	Perricone—present	Willard—present
Dobb—present	Johnson—present	Price—present	Wojno—present
Dobronski—present	Kaza—present		

e/d/s = entered during session

Rep. Candace Curtis, from the 51st District, offered the following invocation:

“All knowing God we realize, as we come before You today in the state legislature, that our lives are transparent before You. You know our sitting down, our rising up, our waking and our sleeping. You see not only the deed, but also the motive. You hear not only the word, but also the thought. So we pray that not only what we seem to be, but also what we are, will be acceptable in Your sight. Amen.”

Rep. Dobronski moved that Reps. Thomas, Agee and Harder be excused from today’s session.
The motion prevailed.

Rep. Hammerstrom moved that Rep. Whyman be excused from today’s session.
The motion prevailed.

Notices

September 23, 1998

In accordance with House Rule 10, I hereby designate Representative Michael Hanley, to be the Presiding Officer for all, or part of today’s session.

In accordance with House Rule 10, I hereby designate Representative Eileen DeHart, to be the Presiding Officer for all, or part of today’s session.

Sincerely,
Curtis Hertel
Speaker of the House

The Associate Speaker Pro Tempore assumed the Chair.

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

House Bill No. 5400, entitled

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending section 22 (MCL 431.322).

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

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

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

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

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

The motion prevailed.

Senate Bill No. 677, entitled

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” (MCL 480.11 to 480.22) by adding section 5.
The bill was read a second time.

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

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

Rep. LaForge asked and obtained a temporary excuse from today's session.

Senate Bill No. 728, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 509 (MCL 324.503 and 324.509), section 503 as amended by 1996 PA 133.

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

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

Rep. Anthony moved to amend the bill as follows:

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

"(iii) THAT A CONCESSION REQUIRING A CAPITAL EXPENDITURE OF MORE THAN \$100,000.00 FOR A BUILDING OR STRUCTURE BE PROVIDED FOR IN THE STATE FOREST MANAGEMENT PLAN FOR THE STATE FOREST IN WHICH THE CONCESSION IS PROPOSED TO BE LOCATED." and renumbering the remaining subparagraphs.

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

Rep. Anthony moved to amend the bill as follows:

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

"(3) NOT LESS THAN 3 MONTHS BEFORE GRANTING A CONCESSION FOR MORE THAN \$500,000.00 OR THAT WILL REQUIRE A CAPITAL EXPENDITURE OF MORE THAN \$500,000.00, THE DEPARTMENT SHALL NOTIFY EACH MEMBER OF THE HOUSE OF REPRESENTATIVES AND SENATE STANDING COMMITTEES WITH PRIMARY RESPONSIBILITY FOR NATURAL RESOURCES ISSUES OF ITS INTENTION TO GRANT THE CONCESSION AND OF SPECIFIC DETAILS ON THE NATURE OF THE CONCESSION." and renumbering the remaining subsection.

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

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

The motion prevailed.

The House returned to the consideration of

House Bill No. 5400, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 22 (MCL 431.322). (The bill was considered earlier today, see today's Journal, p. 2116.)

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

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

Rep. Griffin 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. Cherry 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. 5400, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 22 (MCL 431.322).

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

Roll Call No. 878

Yeas—69

Anthony
Baade

Frank
Freeman

Kukuk
Law

Rhead
Rison

Baird	Gagliardi	Leland	Rocca
Bankes	Galloway	LeTarte	Schauer
Basham	Gire	Llewellyn	Schermesser
Bodem	Goschka	Mans	Schroer
Brackenridge	Griffin	Mathieu	Scott
Brewer	Gubow	Middleton	Scranton
Brown	Hale	Olshove	Stallworth
Callahan	Hammerstrom	Owen	Tesanovich
Cherry	Hanley	Oxender	Varga
Ciaramitaro	Hertel	Parks	Vaughn
Crissman	Hood	Price	Walberg
Curtis	Jelinek	Profit	Wallace
DeHart	Kaza	Prusi	Wetters
Dobb	Kelly	Quarles	Willard
Dobronski	Kilpatrick	Raczkowski	Wojno
Fitzgerald			

Nays—30

Alley	Geiger	Jellema	Middaugh
Birkholz	Gernaat	Johnson	Nye
Bobier	Gilmer	London	Perricone
Byl	Godchaux	Lowe	Richner
Cassis	Green	Martinez	Sanborn
Cropsey	Gustafson	McBryde	Sikkema
Dalman	Horton	McManus	Voorhees
DeVuyst	Jansen		

In The Chair: Gire

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

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

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending sections 10, 17, and 18 (MCL 431.310, 431.317, and 431.318).

The motion prevailed.

The House agreed to the title as amended.

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

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

The Speaker assumed the Chair.

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

Rep. McManus moved that the Committee on House Oversight and Ethics be discharged from further consideration of **House Concurrent Resolution 114**.

(For first notice see House Journal No. 72, p. 2109.)

The question being on the motion by Rep. McManus,
Rep. McManus demanded the yeas and nays.
The demand was supported.
The question being on the motion by Rep. McManus,

Rep. Gagliardi moved that consideration of the motion be postponed for the day.
The question being on the motion by Rep. Gagliardi,
Rep. Gustafson demanded the yeas and nays.
The demand was supported.
The question being on the motion by Rep. Gagliardi,
The motion prevailed, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 879**Yeas—52**

Alley	DeHart	Kilpatrick	Rison
Anthony	Dobronski	LaForge	Schauer
Baade	Frank	Leland	Schermesser
Baird	Freeman	Mans	Schroer
Basham	Gagliardi	Martinez	Scott
Bogardus	Gire	Mathieu	Stallworth
Brater	Griffin	Olshove	Tesanovich
Brewer	Gubow	Owen	Varga
Brown	Hale	Parks	Vaughn
Callahan	Hanley	Price	Wallace
Cherry	Hertel	Profit	Wetters
Ciaramitaro	Hood	Prusi	Willard
Curtis	Kelly	Quarles	Wojno

Nays—50

Bankes	Galloway	Johnson	Nye
Birkholz	Geiger	Kaza	Oxender
Bobier	Gernaat	Kukuk	Perricone
Bodem	Gilmer	Law	Raczkowski
Brackenridge	Godchaux	LeTarte	Rhead
Byl	Goschka	London	Richner
Cassis	Green	Lowe	Rocca
Crissman	Gustafson	McBryde	Sanborn
Cropsey	Hammerstrom	McManus	Scranton
Dalman	Horton	McNutt	Sikkema
DeVuyst	Jansen	Middaugh	Voorhees
Dobb	Jelinek	Middleton	Walberg
Fitzgerald	Jellema		

In The Chair: Hertel

Rep. Geiger moved that the Committee on Judiciary be discharged from further consideration of **Senate Bill No. 113**.
(For first notice see House Journal No. 72, p. 2109.)
The question being on the motion by Rep. Geiger,
Rep. Geiger demanded the yeas and nays.
The demand was supported.
The question being on the motion by Rep. Geiger,

Rep. Gagliardi moved that consideration of the motion be postponed for the day.

The question being on the motion by Rep. Gagliardi,

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. Gagliardi,

The motion prevailed, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 880**Yeas—53**

Alley	Dobronski	Kilpatrick	Rison
Anthony	Emerson	LaForge	Schauer
Baade	Frank	Leland	Schermesser
Baird	Freeman	Mans	Schroer
Basham	Gagliardi	Martinez	Scott
Bogardus	Gire	Mathieu	Stallworth
Brater	Griffin	Olshove	Tesanovich
Brewer	Gubow	Owen	Varga
Brown	Hale	Parks	Vaughn
Callahan	Hanley	Price	Wallace
Cherry	Hertel	Profit	Wetters
Ciaramitaro	Hood	Prusi	Willard
Curtis	Kelly	Quarles	Wojno
DeHart			

Nays—51

Bankes	Galloway	Johnson	Nye
Birkholz	Geiger	Kaza	Oxender
Bobier	Gernaat	Kukuk	Perricone
Bodem	Gilmer	Law	Raczkowski
Brackenridge	Godchaux	LeTarte	Rhead
Byl	Goschka	Llewellyn	Richner
Cassis	Green	London	Rocca
Crissman	Gustafson	Lowe	Sanborn
Cropsey	Hammerstrom	McBryde	Scranton
Dalman	Horton	McManus	Sikkema
DeVuyst	Jansen	McNutt	Voorhees
Dobb	Jelinek	Middaugh	Walberg
Fitzgerald	Jellema	Middleton	

In The Chair: Hertel

The Speaker called Acting Speaker DeHart to the Chair.

Third Reading of Bills**House Bill No. 4565, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9f. (The bill was read a third time and postponed temporarily on July 2, see House Journal No. 67, p. 1863.)

The question being on the passage of the bill,

Rep. Profit moved to substitute (H-5) the bill.

The motion was seconded and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 881**Yeas—58**

Banks	Dobb	Jansen	Raczkowski
Basham	Dobronski	Jelinek	Richner
Birkholz	Frank	Kaza	Rocca
Bobier	Galloway	Kukuk	Sanborn
Bodem	Geiger	Lowe	Schauer
Bogardus	Gernaat	Mans	Scranton
Brackenridge	Gilmer	McBryde	Sikkema
Brown	Godchaux	McManus	Stallworth
Cassis	Goschka	Middleton	Vaughn
Cherry	Green	Nye	Voorhees
Crissman	Griffin	Olshove	Walberg
Cropsey	Gustafson	Oxender	Wallace
Curtis	Hale	Perricone	Wetters
Dalman	Hammerstrom	Profit	Willard
DeHart	Horton		

Nays—39

Alley	Freeman	LeTarte	Prusi
Anthony	Gire	Llewellyn	Quarles
Baade	Gubow	London	Rhead
Brater	Hood	Martinez	Rison
Byl	Jellema	Mathieu	Schermesser
Callahan	Johnson	McNutt	Schroer
Ciaramitaro	Kelly	Middaugh	Scott
DeVuyst	Kilpatrick	Owen	Tesanovich
Emerson	LaForge	Parks	Wojno
Fitzgerald	Leland	Price	

In The Chair: DeHart

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

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

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9g.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

The House returned to the consideration of

Senate Bill No. 728, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 509 (MCL 324.503 and 324.509), section 503 as amended by 1996 PA 133.

(The bill was considered earlier today, see today's Journal, p. 2117.)

Rep. Middaugh moved to amend the bill as follows:

1. Amend page 3, following line 24, subsection (3), after "SENATE" by striking out "STANDING COMMITTEES". The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

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

Senate Bill No. 941, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 41a, 226a, 248, 251, 801, and 807 (MCL 257.41a, 257.226a, 257.248, 257.251, 257.801, and 257.807), sections 41a, 248, 251, and 807 as amended by 1993 PA 300, section 226a as amended by 1996 PA 59, and section 801 as amended by 1997 PA 80.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Transportation (for amendment, see House Journal No. 66, p. 1838),

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

Rep. London moved to amend the bill as follows:

1. Amend page 39, following line 12, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 1998."

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

Rep. Gubow moved to amend the bill as follows:

1. Amend page 25, following line 2, by inserting:

"Sec. 727. If a person is arrested without a warrant in any of the following cases, the arrested person shall, without unreasonable delay, be arraigned by the magistrate who is nearest or most accessible within the judicial district as provided in section 13 of chapter IV of the code of criminal procedure, ~~Act No. 175 of the Public Acts of 1927, being section 764.13 of the Michigan Compiled Laws~~ 1927 PA 175, MCL 764.13, or, if a minor, taken before the probate court within the county in which the offense charged is alleged to have been committed:

(a) The person is arrested upon a charge of negligent homicide.

(b) The person is arrested under section 625(1), (3), (4), or (5), or an ordinance substantially corresponding to section 625(1) or (3).

(c) A person is arrested under section 626 or an ordinance substantially corresponding to that section. If under the existing circumstances it does not appear that releasing the person pending the issuance of a warrant will constitute a public menace, the arresting officer may proceed as provided by section 728.

(d) A person arrested does not have in his or her immediate possession a valid operator's or chauffeur's license or the receipt described in section 311a. If the arresting officer otherwise satisfactorily determines the identity of the person and the practicability of subsequent apprehension if the person fails to voluntarily appear before a designated magistrate or probate court as directed, the officer may release the person from custody with instructions to appear in court, given in the form of a citation as prescribed by section 728. BEFORE RELEASING THE PERSON, THE ARRESTING OFFICER SHALL EITHER TAKE A PHOTOGRAPH OF THE PERSON OR OBTAIN A THUMBPRINT FROM THE PERSON."

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

Rep. London moved that consideration of the amendment be postponed temporarily.

The motion prevailed.

House Bill No. 5861, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411e (MCL 750.411e), as added by 1988 PA 476, and by adding section 552c.

The bill was read a second time.

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

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

House Bill No. 5862, entitled

A bill to amend 1905 PA 80, entitled "An act to authorize and empower certain state departments, and the board of control, board of trustees or governing board of certain state institutions, or the governing body of a municipal

corporation, to make, prescribe and enforce rules and regulations for the care, order and preservation of buildings or property dedicated and appropriated to the public use and the conduct of those coming upon the property thereof; to prescribe penalties for a violation thereof and to repeal all acts or parts of acts inconsistent with the provisions of this act," by amending section 2 (MCL 19.142), as amended by 1996 PA 231.

The bill was read a second time.

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

Senate Bill No. 1128, entitled

A bill to amend 1941 PA 250, entitled "Urban redevelopment corporations law," by amending section 12 (MCL 125.912) and by adding sections 12a and 12b.

The bill was read a second time.

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

Senate Bill No. 485, entitled

A bill to repeal 1953 PA 173, entitled "An act to provide for the regulation of garbage and the feeding of garbage to swine; to provide for the powers and duties of the Michigan department of agriculture with respect thereto; and to prescribe penalties for the violations of the provisions of this act," (MCL 287.401 to 287.409).

The bill was read a second time.

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

Senate Bill No. 1025, entitled

A bill to define certain fruit, vegetable, dairy product, and grain processing uses and practices; to provide for circumstances under which a processing operation is not considered to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Agriculture (for amendment, see House Journal No. 71, p. 2067),

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

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

Senate Bill No. 1173, entitled

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amendment section 7a (MCL 285.67a), as amended by 1992 PA 238.

The bill was read a second time.

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

House Bill No. 6016, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 1997 PA 194.

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

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

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

House Bill No. 6017, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 1996 PA 435.

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

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

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

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

House Bill No. 5890, entitled

A bill to amend 1966 PA 225, entitled "Carnival-amusement safety act of 1966," by amending section 2 (MCL 408.652), as amended by 1982 PA 35.

The bill was read a second time.

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

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

House Bill No. 5891, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," (MCL 408.751 to 408.776) by adding section 7c.

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

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

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

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

Senate Bill No. 1148, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 1996 PA 167.

The bill was read a second time.

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

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

House Bill No. 4801, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1230b (MCL 380.1230b), as added by 1996 PA 189.

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

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

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

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

Rep. Voorhees moved to amend the bill as follows:

1. Amend page 5, line 16, after "employment." by inserting "EXCEPT AS OTHERWISE PROVIDED BY LAW, A BOARD MEMBER OR EMPLOYEE OF A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, INTERMEDIATE SCHOOL DISTRICT, OR NONPUBLIC SCHOOL SHALL NOT WITHHOLD THE INFORMATION FROM ANY PERSON WHO REQUESTS THE INFORMATION AND IS DIRECTLY INVOLVED IN THE PROCESS OF EVALUATING THE APPLICANT'S QUALIFICATIONS FOR EMPLOYMENT."

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

Rep. Gustafson demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Voorhees,
The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 882**Yeas—49**

Alley	Fitzgerald	Jellema	Middleton
Bankes	Galloway	Johnson	Nye
Birkholz	Geiger	Kaza	Oxender
Bobier	Gernaat	Kukuk	Perricone
Bodem	Gilmer	LeTarte	Raczkowski
Brackenridge	Goschka	Llewellyn	Richner
Brown	Green	London	Rocca
Byl	Gustafson	Lowe	Sanborn
Cassis	Hammerstrom	McBryde	Scranton
Crissman	Horton	McManus	Sikkema
Curtis	Jansen	McNutt	Voorhees
Dalman	Jelinek	Middaugh	Walberg
DeHart			

Nays—40

Anthony	Dobronski	LaForge	Rison
Baade	Frank	Leland	Schauer
Baird	Freeman	Mans	Schermesser
Basham	Gire	Martinez	Scott
Bogardus	Gubow	Mathieu	Stallworth
Brater	Hale	Olshove	Tesanovich
Brewer	Hanley	Parks	Vaughn
Callahan	Hood	Price	Wallace
Cherry	Kelly	Prusi	Wetters
Ciaramitaro	Kilpatrick	Quarles	Wojno

In The Chair: DeHart

Rep. Cropsey moved to amend the bill as follows:

1. Amend page 4, following line 2, by inserting:

“(5) IF THE BOARD OF A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, OR INTERMEDIATE SCHOOL DISTRICT OR THE GOVERNING BODY OF A PUBLIC SCHOOL ACADEMY OR NONPUBLIC SCHOOL DETERMINES IT NECESSARY TO EMPLOY AN INDIVIDUAL FOR A PARTICULAR SCHOOL YEAR DURING THAT SCHOOL YEAR OR WITHIN 30 DAYS BEFORE THE BEGINNING OF THAT SCHOOL YEAR, THE BOARD OR GOVERNING BODY MAY EMPLOY THE INDIVIDUAL AS A CONDITIONAL EMPLOYEE UNDER THIS SUBSECTION IF ALL OF THE FOLLOWING APPLY:

(A) THE INDIVIDUAL SIGNS THE STATEMENT REQUIRED UNDER SUBSECTION (1) BEFORE THE INDIVIDUAL IS CONDITIONALLY EMPLOYED.

(B) THE INDIVIDUAL SIGNS A STATEMENT THAT IDENTIFIES ALL UNPROFESSIONAL CONDUCT BY THE APPLICANT IN A PREVIOUS JOB, IF ANY, AND AGREEING THAT, IF INFORMATION DESCRIBED IN SUBSECTION (3) DESCRIBES UNPROFESSIONAL CONDUCT THAT IS NOT DISCLOSED IN THE INDIVIDUAL’S STATEMENT, HIS OR HER EMPLOYMENT CONTRACT WILL BE VOIDABLE AT THE OPTION OF THE BOARD OR GOVERNING BODY. THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE TO DISTRICTS AND NONPUBLIC SCHOOLS A MODEL FORM FOR THE STATEMENT REQUIRED UNDER THIS SUBDIVISION. THE DEPARTMENT SHALL MAKE THE MODEL FORM AVAILABLE TO PUBLIC SCHOOL ACADEMIES. A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, PUBLIC SCHOOL

ACADEMY, INTERMEDIATE SCHOOL DISTRICT, OR NONPUBLIC SCHOOL SHALL USE THE MODEL FORM FOR THE PURPOSES OF THIS SUBSECTION.

(6) IF AN INDIVIDUAL IS EMPLOYED AS A CONDITIONAL EMPLOYEE UNDER SUBSECTION (5) AND THE INFORMATION DESCRIBED IN SUBSECTION (3) DISCLOSES UNPROFESSIONAL CONDUCT THAT IS NOT DISCLOSED IN THE INDIVIDUAL'S STATEMENT UNDER SUBSECTION (5), THE BOARD OR GOVERNING BODY MAY VOID THE INDIVIDUAL'S EMPLOYMENT CONTRACT. IF AN EMPLOYMENT CONTRACT IS VOIDED UNDER THIS SUBSECTION, THE INDIVIDUAL'S EMPLOYMENT IS TERMINATED, A COLLECTIVE BARGAINING AGREEMENT THAT WOULD OTHERWISE APPLY TO THE INDIVIDUAL'S EMPLOYMENT DOES NOT APPLY TO THE TERMINATION, AND THE SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, INTERMEDIATE SCHOOL DISTRICT, OR NONPUBLIC SCHOOL OR THE BOARD OR GOVERNING BODY IS NOT LIABLE FOR THE TERMINATION.

(7) AFTER THE EXPIRATION OF 1 CALENDAR YEAR AFTER THE BEGINNING DATE OF THE INDIVIDUAL'S EMPLOYMENT, AN EMPLOYEE EMPLOYED AS A CONDITIONAL EMPLOYEE UNDER SUBSECTION (5) IS NO LONGER CONSIDERED A CONDITIONAL EMPLOYEE FOR THE PURPOSES OF THIS SECTION." and renumbering the remaining subsections.

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

The demand was supported.

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

Rep. Anthony moved that consideration of the bill be postponed for the day.

The motion prevailed.

The House returned to the consideration of

Senate Bill No. 941, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 41a, 226a, 248, 251, 801, and 807 (MCL 257.41a, 257.226a, 257.248, 257.251, 257.801, and 257.807), sections 41a, 248, 251, and 807 as amended by 1993 PA 300, section 226a as amended by 1996 PA 59, and section 801 as amended by 1997 PA 80.

(The bill was considered earlier today, see today's Journal, p. 2122.)

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

Rep. Gubow demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 883

Yeas—21

Anthony	Dobb	Kaza	Sanborn
Bogardus	Emerson	Llewellyn	Schroer
Brater	Freeman	Prusi	Scranton
Callahan	Gire	Richner	Voorhees
Ciaramitaro	Gubow	Rocca	Wojno
DeHart			

Nays—75

Alley	Galloway	Kukuk	Parks
Baade	Geiger	LaForge	Perricone
Baird	Gernaat	Law	Price
Bankes	Gilmer	Leland	Profit
Basham	Godchaux	LeTarte	Raczkowski
Birkholz	Goschka	London	Rhead
Bodem	Green	Lowe	Rison

Brackenridge	Gustafson	Mans	Schauer
Brewer	Hale	Martinez	Schermesser
Brown	Hammerstrom	Mathieu	Scott
Byl	Hanley	McBryde	Sikkema
Cassis	Hood	McManus	Stallworth
Cherry	Horton	McNutt	Tesanovich
Crissman	Jansen	Middaugh	Vaughn
Dalman	Jelinek	Middleton	Walberg
DeVuyst	Jellema	Nye	Wallace
Dobronski	Johnson	Olshove	Wetters
Fitzgerald	Kelly	Owen	Willard
Frank	Kilpatrick	Oxender	

In The Chair: DeHart

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

House Bill No. 5987, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214), as amended by 1998 PA 82.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 72, p. 2097),

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

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

Rep. Palamara entered the House Chambers.

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

Reps. Profit, Dobronski, Dalman, Schermesser, DeVuyst, Voorhees, Bodem, Cropsey, McBryde, Goschka, Freeman, DeHart, Richner, Varga, Cherry, Hale, Green, Jansen, Jelinek, Birkholz, Schauer, Dobb and Parks offered the following resolution:

House Resolution No. 376.

A resolution honoring the 170th anniversary of the first recorded meeting of The Presbytery of Detroit.

Whereas, We are proud to join with The Presbytery of Detroit in celebration of the 170th anniversary of this outstanding organization. This milestone is a reflection of unselfishness and commitment to the common good that is most commendable. While this distinguished organization celebrates 170 years of devotion and service, we offer our thanks for the gifts they have shared within the community and throughout the entire state; and

Whereas, The Presbytery of Detroit was founded in 1828. Its origins can be traced to the vision and prayerfulness of a small but fervent group of people who came together with a wish to worship and the desire to share their concern for others; and

Whereas, In a spirit of unity that has only grown stronger with the passing of the years, The Presbytery of Detroit has been devoted to carrying out noble ideals since its inception. Milestones of its history stand as symbols of commitment and stewardship; and

Whereas, With ceremonies to celebrate its history, Dr. Douglas Oldenburg, Moderator of the Presbyterian Church (USA) and President of Columbia Theological Seminary since 1987, will serve as preacher on this August occasion; and

Whereas, As the celebrants remember and honor their past, they will also look to the future and to the many ways in which they will continue to reach out in our state; now, therefore, be it

Resolved by the House of Representatives, That the highest praise and admiration be accorded on this 170th anniversary celebration of The Presbytery of Detroit; and be it further

Resolved, That a copy of this resolution be presented to The Presbytery of Detroit as a token of the high esteem in which it is held.

Pending the reference of the resolution to a committee,

Rep. Gagliardi 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, a majority of the members serving voting therefor.

Reps. Profit, Schermesser, Freeman, Martinez, DeHart, Varga, Cherry, Hale, Green and Parks offered the following resolution:

House Resolution No. 377.

A resolution honoring the founders and supporters of the Universal Declaration of Human Rights.

Whereas, We are proud to recognize the 50th anniversary of the Universal Declaration of Human Rights to be celebrated at the Red Mass on Tuesday, September 19, 1998, organized by the University of Detroit Mercy School of Law. We are pleased to add our voice of thanks for the many ways in which this document has protected and promoted the dignity of all peoples; and

Whereas, The United Nations, with United States leadership, unanimously adopted the Universal Declaration of Human Rights on December 10, 1948. This modern document proclaims many of the same rights and freedoms of the American Bill of Rights and has been called the International Bill of Rights; and

Whereas, At each years Red Mass celebration, the anniversary of this important document, members of the bench and bar renew the Lawyer's Oath of Commitment, solemnly swearing to support the Constitution and laws of the United States; and

Whereas, The Universal Declaration of Human Rights was signed by the United States and 175 other countries. This document reaffirms our belief in human rights and equality of all; now, therefore, be it

Resolved by the House of Representatives, That the highest praise and admiration be accorded on this 50th anniversary celebration of the Universal Declaration of Human Rights; and be it further

Resolved, That a copy of this resolution be presented to the University of Detroit Mercy School of Law on this august occasion.

Pending the reference of the resolution to a committee,

Rep. Gagliardi 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, a majority of the members serving voting therefor.

Reps. Voorhees, Llewellyn, Brackenridge, Oxender, Jelinek, Lowe, McManus, Horton, Scranton, Cropsey, McNutt, DeVuyst, London, Birkholz, Green, McBryde, Galloway, Walberg, Kukuk, Cassis, Dalman, Rocca, Jansen, Hammerstrom and Parks offered the following resolution:

House Resolution No. 378.

A resolution to memorialize the Congress of the United States to take actions against any federal official who is found guilty of or admits inappropriate and illegal actions.

Whereas, The study of previous civilizations throughout history shows that many great societies have crumbled from within due to moral turpitude and inappropriate conduct; and

Whereas, The experiment of a democratic republic is built upon the concept of the rule of law. This system of self-government depends upon a moral people exercising personal restraint and an avowed acceptance of and obedience to law and the process of enforcing the law in order to function smoothly; and

Whereas, Impeachment is the proper constitutional response to any federal governmental official found guilty of or admitting acts of moral turpitude and inappropriate conduct; and

Whereas, Any sitting official who knowingly commits perjury or who knowingly obstructs justice and the process of law should be subject to an inquiry of impeachment; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to take actions against any federal official who is found guilty of or admits inappropriate and illegal actions; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on House Oversight and Ethics.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, September 17:

Senate Bill Nos. 1307 1314

The Clerk announced that the following bills had been printed and placed upon the files of the members, Wednesday, September 23:

**House Bill Nos. 6095 6096 6097 6098 6099 6100 6101 6102 6103 6104 6105 6106 6107 6108
6109 6110 6111 6112 6113 6114 6115 6116 6117 6118 6119 6120 6121 6122
6123 6124 6125 6126 6127 6128 6129 6130 6131 6133 6134 6135 6136 6137
6138 6139**

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Commerce, by Rep. Griffin, Chair, reported

House Bill No. 5061, entitled

A bill to amend the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 4 (MCL 445.574), as amended by 1982 PA 39, and by adding sections 4a and 4b.

The committee recommended that the bill be referred to the Committee on Regulatory Affairs.

Favorable Roll Call

HB 5061 To Report Out:

Yeas: Reps. Griffin, Alley, Callahan, Mans, Schermesser, Gernaat, Kaza, Kukuk, Rhead, Sanborn, Walberg,

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on Regulatory Affairs.

The Committee on Commerce, by Rep. Griffin, Chair, reported

House Bill No. 5906, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," (MCL 450.2101 to 450.3192) by adding section 501a. With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 5906 To Report Out:

Yeas: Reps. Griffin, Alley, Callahan, Mans, Schermesser, Gernaat, Kaza, Kukuk, Rhead, Richner, Sanborn, Walberg,

Nays: None.

The Committee on Commerce, by Rep. Griffin, Chair, reported

Senate Bill No. 1149, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 725 (MCL 339.725), as added by 1997 PA 10.

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 1149 To Report Out:

Yeas: Reps. Griffin, Alley, Callahan, Mans, Schermesser, Gernaat, Kukuk, Rhead, Sanborn, Walberg,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 23, 1998, at 9:00 a.m.,

Present: Reps. Griffin, Alley, Callahan, Mans, Schermesser, Gernaat, Kaza, Kukuk, Rhead, Richner, Sanborn, Walberg,

Absent: Reps. Thomas, Murphy, Olshove, Palamara, Varga,

Excused: Reps. Thomas, Olshove, Palamara, Varga.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

Senate Bill No. 209, entitled

A bill to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts.

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

1. Amend page 2, line 6, by striking out all of line 6 and inserting "'estates and protected individuals code'."
2. Amend page 3, line 19, after "involved." by striking out "'Child'" and inserting "Child".
3. Amend page 4, line 1, after "administration." by striking out "'Claim'" and inserting "Claim".
4. Amend page 4, line 15, after "agency" by inserting a comma and "and as certified by the state treasurer".
5. Amend page 4, line 16, after "court" by inserting "or, when applicable, the family division of the circuit court".
6. Amend page 6, line 3, by striking out "'estate'" and inserting "estate".
7. Amend page 7, line 8, by striking out all of line 8 through "appointment." on line 10 and inserting:
 "(k) "Guardian" means a person who has qualified as a guardian of a minor or incapacitated individual under a parental or spousal nomination or a court appointment and includes a limited guardian as described in sections 5205, 5206, and 5306."
8. Amend page 7, line 10, after "appointment." by striking out "'Guardian'" and inserting "Guardian".
9. Amend page 8, line 12, after "proceeding" by inserting a comma and "and by the supreme court rules".
10. Amend page 10, line 2, after "question." by striking out "'Parent'" and inserting "Parent".
11. Amend page 10, line 15, by striking out all of subdivision (k) and inserting:
 "(k) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity."
12. Amend page 12, line 21, by striking out "'Survive'" and inserting "Survive".
13. Amend page 13, line 1, after "created." by striking out "'Trust'" and inserting "Trust".
14. Amend page 13, line 4, after "trust." by striking out "'Trust'" and inserting "Trust".
15. Amend page 17, line 22, after "1208." by inserting "(1)".
16. Amend page 18, line 19, after "than" by striking out "60" and inserting "63".
17. Amend page 18, line 20, after "than" by striking out "3" and inserting "7".
18. Amend page 18, line 21, after "disaster" by striking out the balance of the subdivision and inserting a period.
19. Amend page 19, line 7, by striking out "(f)" and inserting "(2)".
20. Amend page 19, line 8, after the second "section" by striking out "1208" and inserting "1207".
21. Amend page 19, line 15, by striking out "(g)" and inserting "(3)".
22. Amend page 19, line 16, after "in" by striking out the balance of the line through "(g)," on line 18 and inserting "section 1207(b), (c), or (g), a document described in section 1207(b), (c), or (g)".

23. Amend page 20, line 13, after "and" by striking out "31102" and inserting "3983".
24. Amend page 20, line 14, after "1," by striking out "1999" and inserting "2001".
25. Amend page 20, line 15, after "31," by striking out "1998" and inserting "2000".
26. Amend page 20, line 18, after "1," by striking out "1999, and annually after 1999" and inserting "2001, and annually after 2001".
27. Amend page 21, line 2, after "providing" by striking out the balance of the line and inserting "general information, blank forms, and".
28. Amend page 21, line 3, after "concerning" by inserting "the preparation of".
29. Amend page 21, line 5, after "beneficiary," by inserting "protected individual,".
30. Amend page 21, line 19, after "beneficiaries," by inserting "protected individuals,".
31. Amend page 21, line 24, after "beneficiary," by inserting "protected individual,".
32. Amend page 22, line 1, by striking out all of section 1213 and inserting:

"Sec. 1213. If an individual includes a provision in a will, trust document, or beneficiary designation that is designed to reduce federal estate tax liability to 0 or the lowest possible amount payable by describing a portion or amount measured by reference to the unified credit, the exemption equivalent, other credits, or other deductions, then unless specifically stated otherwise, the reference to the credits, exemption, or deductions shall be considered to include a reference to the family-owned business deduction available under section 2057 of the internal revenue code of 1986, 26 U.S.C. 2057. Unless specifically stated otherwise, the reference to the unified credit or exemption equivalent, or to the family-owned business deduction, shall be considered to refer to the credit, exemption, or deduction as it exists at the time of death of the individual.
- Sec. 1214. Unless the governing instrument expressly authorizes such a transaction or investment, unless authorized by the court, or except as provided in section 185 of the banking code of 1969, 1969 PA 319, MCL 487.485, a fiduciary in the fiduciary's personal capacity shall not engage in a transaction with the estate that the fiduciary represents and shall not invest estate money in a company, corporation, or association with which the fiduciary is affiliated, other than as a bondholder or minority stockholder. A fiduciary in the fiduciary's personal capacity shall not personally derive a profit from the purchase, sale, or transfer of the estate's property. A fiduciary's deposit of money in a bank or trust company, in which the fiduciary is interested as an officer, director, or stockholder, does not constitute a violation of this section."
33. Amend page 23, line 24, after "(c)" by striking out "A" and inserting "Except as otherwise provided in section 1021 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1021, a".
34. Amend page 24, line 6, after "decendent," by inserting "protected individual,".
35. Amend page 24, line 14, after "Determine" by striking out "cy pres" and inserting "cy-pres".
36. Amend page 24, line 18, after "of" by striking out "an estate fiduciary" and inserting "a fiduciary of the estate".
37. Amend page 25, line 15, after "decendent's," by inserting "a protected individual's,".
38. Amend page 27, line 8, after "order" by striking out the balance of the line and inserting "a fiduciary of an estate".
39. Amend page 27, line 14, after "order" by inserting "in a proceeding".
40. Amend page 27, line 21, after "interest." by inserting "Under this subdivision, the court shall not enjoin a respondent in a proceeding to appoint a guardian or conservator or enjoin a ward or protected individual.".
41. Amend page 28, line 26, after "3414," by striking out "or 3705" and inserting "3705, or 5426".
42. Amend page 34, line 13, after "Sec. 1506." by striking out "(1)".
43. Amend page 34, line 15, by striking out all of subsection (2).
44. Amend page 38, line 16, by striking out all of section 2102 and inserting:

"Sec. 2102. (1) The intestate share of a decedent's surviving spouse is 1 of the following:

 - (a) The entire intestate estate if no descendant or parent of the decedent survives the decedent.
 - (b) The first \$150,000.00, plus 1/2 of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse and there is no other descendant of the surviving spouse who survives the decedent.
 - (c) The first \$150,000.00, plus 3/4 of any balance of the intestate estate, if no descendant of the decedent survives the decedent, but a parent of the decedent survives the decedent.
 - (d) The first \$150,000.00, plus 1/2 of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse and the surviving spouse has 1 or more surviving descendants who are not descendants of the decedent.
 - (e) The first \$150,000.00, plus 1/2 of any balance of the intestate estate, if 1 or more, but not all, of the decedent's surviving descendants are not descendants of the surviving spouse.
 - (f) The first \$100,000.00, plus 1/2 of any balance of the intestate estate, if none of the decedent's surviving descendants are descendants of the surviving spouse.

(2) Each dollar amount listed in subsection (1) shall be adjusted as provided in section 1210.".
45. Amend page 47, line 3, after the first "within" by striking out "60" and inserting "63".

46. Amend page 47, line 4, by striking out "60" and inserting "63".
47. Amend page 48, line 18, after "interested" by striking out "parties" and inserting "persons".
48. Amend page 53, line 12, after "2402." by striking out "(1)".
49. Amend page 53, line 23, by striking out all of subsection (2).
50. Amend page 57, line 10, by striking out the balance of the section and inserting:
 "(2) A will that does not comply with subsection (1) is valid as a holographic will, whether or not witnessed, if it is dated, and if the testator's signature and the document's material portions are in the testator's handwriting.
 (3) Intent that a document constitutes a testator's will can be established by extrinsic evidence, including, for a holographic will, portions of the document that are not in the testator's handwriting."
51. Amend page 58, line 7, after "witnesses" by striking out "affidavits" and inserting "sworn statements".
52. Amend page 59, line 26, after the first "the" by striking out "affidavits" and inserting "sworn statements".
53. Amend page 61, line 7, after "witnesses" by striking out "affidavits" and inserting "sworn statements".
54. Amend page 62, line 24, after "self-proving" by striking out "affidavit" and inserting "sworn statement".
55. Amend page 69, line 20, after "interested" by striking out "party" and inserting "person".
56. Amend page 88, line 12, after "If" by striking out "a conservator or".
57. Amend page 88, line 13, after "principal" by inserting "or a conservator".
58. Amend page 88, line 16, after "paid" by striking out "to a conservator or".
59. Amend page 88, line 18, after "principal" by inserting "or to a conservator".
60. Amend page 89, line 1, after "testator's" by striking out "incapacity" and inserting "disability".
61. Amend page 97, line 5, after "decedent." by striking out "Beneficiary" and inserting "Beneficiary".
62. Amend page 97, line 10, by striking out "Beneficiary" and inserting "Beneficiary".
63. Amend page 109, line 21, after "per" by striking out "stripes" and inserting "stirpes".
64. Amend page 113, line 4, after "upon" by striking out "application" and inserting "petition".
65. Amend page 113, line 18, after "to" by striking out "assure" and inserting "ensure".
66. Amend page 126, line 17, after "2901." by inserting "(1) This part shall be known and may be cited as the
 "disclaimer of property interests law".
 (2)".
67. Amend page 126, line 23, after "appointment." by striking out "Disclaimable interest" and inserting
 "Disclaimable interest".
68. Amend page 127, line 22, by striking out "Governing instrument" and inserting "Governing instrument".
69. Amend page 128, line 4, after "part," by striking out "joint property" and inserting "joint property".
70. Amend page 128, line 13, after the first "by" by striking out "intestate or testate" and inserting "testate
 succession, by intestate or other statutory".
71. Amend page 128, line 21, after "it." by striking out "Trust" and inserting "Trust".
72. Amend page 128, line 26, after "trust." by striking out "Trust" and inserting "Trust".
73. Amend page 132, line 10, after "person" by inserting "or fiduciary".
74. Amend page 132, line 26, after "interested" by striking out "parties" and inserting "persons".
75. Amend page 135, line 24, after "the" by inserting "other".
76. Amend page 138, following line 4, by inserting:
 "(3) A spouse who is the beneficiary of a property interest for which a marital deduction is claimed under the
 internal revenue code of 1986 cannot disclaim his or her interest after 9 months after the date on which the governing
 instrument containing the transfer is irrevocable."
77. Amend page 138, line 18, after "Sec." by striking out "21001" and inserting "2951".
78. Amend page 138, line 20, after "with" by striking out "sections 21002 to 21005" and inserting "this part".
79. Amend page 138, line 22, after "tion" by striking out "21009" and inserting "2959".
80. Amend page 138, line 26, after "Sec." by striking out "21002" and inserting "2952".
81. Amend page 139, line 9, after "Sec." by striking out "21003" and inserting "2953".
82. Amend page 140, line 10, after "Sec." by striking out "21004" and inserting "2954".
83. Amend page 140, line 11, after "section" by striking out "21003" and inserting "2953".
84. Amend page 140, line 27, after "section" by striking out "21005" and inserting "2955".
85. Amend page 141, line 1, after "section" by striking out "21003" and inserting "2953".
86. Amend page 141, line 3, after "Sec." by striking out "21005" and inserting "2955".
87. Amend page 142, line 22, after "Sec." by striking out "21006" and inserting "2956".
88. Amend page 143, line 1, after "Sec." by striking out "21007" and inserting "2957".
89. Amend page 143, line 3, after "Sec." by striking out "21008. Sections 21001 to 21007" and inserting "2958.
 Sections 2951 to 2957".
90. Amend page 143, line 8, after "Sec." by striking out "21009" and inserting "2959".
91. Amend page 145, line 11, after "section" by striking out "31005" and inserting "3955".
92. Amend page 145, line 12, after "section" by striking out "31006" and inserting "3956".

93. Amend page 146, line 1, after "if" by striking out "less" and inserting "fewer".
94. Amend page 146, line 24, after "than" by striking out "12 months" and inserting "1 year".
95. Amend page 146, line 26, after "than" by striking out "12 months" and inserting "1 year".
96. Amend page 146, line 27, after "after" by striking out "12 months" and inserting "1 year".
97. Amend page 147, line 16, after "(3)" by striking out "or section 1303" and inserting a comma and "in section 856 of the revised judicature act of 1961, MCL 600.856, or by supreme court rule".
98. Amend page 149, line 3, after "After" by striking out "45" and inserting "42".
99. Amend page 149, line 8, after "within" by striking out "45" and inserting "42".
100. Amend page 152, line 4, after "shall" by striking out the balance of the line through "be" on line 5 and inserting "swear that the application is".
101. Amend page 154, line 20, after "By" striking out "verifying" and inserting "swearing to".
102. Amend page 156, line 3, after "statement" by striking out "or affidavit".
103. Amend page 157, line 4, after "Within" by striking out "30" and inserting "28".
104. Amend page 158, line 1, after "the" by striking out "applicant" and inserting "person whose appointment is sought".
105. Amend page 158, line 3, after "until" by striking out "30" and inserting "28".
106. Amend page 164, line 21, after the first "the" by striking out "affidavit" and inserting "sworn statement".
107. Amend page 164, line 22, after the second "the" by striking out "affidavit" and inserting "sworn statement".
108. Amend page 164, line 24, after "or" by striking out "affidavit" and inserting "sworn statement".
109. Amend page 165, line 14, after "and" by striking out "affidavits" and inserting "sworn statements".
110. Amend page 165, line 16, after "or" by striking out "affidavit" and inserting "a sworn statement".
111. Amend page 169, line 5, after "(b)" by striking out "Twelve months" and inserting "One year".
112. Amend page 170, line 7, by striking out "an applicant for" and inserting "seeking".
113. Amend page 171, line 26, after "interested" by striking out "parties" and inserting "persons".
114. Amend page 172, line 2, after "interested" by striking out "party" and inserting "person".
115. Amend page 174, line 6, after "a" by striking out "power" and inserting "restriction".
116. Amend page 174, line 6, after "the" by striking out "power" and inserting "restriction".
117. Amend page 174, line 12, after "section" by striking out "31001" and inserting "3951".
118. Amend page 174, line 26, after "exceed" by striking out the balance of the line through "months" on line 27 and inserting "91 days".
119. Amend page 176, line 27, after "interested" by striking out "party" and inserting "person".
120. Amend page 177, line 5, after "as" by striking out "provided by statute" and inserting "determined by the court".
121. Amend page 177, line 5, after "with" by striking out the balance of the line through "state" on line 6 and inserting "the county treasurer".
122. Amend page 177, line 21, after "deposited" by striking out the balance of the line through "6201," on line 22 and inserting "in this state with a financial institution".
123. Amend page 178, line 17, after "within" by striking out "30" and inserting "28".
124. Amend page 180, line 15, after "than" by striking out "10" and inserting "14".
125. Amend page 181, line 24, after "section" by striking out "31004" and inserting "3954".
126. Amend page 181, line 27, after "section" by striking out "31002 or 31003" and inserting "3952 or 3953".
127. Amend page 182, line 1, after "least" by striking out "15" and inserting "14".
128. Amend page 183, line 24, after "within" by striking out "30" and inserting "28".
129. Amend page 185, line 11, after "qualified" by inserting a comma and "unless the court finds the appointment is not in the best interest of the estate or the estate's beneficiaries".
130. Amend page 188, line 24, after "than" by striking out "30" and inserting "28".
131. Amend page 190, following line 10, by inserting:

"(iv) Unless waived, a copy of the account, including, but not limited to, fiduciary fees and attorney fees charged to the estate."
132. Amend page 190, line 11, after "interested" by striking out "party" and inserting "person".
133. Amend page 190, line 13, after "administration" by inserting a comma and "including, but not limited to, distribution of assets and expenses of administration".
134. Amend page 190, line 17, after "within" by striking out "12 months" and inserting "1 year".
135. Amend page 190, line 18, after "within" by striking out "30" and inserting "28".
136. Amend page 192, line 3, after "Within" by striking out "30" and inserting "28".
137. Amend page 192, line 9, after "Within" by striking out "3 months" and inserting "91 days".
138. Amend page 200, line 3, after "for" by inserting "reasonably necessary".
139. Amend page 200, line 4, after "an" by striking out "attorney,".
140. Amend page 200, following line 11, by inserting:

"(w) Employ an attorney to perform necessary legal services or to advise or assist the personal representative in the performance of the personal representative's administrative duties. An attorney employed under this subdivision shall receive reasonable compensation for that employment." and relettering the remaining subdivisions.

141. Amend page 203, following line 18, by inserting:

“(2) If an attorney serves as personal representative, the attorney shall maintain time records that state the identity of the person performing personal representative services, the date the services are performed, the amount of time expended in performing the services, and a brief description of the services. Upon request of an interested person affected by payment of personal representative fees, the attorney shall send the time records to the interested person.” and renumbering the remaining subsections.

142. Amend page 204, line 9, after “person,” by striking out “or”.

143. Amend page 204, line 10, after “supervised,” by inserting “or on the court’s own motion.”.

144. Amend page 204, line 16, after “services.” by striking out the balance of the section and inserting “If the court determines that a person received excessive compensation from an estate for services rendered, the court shall order the person to pay an appropriate refund and may include in the refund amount interest and penalties as the court considers just.”.

145. Amend page 207, line 14, after “than” by striking out “1 month” and inserting “28 days”.

146. Amend page 207, line 15, after “within” by striking out “1 month” and inserting “28 days”.

147. Amend page 208, line 4, after “interested” by striking out “parties” and inserting “persons”.

148. Amend page 224, line 6, after “than” by striking out “30” and inserting “28”.

149. Amend page 225, line 20, after “within” by striking out “30” and inserting “28”.

150. Amend page 228, line 10, after “interested” by striking out “party” and inserting “person”.

151. Amend page 229, line 21, after the second “the” by striking out “application” and inserting “request”.

152. Amend page 232, line 7, after “may” by striking out “apply to” and inserting “petition”.

153. Amend page 232, line 10, after the first “the” by striking out “application” and inserting “petition”.

154. Amend page 233, line 7, after “statute.” by striking out the balance of the subsection and inserting “If the personal representative knows that a conservator has been appointed for an individual or that a proceeding for appointment of a conservator for the individual is pending, the personal representative is authorized to distribute only to the conservator. If the personal representative knows that a guardian of the estate of an individual with a developmental disability has been appointed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, or that a proceeding for appointment of a guardian of the estate for the individual with the developmental disability is pending, the personal representative is authorized to distribute only to the guardian of the estate.”.

155. Amend page 233, line 21, after “if” by striking out the balance of the subdivision and inserting “both of the following are true:

(i) A conservator has not been appointed for the individual.

(ii) The distribution is in amounts not exceeding \$5,000.00 a year or property not exceeding \$5,000.00 in value, unless the court authorizes a higher amount or value.”.

156. Amend page 234, line 21, after “section” by striking out “31001” and inserting “3951”.

157. Amend page 235, line 3, after “law,” by striking out the balance of the line through “code,” on line 5.

158. Amend page 237, line 9, after “intestacy,” by inserting “and”.

159. Amend page 237, line 10, after “trust,” by striking out the balance of the line through “4980A,” on line 12.

160. Amend page 239, line 13, after “different” by striking out “than” and inserting “from”.

161. Amend page 244, line 12, after “a” by striking out “verified” and inserting “sworn”.

162. Amend page 245, line 3, after “Sec.” by striking out “31001” and inserting “3951”.

163. Amend page 245, line 4, after “within” by striking out “12 months” and inserting “1 year”.

164. Amend page 245, line 6, after “section” by striking out the balance of the line through “31004” on line 7 and inserting “3952 or 3953 or by filing a sworn statement under section 3954”.

165. Amend page 245, line 11, after “than” by striking out “30” and inserting “28”.

166. Amend page 245, line 13, after “than” by striking out “30” and inserting “28”.

167. Amend page 245, line 18, after “section” by striking out “31002 or 31003” and inserting “3952 or 3953”.

168. Amend page 245, line 22, after “interested” by striking out “party’s” and inserting “person’s”.

169. Amend page 245, line 25, after “within” by striking out “60” and inserting “63”.

170. Amend page 246, line 3, after “section” by striking out the balance of the subdivision and inserting “3952 or 3953, or a sworn statement under section 3954.”.

171. Amend page 246, line 7, after “section” by striking out “31002 or 31003” and inserting “3952 or 3953”.

172. Amend page 246, line 8, after “Sec.” by striking out “31002” and inserting “3952”.

173. Amend page 247, line 3, after “interested” by striking out “parties” and inserting “persons”.

174. Amend page 247, line 14, after “Sec.” by striking out “31003” and inserting “3953”.

175. Amend page 248, line 9, after “section” by striking out “31002” and inserting “3952”.

176. Amend page 248, line 10, after “Sec.” by striking out “31004” and inserting “3954”.

177. Amend page 248, line 14, after the second “a” by striking out “verified” and inserting “sworn”.

178. Amend page 249, line 8, after "administration." by inserting "The account shall clearly state the amount paid out of the estate in fiduciary fees, attorney fees, and other professional fees."
179. Amend page 249, line 12, after "Sec." by striking out "31005" and inserting "3955".
180. Amend page 249, line 13, after "section" by striking out "31007" and inserting "3957".
181. Amend page 249, line 26, after "Sec." by striking out "31006" and inserting "3956".
182. Amend page 250, line 9, after "Sec." by striking out "31007" and inserting "3957".
183. Amend page 250, line 22, after "Sec." by striking out "31008" and inserting "3958".
184. Amend page 250, line 23, after "within" by striking out "30" and inserting "28".
185. Amend page 251, line 5, after "Sec." by striking out "31009" and inserting "3959".
186. Amend page 251, line 17, by striking out all of lines 17 and 18 and inserting:
"COLLECTION OF PERSONAL PROPERTY BY SWORN STATEMENT,
SMALL ESTATES,
AND SUMMARY ADMINISTRATIVE PROCEEDINGS".
187. Amend page 251, line 19, after "Sec." by striking out "31101" and inserting "3981".
188. Amend page 251, line 22, after "and" by striking out "an affidavit" and inserting "a sworn statement".
189. Amend page 252, following line 5, by inserting:
"Sec. 3982. (1) Upon a showing of evidence, satisfactory to the court, of payment of the expenses for the decedent's funeral and burial and if the balance of a decedent's gross estate consists of property of the value of \$15,000.00 or less, the court may order that the property be turned over to the surviving spouse or, if there is not a spouse, to the decedent's heirs.
(2) Upon a showing of evidence, satisfactory to the court, that the decedent's funeral or burial expenses are unpaid or were paid by a person other than the estate, and if the balance of the gross estate after payment of the expenses would consist of property of the value of \$15,000.00 or less, the court shall order that the property be first used to pay the unpaid funeral and burial expenses, or to reimburse the person that paid those expenses, and may order that the balance be turned over to the surviving spouse or, if there is not a spouse, to the decedent's heirs.
(3) Other than a surviving spouse who qualifies for allowances under this act or the decedent's minor children, an heir who receives property through an order under this section is responsible, for 63 days after the date of the order, for any unsatisfied debt of the decedent up to the value of the property received through the order. The court shall state in the order the condition on the distribution of property provided by this subsection.
(4) If a decedent's estate meets the criteria for using the procedure under either this section or section 3983 and if a person is authorized by this act to use either procedure, a person, other than the court, shall not require the authorized person to use 1 procedure rather than the other.
(5) A dollar amount prescribed by this section shall be adjusted as provided in section 1210."
190. Amend page 252, line 6, after "Sec." by striking out "31102. (1) After 30" and inserting "3983. (1) After 28".
191. Amend page 252, line 12, after "presented" by striking out "an affidavit" and inserting "with the decedent's death certificate and a sworn statement".
192. Amend page 252, line 14, after "The" by inserting "estate does not include real property and the".
193. Amend page 252, line 17, after "(b)" by striking out "Thirty" and inserting "Twenty-eight".
194. Amend page 252, following line 22, by inserting:
"(e) The name and address of each other person that is entitled to a share of the property and the portion to which each is entitled."
195. Amend page 252, line 25, after "of" by striking out "an affidavit" and inserting "a sworn statement".
196. Amend page 252, following line 26, by inserting:
"(3) The state court administrative office shall develop and make available a standardized form for use as a sworn statement that can be used for the procedure authorized under subsection (1). The form shall include a notice that a false statement may subject the person swearing to the statement to prosecution for perjury."
197. Amend page 253, line 1, after "Sec." by striking out "31103" and inserting "3984".
198. Amend page 253, line 3, after "under" by striking out "an affidavit as provided in section 31102" and inserting "a sworn statement as provided in section 3983".
199. Amend page 253, line 8, after "the" by striking out "affidavit" and inserting "sworn statement".
200. Amend page 253, line 9, after "whom" by striking out "an affidavit" and inserting "a sworn statement".
201. Amend page 253, line 10, after "section" by striking out "31102" and inserting "3983".
202. Amend page 253, line 19, after "Sec." by striking out "31104" and inserting "3987".
203. Amend page 253, line 27, after "section" by striking out "31105" and inserting "3988".
204. Amend page 254, line 1, after "Sec." by striking out "31105" and inserting "3988".
205. Amend page 254, line 4, after "section" by striking out "31104" and inserting "3987".
206. Amend page 254, line 6, after "a" by striking out "verified" and inserting "sworn".
207. Amend page 254, following line 22, by inserting:
"(2) The sworn statement filed under this section has the same effect as a sworn statement filed under section 3954. If an objection to the sworn statement is not filed within 28 days after the filing date, the register shall issue a certificate described in section 3958." and renumbering the remaining subsections.

208. Amend page 255, line 1, by striking out all of subsection (3).
209. Amend page 256, line 20, after "of" by striking out "60" and inserting "63".
210. Amend page 257, line 1, after "and" by striking out "an affidavit" and inserting "a sworn statement".
211. Amend page 257, line 10, after "and" by striking out "affidavit" and inserting "a sworn statement".
212. Amend page 260, line 13, after "than" by striking out "30" and inserting "28".
213. Amend page 262, line 19, by striking out all of subdivisions (d) and (e) and relettering the remaining subdivisions.
214. Amend page 264, line 22, after the second "or" by inserting "a guardian of an".
215. Amend page 264, line 24, after "any" by inserting "of the parent's or guardian's".
216. Amend page 264, line 25, after "ward" by striking out the balance of the section and inserting a comma and "except the power to consent to marriage or adoption of a minor ward or to release of a minor ward for adoption. If a guardian for a minor or incapacitated individual delegates any power under this section, the guardian shall notify the court within 7 days after execution of the power of attorney, and provide the court the name, address, and telephone number of the attorney-in-fact".
217. Amend page 265, line 12, after "filing." by inserting "If a guardianship or protective proceeding is not pending at the time a person files a request for notice as authorized by this subsection, the person shall pay a fee for filing the request, which fee shall be in the same amount as, but is separate from, the fee required to commence such a proceeding."
218. Amend page 267, line 1, by striking out all of line 1 through the first "the" on line 4, and inserting:
"(3) The court shall not appoint a corporation as authorized under subsection (1) unless the corporation files a bond in an amount and with the conditions as determined by the court. The".
219. Amend page 269, line 2, after "within" by striking out "30" and inserting "28".
220. Amend page 270, line 4, by striking out all of subdivision (d).
221. Amend page 270, line 14, after "within" by striking out "30" and inserting "28".
222. Amend page 272, line 24, after "guardian" by striking out the balance of the section and inserting "shall not consent to marriage or adoption of the minor ward or to the release of the minor ward for adoption."
223. Amend page 277, line 10, after the first "the" by striking out "juvenile division of the probate" and inserting "family division of the circuit".
224. Amend page 278, line 6, after the first "the" by striking out "60" and inserting "63".
225. Amend page 280, line 16, after the second "to" by striking out the balance of the subdivision and inserting "marriage or adoption of a minor ward or to the release of a minor ward for adoption."
226. Amend page 280, following line 25, by inserting:
"(g) Within 14 days after a change in the ward's place of residence, the guardian shall give to the court notice of the ward's new address."
227. Amend page 285, line 10, after "appoint" by striking out the balance of the line through line 11 and inserting "a guardian ad litem".
228. Amend page 285, line 12, after "person" by inserting "in the proceeding".
229. Amend page 291, line 2, by striking out "180" and inserting "182".
230. Amend page 294, line 18, after "5314." by inserting "Whenever meaningful communication is possible, an incapacitated individual's guardian should consult with the incapacitated individual before making a major decision affecting the incapacitated individual."
231. Amend page 299, line 1, by striking out all of section 5318 and inserting:
"Sec. 5318. If a third person is dealing with a guardian or is assisting a guardian in the conduct of a transaction, the third person may assume the existence of trust powers and their proper exercise by the guardian without inquiry. The third person is not bound to inquire whether the guardian may act or is properly exercising the power. Unless the third person has actual knowledge that the guardian is exceeding the guardian's powers or improperly exercising them, a third person is fully protected in dealing with the guardian as if the guardian possessed and properly exercised the powers the guardian purports to exercise. A third person is not bound to assume the proper application of estate assets paid or delivered to the guardian. This section does not apply to a third person dealing with a limited guardian."
232. Amend page 302, line 16, by striking out "5207" and inserting "5213(1)".
233. Amend page 303, line 7, after "counsel" by striking out the balance of the line through "litem." on line 9 and inserting "or is mentally competent but aged or physically infirm, the court shall appoint a guardian ad litem to represent the person in the proceeding."
234. Amend page 303, line 12, after "individual" by striking out the balance of the line through "detained." on line 15 and inserting "alleged to need protection be examined by a physician or mental health professional appointed by the court, preferably a physician or mental health professional who is not connected with an institution in which the individual is a patient or is detained. The individual alleged to need protection has the right to secure an independent evaluation at his or her own expense."
235. Amend page 304, line 5, after "may" by striking out "apply for" and inserting "request".

236. Amend page 304, line 13, after “lished” by inserting “by clear and convincing evidence”.
237. Amend page 309, following line 7, by inserting:
“(h) If none of the persons listed in subdivisions (a) to (g) are suitable and willing to serve, any person that the court determines is suitable and willing to serve.”.
238. Amend page 311, line 3, after “exceeding” by striking out “3 months” and inserting “91 days”.
239. Amend page 312, line 16, after “ceeding” by striking out the balance of the line through “estate,” on line 18.
240. Amend page 313, line 19, after “Within” by striking out “90” and inserting “63”.
241. Amend page 313, line 26, by striking out “practicable” and inserting “the individual can be located”.
242. Amend page 320, line 10, after “an” by striking out “attorney,”.
243. Amend page 320, following line 16, by inserting:
“(z) Employ an attorney to perform necessary legal services or to advise or assist the conservator in the performance of the conservator’s administrative duties. An attorney employed under this subdivision shall receive reasonable compensation for that employment.” and relettering the remaining subdivisions.
244. Amend page 325, line 8, by striking out “45” and inserting “42”.
245. Amend page 325, line 11, by striking out “apply” and inserting “petition”.
246. Amend page 325, line 13, after “Upon” by striking out “application” and inserting “petition”.
247. Amend page 325, line 16, by striking out all of line 16 and inserting “the petitioner is aware and after notice as described in section 1401, the court may grant the petition upon”.
248. Amend page 327, line 8, after “or” by striking out “after” and inserting “during”.
249. Amend page 330, line 13, after “successors” by striking out the balance of the line through “direct” on line 15 and inserting “subject to the provision in the order for expenses of administration and to directions for”.
250. Amend page 330, line 23, after “and” by striking out “an affidavit” and inserting “a sworn statement”.
251. Amend page 331, line 3, after the second “the” by striking out “affidavit” and inserting “sworn statement”.
252. Amend page 331, line 5, after “and” by striking out “affidavit” and inserting “sworn statement”.
253. Amend page 333, line 22, after “cutes” by striking out “an affidavit” and inserting “a sworn statement”.
254. Amend page 333, line 25, after the first “the” by striking out “affidavit” and inserting “sworn statement”.
255. Amend page 334, line 3, by striking out “affidavit” and inserting “sworn statement”.
256. Amend page 341, line 18, after “representatives.” by striking out “An affidavit” and inserting “A sworn statement”.
257. Amend page 345, line 2, by striking out all of lines 2 and 3 and inserting:

“NONPROBATE TRANSFERS ON DEATH
PART 1
EFFECT OF DEATH

Sec. 6101. (1) A provision for a nonprobate transfer on death in an insurance policy, contract of employment, bond, mortgage, promissory note, certificated or uncertificated security, account agreement, custodial agreement, deposit agreement, compensation plan, pension plan, individual retirement plan, employee benefit plan, trust, conveyance, deed of gift, marital property agreement, or other written instrument of similar nature is nontestamentary. This subsection includes a written provision in the instrument that is intended to result in 1 or more of the following:

(a) Money or another benefit due to, controlled by, or owned by a decedent before death is paid after the decedent’s death to a person, including a testamentary trustee, whom the decedent designates either in the instrument or in a separate writing, including a will, executed either before, at the same time as, or after the instrument.

(b) Money due or to become due under the instrument ceases to be payable in the event of death of the promisee or the promisor before payment or demand.

(c) Property the decedent controls or owns before death that is the subject of the instrument passes to a person the decedent designates either in the instrument or in a separate writing, including a will, executed either before, at the same time as, or after the instrument.

(2) This section does not limit creditors’ rights under another law of this state or another state or under federal law.

PART 3
UNIFORM TOD SECURITY REGISTRATION

Sec. 6301. As used in this part:”.

258. Amend page 345, line 20, by striking out all of subdivision (e) and inserting:

“(e) “Security account” includes all of the following:

(i) A reinvestment account associated with a security.

(ii) A securities account with a broker, financial institution, or subsidiary or affiliate of a financial institution.

(iii) A cash balance in an account with a broker, financial institution, or subsidiary or affiliate of a financial institution, whether or not credited to the account before the owner’s death.

(iv) Cash, interest, earnings, or dividends earned or declared on a security in an account, reinvestment account, or account with a broker, financial institution, or subsidiary or affiliate of a financial institution, whether or not credited to the account before the owner’s death.

(v) A cash balance or other property held for or due to the owner of a security as a replacement for or product of an account security, whether or not credited to the account before the owner's death."

259. Amend page 348, line 2, after "this" by striking out "article" and inserting "part".
 260. Amend page 348, line 6, after "this" by striking out "article" and inserting "part".
 261. Amend page 348, line 13, after "This" by striking out "article" and inserting "part".
 262. Amend page 348, line 14, after "by" by striking out "affidavit" and inserting "a sworn statement".
 263. Amend page 348, line 18, after "This" by striking out "article's" and inserting "part's".
 264. Amend page 348, line 23, after "this" by striking out "article" and inserting "part".
 265. Amend page 348, line 24, after "this" by striking out "article" and inserting "part".
 266. Amend page 349, line 4, after "this" by striking out "article" and inserting "part".
 267. Amend page 349, line 5, after "This" by striking out "article" and inserting "part".
 268. Amend page 349, line 22, after "per" by striking out "stripes" and inserting "stirpes".
 269. Amend page 351, following line 1, by inserting "TRUST ADMINISTRATION".
 270. Amend page 353, line 12, after "within" by striking out "30" and inserting "28".
 271. Amend page 354, line 12, after "interested" by striking out "party" and inserting "person".
 272. Amend page 356, line 5, by striking out "parties" and inserting "persons".
 273. Amend page 356, line 8, after "interested" by striking out "parties" and inserting "persons".
 274. Amend page 356, line 9, after "interested" by striking out "party" and inserting "person".
 275. Amend page 358, line 7, after "within" by striking out "30" and inserting "28".
 276. Amend page 358, line 9, after "within" by striking out "30" and inserting "28".
 277. Amend page 361, line 17, after "within" by striking out "12 months" and inserting "1 year".
 278. Amend page 362, line 14, after "interested" by striking out "parties" and inserting "persons".
 279. Amend page 367, line 4, after "an" by striking out "attorney,".
 280. Amend page 367, following line 11, by inserting:

"(w) To employ an attorney to perform necessary legal services or to advise or assist the trustee in the performance of the trustee's administrative duties. An attorney employed under this subdivision shall receive reasonable compensation for that employment." and relettering the remaining subdivisions.

281. Amend page 369, line 1, by striking out "(2)" and inserting "(3)".
 282. Amend page 375, line 1, after "section" by striking out "7401(1)(ff)" and inserting "7401(1)(gg)".
 283. Amend page 382, line 22, after "within" by striking out "1 month" and inserting "28 days".
 284. Amend page 388, line 3, after "effect" by striking out "July 1, 1998" and inserting "April 1, 2000".
 285. Amend page 389, line 1, by striking out all of subdivision (f).
 286. Amend page 389, following line 18, by inserting:

"(j) Sections 2931 and 2933 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2931 and 600.2933.

(k) 1996 PA 433, MCL 451.471 to 451.481."

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

Favorable Roll Call

SB 209 To Report Out:

Yeas: Reps. Wallace, Curtis, Gubow, Kilpatrick, Nye, Cropsey, Dalman, Fitzgerald, Law, McNutt, Richner,
 Nays: None.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

Senate Bill No. 625, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 217, 219, 233, 320e, 323, 732, and 904 (MCL 257.204a, 257.217, 257.219, 257.233, 257.320e, 257.323, 257.732, and 257.904), section 204a as amended by 1996 PA 102, section 217 as amended by 1996 PA 59, section 219 as amended by 1985 PA 67, section 233 as amended by 1980 PA 398, sections 320e and 732 as amended by 1996 PA 493, section 323 as amended by 1994 PA 449, and section 904 as amended by 1994 PA 450; and to repeal acts and parts of acts.

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

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

Favorable Roll Call

SB 625 To Report Out:

Yeas: Reps. Wallace, Curtis, Gubow, Kilpatrick, Nye, Cropsey, Dalman, Fitzgerald, Law, McNutt, Richner,
 Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wallace, Chair of the Committee on Judiciary, was received and read:
Meeting held on: Wednesday, September 23, 1998, at 9:00 a.m.,
Present: Reps. Wallace, Curtis, Gubow, Kilpatrick, Schauer, Nye, Cropsey, Dalman, Fitzgerald, Law, McNutt, Richner,
Absent: Reps. Baird, Freeman, Vaughn, Willard, Wojno,
Excused: Reps. Baird, Freeman, Vaughn, Willard, Wojno.

The Committee on Human Services and Children, by Rep. LaForge, Chair, reported
House Bill No. 5794, entitled
A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57b (MCL 400.57b), as added by 1995 PA 223.
With the recommendation that the substitute (H-3) be adopted and that the bill then pass.
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5794 To Report Out:
Yeas: Reps. LaForge, Scott, Bogardus, Gire, Schauer,
Nays: Reps. Horton, London, Sanborn.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaForge, Chair of the Committee on Human Services and Children, was received and read:
Meeting held on: Wednesday, September 23, 1998, at 9:00 a.m.,
Present: Reps. LaForge, Scott, Bogardus, Gire, Schauer, Horton, London, McManus, Sanborn.

The Committee on Tax Policy, by Rep. Profit, Chair, reported
House Bill No. 6047, entitled
A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39c.
With the recommendation that the substitute (H-3) be adopted and that the bill then pass.
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6047 To Report Out:
Yeas: Reps. Profit, Quarles, Freeman, Wojno, Perricone, Brackenridge, Dobb, Goschka, Middleton,
Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported
House Bill No. 6172, entitled
A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39d.
With the recommendation that the substitute (H-1) be adopted and that the bill then pass.
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6172 To Report Out:
Yeas: Reps. Profit, Quarles, Freeman, Wojno, Brackenridge, Cassis, Dobb, Goschka, Middleton,
Nays: None.

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

Senate Bill No. 776, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 107 (MCL 211.107), as amended by 1982 PA 539.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 776 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Wallace, Wojno, Brackenridge, Cassis, Goschka, Middleton,

Nays: None.

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

Senate Bill No. 778, entitled

A bill to authorize municipalities to collect delinquent property taxes and other delinquent assessments and charges by selling the liens related to delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to establish procedures for collecting delinquent taxes and enforcing tax liens; to authorize the imposition of fees, charges, interest, and penalties upon delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to create certain entities or to utilize certain existing entities to facilitate the sale and purchase of liens related to delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to issue certain obligations secured by liens related to delinquent property taxes and other delinquent assessments and charges; to provide for the issuance of, and terms and conditions for, obligations secured by liens related to delinquent property taxes and other delinquent assessments and charges; and to exempt the property, income, bonds, notes, and interest on bonds and notes of certain entities from certain taxes.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 778 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Wallace, Wojno, Brackenridge, Cassis, Goschka, Middleton,

Nays: None.

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

Senate Bill No. 1266, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 1996 PA 469.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 1266 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Wojno, Brackenridge, Cassis, Dobb, Goschka, Middleton,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 23, 1998, at 8:30 a.m.,

Present: Reps. Profit, Quarles, Agee, Freeman, Wallace, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Middleton,

Absent: Reps. Gubow, Hanley, Palamara, Wetters, Whyman,

Excused: Reps. Gubow, Hanley, Palamara, Wetters, Whyman.

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

House Bill No. 6035, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 165.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 6035 To Report Out:

Yeas: Reps. Gire, Bogardus, Brown, Schauer, Scott, Dalman, Crissman, Jelinek, LeTarte, Middleton,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 23, 1998, at 12:20 p.m.,

Present: Reps. Gire, Bogardus, Brown, Curtis, LaForge, Schauer, Scott, Dalman, Crissman, Jelinek, LeTarte, McNutt, Middleton,

Absent: Reps. Agee, Cherry, Kilpatrick, Cropsey,

Excused: Reps. Agee, Cherry, Kilpatrick, Cropsey.

Messages from the Senate

House Bill No. 5887, entitled

A bill to amend 1982 PA 528, entitled "An act to authorize the department of natural resources to convey certain state owned property in Sanilac county; and to prescribe conditions for the conveyance," by amending the title and sections 2 and 3 and by adding sections 2a and 2b.

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

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

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

Senate Bill No. 1282, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act of 1987," by amending sections 3, 8, 9, 14, 30a, and 30b (MCL 287.703, 287.708, 287.709, 287.714, 287.730a, and 287.730b), sections 3, 9, 14, 30a, and 30b as amended by 1996 PA 369 and section 8 as amended by 1994 PA 41, and by adding section 30c.

The Senate has passed the bill.

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

Communications from State Officers

The following communications from the Auditor General were received and read:

September 18, 1998

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the

Reporting of Driver License Points and the

Collection and Disposition of Fines and Fees

September 1998

September 22, 1998

Enclosed is a copy of the following audit report and/or executive digest:
 Performance Audit of the
 Intake to Parole Process
 Department of Corrections
 September 1998

September 22, 1998

Enclosed is a copy of the following audit report and/or executive digest:
 Financial Audit of the
 State Sponsored Group Insurance Fund
 Office of the State Employer and
 Department of Management and Budget
 October 1, 1995, through September 30, 1997

Sincerely,
 Thomas H. McTavish, C.P.A.
 Auditor General

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Ethics.

Introduction of Bills

Rep. Profit introduced

House Bill No. 6173, entitled

A bill to amend 1978 PA 642, entitled "Revised probate code," by amending section 103 (MCL 700.103).
 The bill was read a first time by its title and referred to the Committee on Judiciary.

Rep. Profit introduced

House Bill No. 6174, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16648, 18117, and 18237 (MCL 333.16648, 333.18117, and 333.18237), as amended by 1993 PA 79.
 The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Basham introduced

House Bill No. 6175, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 1997 PA 201.
 The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Willard introduced

House Bill No. 6176, entitled

A bill to amend 1885 PA 152, entitled "An act to authorize the establishment of facilities for former members of the armed forces of the United States in the state of Michigan; to create funds; and to provide for the promulgation of rules," (MCL 36.1 to 36.12) by adding section 13.

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

Rep. Willard introduced

House Bill No. 6177, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44 (MCL 211.44), as amended by 1996 PA 57.

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

Rep. Alley introduced

House Bill No. 6178, entitled

A bill to regulate recreational vehicle manufacturers, wholesalers, dealers, and their representatives; to regulate dealings between those manufacturers and wholesalers and their dealers; to regulate dealings between those manufacturers, wholesalers, dealers, and consumers; to prohibit unfair practices; and to provide remedies and penalties.

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

Reps. Baird and Schroer introduced

House Bill No. 6179, entitled

A bill to amend 1966 PA 138, entitled "The family support act," (MCL 552.451 to 552.459) by amending the title, as amended by 1990 PA 237, and by adding section 2a.

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

Reps. Jelinek, Hammerstrom, Jellema and Voorhees introduced

House Bill No. 6180, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 1996 PA 476.

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

Rep. Byl introduced

House Bill No. 6181, entitled

A bill to allow local units of government to obtain clear title to property previously acquired through the tax reversion process; to provide due process to those persons with a prior interest in that property; to allow local units of government to reduce the backlog of tax reverted property; and to facilitate the return of tax reverted property to productive use.

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

Rep. Byl introduced

House Bill No. 6182, entitled

A bill to create an urban homestead program for certain vacant land; to empower certain local governmental units to create and administer urban homestead programs for vacant land; to prescribe the powers and duties of certain state and local governmental units; and to provide for the disposition of personal and real property.

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

Reps. Kaza, Cropsy, London and Scranton introduced

House Bill No. 6183, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24f (MCL 211.24f), as amended by 1994 PA 189.

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

Rep. Richner introduced

House Bill No. 6184, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131, 16205, and 16263 (MCL 333.16131, 333.16205, and 333.16263), sections 16131 and 16263 as amended by 1995 PA 126 and section 16205 as amended by 1986 PA 290, by adding section 16322 and part 165.

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

Reps. Jansen, Dobb, Birkholz, Sikkema, DeHart, Horton, Scranton, DeVuyst, Green, Sanborn and Kukuk introduced

House Bill No. 6185, entitled

A bill to amend 1971 PA 140, entitled "State revenue sharing act of 1971," by amending section 14a (MCL 141.914a).

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

Rep. Gubow moved that the House adjourn.
The motion prevailed, the time being 2:55 p.m.

Acting Speaker DeHart declared the House adjourned until Thursday, September 24, at 10:00 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.