

No. 46
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
90th Legislature
REGULAR SESSION OF 1999

House Chamber, Lansing, Thursday, May 20, 1999.

12:00 Noon.

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

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

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

e/d/s = entered during session

Reverend David Sidwell, Pastor of the Prince of Peace Lutheran Church in New Buffalo and Trinity Lutheran Church in Sawyer, offered the following invocation:

“Merciful Father in heaven, You hold in Your hand all the might that we mistake for our own. You are the true ruler and sole authority guiding all government. You have ordained the powers that be, specifically this legislature, for the punishment of those that do evil and for the praise of those that do well. We humbly ask You to graciously regard Your servants: this House of Representatives, the Governor of the State of Michigan, judges and all civil employees. May all that receive the sword as Your ministers bear it according to Your instruction and asking for Your wisdom. Enlighten and defend them by Your name. Grant them wisdom and understanding, that under their peaceable governance, Your people may be guarded and directed in righteousness, quietness and unity. Protect and prolong their lives, O God of our salvation, that we with them may show forth the praise of Your name. Through Jesus Christ, Your Son and our Lord. Amen.”

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

Rep. Kilpatrick moved that Rep. Schauer be excused from the balance of today’s session.
The motion prevailed.

Quorum Call

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

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

Roll Call No. 412

Yeas—106

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

In The Chair: Patterson

Second Reading of Bills

House Bill No. 4666, entitled

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

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

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

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 5, following line 7, by inserting:

“(9) Not later than 90 days after the effective date of this act, the commission shall appoint an 11-member assessment administration advisory committee to advise the commission on assessment tests. This advisory committee shall be composed of representatives of school districts, intermediate school districts, school administrators, teachers, and parents, with the appointments reflecting the geographic and population diversity of school districts in this state. This advisory committee shall evaluate these tests and assessments and make recommendations to the commission and superintendent on issues related to administration, scoring, and reporting and use of results of these tests and assessments, including, but not limited to, length of the tests and assessments; the time of the testing period during the school year; feedback provided to pupils, parents, and schools; accurate and relevant reporting of results to the general public; the selection of a retesting period and procedures and arrangements for repeating tests or assessments; local scoring and other general issues regarding scoring of tests and assessments; categories of scoring on the assessment tests; and professional development for teachers to assist in preparing pupils to have the necessary skills and knowledge to succeed on the tests and assessments.”.

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

Rep. Bogardus demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 413

Yeas—48

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

Nays—57

Allen	Gilbert	Kowall	Richner
Birkholz	Godchaux	Kuipers	Rocca
Bisbee	Gosselin	Kukuk	Sanborn
Bishop	Green	LaSata	Scranton
Bradstreet	Hager	Law	Shackleton
Brown, C.	Hart	Mead	Shulman
Byl	Howell	Middaugh	Stamas
Cassis	Jansen	Mortimer	Tabor
Caul	Jelinek	Pappageorge	Toy
DeRossett	Jellema	Patterson	Van Woerkom

DeWeese	Johnson, Rick	Perricone	Vander Roest
Ehardt	Johnson, Ruth	Pumford	Vear
Faunce	Julian	Raczkowski	Voorhees
Garcia	Koetje	Richardville	Woronchak
Geiger			

In The Chair: Patterson

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 5, following line 16, by inserting:

“(d) Professional development programs for administrators and teachers. These programs shall emphasize the improvement of teaching and pupils’ learning of academic core curriculum content standards, as measured by Michigan educational assessment program and other assessments; collaborative decision making; site-based management; the process of school improvement; instructional leadership; and the use of data and assessment instruments, including MEAP tests and the assessments used for state endorsement under section 1279 of the revised school code, 1976 PA 451, MCL 380.1279, to identify pupils who need additional assistance and to improve teaching and learning for all pupils.” and relettering the remaining subdivisions.

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

Rep. Kilpatrick demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 414

Yeas—48

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

Nays—58

Allen	Geiger	Kowall	Richner
Birkholz	Gilbert	Kuipers	Rocca
Bisbee	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Green	Law	Shackleton
Brown, C.	Hager	Mead	Shulman
Byl	Hart	Middaugh	Stamas
Cassis	Howell	Mortimer	Tabor

Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Jellema	Perricone	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Johnson, Ruth	Rackowski	Voorhees
Faunce	Julian	Richardville	Woronchak
Garcia	Koetje		

In The Chair: Patterson

Rep. LaForge moved to amend the bill as follows:

1. Amend page 12, following line 21, by inserting:

“(4) The commission shall require substance abuse testing as a condition for student eligibility under this act.”.

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

Rep. LaForge demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 415

Yeas—32

Basham	Garza	Lockwood	Scott
Bovin	Gielegem	Minore	Sheltrown
Brown, B.	Hale	Neumann	Stallworth
Callahan	Hanley	O’Neil	Tesanovich
Clark, I.	Hardman	Quarles	Thomas
Clarke, H.	Jamnick	Reeves	Vaughn
Daniels	Kelly	Rison	Wojno
Dennis	LaForge	Rivet	Woodward

Nays—69

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

In The Chair: Patterson

Rep. O'Neil moved to amend the bill as follows:

1. Amend page 3, line 12, after "(b)" by striking out "Fifty" and inserting "Thirty".
2. Amend page 3, line 14, after "(c)" by striking out "Seventy-five" and inserting "Thirty".

The question being on the adoption of the amendments offered by Rep. O'Neil,

Rep. O'Neil demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. O'Neil,

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

Roll Call No. 416

Yeas—47

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

Nays—57

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

In The Chair: Patterson

Rep. Kelly moved that Rep. LaForge be excused temporarily from today's session.
The motion prevailed.

Rep. Stallworth moved that Rep. Kilpatrick be excused temporarily from today's session.
The motion prevailed.

Rep. Schermesser moved that Reps. DeHart and Mans be excused temporarily from today's session.
The motion prevailed.

Rep. Frank moved that Rep. Rison be excused temporarily from today's session.
The motion prevailed.

Rep. O'Neil moved to amend the bill as follows:

1. Amend page 10, line 11, by striking out all of subdivision (d) and relettering the remaining subdivisions.
2. Amend page 12, line 16, by striking out all of subdivision (d) and relettering the remaining subdivisions.

The question being on the adoption of the amendments offered by Rep. O'Neil,

Rep. O'Neil demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. O'Neil,

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

Roll Call No. 417

Yeas—35

Basham	Dennis	Lemmons	Schermesser
Bovin	Faunce	Lockwood	Scott
Brater	Gielegem	Martinez	Stallworth
Brewer	Hale	Minore	Tesanovich
Callahan	Hanley	O'Neil	Thomas
Cherry	Hansen	Price	Vaughn
Clark, I.	Hardman	Prusi	Wojno
Clarke, H.	Jamnack	Quarles	Woodward
Daniels	Kelly	Reeves	

Nays—65

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

In The Chair: Patterson

Rep. Minore moved to amend the bill as follows:

1. Amend page 5, line 14, by striking out all of subdivision (c) and relettering the remaining subdivisions.

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

Rep. Minore demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 418**Yeas—43**

Baird	Daniels	Lemmons	Scott
Basham	Dennis	Lockwood	Sheltrown
Bogardus	Frank	Martinez	Spade
Bovin	Gielegthem	Minore	Stallworth
Brater	Hale	Neumann	Switalski
Brewer	Hanley	O'Neil	Tesanovich
Brown, B.	Hansen	Pestka	Thomas
Callahan	Hardman	Price	Vaughn
Cherry	Jamnack	Prusi	Wojno
Clark, I.	Kelly	Reeves	Woodward
Clarke, H.	LaForge	Rivet	

Nays—58

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

In The Chair: Patterson

Rep. Gielegthem moved to amend the bill as follows:

1. Amend page 3, line 10, after "(a)" by striking out "Thirty" and inserting "One hundred".
2. Amend page 3, line 12, after "(b)" by striking out "Fifty" and inserting "One hundred".
3. Amend page 3, line 14, after "(c)" by striking out "Seventy-five" and inserting "One hundred".
4. Amend page 5, line 8, after "5." by inserting "(1)".
5. Amend page 5, line 9, after "commission" by striking out "may" and inserting "shall".
6. Amend page 5, line 10, after "for" by striking out "1 or more" and inserting "all".
7. Amend page 5, following line 18, by inserting:

"(e) Funding of programs to improve the health of school age and preschool age students who may become eligible for the Michigan merit award scholarship, including alcohol, drug, tobacco, teen pregnancy prevention, and school violence prevention programs." and relettering the remaining subdivision.

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

"(2) Money allocated to programs described in subsection (1)(e) shall be set aside as a separate account within the trust fund and earmarked for those programs. Money set aside in a separate account for those programs shall be not less than the following:

- (a) Seventy percent of the tobacco settlement revenues received in fiscal years 1998-1999 and 1999-2000.
 - (b) Fifty percent of the tobacco settlement revenues received in fiscal year 2000-2001.
 - (c) Twenty-five percent of the tobacco settlement revenues received in fiscal year 2001-2002 and in subsequent fiscal years.
- (3) Fifty percent of the money set aside in a separate account within the trust fund under subsection (2)(a) and (b) shall not be expended until 2001-2002. Beginning in fiscal year 2001-2002 and in each subsequent fiscal year, the earnings on the money described in subsection (2)(a) and (b), and the money described in subsection (2)(c) and the earnings on that money, shall be expended for the programs described in subsection (1)(e)."

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

The demand was supported.

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

Point of Order

Rep. Raczkowski requested a ruling from the Chair regarding the germaneness of the amendments.

The Chair ruled that the amendments were not germane pursuant to House Rule 64. These amendments introduce a new proposition which is not germane to the subject matter of the bill as introduced and as it is currently before the House.

Rep. Gieleghem appealed the decision of the Chair.

The question being, "Shall the judgment of the Chair stand as the judgment of the House?"

The judgment of the Chair stood as the judgment of the House, a majority of the members present and voting, voting therefor, by yeas and nays, as follows:

Roll Call No. 419

Yeas—56

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

Nays—41

Baird	Dennis	Minore	Scott
Basham	Frank	Neumann	Sheltrown
Bogardus	Hale	O'Neil	Spade
Bovin	Hanley	Pestka	Stallworth
Brater	Hansen	Price	Switalski
Brown, B.	Hardman	Prusi	Tesanovich
Callahan	Jamnick	Quarles	Thomas
Cherry	Kilpatrick	Reeves	Vaughn
Clark, I.	Lockwood	Rivet	Wojno
Clarke, H.	Martinez	Schermesser	Woodward
Daniels			

In The Chair: Patterson

Rep. Kuipers moved to amend the bill as follows:

1. Amend page 3, line 7, after "sist" by inserting "only".

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

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

Rep. Bob Brown moved to amend the bill as follows:

1. Amend page 10, following line 16, by inserting:

“(f) The adjusted gross income of the student's family is \$200,000.00 or less, or is greater than \$200,000.00 and the student has demonstrated a hardship under rules promulgated by the commission.” and relettering the remaining subdivision.

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

Rep. Bob Brown demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 420

Yeas—37

Basham	Dennis	Lemmons	Schermesser
Bogardus	Gielegem	Lockwood	Scott
Bovin	Hale	Martinez	Sheltrown
Brater	Hanley	Minore	Tesanovich
Brewer	Hansen	Neumann	Thomas
Brown, B.	Hardman	O'Neil	Vaughn
Callahan	Kelly	Price	Wojno
Clark, I.	Kilpatrick	Reeves	Woodward
Clarke, H.	LaForge	Rivet	Woronchak
Daniels			

Nays—60

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

In The Chair: Patterson

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 13, following line 11, by inserting:

“Sec. 10. (1) As used in this section:

(a) “Phase I” means the first part of the tuition incentive assistance program defined as the academic period of 80 semester or 120 term credits, or less, leading to an associate degree or certificate.

(b) “Phase II” means the second part of the tuition incentive assistance program which provides assistance in the third and fourth year of 4-year degree programs.

(c) “Department” means the family independence agency.

- (2) The tuition incentive program is established. The department shall administer the tuition incentive program.
- (3) The funds appropriated for the tuition incentive program shall be distributed as provided in this section and pursuant to the administrative procedures for the tuition incentive program of the family independence agency.
- (4) A person shall meet the following basic criteria and financial thresholds to be eligible for tuition incentive benefits:
 - (a) To be eligible for phase I, a person shall meet all of the following criteria:
 - (i) Apply for certification to the department before graduating from high school or completing the general education development (GED) certificate.
 - (ii) Be less than 20 years of age at the time of high school graduation or GED completion.
 - (iii) Be a United States citizen and a resident of Michigan according to institutional criteria.
 - (iv) Be at least a half-time student, earning less than 80 semester or 120 term credits at a participating educational institution within 4 years of high school graduation or GED certificate completion.
 - (b) To be eligible for phase II, a person shall meet either of the following criteria in addition to the criteria in subdivision (a):
 - (i) Complete at least 56 transferable semester or 84 transferable term credits.
 - (ii) Obtain an associate degree or certificate at a participating institution.
 - (c) To be eligible for phase I or phase II, a person must be financially eligible as determined by the department. A person is financially eligible for the tuition incentive program if that person was Medicaid eligible for 24 months within the 36 months before application. Certification of eligibility may begin in the sixth grade and continue until the time of enrollment in a participating institution.
- (5) For phase I, the department shall provide payment on behalf of a person eligible under subsection (4). The department shall reject billings that are excessive or outside the guidelines for the type of educational institution.
- (6) For phase I, all of the following apply:
 - (a) Payments for associate degree or certificate programs shall not be made for more than 80 semester or 120 term credits for any individual student at any participating institution.
 - (b) For persons enrolled at a Michigan community college, the department shall pay the current in-district tuition and mandatory fees. For persons residing in an area that is not included in any community college district, the out-of-district tuition rate may be authorized.
 - (c) For persons enrolled at a Michigan public university, the department shall pay lower level resident tuition and mandatory fees for the current year.
 - (d) For persons enrolled at a Michigan independent, nonprofit degree granting college or university or a Michigan federal tribally controlled community college, the department shall pay mandatory fees for the current year and a per credit payment that does not exceed the average community college in-district per credit tuition rate as reported on August 1, for the immediately preceding academic year.
- (7) A person participating in phase II may be eligible for additional funds not to exceed \$500.00 per semester or \$400.00 per term up to a maximum of \$4,000.00 subject to the following conditions:
 - (a) Credits are earned in a 4-year program at a Michigan degree granting 4-year college or university.
 - (b) The tuition reimbursement is for coursework completed within 30 months of completion of the phase I requirements.
- (8) Program payments shall not be used by any recipient for theology or divinity courses.
- (9) The department shall work closely with participating institutions to develop an application and eligibility determination process that will provide the highest level of participation and ensure that all requirements of the program are met.
- (10) Applications for the tuition incentive program may be approved at any time after the student begins the sixth grade. If a determination of financial eligibility is made, that determination is valid as long as the student meets all other program requirements and conditions.
- (11) Each institution shall ensure that all known available restricted grants for tuition and fees are used prior to billing the tuition incentive program for any portion of a student's tuition and fees.
- (12) The department shall ensure that the tuition incentive program is well publicized and that potentially eligible Medicaid clients are provided information on the program. The department shall provide the necessary funding and staff to fully operate the program.
- (13) Any unexpended and unencumbered funds remaining from amounts appropriated for the tuition incentive program at the close of a fiscal year shall not revert to the general fund but shall continue to be available for expenditure for the tuition incentive program in subsequent fiscal years."

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

The demand was supported.

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

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

Roll Call No. 421**Yeas—43**

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

Nays—57

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

In The Chair: Patterson

Rep. O'Neil moved to amend the bill as follows:

1. Amend page 10, following line 16, by inserting:

“(f) The student certifies in writing that he or she is not a smoker and has provided a copy of his or her urinalysis in support of the writing.”.

The question being on the adoption of the amendment offered by Rep. O'Neil,

Rep. O'Neil demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. O'Neil,

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

Roll Call No. 422**Yeas—28**

Basham	Daniels	Kilpatrick	Rivet
Bogardus	Frank	LaForge	Schermesser
Brewer	Hale	Lockwood	Scott
Brown, B.	Hansen	Minore	Sheltrown
Callahan	Hardman	Neumann	Stallworth
Clark, I.	Jamnick	O'Neil	Thomas
Clarke, H.	Kelly	Reeves	Wojno

Nays—64

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

In The Chair: Patterson

Rep. Bob Brown moved to amend the bill as follows:

1. Amend page 5, line 19, by striking out subdivision (e).

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

Rep. Bob Brown demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 423**Yeas—43**

Basham	Daniels	Martinez	Sheltrown
Bisbee	Dennis	Minore	Spade
Bogardus	Frank	Neumann	Stallworth
Bovin	Hale	O'Neil	Switalski
Brater	Hanley	Pestka	Tesanovich
Brewer	Hardman	Price	Thomas
Brown, B.	Jamnick	Prusi	Vaughn
Callahan	Kelly	Reeves	Wojno
Cherry	Kilpatrick	Rivet	Woodward
Clark, I.	LaForge	Schermesser	Woronchak
Clarke, H.	Lockwood	Scott	

Nays—55

Allen	Geiger	Kowall	Richner
Baird	Gilbert	Kuipers	Rocca
Birkholz	Godchaux	Kukuk	Sanborn
Bishop	Gosselin	LaSata	Scranton
Bradstreet	Hager	Lemmons	Shackleton
Brown, C.	Hart	Mead	Shulman
Byl	Howell	Middaugh	Stamas
Cassis	Jansen	Mortimer	Tabor
DeRossett	Jelinek	Pappageorge	Toy

DeVuyst	Jellema	Patterson	Van Woerkom
DeWeese	Johnson, Rick	Perricone	Vander Roest
Ehardt	Johnson, Ruth	Pumford	Vear
Faunce	Julian	Rackowski	Voorhees
Garcia	Koetje	Richardville	

In The Chair: Patterson

Rep. Hale moved to amend the bill as follows:

1. Amend page 5, line 8, after "5." by inserting "(1)".
2. Amend page 5, following line 19, by inserting:

"(2) If the commission receives a request from a student who intends to take an examination or test described in section 7(2)(b) or (c) and meets the income eligibility criteria for free or reduced price lunch, as determined under the national school lunch act, chapter 281, 60 Stat. 230, 42 U.S.C. 1751 to 1753, 1755 to 1761, 1762a, 1765 to 1766a, 1769, 1769b to 1769c, and 1769f to 1769h, the commission shall authorize disbursement of funds from the trust fund to pay for the student's examination or test."

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

Rep. Hale demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 424

Yeas—43

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

Nays—59

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

In The Chair: Patterson

Rep. Switalski moved to amend the bill as follows:

1. Amend page 1, line 7, after “institution” by inserting “located in this state”.
2. Amend page 1, line 8, after “credentials” by inserting “in this state”.
3. Amend page 8, line 10, after “scholarship” by striking out the balance of the line through “state” on line 14.

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

Rep. Spade moved to amend the bill as follows:

1. Amend page 12, line 4, by striking out “the approved postsecondary educational institution or”.
2. Amend page 12, line 5, after “state.” by inserting “It is the intent of the legislature that an approved postsecondary educational institution not reduce institutionally-funded student aid because of the Michigan merit award scholarship program.”.

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

Rep. Spade demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 425

Yeas—99

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

Nays—0

In The Chair: Patterson

Rep. Price moved to amend the bill as follows:

1. Amend page 8, line 15, after “student” by striking out the balance of the subsection and inserting “meets 2 or more of the following:

(a) The student while in high school has taken the assessment test in each of the subject areas of reading, writing, mathematics, and science and meets 1 of the following:

(i) Has received qualifying results in each of the subject areas of reading, writing, mathematics, and science.

(ii) Received an overall score in the top 25% of a nationally recognized college admission examination.

(iii) Received a qualifying score or scores as determined by the commission on a nationally recognized job skills assessment test designated by the commission.

(b) The student's attendance while in grade 12 meets or exceeds a standard for attendance determined by the commission.

(c) The student's cumulative grade point average while in high school for courses in mathematics, English, social studies, and science meets or exceeds a standard determined by the commission.

(d) The student's participation in extracurricular activities, including but not limited to volunteer and community service, music, athletics, student government, or other extracurricular activities, meets or exceeds a standard determined by the commission.

(e) The student satisfies other criteria established by the commission that demonstrate the student's motivation to continue or pursue higher education."

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

Rep. Price demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 426

Yeas—45

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

Nays—58

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

In The Chair: Patterson

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

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

Rep. Hanley demanded the yeas and nays.

The demand was supported.

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

Point of Order

Rep. Raczkowski requested a ruling from the Chair regarding the germaneness of the substitute.

The Chair ruled that the substitute is not germane pursuant to House Rule 64. The substitute introduces a new proposition which is not germane to the subject matter of the bill as introduced and as it is currently before the House.

Rep. Kilpatrick appealed the decision of the Chair.

The question being, "Shall the judgment of the Chair stand as the judgment of the House?"

The judgment of the Chair stood as the judgment of the House, a majority of the members present and voting, voting therefor, by yeas and nays, as follows:

Roll Call No. 427**Yeas—56**

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

Nays—44

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

In The Chair: Patterson

Rep. Bob Brown moved to amend the bill as follows:

1. Amend page 1, line 9, after "institution" by inserting a comma and "that complies with the tuition restraint incentive grant program".

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

Rep. Bob Brown demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 428**Yeas—39**

Baird	Frank	Minore	Scott
Basham	Hale	Neumann	Sheltrown
Bogardus	Hanley	O'Neil	Stallworth
Bovin	Hansen	Pestka	Switalski
Brewer	Hardman	Price	Tesanovich
Brown, B.	Jamnick	Prusi	Thomas
Callahan	Kilpatrick	Reeves	Vaughn
Clark, I.	LaForge	Rison	Wojno
Clarke, H.	Lemmons	Rivet	Woodward
Dennis	Lockwood	Schermesser	

Nays—60

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

In The Chair: Patterson

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 8, line 22, after "of" by inserting "the Michigan students or students nationally who have taken".

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

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 429**Yeas—36**

Basham	Dennis	Lemmons	Scott
Bogardus	Frank	Lockwood	Sheltrown
Bovin	Gielegem	Neumann	Stallworth
Brewer	Hale	O'Neil	Switalski
Brown, B.	Hansen	Price	Tesanovich
Callahan	Hardman	Prusi	Thomas
Cherry	Jamnick	Reeves	Vaughn
Clark, I.	Kilpatrick	Rison	Wojno
Clarke, H.	LaForge	Schermesser	Woodward

Nays—60

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

In The Chair: Patterson

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 9, following line 2, by inserting:

“(d) Did not receive qualifying results in 1 or 2 of the subject areas of reading, writing, mathematics, and science, but demonstrates to the commission that he or she suffered a family or economic loss as a result of a tobacco-related illness.”.

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

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 430**Yeas—40**

Basham	Daniels	Kilpatrick	Rison
Bogardus	Dennis	LaForge	Rivet
Bovin	Frank	Lemmons	Schermesser
Brater	Gielegem	Lockwood	Scott
Brewer	Hale	Minore	Sheltrown
Brown, B.	Hanley	Neumann	Stallworth
Callahan	Hansen	O’Neil	Tesanovich
Cherry	Hardman	Pestka	Thomas
Clark, I.	Jamnick	Prusi	Vaughn
Clarke, H.	Kelly	Reeves	Woodward

Nays—61

Allen	Geiger	Kowall	Sanborn
Baird	Gilbert	Kuipers	Scranton
Birkholz	Godchaux	Kukuk	Shackleton
Bisbee	Gosselin	LaSata	Shulman
Bishop	Green	Mead	Spade
Bradstreet	Hager	Middaugh	Stamas

Brown, C.	Hart	Mortimer	Switalski
Byl	Howell	Pappageorge	Tabor
Cassis	Jansen	Patterson	Toy
Caul	Jelinek	Perricone	Van Woerkom
DeRossett	Jellema	Pumford	Vander Roest
DeVuyst	Johnson, Rick	Rackowski	Vear
DeWeese	Johnson, Ruth	Richardville	Voorhees
Ehardt	Julian	Richner	Wojno
Faunce	Koetje	Rocca	Woronchak
Garcia			

In The Chair: Patterson

Rep. LaForge moved that Rep. Kelly be excused temporarily from today's session.
The motion prevailed.

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 5, line 8, after "5." by inserting "(1)".
2. Amend page 5, line 8, after "legislature," by inserting "and subject to subsection (2)."
3. Amend page 5, following line 19, by inserting:

"(2) The commission shall not disburse funds for Michigan merit award scholarships under subsection (1) in a fiscal year if less than 80% of eligible Michigan students in high school and junior high school in the preceding academic year took the assessment tests."

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

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 431

Yeas—34

Basham	Dennis	Lemmons	Rison
Bogardus	Frank	Lockwood	Rivet
Bovin	Gielegem	Minore	Schermesser
Brater	Hale	Neumann	Scott
Brewer	Hansen	O'Neil	Sheltrown
Callahan	Hardman	Pestka	Stallworth
Clark, I.	Jamnick	Prusi	Thomas
Clarke, H.	Kilpatrick	Reeves	Vaughn
Daniels	LaForge		

Nays—61

Allen	Garcia	Kowall	Sanborn
Baird	Geiger	Kuipers	Scranton
Birkholz	Gilbert	Kukuk	Shackleton
Bisbee	Godchaux	LaSata	Shulman
Bishop	Gosselin	Mead	Spade
Bradstreet	Green	Middaugh	Stamas
Brown, B.	Hager	Mortimer	Switalski
Brown, C.	Hart	Pappageorge	Tabor

Byl	Howell	Patterson	Toy
Cassis	Jansen	Perricone	Van Woerkom
Caul	Jelinek	Pumford	Vander Roest
DeRossett	Johnson, Rick	Raczkowski	Vear
DeVuyst	Johnson, Ruth	Richardville	Voorhees
DeWeese	Julian	Richner	Wojno
Ehardt	Koetje	Rocca	Woronchak
Faunce			

In The Chair: Patterson

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 13, line 4, after “scholarship.” by inserting “The appeals process shall include a requirement that the commission must consider the student’s social and economic circumstances and the student’s history in demonstrating an extraordinary commitment to personal growth.”.

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

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 432

Yeas—32

Basham	Dennis	Lemmons	Rison
Bogardus	Gielegem	Lockwood	Rivet
Brater	Hale	Martinez	Schermesser
Brewer	Hanley	Minore	Scott
Cherry	Hansen	O’Neil	Stallworth
Clark, I.	Jamnick	Price	Tesanovich
Clarke, H.	Kilpatrick	Prusi	Thomas
Daniels	LaForge	Reeves	Vaughn

Nays—66

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

In The Chair: Patterson

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 10, line 11, after “felony” by inserting a comma and “unless the student submits a statement from a school district that the student completed 40 hours of community service with the school district that focused on deterring students from antisocial behavior and encouraging academic achievement”.

2. Amend page 12, line 16, after “felony” by inserting “or if convicted of a felony has completed the community service described in section 7(4)(d)”.

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

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 433

Yeas—29

Basham	Hansen	Martinez	Rivet
Brater	Hardman	Minore	Schermesser
Brewer	Jamnick	O’Neil	Scott
Cherry	Kelly	Price	Stallworth
Clark, I.	Kilpatrick	Prusi	Tesanovich
Clarke, H.	LaForge	Reeves	Thomas
Daniels	Lemmons	Rison	Vaughn
Hale			

Nays—68

Allen	Faunce	Kowall	Rocca
Baird	Garcia	Kuipers	Sanborn
Birkholz	Geiger	Kukuk	Shackleton
Bisbee	Gielegem	LaSata	Sheltrown
Bishop	Gilbert	Law	Shulman
Bovin	Godchaux	Lockwood	Spade
Bradstreet	Gosselin	Mead	Stamas
Brown, B.	Green	Middaugh	Switalski
Brown, C.	Hart	Mortimer	Tabor
Byl	Howell	Pappageorge	Toy
Callahan	Jansen	Patterson	Van Woerkom
Cassis	Jelinek	Perricone	Vander Roest
Caul	Jellema	Pestka	Vear
Dennis	Johnson, Rick	Pumford	Voorhees
DeRossett	Johnson, Ruth	Rackowski	Wojno
DeWeese	Julian	Richardville	Woodward
Ehardt	Koetje	Richner	Woronchak

In The Chair: Patterson

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 6, line 20, after “year” by inserting a comma and “in total and by school district”.

2. Amend page 7, line 15, after “scholarship” by inserting a comma and “in total and by school district”.

3. Amend page 7, following line 19, by inserting:

“(h) The number of students eligible for Michigan merit award scholarships in the immediately preceding year, in total and by school district.”.

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

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 434**Yeas—44**

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

Nays—57

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

In The Chair: Patterson

Reps. Tesanovich and Faunce moved to amend the bill as follows:

1. Amend page 10, line 11, after "felony" by inserting "involving an assault, physical injury, or death".

2. Amend page 12, line 16, after "felony" by inserting "involving an assault, physical injury, or death".

The question being on the adoption of the amendments offered by Reps. Tesanovich and Faunce,

Rep. Faunce demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Tesanovich and Faunce,

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

Roll Call No. 435**Yeas—97**

Allen	Faunce	Kuipers	Rison
Baird	Frank	Kukuk	Rivet
Basham	Garcia	LaForge	Rocca
Birkholz	Geiger	LaSata	Sanborn
Bisbee	Gielegem	Law	Schermesser
Bishop	Gilbert	Lemmons	Scott
Bogardus	Godchaux	Lockwood	Scranton

Bovin	Gosselin	Martinez	Shackleton
Bradstreet	Hager	Mead	Shulman
Brater	Hale	Middaugh	Spade
Brewer	Hansen	Minore	Stallworth
Brown, C.	Hardman	Neumann	Stamas
Byl	Hart	O'Neil	Switalski
Callahan	Howell	Pappageorge	Tabor
Cassis	Jamnick	Patterson	Tesanovich
Caul	Jansen	Perricone	Thomas
Cherry	Jelinek	Pestka	Toy
Clark, I.	Jellema	Price	Van Woerkom
Clarke, H.	Johnson, Rick	Prusi	Vander Roest
Daniels	Johnson, Ruth	Pumford	Vaughn
Dennis	Julian	Raczkowski	Vear
DeRossett	Kelly	Reeves	Voorhees
DeVuyst	Kilpatrick	Richardville	Wojno
DeWeese	Kowall	Richner	Woodward
Ehardt			

Nays—5

Brown, B.	Koetje	Mortimer	Woronchak
Green			

In The Chair: Patterson

Rep. Richner moved to amend the bill as follows:

1. Amend page 11, following line 16, by inserting:

“(8) A student enrolled in an approved postsecondary educational institution in this state, who previously received a \$1,000.00 Michigan merit award scholarship as a student enrolled in an approved postsecondary educational institution outside the state, is entitled to the award of an additional \$1,500.00 Michigan merit award scholarship.”.

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

Rep. Gosselin moved to amend the bill as follows:

1. Amend page 8, line 15, after “student” by striking out the balance of the line through “and” on line 17.

2. Amend page 8, line 18, after “Has” by inserting “taken the assessment test and has”.

3. Amend page 8, line 20, after “not” by striking out the balance of the line through “science,” on line 21 and inserting “pass or did not take the assessment test,”.

4. Amend page 8, line 24, after “not” by striking out the balance of the line through “science,” on line 25 and inserting “pass or did not take the assessment test,”.

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

Rep. Gosselin demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 436**Yeas—53**

Baird	Dennis	Jansen	Raczkowski
Basham	Frank	Kelly	Reeves
Bishop	Garcia	Kilpatrick	Rison
Bogardus	Gielegghem	LaForge	Rivet
Bovin	Gilbert	Lemmons	Schermesser

Bradstreet	Gosselin	Lockwood	Scott
Brater	Green	Martinez	Tesanovich
Brewer	Hale	Minore	Thomas
Brown, B.	Hanley	Neumann	Vander Roest
Callahan	Hansen	O'Neil	Vaughn
Cherry	Hardman	Pestka	Voorhees
Clark, I.	Hart	Price	Wojno
Clarke, H.	Jamnick	Prusi	Woodward
Daniels			

Nays—44

Allen	Geiger	Law	Scranton
Birkholz	Godchaux	Mead	Shackleton
Bisbee	Hager	Middaugh	Shulman
Brown, C.	Howell	Pappageorge	Spade
Byl	Jelinek	Patterson	Stamas
Cassis	Johnson, Rick	Perricone	Switalski
Caul	Johnson, Ruth	Pumford	Tabor
DeRossett	Julian	Richardville	Toy
DeVuyst	Koetje	Richner	Van Woerkom
Ehardt	Kowall	Rocca	Vear
Faunce	LaSata	Sanborn	Woronchak

In The Chair: Patterson

Point of Order

Rep. Price requested a ruling from the Chair regarding whether House Bill No. 4666 is properly before the House pursuant to House Rule 45.

The Chair ruled that the bill is properly before the House and is not in violation of House Rule 45. House Bill No. 4666, Sec. 5, explicitly makes the trust fund “subject to appropriation by the legislature” and therefore does not amount to an “expenditure of money”.

Rep. Brewer asked and obtained a temporary excuse from today’s session.

Rep. Neumann moved to amend the bill as follows:

1. Amend page 11, following line 16, by inserting:

“Sec. 8. (1) The Michigan hope scholarship program is established. The commission shall administer the Michigan hope scholarship program.

(2) Each student enrolled in grade 12 during or after the 1998-1999 school year who meets the requirements of subsection (3) is eligible for the award of tuition at a community college for up to 2 years if the commission finds that the student while in grades 9 through 12 has maintained 90% attendance.

(3) In addition the the requirements set forth in subsection (2), to be eligible for the award of a Michigan hope scholarship, the commission must find that a student satisfies all of the following:

(a) The student has graduated from high school or passed the GED test or other graduate equivalency examination approved by the state board.

(b) The student is enrolled in a community college.

(c) The student maintains a 90% attendance rate at the community college and is a student in good standing at the community college.

(d) The student satisfies any additional eligibility requirements established by the commission.

(4) The commission shall provide each student written notice of whether or not the student is eligible for the Michigan hope scholarship described in this section. If the student is eligible, the written notice shall also include how the student applies for the Michigan hope scholarship and any other information the commission considers necessary regarding qualification requirements or conditions relating to the use of the Michigan hope scholarship.

(5) A Michigan hope scholarship shall be used only to pay for community college tuition. The commission shall determine the manner and form of application for payment of a Michigan hope scholarship to the community college on the student's behalf. The commission shall pay a Michigan hope scholarship for each semester the student remains eligible for the Michigan hope scholarship up to 4 semesters, but not more than 2 semesters in 1 school year.

(6) Before payment of a Michigan hope scholarship to the community college under subsection (5), the student shall certify or affirm in writing to the commission each of the following:

(a) That the student is enrolled in a community college.

(b) The name of the community college in which the student is enrolled.

(c) That the student agrees to use the Michigan hope scholarship award only for community college tuition.

(d) That the student has graduated from high school or passed the GED or approved graduate equivalency examination within the 6-month period preceding the date of the student's application to receive his or her Michigan hope scholarship." and renumbering the remaining sections.

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

Rep. Neumann demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 437

Yeas—46

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

Nays—56

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

Rep. Gosselin moved to reconsider the vote by which the House did not adopt the amendments offered previously by Rep. Gosselin.

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

Rep. Gosselin demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 438**Yeas—49**

Baird	Frank	LaForge	Rivet
Basham	Gielegem	Lemmons	Schermesser
Bogardus	Gosselin	Lockwood	Scott
Bovin	Hale	Martinez	Sheltrown
Bradstreet	Hanley	Minore	Stallworth
Brater	Hansen	Neumann	Switalski
Brown, B.	Hardman	O'Neil	Tesanovich
Callahan	Hart	Pestka	Thomas
Cherry	Jamnack	Price	Vaughn
Clark, I.	Jansen	Prusi	Voorhees
Clarke, H.	Kelly	Reeves	Wojno
Daniels	Kilpatrick	Rison	Woodward
Dennis			

Nays—49

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

In The Chair: Patterson

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4666, entitled**

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

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

Roll Call No. 439**Yeas—72**

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

Nays—31

Basham	Dennis	Kilpatrick	Reeves
Bogardus	Gosselin	LaForge	Rison
Bovin	Hale	Lockwood	Rivet
Brater	Hanley	Martinez	Schermesser
Callahan	Hansen	Minore	Scott
Clark, I.	Hardman	O'Neil	Tesanovich
Clarke, H.	Jamnick	Price	Vaughn
Daniels	Kelly	Prusi	

In The Chair: Patterson

The House agreed to the title of the bill.

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

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

Reps. Bisbee, Cameron Brown, Cassis, Caul, DeWeese, Faunce, Howell, Jansen, Koetje, Kukuk, Law, Patterson, Richardville, Scranton, Shulman, Vander Roest, Vear, and Woronchak were named co-sponsors of the bill.

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

“Mr. Speaker and members of the House:

It is bad public policy for the state to insert itself into the curriculum development decisions of public schools. That is a policy decision made by a Republican legislature in 1995 when a new school code was adopted. It was agreed then the state should not require public schools to adopt a particular curriculum, and the Department of Education was required to create a model one.

This legislation reverses that wise decision, and goes much further. By offering parents a \$3000 bribe which can be attained only if their children take a government sponsored, politically controlled MEAP test, the state is now imposing the curriculum necessary to pass this test on private, religious, and home schools as well.

The supporters of this legislation have made its consequences immeasurably worse by refusing to allow a private sector alternative to the political MEAP test. It is wrong to put the power to effectively decide the curriculum of public, private, religious, and home schools into the hands of unelected lifetime government employees insulated from the private sector, mostly “baby boomers” who came of age in the 1960s. Their underlying statist, pro-government tendencies saturate the entire test.

The MEAP's left-wing, liberal, and "politically correct" bias will now govern the curriculum decisions of every public, private, religious and home school educator in the state. This is a tragedy."

Reps. Callahan, Basham, Daniels and Scott, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted against House Bill 4666 for the following reasons:

The scholarship is dependent upon the MEAP examination. MEAP is only one measure at one point in time. MEAP results are a reflection of curriculum, not necessarily intelligence.

MEAP favors upper income kids. An Upjohn Institute study of MEAP results in elementary schools in Southwestern Michigan (September 1998) showed that in the typical school building's passing rate is sensitive to its percentage of disadvantaged students.

Many private schools, including religious-based schools, do not use the MEAP examination or curriculum.

The Attorneys General did not sue tobacco companies to reduce debt or to create a college scholarship program. They sued to recover the damages caused to the people of each state by tobacco addiction. As the Campaign for Tobacco-Free Kids says "Tobacco money helped cause the problem. Tobacco money should help fix it."

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

"Mr. Speaker and members of the House:

My vote will be No because (1) We are spending Tobacco dollars we are yet to know when they will be received by the State and (2) The MEAP test is fairly controversial as to its validity as a measure of a student's knowledge (3) and the MEAP is not a test taken by all Michigan students (4) These dollars resulted from health care issues and spending \$9.5 billion of the \$13 billion is inappropriate if not wrong."

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

"Mr. Speaker and members of the House:

By utilizing our tobacco settlement money for college scholarship is a fine investment in the future of our young adults but when we are using seventy-five percent of funds in scholarships we must ask ourselves what this 8.5 billion is for. We should be addressing the issue of health care, smoking prevention and public education. We also must address other issues such as improving our schools, helping your families and affording prescription drug coverage for senior citizens so they don't have to make the decision of buying food or receiving medicine. We also must address the issue of what percentage of high school juniors even take the MEAP exam. We have to address crumbling schools, over-crowded classes, and health education first and foremost. I voted against this bill in support of my district, their health needs and educational concerns."

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

"Mr. Speaker and members of the House:

I voted no on HB 4666 because it uses the tobacco settlement dollars in a manner which disregards the horrible effects of tobacco use. This settlement could have provided programs to mitigate those effects by providing money for health care for those who have used tobacco and are now suffering because of that use. This settlement could have provided programs to reduce or prevent the use of tobacco products, especially by children. This bill puts 75% of that settlement into a fund into perpetuity. I believe that is far too large a portion in that it will benefit a relatively small number of children. We could have helped all children in the state by reducing the use of tobacco and its devastating cost to the entire state."

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

"Mr. Speaker and members of the House:

I voted against House Bill 4666 for the following reasons:

The scholarship is dependent upon the MEAP examination. MEAP is only one measure at one point in time. A student's performance on the MEAP test is largely influenced by the student's school curriculum; MEAP test scores do not necessarily reflect the student's intelligence.

MEAP favors upper income kids. An Upjohn Institute study of MEAP results in elementary schools in Southwestern Michigan (September 1998) showed that in the typical school building's passing rate is sensitive to its percentage of disadvantaged students.

Many private schools, including religious-based schools, do not use the MEAP examination or curriculum.

The Attorneys General did not sue tobacco companies to reduce debt or to create a college scholarship program. They sued to recover the damages caused to the people of each state by tobacco addiction. As the Campaign for Tobacco-Free Kids says 'Tobacco money helped cause the problem. Tobacco money should help fix it.'

Rep. Bovin, having reserved the right to explain his protest against the passage of the bill, made the following statement:
"Mr. Speaker and members of the House:

Education is high on the list of the whole legislature. We have voted some of the Tobacco monies for the state Department of Education and now to scholarships for future college students. Yet we still have not used any of these dollars for the primary area of education, that g being the K-12 classroom. I believe that we should first put additional monies in the classroom for educational needs and later into the Department of Education and scholarships. The horse must come before the cart. Do the job for classroom instruction first and then provide the rewards."

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

"Mr. Speaker and members of the House:

I voted against this bill today because I believe part of the Tobacco litigation fund should be dedicated to health care and Tobacco prevention programs.

There are not enough high school students who currently qualify for this test to use all of the money that is being reserved here. In the meantime, seniors are deciding between buying prescriptions and groceries. In the meantime, we fail to invest in programs that will keep young people from smoking or assist people in stopping smoking. In Ingham County, 30,000 are without health care insurance. We are missing an opportunity here to use this Tobacco litigation money for a number of health and prevention efforts."

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

"Mr. Speaker and members of the House:

Although I strongly support the education of all children, I cannot in good conscious vote to give the majority of the tobacco settlement funds to scholarships to a few students. Those dollars (8.2 billion) came as a result of the damage done to smokers in our nation. It only seems fair that many of those dollars should go for health education and research to reduce the amount of people dying from tobacco related illnesses."

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

"Mr. Speaker and members of the House:

HB 4666 spends taxpayer dollars that were won for the purpose of reimbursement of tobacco related illnesses that cost this state billions of dollars in medicaid payments. To not spend those dollars on tobacco cessation, prevention and other related problems caused by tobacco is unconscionable. It is not that this body could spend these dollars in part on scholarships for students, but the distribution will be too narrowly defined. Not all students are going to reap the rewards of this scholarship even though their parents have also paid into the tobacco problem with their tax dollars. It is, therefore, that I vote no in protest to this bill."

Second Reading of Bills

Senate Bill No. 68, entitled

A bill to make, supplement, and adjust appropriations for capital outlay, the judiciary, the legislature, and various state departments and agencies for the fiscal year ending September 30, 1999; to make appropriations for community colleges, colleges, and universities; to provide for the expenditure of those appropriations; to create funds and accounts; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; to provide for the disposition of fees and other income received by certain state agencies; and to repeal acts and parts of acts.

The bill was read a second time.

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

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

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

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

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

Rep. Raczkowski moved that Rule 49 be suspended.
 The motion prevailed, 3/5 of the members present voting therefor.

Senate Bill No. 68, entitled

A bill to make, supplement, and adjust appropriations for capital outlay, the judiciary, the legislature, and various state departments and agencies for the fiscal year ending September 30, 1999; to make appropriations for community colleges, colleges, and universities; to provide for the expenditure of those appropriations; to create funds and accounts; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; to provide for the disposition of fees and other income received by certain state agencies; and to repeal acts and parts of acts.

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

Roll Call No. 440

Yeas—101

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

Nays—1

Gosselin

In The Chair: Scranton

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

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

“Mr. Speaker and members of the House:

This bill is a Budget Buster with a capital “B”. A Lansing press outlet not known for its fiscal conservatism said of this bill that it “resembled the old ‘Christmas Tree’ bill... that was part of the appropriations process of a generation ago.”

The citizens who elected me to the House did so based on my promise to hold the line on government spending. This legislation blows the lid off of government spending, and of this reason I vote “no” on its final passage.”

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, May 20:

House Bill Nos. 4705 4706 4707

The Clerk announced that the following Senate bills had been received on Thursday, May 20:

Senate Bill Nos. 157 182 492 493 496 543 554 587

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 157, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 803j, 803k, 803l, 803n, and 803o (MCL 257.803j, 257.803k, 257.803l, 257.803n, and 257.803o), as amended by 1998 PA 68.

The Senate has passed the bill.

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

Senate Bill No. 182, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7208, 7220, and 7227 (MCL 333.7208, 333.7220, and 333.7227) and by adding section 7339.

The Senate has passed the bill.

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

Senate Bill No. 492, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending sections 102, 303, 316, 601, 602, and 604 (MCL 484.1102, 484.1303, 484.1316, 484.1601, 484.1602, and 484.1604), section 102 as amended by 1996 PA 313, sections 303 and 602 as amended by 1994 PA 29, and section 601 as amended by 1989 PA 36, and by adding section 605.

The Senate has passed the bill.

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

Senate Bill No. 493, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending sections 401, 403, 404, 405, 406, and 505 (MCL 484.1401, 484.1403, 484.1404, 484.1405, 484.1406, and 484.1505), sections 401, 403, and 405 as amended and section 406 as added by 1994 PA 29.

The Senate has passed the bill.

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

Senate Bill No. 496, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

The Senate has passed the bill.

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

Senate Bill No. 543, entitled

A bill to repeal 1953 PA 140, entitled "An act to increase the efficiency of the military establishment; and to repeal certain acts and parts of acts," (MCL 32.261 to 32.262).

The Senate has passed the bill.

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

Senate Bill No. 554, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 248 (MCL 257.248), as amended by 1998 PA 384.

The Senate has passed the bill.

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

Senate Bill No. 587, entitled

A bill to provide for the creation of public employee health care funds; to provide for the administration of the funds; to authorize the investment of the assets of the funds; and to prescribe the powers and duties of investment fiduciaries and certain public officers and employees.

The Senate has passed the bill.

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

House Bill No. 4317, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 1998 PA 68.

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

The House agreed to the full title.

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

House Bill No. 4405, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 308, 310e, and 320a (MCL 257.306, 257.308, 257.310e, and 257.320a), sections 306 and 308 as amended and section 310e as added by 1996 PA 387 and section 320a as amended by 1998 PA 350.

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

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 306, 308, 310e, and 320a (MCL 257.306, 257.308, 257.310e, and 257.320a), sections 306 and 308 as amended and section 310e as added by 1996 PA 387 and section 320a as amended by 1999 PA 21.

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

House Concurrent Resolution No. 29.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

(For text of resolution, see House Journal No. 29, p. 551.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

By unanimous consent the House returned to the order of

Reports of Standing Committees

Meeting held on May 19, 1999

The Committee on Appropriations, by Rep. Geiger, Chair, reported

Senate Bill No. 79, entitled

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

SB 79 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Stamas, Toy, Cherry, Clarke, Frank, Kelly, Martinez, Pestka, Prusi, Tesanovich,

Nays: None.

The Committee on Appropriations, by Rep. Geiger, Chair, reported

Senate Bill No. 366, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2000; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2000; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

SB 366 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jansen, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Stamas, Toy, Price, Cherry, Clarke, Frank, Kelly, Martinez, Pestka, Prusi, Stallworth, Tesanovich,

Nays: None.

The Committee on Appropriations, by Rep. Geiger, Chair, reported

Senate Bill No. 369, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

SB 369 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jansen, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Stamas, Toy,

Nays: Reps. Price, Cherry, Clarke, Frank, Kelly, Prusi, Stallworth.

The Committee on Appropriations, by Rep. Geiger, Chair, reported

Senate Bill No. 371, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

SB 371 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jansen, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Stamas, Toy, Frank, Pestka, Prusi,

Nays: Reps. Price, Cherry, Clarke, Kelly, Martinez, Stallworth.

The Committee on Veterans Affairs, by Rep. Richardville, Chair, reported

House Bill No. 4290, entitled

A bill to provide for payments to persons who served in the armed forces of the United States from August 2, 1990 to July 31, 1991, or to beneficiaries of those persons; to prescribe the duties of certain state officers; to create the Persian Gulf veterans' military pay fund in the state treasury; to make certain appropriations; and to prescribe penalties.

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

Favorable Roll Call

HB 4290 To Report Out:

Yeas: Reps. Richardville, Ehardt, Garcia, Bovin, Mans,

Nays: None.

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

The Committee on Veterans Affairs, by Rep. Richardville, Chair, reported

House Concurrent Resolution No. 35.

A concurrent resolution to memorialize the Congress of the United States to enact the World War II Memorial Completion Act.

(For text of resolution, see House Journal No. 40, p. 769.)

With the recommendation that the concurrent resolution be adopted.

The Speaker announced that under Rule 77 the concurrent resolution would lie over one day.

Favorable Roll Call

HCR 35 To Report Out:

Yeas: Reps. Richardville, Ehardt, Garcia, Bovin, Mans,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Richardville, Chair of the Committee on Veterans Affairs, was received and read:

Meeting held on: Thursday, May 20, 1999, at 9:00 a.m.,

Present: Reps. Richardville, Ehardt, Allen, Garcia, Schermesser, Bovin, Mans.

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported

House Bill No. 4081, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811d.

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 4081 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Green, Ruth Johnson, Kowall, Middaugh, Patterson, Basham, Sheltroun,

Nays: Rep. Gielegem.

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported

House Bill No. 4630, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 90.

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

1. Amend page 2, line 5, after "STATE" by inserting "AND LOCAL".

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

Favorable Roll Call

HB 4630 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Ruth Johnson, Kowall, Middaugh, Patterson, Basham, Sheltroun,

Nays: Rep. Gielegem.

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported

House Bill No. 4696, entitled

A bill to amend 1965 PA 7, entitled "An act to authorize the department of conservation to sell certain lands and buildings located thereon owned by the department of conservation in the township of Waterford, Oakland county; and to provide for the disposition of the revenue received therefrom," by amending section 2 and by adding section 2a.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4696 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Green, Ruth Johnson, Kowall, Middaugh, Patterson, Sanborn, Brater, Gielegem, Sheltroun,

Nays: None.

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported

Senate Bill No. 530, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12562 (MCL 333.12562), as amended by 1996 PA 67.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 530 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Green, Ruth Johnson, Kowall, Middaugh, Patterson, Brater, Gielegem,
Nays: None.

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported

House Resolution No. 40.

A resolution to memorialize the Congress of the United States to enact H.R. 45, the Nuclear Waste Policy Act of 1999, creating an interim nuclear waste storage site while constructing the permanent repository in the Nevada desert. (For text of resolution, see House Journal No. 22, p. 315.)

With the recommendation that the resolution be adopted.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HR 40 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Green, Ruth Johnson, Kowall, Middaugh, Patterson, Sanborn, Sheltroun,
Nays: None.

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported

House Resolution No. 92.

A resolution to oppose the implementation of certain air standards by the United States Environmental Protection Agency and to urge the agency to develop more effective alternatives for ambient air quality standards for ozone and emissions. (For text of resolution, see House Journal No. 40, p. 768.)

With the recommendation that the resolution be adopted.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HR 92 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Green, Ruth Johnson, Kowall, Middaugh, Patterson, Sanborn, Mans, Sheltroun,
Nays: Rep. Brater.

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported

House Resolution No. 98.

A resolution to oppose the Kyoto Protocol on greenhouse gas emissions and to memorialize the United States Senate not to ratify the Kyoto Climate Treaty.

(For text of resolution, see House Journal No. 43, p. 834.)

With the recommendation that the resolution be adopted.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HR 98 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Green, Ruth Johnson, Kowall, Middaugh, Patterson, Sanborn, Sheltroun,
Nays: Reps. Brater, Gielegem.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeVuyst, Chair of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Thursday, May 20, 1999, at 8:00 a.m.,

Present: Reps. DeVuyst, Tabor, DeRossett, Green, Ruth Johnson, Kowall, Middaugh, Patterson, Sanborn, Basham, Brater, Gielegem, Mans, Sheltroun,

Absent: Rep. Callahan,

Excused: Rep. Callahan.

The Committee on Criminal Law and Corrections, by Rep. Faunce, Chair, reported
Senate Bill No. 556, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 219, 233, 258, 303, 310d, 321a, 323, 602a, 605, 625, 625g, 625h, 732, 904, 904c, 904d, and 904e (MCL 257.204a, 257.219, 257.233, 257.258, 257.303, 257.310d, 257.321a, 257.323, 257.602a, 257.605, 257.625, 257.625g, 257.625h, 257.732, 257.904, 257.904c, 257.904d, and 257.904e), sections 204a, 219, 233, and 323 as amended by 1998 PA 346, sections 258 and 602a as amended by 1998 PA 347, section 303 as amended by 1998 PA 351, sections 310d and 321a as amended by 1998 PA 343, section 625 as amended by 1998 PA 350, section 625g as amended by 1994 PA 450, section 625h as amended by 1996 PA 59, section 732 as amended by 1999 PA 21, section 904 as amended by 1998 PA 342, section 904c as added by 1998 PA 359, and sections 904d and 904e as added by 1998 PA 358.

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

1. Amend page 70, line 12, by striking out all of section 904d.
2. Amend page 76, following line 10, by inserting:

"(k) House Bill No. 4648."

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

Favorable Roll Call

SB 556 To Report Out:

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

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

Senate Bill No. 557, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7408a (MCL 333.7408a), as added by 1993 PA 361.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 557 To Report Out:

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

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

Senate Bill No. 558, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8511 (MCL 600.8511), as amended by 1996 PA 79.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 558 To Report Out:

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

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

Senate Bill No. 559, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 9f of chapter IV (MCL 764.9f), as amended by 1998 PA 264.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 559 To Report Out:

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

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

Senate Bill No. 560, entitled

A bill to amend 1925 PA 289, entitled "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," by amending section 3 (MCL 28.243), as amended by 1989 PA 97.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 560 To Report Out:

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 20, 1999, at 10:30 a.m.,

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

Absent: Rep. Callahan,

Excused: Rep. Callahan.

The Committee on Great Lakes and Tourism, by Rep. Shackleton, Chair, reported

House Resolution No. 79.

A resolution to urge the Department of Environmental Quality to commence cleanup work on Tannery Bay in White Lake in Muskegon County.

(For text of resolution, see House Journal No. 37, p. 704.)

With the recommendation that the following substitute (H-1) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 79.

A resolution to support and encourage the Department of Environmental Quality to proceed with all due speed to complete appropriate and cost-effective evaluation to remediate the tannery wastes and associated contamination in the Tannery Bay area of White Lake in Muskegon County.

Whereas, Over the past several decades, various governmental organizations have been monitoring the conditions of Tannery Bay and other portions of White Lake in Muskegon County. Past activities of the Whitehall Leather Company, including the disposal of certain materials, have drawn the attention of area residents; and

Whereas, Certain studies conducted by the United States Environmental Protection Agency, National Oceanic and Atmospheric Administration, Grand Valley State University, and the University of Michigan have indicated the presence of materials associated with historic tannery operations in the sediment in this part of the lake; and

Whereas, The Department of Environmental Quality has indicated that this is a priority site and has identified White Lake as a site of environmental contamination and has requested an appropriation under the Clean Michigan Initiative to address the tannery wastes and any associated contamination in the Tannery Bay area; and

Whereas, The Department of Environmental Quality, with the assistance of the United States Army Corps of Engineers and the United States Environmental Protection Agency, plans to complete necessary tasks this summer in order to issue a Remedial Action Plan under Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, this winter to address this site; and

Whereas, The Department of Environmental Quality will work with Whitehall Leather Company to implement the Remedial Action Plan; now, therefore, be it

Resolved by the House of Representatives, That we support and encourage the Department of Environmental Quality to proceed with all due speed to complete appropriate and cost-effective evaluation to remediate the tannery wastes and associated contamination in the Tannery Bay area of White Lake in Muskegon County; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Environmental Quality.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HR 79 To Report Out:

Yeas: Reps. Shackleton, Van Woerkom, Allen, Birkholz, Bisbee, Hager, Gilbert, Kowall, Middaugh, Woronchak, Lockwood,

Nays: Rep. Hale.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Shackleton, Chair of the Committee on Great Lakes and Tourism, was received and read:

Meeting held on: Thursday, May 20, 1999, at 10:30 a.m.,

Present: Reps. Shackleton, Van Woerkom, Allen, Birkholz, Bisbee, Hager, Gilbert, Kowall, Middaugh, Woronchak, Neumann, Clark, Hale, Lockwood, Rivet, Sheltroun, Woodward.

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

House Bill No. 4456, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 115p. 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 4456 To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 20, 1999, at 9:00 a.m.,

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

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

House Bill No. 4082, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 1989 PA 194.

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 4082 To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 19, 1999, at 9:00 a.m.,

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

Absent: Rep. Rocca,

Excused: Rep. Rocca.

The Committee on Appropriations, by Rep. Geiger, Chair, reported

Senate Bill No. 361, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

SB 361 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Godchaux, Jansen, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Stamas, Toy, Price, Cherry, Clarke, Frank, Kelly, Martinez, Pestka, Prusi, Stallworth, Tesanovich,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 20, 1999, at 9:00 a.m.,

Present: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jansen, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Stamas, Toy, Price, Cherry, Clarke, Frank, Kelly, Martinez, Pestka, Prusi, Stallworth, Tesanovich.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 20, 1999, at 10:30 a.m.,

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

Absent: Reps. Hart, Rick Johnson,

Excused: Reps. Hart, Rick Johnson.

Communications from State Officers

The following communication from the Northwest Michigan Council of Governments was received and read:

May 11, 1999

Enclosed are summaries of four plans developed under the Job Training Partnership Act for the year beginning July 1, 1999, through June 30, 2000.

Sincerely,
Jan Warren
Program Development Coordinator

The communication was referred to the Clerk.

Introduction of Bills

Reps. Lockwood, Garcia, Bob Brown, Spade, Jacobs, Dennis, Woodward, Martinez, Cherry, Jamnick, O'Neil, Vaughn, Bogardus and Lemmons introduced

House Bill No. 4721, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 37c and 37d (MCL 208.37c and 208.37d), as amended by 1996 PA 470.

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

Reps. Stamas, Caul, Toy, Jellema, Minore and Mortimer introduced

House Bill No. 4722, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 15 (MCL 400.715), as amended by 1984 PA 40.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. Patterson, Rick Johnson, Howell, Bishop, Kuipers, Green, Jellema, Toy, Caul, Stamas, Bisbee, Law, Richner, Mortimer, Tabor, Pappageorge, Sanborn and Hart introduced

House Bill No. 4723, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10c (MCL 247.660c), as amended by 1990 PA 73.

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

Reps. Richner, Rick Johnson, Jellema, Bishop, Garcia, Howell, Sanborn, Kuipers, Patterson, Toy, Pappageorge and Bovin introduced

House Bill No. 4724, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219 and 904c (MCL 257.219 and 257.904c), section 219 as amended by 1998 PA 346 and section 904c as added by 1998 PA 359.

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

Rep. Middaugh introduced

House Bill No. 4725, entitled

A bill to regulate the distribution and transmission of electricity in this state; to otherwise restructure the electric industry; and to prescribe the powers and duties of certain state agencies and officials.

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

Quorum Call

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

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 441

Yeas—92

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

In The Chair: Scranton

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 4531, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding section 7a.

The bill was read a second time.

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

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

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

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

Rep. Green moved that Reps. Rick Johnson and Ruth Johnson be excused temporarily from today's session. The motion prevailed.

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

House Bill No. 4531, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding section 7a.

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

Roll Call No. 442

Yeas—73

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

Nays—27

Baird	Clarke, H.	Jamnick	Reeves
Bogardus	Daniels	Kelly	Richner
Brater	Dennis	LaForge	Rison
Brewer	Hale	Lockwood	Scott
Caul	Hansen	Martinez	Stallworth
Cherry	Hardman	Minore	Thomas
Clark, I.	Howell	Price	

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

As has been continuously explained to the house that concealed weapons owners are law abiding citizens, one must ask how such weapons are going to be confiscated if they are all law abiding citizens. One also must ask how such weapons when confiscated are going to be lost or damaged. Most citizens of this state believe that law enforcement officials respect our property rights. Therefore, I protest the passage of this bill.”

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

“Mr. Speaker and members of the House:

In as much as this bill is a part of a total package which is the basis for enacting hb4530 I can not support this bill. This is package is a misguided rationalization for increasing the numbers of guns on the streets of Michigan, making our state a much more unsafe place to live. Furthermore, proponents of hb4530 have repeatedly stated that we need it for the ‘law abiding citizens of Michigan’. My question is; why do we need punitive legislation for law abiding citizens?”

Second Reading of Bills

House Bill No. 4540, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 317 and 321 (MCL 750.317 and 750.321).

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

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

Rep. Brater moved to amend the bill as follows:

1. Amend page 2, line 7, by striking out all of enacting section 2.

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

Rep. Brater demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 443

Yeas—36

Baird	Daniels	Kelly	Reeves
Bogardus	Dennis	Kilpatrick	Rison
Brater	Gielegem	LaForge	Scott
Brewer	Godchaux	Lemmons	Shackleton
Byl	Hale	Lockwood	Stallworth
Callahan	Hanley	Martinez	Tesanovich
Cherry	Hansen	Minore	Thomas
Clark, I.	Hardman	Price	Wojno
Clarke, H.	Jamnick	Prusi	Woodward

Nays—66

Allen	Garcia	Law	Sanborn
Basham	Geiger	Mead	Schermesser
Birkholz	Gilbert	Middaugh	Scranton
Bisbee	Gosselin	Mortimer	Sheltrown
Bishop	Green	Neumann	Shulman
Bovin	Hager	O’Neil	Spade
Bradstreet	Hart	Pappageorge	Stamas
Brown, B.	Howell	Patterson	Switalski

Brown, C.	Jansen	Perricone	Tabor
Cassis	Jelinek	Pestka	Toy
Caul	Jellema	Pumford	Van Woerkom
DeRossett	Julian	Raczkowski	Vander Roest
DeVuyst	Koetje	Richardville	Vaughn
DeWeese	Kowall	Richner	Vear
Ehardt	Kuipers	Rivet	Voorhees
Faunce	Kukuk	Rocca	Woronchak
Frank	LaSata		

In The Chair: Scranton

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

Rep. Raczkowski moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

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

House Bill No. 4540, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 317 and 321 (MCL 750.317 and 750.321).

The bill was read a third time.

The question being on the passage of the bill,

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

Rep. Godchaux asked and obtained an excuse from the balance of today's session.

Second Reading of Bills

House Bill No. 4542, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 227b (MCL 750.227b), as amended by 1990 PA 321.

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

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

Rep. Brater moved to amend the bill as follows:

1. Amend page 4, line 24, by striking out all of enacting section 2.

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

Rep. Brater demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 444

Yeas—32

Baird	Clarke, H.	Jamnack	Price
Bogardus	Daniels	Kelly	Reeves
Brater	Dennis	Kilpatrick	Rison

Brewer	Gielegem	LaForge	Scott
Byl	Hale	Lemmons	Stallworth
Callahan	Hanley	Lockwood	Tesanovich
Cherry	Hansen	Martinez	Thomas
Clark, I.	Hardman	Minore	Vaughn

Nays—68

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

In The Chair: Scranton

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

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

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

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

Rep. DeHart moved that Rep. Schermesser be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4542, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 227b (MCL 750.227b), as amended by 1990 PA 321.

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

Roll Call No. 445**Yeas—76**

Allen	Frank	Kukuk	Rocca
Basham	Garcia	LaSata	Sanborn
Birkholz	Geiger	Law	Scranton
Bisbee	Gielegem	Lemmons	Shackleton
Bishop	Gilbert	Lockwood	Sheltrown
Bovin	Gosselin	Mead	Shulman

Bradstreet	Green	Middaugh	Spade
Brewer	Hager	Mortimer	Stamas
Brown, B.	Hanley	Neumann	Switalski
Brown, C.	Hart	O'Neil	Tabor
Byl	Howell	Pappageorge	Toy
Cassis	Jansen	Patterson	Van Woerkom
Caul	Jelinek	Pestka	Vander Roest
Cherry	Jellema	Prusi	Vaughn
Clarke, H.	Johnson, Ruth	Pumford	Vear
DeHart	Julian	Rackowski	Voorhees
DeRossett	Koetje	Richardville	Wojno
DeWeese	Kowall	Richner	Woodward
Faunce	Kuipers	Rivet	Woronchak

Nays—21

Baird	Ehardt	Kelly	Reeves
Brater	Hale	Kilpatrick	Rison
Clark, I.	Hansen	LaForge	Scott
Daniels	Hardman	Martinez	Stallworth
Dennis	Jamnick	Price	Thomas
DeVuyst			

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

In as much as this bill is a part of a total package which is the basis for enacting hb4530 I can not support this bill. This is package is a misguided rationalization for increasing the numbers of guns on the streets of Michigan, making our state a much more unsafe place to live. Furthermore, proponents of hb4530 have repeatedly stated that we need it for the ‘law abiding citizens of Michigan’. My question is; why do we need punitive legislation for law abiding citizens?”

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

“Mr. Speaker and members of the House:

This bill establishes a double standard for concealed weapons owners. As a matter of fact, it says to the criminal that one should not attempt to get a concealed weapons permit because if one is charged with this particular crime, then one will get a lesser sentence if one is not a concealed weapons permit owner. The absurdity of this notion is beyond this member of the house. Therefore, I vote no.”

Second Reading of Bills

House Bill No. 4544, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 357b (MCL 750.357b), as added by 1990 PA 321.

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

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

Rep. Brater moved to amend the bill as follows:

1. Amend page 2, line 1, by striking out all of enacting section 2.

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

Rep. Brater demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 446**Yeas—33**

Baird	Daniels	Kilpatrick	Reeves
Bogardus	Dennis	LaForge	Rison
Brater	Gielegem	Lemmons	Scott
Brewer	Hale	Lockwood	Scranton
Byl	Hanley	Martinez	Stallworth
Callahan	Hansen	Minore	Tesanovich
Cherry	Hardman	Price	Thomas
Clark, I.	Jamnick	Prusi	Vaughn
Clarke, H.			

Nays—66

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

In The Chair: Scranton

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4544, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 357b (MCL 750.357b), as added by 1990 PA 321.

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

Roll Call No. 447**Yeas—95**

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

Nays—5

Brater	Martinez	Minore	Scott
LaForge			

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

In as much as this bill is a part of a total package which is the basis for enacting hb4530 I can not support this bill. This is package is a misguided rationalization for increasing the numbers of guns on the streets of Michigan, making our state a much more unsafe place to live. Furthermore, proponents of hb4530 have repeatedly stated that we need it for the ‘law abiding citizens of Michigan’. My question is; why do we need punitive legislation for law abiding citizens?”

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

“Mr. Speaker and members of the House:

Although I favor strict law enforcement and severe (yet reasonable) penalty for those who commit felonies. In this instance, however, I am troubled by the appearance of a law that values firearms at the same level as women and girls. Under this legislation, the penalty for stealing a gun is about equal to the penalty for statutory rape or 2nd degree criminal sexual conduct. It suggests guns are as valuable as our daughters and is offensive.”

Second Reading of Bills

House Bill No. 4634, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 226 (MCL 750.226).
The bill was read a second time.

Rep. Brater moved to amend the bill as follows:

1. Amend page 2, line 8, by striking out all of enacting section 2.

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

Rep. Brater demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 448

Yeas—32

Baird	Clarke, H.	Kelly	Prusi
Bogardus	Daniels	Kilpatrick	Quarles
Brater	Gielegem	LaForge	Rison
Brewer	Hale	Lemmons	Scott
Byl	Hanley	Lockwood	Stallworth
Callahan	Hansen	Martinez	Tesanovich
Cherry	Hardman	Minore	Thomas
Clark, I.	Jamnick	Price	Vaughn

Nays—69

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

In The Chair: Scranton

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4634, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 226 (MCL 750.226).

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

Roll Call No. 449

Yeas—94

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

Nays—6

Bogardus	Ehardt	LaForge	Scott
Brater	Jamnack		

In The Chair: Scranton

The House agreed to the title of the bill.

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

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

Reps. Basham, Birkholz, Caul, DeRossett, DeWeese, Geiger, Jansen, Ruth Johnson, Julian, Kowall, Kukuk, LaSata, Lemmons, Mead, Pappageorge, Pumford, Raczkowski, Richner, Rocca, Schermesser, Sheltrown, Shulman, Vaughn and Voorhees were named co-sponsors of the bill.

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

"Mr. Speaker and members of the House:

In as much as this bill is a part of a total package which is the basis for enacting hb4530 I can not support this bill. This is package is a misguided rationalization for increasing the numbers of guns on the streets of Michigan, making our state a much more unsafe place to live. Furthermore, proponents of hb4530 have repeatedly stated that we need it for the 'law abiding citizens of Michigan'. My question is; why do we need punitive legislation for law abiding citizens?"

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

By unanimous consent the House considered **House Resolution No. 103** out of numerical order.

Reps. Basham, Prusi, Daniels, Garza, Pappageorge, Kelly, Mans, Spade, Garcia, Kowall, Faunce, Hansen, Woodward, Gielegem, Bovin, Wojno, Dennis, LaForge, Callahan, Hale, Gosselin, Kukuk, Van Woerkom, Vear, DeVuyst, Cassis, Jelinek, Lemmons, Baird, Howell, Sheltroun, Ehardt, Kilpatrick, Tesanovich, Richner, Jansen, Lockwood, Brater, Mead, Cherry, Jamnick, Allen, Birkholz, Bisbee, Bishop, Bradstreet, Bob Brown, Cameron Brown, Byl, Caul, Clarke, DeHart, DeRossett, DeWeese, Frank, Geiger, Hager, Hardman, Jellema, Ruth Johnson, Julian, Koetje, Kuipers, LaSata, Middaugh, Mortimer, Neumann, O’Neil, Patterson, Pestka, Price, Pumford, Quarles, Raczkowski, Reeves, Richardville, Rivet, Rocca, Sanborn, Schermesser, Scott, Scranton, Shulman, Stallworth, Stamas, Toy, Vander Roest, Vaughn, Voorhees and Woronchak offered the following resolution:

House Resolution No. 103.

A resolution proclaiming May 22-28, 1999 as Michigan Safe Boating Week.

Whereas, Throughout Michigan and the United States, people are increasingly heading to the water for recreation and relaxation; and

Whereas, Michigan is the number one boating state in the country with more than 957,000 registered boaters; and

Whereas, With this growth in on-the-water activities comes additional responsibility; and

Whereas, It is essential that both novice and experienced boaters alike practice safe boating habits, such as wearing a life jacket; and

Whereas, This year’s theme for the National Safe Boating Campaign, “Boat Smart From the Start. Wear Your Life Jacket.”, recognizes that boating safety begins long before the boat leaves the dock; and

Whereas, In recognizing that hundreds of lives could be saved each year by the wearing of life jackets, and that the life jackets of today are more comfortable, more attractive, and more wearable than earlier styles of years past; and

Whereas, The law already requires that wearable life jackets be carried for each person on board the boat and little effort is needed to wear those life jackets; now, therefore, be it

Resolved by the House of Representatives, That we do hereby support the goals of the National Safe Boating Campaign and proclaim May 22-28, 1999 as Michigan Safe Boating Week and the start of the year-round effort to promote safe boating.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Third Reading of Bills

The House returned to the consideration of

House Bill No. 4540, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 317 and 321 (MCL 750.317 and 750.321).

(The bill was considered earlier today, see today’s Journal, p. 990.)

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. 450

Yeas—84

Allen	Frank	LaSata	Sanborn
Basham	Garcia	Lemmons	Schermesser
Birkholz	Geiger	Lockwood	Scranton
Bisbee	Gielegem	Mead	Shackleton
Bishop	Gilbert	Middaugh	Sheltroun
Bovin	Gosselin	Mortimer	Shulman
Bradstreet	Green	Neumann	Spade
Brown, B.	Hager	O’Neil	Stallworth

Brown, C.	Hale	Pappageorge	Stamas
Byl	Hanley	Patterson	Switalski
Callahan	Hart	Perricone	Tabor
Cassis	Howell	Pestka	Tesanovich
Caul	Jansen	Prusi	Toy
Cherry	Jelinek	Pumford	Van Woerkom
Clarke, H.	Jellema	Quarles	Vander Roest
DeHart	Johnson, Ruth	Raczkowski	Vaughn
DeRossett	Julian	Richardville	Vear
DeVuyst	Koetje	Richner	Voorhees
DeWeese	Kowall	Rison	Wojno
Ehardt	Kuipers	Rivet	Woodward
Faunce	Kukuk	Rocca	Woronchak

Nays—15

Baird	Daniels	Kilpatrick	Price
Brater	Hardman	LaForge	Reeves
Brewer	Jamnick	Martinez	Thomas
Clark, I.	Kelly	Minore	

In The Chair: Scranton

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

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

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 321 (MCL 750.321).

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. DeRossett, DeWeese, Gilbert, Hansen, Mead, Shackleton and Toy were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Callahan, Prusi, Daniels, Garza, Pappageorge, Kelly, Mans, Spade, Garcia, Kowall, Faunce, Hansen, Woodward, Gielegem, Bovin, Wojno, Dennis, LaForge, Hale, Gosselin, Kukuk, Van Woerkom, Vear, DeVuyst, Cassis, Jelinek, Lemmons, Baird, Howell, Sheltroun, Ehardt, Kilpatrick, Tesanovich, Richner, Brater, Mead, Cherry and Jamnick offered the following resolution:

House Resolution No. 102.

A resolution honoring the Kiwanis organization and its Kids Day.

Whereas, The Kiwanis clubs have been selected to receive this resolution as recognition for outstanding service to the people of the entire community, especially for their Kids Day, scheduled for the second Saturday of July, this year being July 10, 1999; and

Whereas, On this occasion, it is most appropriate to offer this expression of the value that we all place on the work that the Kiwanis organization does for all, especially children; and

Whereas, The first Kiwanis club was organized in Detroit, Michigan on January 21, 1915; and

Whereas, In 1962, worldwide expansion was approved, and today Kiwanis clubs are active in every part of the world. And, as the Kiwanis motto is "we build," there are now more than 8,500 Kiwanis clubs with more than 315,000 members in 82 nations and geographic areas. Kiwanis members in one year have raised and spent almost \$70 million, and have contributed 6.2 million hours of volunteer time; and

Whereas, Kiwanis International sponsors several service clubs for young people, such as Circle K International with 10,800 members on 560 university and college campuses; Key Club International with 194,000 members in 4,574 high schools; and Builders Clubs in 2,000 junior high schools and middle schools. Kiwanis has sought to note such youth activities with an annual Kids Day; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body support the designation by Kiwanis of the second Saturday of July, this year being July 10, 1999, as Kids Day in the State of Michigan. May the Kiwanis members and their families enjoy the health and happiness their efforts have earned; and be it further

Resolved, That a copy of this resolution be transmitted to the Kiwanis Clubs International as evidence of our best wishes for the future.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Raczkowski moved that when the House adjourns today it stand adjourned until Tuesday, May 25, at 10:00 a.m. The motion prevailed.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Bill No. 4657**.

Rep. Pestka

Rep. Pappageorge moved that the House adjourn.

The motion prevailed, the time being 10:35 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Tuesday, May 25, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives.

