

No. 66
STATE OF MICHIGAN
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House of Representatives
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House Chamber, Lansing, Thursday, October 7, 1999.

12:00 Noon.

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

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

Allen—present	Frank—present	Kuipers—present	Rison—present
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—present	LaForge—present	Rocca—present
Birkholz—present	Geiger—present	Kukuk—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—excused	Switalski—present
Cassis—present	Howell—present	Pappageorge—present	Tabor—present
Caul—present	Jacobs—present	Patterson—present	Tesanovich—present
Cherry—present	Jamnick—present	Perricone—present	Thomas—present
Clark—present	Jansen—present	Pestka—present	Toy—present
Clarke—present	Jelinek—present	Price—present	Vander Roest—present
Daniels—present	Jellema—present	Prusi—present	Van Woerkom—present
DeHart—present	Johnson, Rick—present	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—present	Quarles—present	Year—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—excused	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

Rev. Phil Myers, Pastor of Bethel Temple Church in New Baltimore, offered the following invocation:

“Heavenly Father, we thank You for this day that You have given to us. We thank You for Your provision. We thank You for the opportunity to be involved in leadership, whether it be in our churches, whether it be in our country, our nation, our state, or even in our cities. We thank You for this opportunity. God, we recognize that You have placed us in positions of authority, and responsibility of leadership. That we may be those that are used by You to guide the direction of our state, our cities, our country. Father, I ask for Your provision, Your wisdom, to be upon each one of these individuals in this House today. That they would be guided by Your Holy Spirit, led in the directions that You would have them to go. As a result, we would be accomplishing Your perfect will. We ask for Your instructions, we ask for Your guidance, we ask for Your strength to accomplish what You have called for us to do. We know that there are those that would oppose Your will, but Father, we recognize that You are the God of all gods. You are the great I Am, the Alpha, the Omega, the beginning, and the end. We start this time, this day, with our call to You, to help us as we take these responsibilities seriously. We thank You, we give You all the glory, we give You all the honor. In Jesus’ name, we pray. Amen.”

Rep. Basham moved that Rep. O’Neil be excused temporarily from today’s session.
The motion prevailed.

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

Third Reading of Bills

House Bill No. 4851, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 10103a.

(The bill was read a third time and postponed for the day on October 6, see House Journal No. 65, p. 1879.)

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. 851

Yeas—108

Allen	Faunce	Kowall	Rison
Baird	Frank	Kuipers	Rivet
Basham	Garcia	Kukuk	Rocca
Birkholz	Garza	LaForge	Sanborn
Bisbee	Geiger	LaSata	Schauer
Bishop	Gielegem	Law	Schermesser
Bogardus	Gilbert	Lemmons	Scott
Bovin	Godchaux	Lockwood	Scranton
Bradstreet	Gosselin	Mans	Shackleton
Brater	Green	Martinez	Sheltrown
Brewer	Hager	Mead	Shulman
Brown, B.	Hale	Middaugh	Spade
Brown, C.	Hanley	Minore	Stallworth
Byl	Hansen	Mortimer	Stamas
Callahan	Hardman	Neumann	Switalski
Cassis	Hart	Pappageorge	Tabor
Caul	Howell	Patterson	Tesanovich
Cherry	Jacobs	Perricone	Thomas
Clark, I.	Jamnick	Pestka	Toy
Clarke, H.	Jansen	Price	Van Woerkom

Daniels	Jelinek	Prusi	Vander Roest
DeHart	Jellema	Pumford	Vaughn
Dennis	Johnson, Rick	Quarles	Vear
DeRossett	Johnson, Ruth	Rackowski	Voorhees
DeVuyst	Julian	Reeves	Wojno
DeWeese	Kilpatrick	Richardville	Woodward
Ehardt	Koetje	Richner	Woronchak

Nays—0

In The Chair: Birkholz

The House agreed to the title of the bill.

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

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

Reps. Allen, Basham, Birkholz, Bisbee, Bovin, Brater, Brewer, Byl, Callahan, Cassis, Dennis, DeRossett, DeVuyst, Faunce, Geiger, Gielegem, Gilbert, Gosselin, Hager, Hardman, Howell, Jansen, Jelinek, Jellema, Rick Johnson, Ruth Johnson, Kowall, Kuipers, LaSata, Lockwood, Mead, Middaugh, Pappageorge, Patterson, Prusi, Pumford, Richardville, Rocca, Sanborn, Scott, Shackleton, Sheltroun, Shulman, Stallworth, Tabor, Toy, Van Woerkom, Vander Roest, Vear, Voorhees, Wojno, Woodward and Woronchak were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 4625, entitled

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

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

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

Rep. Gilbert moved to amend the bill as follows:

1. Amend page 1, line 6, after "FOR" by striking out "A" and inserting "AN INDIGENT".

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

Rep. Scott moved that Rep. Prusi be excused temporarily from today's session.

The motion prevailed.

Rep. Gilbert moved to amend the bill as follows:

1. Amend page 1, line 2, after "IN" by striking out "SUBSECTION (2)" and inserting "SUBSECTIONS (2) AND (3)".

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

"(3) THE TRIAL COURT MAY APPOINT APPELLATE COUNSEL FOR AN INDIGENT DEFENDANT WHO PLEADS GUILTY, GUILTY BUT MENTALLY ILL, OR NOLO CONTENDERE IF ALL OF THE FOLLOWING APPLY:

(A) THE DEFENDANT SEEKS LEAVE TO APPEAL A SENTENCE BASED UPON AN ALLEGED IMPROPER SCORING OF AN OFFENSE VARIABLE OR A PRIOR RECORD VARIABLE.

(B) THE DEFENDANT OBJECTED TO THE SCORING OR OTHERWISE PRESERVED THE MATTER FOR APPEAL.

(C) THE SENTENCE IMPOSED BY THE COURT CONSTITUTES AN UPWARD DEPARTURE FROM THE UPPER LIMIT OF THE MINIMUM SENTENCE RANGE THAT THE DEFENDANT ALLEGES SHOULD HAVE BEEN SCORED."

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

The demand was supported.

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

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

Roll Call No. 852**Yeas—66**

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

Nays—40

Baird	Dennis	Kilpatrick	Schauer
Basham	Frank	LaForge	Schermesser
Bogardus	Garza	Lemmons	Scott
Bovin	Gielegem	Lockwood	Scranton
Brater	Hale	Martinez	Stallworth
Brewer	Hanley	Minore	Switalski
Cherry	Hansen	Price	Tesanovich
Clark, I.	Hardman	Quarles	Thomas
Daniels	Jacobs	Reeves	Vaughn
DeHart	Jamnick	Rison	Woodward

In The Chair: Birkholz

Rep. Baird moved to amend the bill as follows:

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

“(E) THE DEFENDANT SEEKS LEAVE TO APPEAL BASED UPON AN ALLEGED ERROR IN CALCULATING THE DEFENDANT’S SENTENCING GUIDELINES SCORE.

(F) THE DEFENDANT SEEKS LEAVE TO APPEAL BASED UPON AN ALLEGED ERROR IN THE DEFENDANT’S PRESENTENCE INVESTIGATION REPORT.”.

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

Rep. Baird demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 853**Yeas—54**

Baird	Dennis	Lemmons	Schauer
Basham	Frank	Lockwood	Schermesser
Bogardus	Garza	Mans	Scott
Bovin	Gielegem	Martinez	Scranton
Brater	Godchaux	Minore	Spade
Brewer	Hale	Neumann	Stallworth
Brown, C.	Hansen	Pestka	Switalski
Byl	Hardman	Price	Tesanovich
Callahan	Jacobs	Prusi	Thomas
Cherry	Jamnick	Quarles	Vaughn
Clark, I.	Jellema	Reeves	Voorhees
Clarke, H.	Kilpatrick	Rison	Wojno
Daniels	LaForge	Rivet	Woodward
DeHart	LaSata		

Nays—50

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

In The Chair: Birkholz

Rep. Baird moved to amend the bill as follows:

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

“(E) THE COURT DETERMINES THAT IN EQUITY AND GOOD CONSCIENCE APPOINTMENT OF COUNSEL IS APPROPRIATE.”.

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

Rep. Baird demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 854**Yeas—50**

Baird	Dennis	Lemmons	Schauer
Basham	Frank	Lockwood	Schermesser
Bogardus	Garza	Mans	Scott
Bovin	Gielegem	Martinez	Scranton

Brater	Godchaux	Minore	Spade
Brewer	Hale	Neumann	Stallworth
Brown, B.	Hanley	Price	Switalski
Callahan	Hansen	Prusi	Tesanovich
Cherry	Hardman	Quarles	Thomas
Clark, I.	Jacobs	Reeves	Vaughn
Clarke, H.	Jamnick	Rison	Wojno
Daniels	Kilpatrick	Rivet	Woodward
DeHart	LaForge		

Nays—57

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

In The Chair: Birkholz

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

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

Rep. Middaugh 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. 4625, entitled

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

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Second Reading of Bills

House Bill No. 4624, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the

supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending sections 34 and 44 (MCL 791.234 and 791.244), section 34 as amended by 1998 PA 512 and section 44 as amended by 1992 PA 181.

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

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

Rep. Shackleton moved to amend the bill as follows:

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

“(B) IN ADDITION TO THE INTERVIEW SCHEDULE PRESCRIBED IN SUBDIVISION (A), THE PAROLE BOARD SHALL REVIEW THE PRISONER’S FILE AT THE CONCLUSION OF 15 CALENDAR YEARS OF THE PRISONER’S SENTENCE AND EVERY 5 YEARS THEREAFTER UNTIL THE PRISONER IS PAROLED, DISCHARGED, OR DECEASED. A PRISONER WHOSE FILE IS TO BE REVIEWED UNDER THIS SUBDIVISION SHALL BE NOTIFIED OF THE UPCOMING FILE REVIEW AT LEAST 30 DAYS BEFORE THE FILE REVIEW TAKES PLACE AND SHALL BE ALLOWED TO SUBMIT WRITTEN STATEMENTS OR DOCUMENTARY EVIDENCE FOR THE PAROLE BOARD’S CONSIDERATION IN CONDUCTING THE FILE REVIEW.” and relettering the remaining subdivisions.

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

Rep. Jacobs moved to amend the bill as follows:

1. Amend page 7, line 14, after “court.” by inserting “A PRISONER MAY CHALLENGE THE ACTION OF THE PAROLE BOARD IN DENYING HIS OR HER PAROLE BY APPEALING THE DENIAL UNDER SECTION 631 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.631, OR BY BRINGING A CONTESTED CASE UNDER ARTICLE 4 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.271 TO 24.287.”.

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

Rep. Jacobs demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 855

Yeas—41

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

Nays—64

Allen	Frank	Koetje	Rocca
Birkholz	Garcia	Kowall	Sanborn

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

In The Chair: Birkholz

Rep. Jacobs moved to amend the bill as follows:

1. Amend page 7, line 9, after “granting” by inserting “or denying”.
2. Amend page 7, line 10, after “by” by inserting “the prisoner,”.
3. Amend page 7, line 11, after “committed” by inserting a comma.
4. Amend page 7, line 12, after “convicted” by inserting “FOR VIOLATIONS OF THE UNITED STATES CONSTITUTION, THE STATE CONSTITUTION OF 1963, A STATE STATUTE, AN ADMINISTRATIVE RULE, OR AN AGENCY REGULATION, OR FOR A CLEAR ABUSE OF DISCRETION”.

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

Rep. Jacobs demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 856

Yeas—39

Baird	Dennis	LaForge	Rivet
Basham	Garza	Lemmons	Schauer
Bogardus	Gielegem	Lockwood	Scott
Bovin	Hale	Martinez	Stallworth
Brater	Hanley	Minore	Switalski
Brewer	Hansen	Price	Tesanovich
Cherry	Hardman	Prusi	Thomas
Clark, I.	Jacobs	Quarles	Vaughn
Clarke, H.	Jamnick	Reeves	Woodward
Daniels	Kilpatrick	Rison	

Nays—68

Allen	Frank	Kowall	Rocca
Birkholz	Garcia	Kuipers	Sanborn
Bisbee	Geiger	Kukuk	Schermesser
Bishop	Gilbert	LaSata	Scranton
Bradstreet	Godchaux	Law	Shackleton
Brown, B.	Gosselin	Mans	Sheltrown
Brown, C.	Green	Mead	Shulman

Byl	Hager	Middaugh	Spade
Callahan	Hart	Mortimer	Stamas
Cassis	Howell	Neumann	Tabor
Caul	Jansen	Pappageorge	Toy
DeHart	Jelinek	Patterson	Van Woerkom
DeRossett	Jellema	Pestka	Vander Roest
DeVuyst	Johnson, Rick	Pumford	Vear
DeWeese	Johnson, Ruth	Rackowski	Voorhees
Ehardt	Julian	Richardville	Wojno
Faunce	Koetje	Richner	Woronchak

In The Chair: Birkholz

Rep. Jacobs moved to amend the bill as follows:

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

“(C) IF, AFTER CONDUCTING A FILE REVIEW UNDER SUBDIVISION (B), THE PAROLE BOARD DECLINES TO TAKE ANY FURTHER ACTION TOWARD CONSIDERING PAROLE FOR THAT PRISONER, THE PAROLE BOARD SHALL PROVIDE TO THE PRISONER A WRITTEN STATEMENT EXPLAINING ITS DECISION NOT TO TAKE FURTHER ACTION. THE WRITTEN STATEMENT SHALL BE DELIVERED TO THE PRISONER NOT LATER THAN 30 DAYS AFTER THE FILE REVIEW IS CONDUCTED.” and relettering the remaining subdivisions.

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

Rep. Jacobs demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 857

Yeas—51

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

Nays—56

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

DeRossett	Jelinek	Pappageorge	Van Woerkom
DeVuyst	Jellema	Patterson	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vear
Ehardt	Johnson, Ruth	Raczkowski	Voorhees
Faunce	Julian	Richardville	Woronchak

In The Chair: Birkholz

Reps. Godchaux and Jacobs moved to amend the bill as follows:

1. Amend page 4, line 14, after “and” by inserting “every 5 years”.
2. Amend page 4, line 14, after “thereafter” by inserting “FOR A PRISONER SENTENCED BEFORE JANUARY 1, 2000, OR”.
3. Amend page 4, line 15, after “BOARD” by inserting “FOR A PRISONER SENTENCED ON OR AFTER JANUARY 1, 2000,”.

The question being on the adoption of the amendments offered by Reps. Godchaux and Jacobs,

Rep. Brater demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Godchaux and Jacobs,

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

Roll Call No. 858

Yeas—52

Baird	Dennis	LaForge	Rivet
Basham	Frank	Lemmons	Schauer
Bogardus	Garza	Lockwood	Schermesser
Bovin	Gielegem	Mans	Scott
Brater	Godchaux	Martinez	Scranton
Brewer	Hale	Minore	Sheltrown
Byl	Hanley	Neumann	Spade
Caul	Hansen	Pestka	Stallworth
Cherry	Hardman	Price	Switalski
Clark, I.	Jacobs	Prusi	Tesanovich
Clarke, H.	Jamnack	Quarles	Thomas
Daniels	Jellema	Reeves	Vaughn
DeHart	Kilpatrick	Rison	Woodward

Nays—54

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

In The Chair: Birkholz

Rep. Shackleton 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. Middaugh 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. 4624, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34 and 44 (MCL 791.234 and 791.244), section 34 as amended by 1998 PA 512 and section 44 as amended by 1992 PA 181.

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

Roll Call No. 859

Yeas—65

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

Nays—38

Baird	Dennis	Lemmons	Rivet
Basham	Garza	Lockwood	Schermesser
Bogardus	Godchaux	Martinez	Scott
Brater	Hale	Minore	Scranton
Brewer	Hanley	Price	Stallworth
Cherry	Hansen	Prusi	Tesanovich
Clark, I.	Hardman	Quarles	Thomas
Clarke, H.	Jacobs	Reeves	Vaughn
Daniels	Jamnick	Rison	Woodward
DeHart	LaForge		

Rep. Middaugh moved to reconsider the vote by which the House passed the bill.

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

The question being on the passage of the bill,

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

Roll Call No. 860

Yeas—69

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

Nays—37

Baird	Dennis	Kilpatrick	Reeves
Basham	Garza	LaForge	Rivet
Bogardus	Godchaux	Lemmons	Schauer
Brater	Hale	Lockwood	Schermesser
Brewer	Hanley	Martinez	Scott
Cherry	Hansen	Minore	Tesanovich
Clark, I.	Hardman	Price	Thomas
Clarke, H.	Jacobs	Prusi	Vaughn
Daniels	Jamnick	Quarles	Woodward
DeHart			

In The Chair: Birkholz

The House agreed to the title of the bill.

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

“Mr. Speaker and members of the House:

I voted no on record roll vote 860, HB 4624, for final passage. I believe we are creating two tiers of citizens. Those with money and those without. If we vote yes, we are also saying if you can afford an attorney then you have more legal rights than someone who can't afford one. Our U.S. and state constitution assure us we are all treated equal

regardless of several things including how much money we have in a bank account. A U.S. Supreme Court decision in U.S. vs Miranda clearly states a prisoner or someone being arrested has 'the right to counsel and if they cannot afford one then one will be appointed for them.' This will not cost the citizens of this state a lot of money as it only affects about 1700 prisoners state wide and the cost for filing the papers addressed in the bill is only \$500.00. I believe it will be found unconstitutional and is in direct opposition to a Supreme Court ruling.”

Rep. Basham, 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 no on House Bill 4624 because of my concern that this bill will make parole interviews discretionary and undo changes to Michigan’s ‘650 lifer law’ enacted last session.

House Bill 4624 may also violate the constitutional Ex Post Facto provision. This is the constitutional principal of changing an individual’s sentence through legislation. In the Shabazz case the court held that changing the time between parole interviews from three to five years was not an Ex Post Facto violation, the determining factor is the degree of change. In this bill the lifer interviews will become discretionary and at the will of the parole board, which is a substantial change.

Eliminating the appeals by the prisoners whose own lives are at stake, while continuing to permit prosecutors to appeal grants of parole, would be grossly unfair and probably violates the constitutional guarantee of equal protection.”

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

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

Rep. Brater demanded the yeas and nays.

The demand was supported.

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

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 861

Yeas—61

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

Nays—40

Baird	Garza	Lemmons	Schauer
Basham	Gielegem	Lockwood	Schermesser
Brater	Godchaux	Martinez	Scott
Brewer	Hale	Minore	Scranton
Cherry	Hansen	Neumann	Stallworth
Clark, I.	Hardman	Price	Switalski
Clarke, H.	Jacobs	Prusi	Tesanovich
Daniels	Jamnick	Quarles	Thomas

DeHart
Dennis

Kilpatrick
LaForge

Reeves
Rison

Vaughn
Woodward

In The Chair: Birkholz

Second Reading of Bills

Senate Bill No. 419, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 55; and to repeal acts and parts of acts.

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 419, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 55; 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. 862

Yeas—93

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

Nays—15

Brater	Hale	Price	Stallworth
Clark, I.	Hardman	Reeves	Thomas
Daniels	Kilpatrick	Rison	Vaughn
Garza	LaForge	Scott	

In The Chair: Birkholz

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

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

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," by amending section 2963 (MCL 600.2963), as added by 1996 PA 555, and by adding chapter 55.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills**Senate Bill No. 500, entitled**

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 33 (MCL 800.33), as amended by 1994 PA 218.

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 500, entitled**

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 33 (MCL 800.33), as amended by 1994 PA 218.

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

Roll Call No. 863**Yeas—89**

Allen	Faunce	Koetje	Richner
Baird	Frank	Kowall	Rivet
Basham	Garcia	Kuipers	Rocca

Birkholz	Geiger	Kukuk	Sanborn
Bisbee	Gielegem	LaSata	Schauer
Bishop	Gilbert	Law	Scranton
Bogardus	Godchaux	Lockwood	Shackleton
Bovin	Gosselin	Mans	Sheltrown
Bradstreet	Green	Mead	Shulman
Brewer	Hager	Middaugh	Spade
Brown, B.	Hanley	Minore	Stamas
Brown, C.	Hansen	Mortimer	Switalski
Byl	Hart	Neumann	Tabor
Callahan	Howell	Pappageorge	Tesanovich
Cassis	Jacobs	Patterson	Toy
Caul	Jamnick	Perricone	Van Woerkom
Cherry	Jansen	Pestka	Vander Roest
DeHart	Jelinek	Prusi	Vear
Dennis	Jellema	Pumford	Voorhees
DeRossett	Johnson, Rick	Quarles	Wojno
DeVuyst	Johnson, Ruth	Raczkowski	Woodward
DeWeese	Julian	Richardville	Woronchak
Ehardt			

Nays—18

Brater	Hale	Martinez	Scott
Clark, I.	Hardman	Price	Stallworth
Clarke, H.	Kilpatrick	Reeves	Thomas
Daniels	LaForge	Rison	Vaughn
Garza	Lemmons		

In The Chair: Birkholz

The House agreed to the title of the bill.

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

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

The House returned to the consideration of

House Bill No. 4625, entitled

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

(The bill was considered earlier today, see today's journal, p. 1906.)

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. 864**Yeas—65**

Allen	Frank	Kowall	Rocca
Birkholz	Garcia	Kuipers	Sanborn
Bisbee	Geiger	Kukuk	Shackleton
Bishop	Gilbert	Law	Sheltrown
Bovin	Gosselin	Mead	Shulman
Bradstreet	Green	Middaugh	Spade
Brown, B.	Hager	Mortimer	Stamas
Brown, C.	Hart	Neumann	Switalski

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

Nays—43

Baird	Garza	LaSata	Rivet
Basham	Gielegem	Lemmons	Schauer
Bogardus	Godchaux	Lockwood	Schermesser
Brater	Hale	Mans	Scott
Brewer	Hanley	Martinez	Scranton
Cherry	Hansen	Minore	Stallworth
Clark, I.	Hardman	Price	Tesanovich
Clarke, H.	Jacobs	Prusi	Thomas
Daniels	Jamnick	Quarles	Vaughn
DeHart	Kilpatrick	Reeves	Woodward
Dennis	LaForge	Rison	

In The Chair: Birkholz

The House agreed to the title of the bill.

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

“Mr. Speaker and members of the House:

I voted no on record roll vote 864, HB 4625, for final passage. I believe we are creating two tiers of citizens. Those with money and those without. If we vote yes, we are also saying if you can afford an attorney then you have more legal rights than someone who can't afford one. Our U.S. and state constitution assure us we are all treated equal regardless of several things including how much money we have in a bank account. A U.S. Supreme Court decision in U.S. vs Miranda clearly states a prisoner or someone being arrested has 'the right to counsel and if they cannot afford one then one will be appointed for them.' This will not cost the citizens of this state a lot of money as it only affects about 1700 prisoners state wide and the cost for filing the papers addressed in the bill is only \$500.00. I believe it will be found unconstitutional and is in direct opposition to a Supreme Court ruling.”

Rep. Basham, 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:

House Bill 4625 is a gross denial of justice for Michigan's indigent inmates. The bill will deny poor individuals the right to assistance of counsel to appeal convictions and/or sentences if he/she plead guilty, guilty but mentally ill, or nolo contendere.

This bill may very well increase the cost of our justice system and bring our court system to a halt, because most criminal cases are plea bargained and denying indigent individuals the right to counsel on any subsequent appeal may very well have the affect of defendants being less likely to enter any sort of plea bargain thereby requiring a costly full blown criminal trial.

There is currently a case before the Supreme Court (People of the State of Michigan v. Gregory Bulger) that will decide this issue, making passage of this legislation premature.”

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

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

Rep. Martinez demanded the yeas and nays.

The demand was supported.

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

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 865**Yeas—58**

Allen	Garcia	Kowall	Rocca
Birkholz	Geiger	Kuipers	Sanborn
Bisbee	Gilbert	Kukuk	Shackleton
Bishop	Gosselin	Law	Sheltrown
Bradstreet	Green	Mead	Shulman
Brown, B.	Hager	Middaugh	Spade
Brown, C.	Hart	Mortimer	Stamas
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	Woronchak
Faunce	Koetje		

Nays—44

Baird	Garza	Lemmons	Schauer
Basham	Gielegem	Lockwood	Schermesser
Bogardus	Godchaux	Mans	Scott
Brater	Hale	Martinez	Scranton
Cherry	Hansen	Minore	Stallworth
Clark, I.	Hardman	Neumann	Switalski
Clarke, H.	Jacobs	Price	Tesanovich
Daniels	Jamnick	Prusi	Thomas
DeHart	Kilpatrick	Quarles	Vaughn
Dennis	LaForge	Reeves	Wojno
Frank	LaSata	Rison	Woodward

In The Chair: Birkholz

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported

Senate Bill No. 485, entitled

A bill to amend 1943 PA 202, entitled "Municipal finance act," by amending section 1b of chapter VII (MCL 137.1b), as amended by 1982 PA 469.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 485 To Report Out:

Yeas: Reps. Birkholz, Hager, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore,

Nays: None.

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported
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.

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 587 To Report Out:

Yeas: Reps. Birkholz, Hager, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Birkholz, Chair of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Thursday, October 7, 1999, at 9:00 a.m.,

Present: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves.

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

House Bill No. 4879, 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 bill pass.

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

Favorable Roll Call

HB 4879 To Report Out:

Yeas: Reps. Richardville, Ehardt, Allen, Garcia, Schermesser, 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, October 7, 1999, at 9:00 a.m.,

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

The Committee on Health Policy, by Rep. Law, Chair, reported

Senate Bill No. 404, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923, 333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, and sections 20920, 20921, and 20965 as amended by 1997 PA 78.

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

1. Amend page 41, line 1, after "PASSAGE" by inserting "BY EACH FIRST-TIME APPLICANT".

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

Favorable Roll Call

SB 404 To Report Out:

Yeas: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Rocca, Vear, Schauer, Dennis, Jacobs, Woodward,

Nays: Rep. Neumann.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 7, 1999, at 10:30 a.m.,

Present: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Raczkowski, Rocca, Vear, Schauer, Baird, Dennis, Jacobs, Neumann, Reeves, Woodward.

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

House Bill No. 4310, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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 4310 To Report Out:

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

Nays: None.

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

House Concurrent Resolution No. 44.

A concurrent resolution to change the scope of the Professional Studies and Classroom Building project at the University of Michigan-Flint.

(For text of resolution, see House Journal No. 59, p. 1785.)

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 44 To Report Out:

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

Nays: None.

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

House Concurrent Resolution No. 51.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority and Central Michigan University relative to the Central Michigan University Park Library Addition and Remodeling.

(For text of resolution, see House Journal No. 62, p. 1824.)

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 51 To Report Out:

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

Nays: None.

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

House Concurrent Resolution No. 52.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority and Bay de Noc Community College relative to the Bay de Noc Community College General Campus Renovations and Additions.

(For text of resolution, see House Journal No. 62, p. 1825.)

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 52 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Stamas, Price, Cherry, Clarke, Frank, 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, October 7, 1999, at 11:00 a.m.,

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

Absent: Reps. Toy, Kelly,

Excused: Reps. Toy, Kelly.

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, October 7, 1999, at 8:00 a.m.,

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

Absent: Rep. Ruth Johnson,

Excused: Rep. Ruth Johnson.

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, Tuesday, October 5:

Senate Bill Nos. 765 781

The Clerk announced that the following Senate bills had been received on Thursday, October 7:

Senate Bill Nos. 205 539 703 704 718 719

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

House Bill No. 4244, entitled

A bill to amend 1968 PA 2, entitled "Uniform budgeting and accounting act," by amending section 2d (MCL 141.422d), as amended by 1996 PA 401.

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. 4609, entitled

A bill to amend 1957 PA 200, entitled "An act to provide for the creation by 2 or more municipalities of an intermunicipality committee for the purpose of studying area problems; and to provide authority for the committee to receive gifts and grants," (MCL 123.631 to 123.636) by adding section 7.

The Senate has passed the bill and ordered that it be given immediate effect.

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

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.

The Senate has amended the bill as follows:

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

"SEC. 3. IF ANY FEE, TERM, OR CONDITION FOR THE USE OF THIS PROPERTY IS IMPOSED ON MEMBERS OF THE PUBLIC, OR IF ANY OF THOSE FEES, TERMS, OR CONDITIONS IS WAIVED FOR USE OF THIS PROPERTY, RESIDENT AND NONRESIDENT MEMBERS OF THE PUBLIC SHALL BE SUBJECT TO THE SAME FEES, TERMS, CONDITIONS, OR WAIVERS."

The Senate has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

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 sections 2a and 3.

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

Senate Bill No. 205, entitled

A bill to amend 1981 PA 93, entitled "Michigan right to farm act," by amending section 4 (MCL 286.474), as amended by 1995 PA 94.

The Senate has passed the bill.

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

Senate Bill No. 539, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 110b (MCL 41.110b), as added by 1989 PA 77.

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. 703, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending sections 1, 4, and 5 (MCL 41.181, 41.184, and 41.185), section 1 as amended by 1994 PA 315, section 4 as amended by 1994 PA 14, and section 5 as added by 1989 PA 78.

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. 704, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 23 (MCL 42.23).

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. 718, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 415 (MCL 750.415).

The Senate has passed the bill.

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

Senate Bill No. 719, entitled

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

The Senate has passed the bill.

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

Communications from State Officers

The following communication from the Department of Consumer and Industry Services was received and read:

October 4, 1999

Pursuant to Section 324 of P.A. 306 of 1998, we are enclosing a copy of the Approval Study Report #CA72007 conducted on Nokomis Challenge Center, Prudenville, Michigan. If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,
John R. Suckow, C.P.A.
Director,
Finance and Administrative Services

The communication was referred to the Clerk.

Introduction of Bills

Reps. Switalski and Spade introduced

House Bill No. 4964, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2543 (MCL 600.2543), as amended by 1986 PA 308.

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

Reps. Gielegem, Switalski, Callahan, Woodward, Dennis, O'Neil, Jacobs, Lockwood, Rivet, Pestka, Frank, Neumann, Baird, Brater, Schermesser, Daniels, Rocca, Ruth Johnson, Thomas, Minore, Jamnick, Schauer, Bogardus, Wojno, Scranton, Faunce and LaForge introduced

House Bill No. 4965, entitled

A bill to protect against foreclosure proceedings, defaults, enforcement actions, and late payment charges caused by computer date failures; and to repeal acts and parts of acts.

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

Rep. Stallworth introduced

House Bill No. 4966, entitled

A bill to amend 1909 PA 106, entitled "An act to regulate the transmission of electricity through the public highways, streets and places of this state, where the source of supply and place of use are in the same or different counties; to regulate the charges to be made for electricity so transmitted; to regulate the rules and conditions of service under which said electricity shall be furnished and to confer upon the Michigan public utilities commission certain powers and duties in regard thereto," (MCL 460.551 to 460.559) by amending the title and by adding sections 10, 11, 12, 13, 14, 15, 16, 17, and 18.

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

Reps. Van Woerkom, Howell, Pappageorge and Hager introduced

House Bill No. 4967, entitled

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

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

Rep. Wojno introduced

House Bill No. 4968, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16268 and 20195.

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

Reps. Kowall, Hager, Gilbert, Rivet, Shackleton, Julian, Bob Brown, Shulman, Bishop, Voorhees, Sanborn, DeRossett, Bovin, Green, Ehardt, Toy, Bisbee, Patterson, Woronchak, Tabor, Byl, Richardville, Vander Roest, Garcia and Pappageorge introduced

House Bill No. 4969, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 226 (MCL 257.226), as amended by 1992 PA 297, and by adding section 801i.

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

Rep. Callahan introduced

House Bill No. 4970, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80123 (MCL 324.80123), as added by 1995 PA 58.

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

Rep. Callahan introduced

House Bill No. 4971, entitled

A bill to repeal 1935 PA 140, entitled "An act to prohibit endurance contests known as walkathons and similar endurance contests; to prescribe a penalty for the violation thereof, and to repeal Act No. 65 of the Public Acts of 1933," (MCL 752.161 to 752.162).

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

Rep. Jammick introduced

House Bill No. 4972, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 354 (MCL 18.1354), as amended by 1999 PA 8.

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

Rep. Jammick introduced

House Bill No. 4973, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1310a (MCL 380.1310a), as added by 1999 PA 102.

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

Rep. Koetje moved that the House adjourn.

The motion prevailed, the time being 3:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, October 12, at 2:00 p.m.