

No. 82
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House of Representatives
90th Legislature
REGULAR SESSION OF 1999

House Chamber, Lansing, Wednesday, December 1, 1999.

12:00 Noon.

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

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

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

e/d/s = entered during session

Father James Bessert, Pastor of St. Brigids Parish in Midland, offered the following invocation:

“O God, You are in charge and because of that some things have to change. We have to realize that we have a responsibility to live life with joy, to accept Your call to holiness, and to follow You with all our heart. Lord, You truly love what is good, and You help us to discover that goodness wherever we go and wherever we might meet others. God You always call Your people into service and that means we too are called. We only have to listen and pay attention and get to the work You have entrusted to us—entrusted by You and by the good citizens of this great state of Michigan. We seek Your humble guidance and offer You our thanks. Lord, we remember that we are called to behold just like You. So may all glory, power and honor be Yours, Almighty God, now and always and forever. Amen.”

Associate Speaker Pro Tempore Patterson assumed the Chair.

Second Reading of Bills

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.

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

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 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.

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

Roll Call No. 1065

Yeas—108

Allen	Faunce	Kowall	Richner
Baird	Frank	Kuipers	Rison
Basham	Garcia	Kukuk	Rivet
Birkholz	Garza	LaForge	Rocca
Bisbee	Geiger	LaSata	Sanborn
Bishop	Gielegghem	Law	Schauer
Bogardus	Gilbert	Lemmons	Schermesser
Bovin	Godchaux	Lockwood	Scott
Bradstreet	Gosselin	Mans	Scranton
Brater	Green	Martinez	Shackleton
Brewer	Hager	Mead	Sheltrown
Brown, B.	Hale	Middaugh	Shulman
Brown, C.	Hanley	Minore	Spade
Byl	Hansen	Mortimer	Stamas
Callahan	Hardman	Neumann	Switalski

Cassis	Hart	O'Neil	Tabor
Caul	Howell	Pappageorge	Tesanovich
Cherry	Jacobs	Patterson	Thomas
Clark, I.	Jamnack	Perricone	Toy
Clarke, H.	Jansen	Pestka	Van Woerkom
Daniels	Jelinek	Price	Vander Roest
DeHart	Jellema	Prusi	Vaughn
Dennis	Johnson, Rick	Pumford	Vear
DeRossett	Johnson, Ruth	Quarles	Voorhees
DeVuyst	Julian	Rackowski	Wojno
DeWeese	Kelly	Reeves	Woodward
Ehardt	Koetje	Richardville	Woronchak

Nays—0

In The Chair: Patterson

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.

Second Reading of Bills

House Bill No. 4651, entitled

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

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

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

Rep. Bogardus moved that Rep. Clark be excused temporarily from today's session.
 The motion prevailed.

Rep. Brater moved to amend the bill as follows:

1. Amend page 8, following line 26, by inserting:

"SEC. 5503B. BY JANUARY 1, 2001, THE DEPARTMENT SHALL PROPOSE A PLAN TO ELIMINATE ANY SPECIAL TREATMENT GIVEN TO COAL-FIRED, UTILITY-OWNED ELECTRIC GENERATING PLANTS IN MEETING EMISSION LIMITS FOR SULFUR DIOXIDE AND NITROGEN OXIDES. BY JANUARY 1, 2005, THE STANDARDS ESTABLISHED FOR ALL COAL-FIRED, UTILITY-OWNED ELECTRIC GENERATING PLANTS SHALL BE AS PROTECTIVE OF PUBLIC HEALTH AS THOSE REQUIRED OF NEW COAL-FIRED, UTILITY-OWNED ELECTRIC GENERATING PLANTS BUILT AFTER 1990."

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. 1066

Yeas—49

Baird	Frank	Lockwood	Rivet
Basham	Garza	Mans	Schauer

Bogardus	Gielegthem	Martinez	Schermesser
Bovin	Hale	Minore	Scott
Brater	Hanley	Neumann	Sheltrown
Brewer	Hansen	O'Neil	Spade
Brown, B.	Hardman	Pestka	Switalski
Callahan	Jacobs	Price	Tesanovich
Cherry	Jamnick	Prusi	Thomas
Clark, I.	Kelly	Quarles	Vaughn
Clarke, H.	LaForge	Reeves	Wojno
DeHart	Lemmons	Rison	Woodward
Dennis			

Nays—57

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

In The Chair: Patterson

Rep. Kukuk 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. 4651, entitled**

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

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

Roll Call No. 1067**Yeas—66**

Allen	Gilbert	Kukuk	Rivet
Birkholz	Godchaux	LaSata	Rocca
Bisbee	Gosselin	Law	Sanborn
Bishop	Green	Mans	Scranton
Bovin	Hager	Mead	Shackleton

Bradstreet	Hart	Middaugh	Sheltrown
Brown, C.	Howell	Mortimer	Shulman
Byl	Jansen	O'Neil	Spade
Cassis	Jelinek	Pappageorge	Stamas
Caul	Jellema	Patterson	Tabor
DeRossett	Johnson, Rick	Perricone	Toy
DeVuyst	Johnson, Ruth	Pumford	Van Woerkom
DeWeese	Julian	Rackowski	Vander Roest
Ehardt	Kilpatrick	Reeves	Vear
Faunce	Koetje	Richardville	Voorhees
Garcia	Kowall	Richner	Woronchak
Geiger	Kuipers		

Nays—42

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

In The Chair: Patterson

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.

Second Reading of Bills

Senate Bill No. 562, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d.

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

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 1, line 7, after "349," by striking out "411h, 411i,".

2. Amend page 1, line 11, after "157c," by striking out "or 350" and inserting "350, 411H, OR 411I".

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

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

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

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

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

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

The motion prevailed.

Rep. Hale moved that Rep. Thomas be excused temporarily from today's session.
The motion prevailed.

Rep. Callahan moved that Rep. Dennis be excused temporarily from today's session.
The motion prevailed.

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

Senate Bill No. 562, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1068

Yeas—98

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

Nays—0

In The Chair: Patterson

The question being on agreeing to the title of the bill,
Rep. Rackowski moved to amend the title to read as follows:

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 145d (MCL 750.145d), as added by 1999 PA 32.

The motion prevailed.

The House agreed to the title as amended.

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

Second Reading of Bills

House Bill No. 4706, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 502 and 504 (MCL 380.502 and 380.504), section 502 as amended by 1995 PA 289 and section 504 as amended by 1994 PA 416.

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

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

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

The question being on the adoption of the substitute (H-5) offered by Rep. DeWeese,

Rep. Bogardus demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-5) offered by Rep. DeWeese,

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

The motion prevailed.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Pappageorge, Raczkowski, Spade, Howell, Mead, Rick Johnson, Kelly, Schauer, DeHart, Tesanovich, Hanley, Kukuk, Jansen, Cassis, Ehardt, LaForge, Schermesser, Wojno, Jamnick, Cherry, Prusi, Vander Roest, Baird, Van Woerkom, DeRossett, Hager, Julian, LaSata, Koetje, Toy, Scott, Hale, Allen, Richner, Scranton, Kowall, Brater, Woronchak, Shulman, Garcia, DeWeese, Mans, Rocca, Caul, Gielegthem, Clarke, Birkholz, Perricone and Green offered the following resolution:

House Resolution No. 230.

A resolution declaring February 2000 as Ethnic and Cultural Heritage Month in Michigan.

Whereas, The culture of the people of the State of Michigan has been continually renewed and enriched by the many different people who have chosen to come here over many decades and become citizens; and

Whereas, Each individual brings a part of his or her own heritage, which over time becomes part of our common heritage leading us to become a more united people; and

Whereas, Michigan is fortunate to count among its population large numbers of citizens of numerous descents, who together make important contributions to our economy and society through their commitment to numerous professions, commerce, family, and the arts; and

Whereas, We must foster an interest in the heritage, culture, and history of all peoples and pass that understanding and knowledge on to the next generation, awakening in every American community awareness of the quality of the contributions that all types of ethnicity can bring to our modern American lifestyle; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body support the designation of February 2000 as Ethnic and Cultural Heritage Month in the State of Michigan.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Hanley, Frank, Howell, Raczkowski, Hansen, Spade, Mead, Bovin, Neumann, Rick Johnson, Kelly, Schauer, DeHart, Pappageorge, Tesanovich, Kukuk, Cassis, Ehardt, LaForge, Schermesser, Wojno, Jamnick, Cherry, Prusi, Vander Roest, Baird, Van Woerkom, DeRossett, Hager, Julian, LaSata, Koetje, Toy, Scott, Hale, Kilpatrick, Richardville, Martinez, Allen, Richner, Scranton, Kowall, Brater, Garcia, DeWeese, Quarles, Mans, Rocca, Caul, Minore, Gieleghem, Hardman, Woodward, Dennis, Birkholz and Green offered the following resolution:

House Resolution No. 231.

A resolution honoring the Saginaw High School Trojans - Division 2 State Football Champions.

Whereas, It is a distinct pleasure to join with the families, the entire school, and all of Saginaw in celebrating the achievements of the Saginaw High School football team on its wonderful success in its 1999 season. In a stunning victory over a fine team from Birmingham Brother Rice at the Silverdome, the Trojans earned the title of Michigan High School Athletic Association Division 2 Football Champions. This represents the culmination of an outstanding season and the first state football title to be taken back to Saginaw High School; and

Whereas, Much to the delight of their loyal fans, the Trojans have earned the respect of prep sports followers all over Michigan through their talent, teamwork, and determination. Under the direction of Head Coach Don Durrett, Assistant Coaches Brian Conover, John Engel, Jim Geary, and Trainer Rob Ueberroth, the team honed its exceptional skills and developed the poise and character necessary to reach this lofty goal. As opponents have found throughout the season, this is a team that brings unity and a positive outlook to all levels of competition. In the face of challenge and pressure, this is a group of young people who maintain their focus on making their dreams come true and accept nothing less than their best effort; and

Whereas, Winning titles or compiling outstanding seasons is never a fluke. While anything can happen in a single game, all teams show their true abilities and dedication over a long season or a difficult tournament. What distinguishes the best, however, is usually the effort that appears in practice, far removed from the excitement of game day. We admire the efforts, team spirit, and preparation of these talented young people who proudly wear Saginaw High School's Black and Gold:

Anthony Baker	Brandon Cork	Tory Humphrey	Anthony Roberson
Craig Boyle	Dan Davis	Ira Jackson	Antwan Robinson
Terry Bracken II	Rashad Davis	Terry Jackson	Anthony Rogers
Seddirck Brown	Cliff Davis	Jerome Jackson	Charles Rogers
Ronnie Bryant	Marcel Dillard	Samuel Johnson	Ronald Stanley
Clifford Calhoun	Jamel Dillard	Roy Manning	Anthony Ware
Kirk Carruth	Tim Gray	Jeremiah McLaurin	Otis Washington
DeAndre Clement	Moses Holmes	Michael Reedy	Andre White
Aaron Cooper	Jerrad Humes	Jason Riley	Demontrial Williamson
			Lamarr Woodley

; now, therefore, be it

Resolved by the House of Representatives, That we extend our congratulations to the Saginaw High School Division 2 Football Champions; and be it further

Resolved, That a copy of this resolution be transmitted to the Saginaw High School Trojans as a token of the esteem in which they are held.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

The Committee on Insurance and Financial Services, by Rep. Sanborn, Chair, reported

Senate Bill No. 596, entitled

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," by amending section 8 (MCL 490.8), as amended by 1992 PA 246.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 596 To Report Out:

Yeas: Reps. Sanborn, Bisbee, Bishop, Ehardt, Hager, Rick Johnson, Julian, Law, Richner, Shackleton, Van Woerkom, Wojno, Bob Brown, Hale, O'Neil,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sanborn, Chair of the Committee on Insurance and Financial Services, was received and read:

Meeting held on: Wednesday, December 1, 1999, at 9:00 a.m.,

Present: Reps. Sanborn, Bisbee, Bishop, Ehardt, Hager, Rick Johnson, Julian, Law, Richner, Shackleton, Van Woerkom, Wojno, Bob Brown, Hale, O'Neil,

Absent: Reps. DeVuyst, Basham, Clark, Daniels, Scott, Thomas,

Excused: Reps. DeVuyst, Basham, Clark, Daniels, Scott, Thomas.

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

House Bill No. 4591, entitled

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 1996 PA 92.

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 4591 To Report Out:

Yeas: Reps. Rocca, Vear, Faunce, Kuipers, Woronchak, Scott, Vaughn, Wojno,

Nays: None.

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

House Bill No. 4937, entitled

A bill to provide for the regulation of contracts between persons publicly performing or broadcasting copyrighted nondramatic musical works under certain circumstances; to provide for recognition of certain agents and employees of performing rights societies; to impose certain fees; to provide for certain powers and duties for certain state agencies and departments; and to prescribe penalties and provide remedies.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 4937 To Report Out:

Yeas: Reps. Rocca, Vear, Faunce, Kuipers, Woronchak, Scott, Vaughn,

Nays: None.

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

House Bill No. 5014, entitled

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 1996 PA 92.

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 5014 To Report Out:

Yeas: Reps. Rocca, Vear, Faunce, Kuipers, Woronchak, Scott, Vaughn, Wojno,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, November 30, 1999, at 5:42 p.m.,

Present: Reps. Rocca, Vear, Faunce, Kuipers, Woronchak, Scott, Vaughn, Wojno,

Absent: Rep. Hale.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, November 12:

Senate Bill Nos. 883 884 886 887 888 889

The Clerk announced that the following Senate bills had been received on Wednesday, December 1:

Senate Bill Nos. 373 550 888 889

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4010, entitled**

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

The Senate has amended the bill as follows:

1. Amend page 6, line 3, after "(3)" by striking out "TOWNSHIP" and inserting "A MUNICIPAL CORPORATION'S".
2. Amend page 6, line 7, after "act," by inserting "and section 2a, as added by this amendatory act,".

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

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

House Bill No. 4640, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 34 of chapter IX and sections 31, 43, 46, and 48 of chapter XVII (MCL 769.34, 777.31, 777.43, 777.46, and 777.48), section 34 of chapter IX as amended and sections 31, 43, 46, and 48 of chapter XVII as added by 1998 PA 317.

The Senate has amended the bill as follows:

1. Amend page 2, line 7, after "sentence" by inserting "FOR AN INDIVIDUAL SENTENCED TO THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS".
2. Amend page 2, line 11, after "sentence" by striking out "OR A SENTENCE THAT EXCEEDS THE RECOMMENDED SENTENCE RANGE BUT IS LESS THAN THE MANDATORY MINIMUM SENTENCE".
3. Amend page 2, line 11, after "section." by inserting "IF A STATUTE MANDATES A MINIMUM SENTENCE FOR AN INDIVIDUAL SENTENCED TO THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND THE STATUTE AUTHORIZES THE SENTENCING JUDGE TO DEPART FROM THAT MINIMUM SENTENCE, A SENTENCE THAT EXCEEDS THE RECOMMENDED SENTENCE RANGE BUT IS LESS THAN THE MANDATORY MINIMUM SENTENCE IS NOT A DEPARTURE UNDER THIS SECTION.".

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

"Sec. 57. (1) Prior record variable 7 is subsequent or concurrent felony convictions. Score prior record variable 7 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) The offender has 2 or more subsequent or concurrent convictions.....20 points
- (b) The offender has 1 subsequent or concurrent conviction10 points
- (c) The offender has no subsequent or concurrent convictions 0 points
- (2) All of the following apply to scoring record variable 7:
 - (a) Score the appropriate point value if the offender was convicted of multiple felony counts or was convicted of a felony after the sentencing offense was committed.
 - (b) Do not score a felony firearm conviction in this variable.
 - (c) Do not score a concurrent felony conviction if a MANDATORY consecutive sentence will result from that conviction.”.

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 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide 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 34 of chapter IX and sections 31, 43, 46, 48, and 57 of chapter XVII (MCL 769.34, 777.31, 777.43, 777.46, 777.48, and 777.57), section 34 of chapter IX as amended and sections 31, 43, 46, 48, and 57 of chapter XVII as added by 1998 PA 317.

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

Senate Bill No. 373, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 1, 5, 11, 12, 13, 14, 15, 16a, 16b, 16c, 16d, 16e, 16f, 16g, 16h, 16i, 16j, 16k, 16l, 16m, 16n, 16o, 16p, 16q, 16r, 16s, 16t, 16u, 16v, 16w, 16x, 16y, 16z, 17, 18, 19, 21, 35, 36, 43, 47, 48, 54, and 55 of chapter XVII (MCL 777.1, 777.5, 777.11, 777.12, 777.13, 777.14, 777.15, 777.16a, 777.16b, 777.16c, 777.16d, 777.16e, 777.16f, 777.16g, 777.16h, 777.16i, 777.16j, 777.16k, 777.16l, 777.16m, 777.16n, 777.16o, 777.16p, 777.16q, 777.16r, 777.16s, 777.16t, 777.16u, 777.16v, 777.16w, 777.16x, 777.16y, 777.16z, 777.17, 777.18, 777.19, 777.21, 777.35, 777.36, 777.43, 777.47, 777.48, 777.54, and 777.55), sections 1, 5, 12, 14, 15, 16a, 16b, 16c, 16e, 16h, 16i, 16j, 16k, 16l, 16m, 16n, 16o, 16p, 16q, 16r, 16s, 16t, 16u, 16v, 16w, 16x, 16y, 18, 19, 21, 35, 36, 43, 47, 48, 54, and 55 as added by 1998 PA 317, section 11 as amended by 1999 PA 90, section 13 as amended by 1999 PA 61, section 16d as amended by 1999 PA 192, section 16f as amended by 1999 PA 45, section 16g as amended by 1999 PA 39, section 16l as amended by 1999 PA 168, section 16z as amended by 1999 PA 186, and section 17 as amended by 1999 PA 67; and to repeal acts and parts of acts.

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. 550, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 888, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 39c (MCL 208.39c), as added by 1998 PA 534.

The Senate has passed the bill.

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

Senate Bill No. 889, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 266 (MCL 206.266), as added by 1998 PA 535.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Cassis, Mead, Gilbert, Pappageorge, Bishop, Gosselin and Voorhees introduced

House Bill No. 5153, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9c (MCL 211.9c).

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

Reps. Spade, Wojno, Jamnick, Bovin, Schauer, Bogardus, Pappageorge, DeHart, Switalski and Jacobs introduced

House Bill No. 5154, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2, 3, 5, and 6a (MCL 722.22, 722.23, 722.25, and 722.26a), section 2 as amended by 1999 PA 156, sections 3 and 5 as amended by 1993 PA 259, and section 6a as added by 1980 PA 434, and by adding section 5a.

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

By unanimous consent the House returned to the order of

Reports of Select Committees**First Conference Report**

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4485, entitled

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

Recommends:

First: That the House recede from its amendment numbered 1, which reads as follows:

1. Amend page 2, following line 18, by inserting:

"(D) IF A MEMBER IS DIAGNOSED WITH CANCER PRIOR TO A PHYSICIAN'S TERMINATION OR KNOWLEDGE OF THE TERMINATION AND THE PHYSICIAN WAS TREATING THE CANCER BEFORE THE DATE OF TERMINATION OR KNOWLEDGE OF THE TERMINATION, FOR THE REMAINDER OF THE MEMBER'S LIFE FOR CARE DIRECTLY RELATED TO THE TREATMENT OF THAT CANCER.

(E) IF A MEMBER IS 65 YEARS OLD OR OLDER, FOR THE REMAINDER OF THE MEMBER'S LIFE."

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1980 PA 350, entitled "An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts," (MCL 550.1101 to 550.1704) by adding section 402c.

Gerald Law
Paul DeWeese
Conferees for the House

Dale Shugars
John J.H. Schwarz, M.D.
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4486, entitled

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

Recommends:

First: That the House recede from its amendments numbered 1 to 3, which read as follows:

1. Amend page 2, line 10, after "IS" by striking out the balance of the line through "PREGNANCY" on line 11 and inserting "PREGNANT".

2. Amend page 2, following line 18, by inserting:

"(D) IF AN ENROLLEE IS DIAGNOSED WITH CANCER PRIOR TO A PHYSICIAN'S TERMINATION OR KNOWLEDGE OF THE TERMINATION AND THE PHYSICIAN WAS TREATING THE CANCER BEFORE THE DATE OF TERMINATION OR KNOWLEDGE OF THE TERMINATION, FOR THE REMAINDER OF THE ENROLLEE'S LIFE FOR CARE DIRECTLY RELATED TO THE TREATMENT OF THAT CANCER.

(E) IF AN ENROLLEE IS 65 YEARS OLD OR OLDER, FOR THE REMAINDER OF THE ENROLLEE'S LIFE.".

3. Amend page 3, line 22, after "PHYSICIAN" by inserting "OR A MENTAL HEALTH PROFESSIONAL".

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 21052b.

Gerald Law
Paul DeWeese
Conferees for the House

Dale Shugars
John J.H. Schwarz, M.D.
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4487, entitled

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

Recommends:

First: That the House recede from its amendment numbered 1, which reads as follows:

1. Amend page 2, following line 18, by inserting:

"(D) IF AN INSURED IS DIAGNOSED WITH CANCER PRIOR TO A PHYSICIAN'S TERMINATION OR KNOWLEDGE OF THE TERMINATION AND THE PHYSICIAN WAS TREATING THE CANCER BEFORE THE DATE OF TERMINATION OR KNOWLEDGE OF THE TERMINATION, FOR THE REMAINDER OF THE INSURED'S LIFE FOR CARE DIRECTLY RELATED TO THE TREATMENT OF THAT CANCER.

(E) IF AN INSURED IS 65 YEARS OLD OR OLDER, FOR THE REMAINDER OF THE INSURED'S LIFE.".

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act," (MCL 500.100 to 500.8302) by adding section 2212b.

Gerald Law
Paul DeWeese
Conferees for the House

Dale Shugars
John J.H. Schwarz, M.D.
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Hale moved that the House adjourn.
The motion prevailed, the time being 3:45 p.m.

Associate Speaker Pro Tempore Patterson declared the House adjourned until Thursday, December 2, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives.