

No. 71
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House of Representatives
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House Chamber, Lansing, Wednesday, October 20, 1999.

2:00 p.m.

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

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

Allen—present	Frank—present	Kuipers—present	Rison—present
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—present	LaForge—present	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gieleghem—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

Rep. Vera Rison, from the 48th District, offered the following invocation:

“Father, God, we come at this hour giving You the praise because You’ve been so kind. We thank You for life, health and strength. We come this evening saying to You, please help us to be strong in all of our decision making. Give us the strength to stand together instead of becoming divided. We stand here with a voice for the people without a voice, and we know when we take care of those who can’t take care of themselves, You will take care of us. So, I’m saying to You at this hour, make us strong, bring us together, and help us to serve in the right manner. I ask You for all these blessings in Jesus’ name. Amen.”

Second Reading of Bills

House Bill No. 4876, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 506b. 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. Jacobs moved to amend the bill as follows:

1. Amend page 2, following line 19, by inserting:

“(4) THE COURT SHALL REQUIRE AN INDIVIDUAL SUBJECT TO SENTENCING UNDER THIS SECTION TO PAY AN ASSESSMENT OF \$5.00. THE COURT SHALL FORWARD ASSESSMENTS COLLECTED UNDER THIS SUBSECTION ON A MONTHLY BASIS TO THE STATE TREASURER FOR DEPOSIT IN THE CRIME VICTIM’S RIGHTS FUND CREATED UNDER SECTION 4 OF 1989 PA 196, MCL 780.904.” and renumbering the remaining subsection.

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,

Point of Order

Rep. Raczkowski requested a ruling from the Chair regarding the germaneness of the amendment offered by Rep. Jacobs.

The Chair ruled that the amendment is not germane because it constitutes an amendment by reference in violation of Article 4, § 25 of the Constitution of 1963.

Rep. Kilpatrick appealed the decision of the Chair.

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

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

Roll Call No. 892

Yeas—57

Allen	Gilbert	Kowall	Richner
Birkholz	Godchaux	Kuipers	Rocca
Bisbee	Gosselin	Kukuk	Sanborn
Bishop	Green	LaSata	Scranton
Bradstreet	Hager	Law	Shackleton

Brown, C.	Hart	Mead	Shulman
Byl	Howell	Middaugh	Stamas
Cassis	Jansen	Mortimer	Tabor
Caul	Jelinek	Pappageorge	Toy
DeRossett	Jellema	Patterson	Van Woerkom
DeVuyst	Johnson, Rick	Perricone	Vander Roest
DeWeese	Johnson, Ruth	Pumford	Vear
Ehardt	Julian	Rackowski	Voorhees
Faunce	Koetje	Richardville	Woronchak
Geiger			

Nays—52

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

In The Chair: Birkholz

Rep. Callahan moved to amend the bill as follows:

1. Amend page 2, following line 19, by inserting:

“(4) THIS SECTION DOES NOT APPLY IF THE CONVICTED INDIVIDUAL AND THE VICTIM ARE LESS THAN 18 YEARS OF AGE.” and renumbering the remaining subsection.

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

Rep. Callahan demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 893**Yeas—48**

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

Nays—61

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

In The Chair: Birkholz

Rep. Jacobs moved to amend the bill as follows:

1. Amend page 2, following line 19, by inserting:

“(4) THE COURT MAY REQUIRE AN INDIVIDUAL SUBJECT TO SENTENCING UNDER THIS SECTION TO PAY AN ASSESSMENT OF \$5.00. THE COURT SHALL FORWARD ASSESSMENTS COLLECTED UNDER THIS SUBSECTION ON A MONTHLY BASIS TO THE STATE TREASURER FOR DEPOSIT IN THE CRIME VICTIM’S RIGHTS FUND.” and renumbering the remaining subsection.

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

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

The motion prevailed.

House Bill No. 4880, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 506b.

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. Callahan moved to amend the bill as follows:

1. Amend page 2, following line 17, by inserting:

“(4) THIS SECTION DOES NOT APPLY IF THE CONVICTED INDIVIDUAL AND THE VICTIM ARE 65 YEARS OF AGE OR OLDER AND THE VICTIM IS NOT A VULNERABLE ADULT.”.

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

Rep. Callahan demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 894**Yeas—37**

Baird	Hanley	Lockwood	Schauer
Bovin	Hansen	Mans	Scott
Brater	Hardman	Martinez	Stallworth

Brewer	Jacobs	Minore	Switalski
Callahan	Jamnick	O'Neil	Tesanovich
Cherry	Kelly	Price	Thomas
Clarke, H.	Kilpatrick	Prusi	Vaughn
Dennis	LaForge	Reeves	Wojno
Gielegghem	Lemmons	Rison	Woodward
Hale			

Nays—64

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

In The Chair: Birkholz

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

House Bill No. 4628, entitled

A bill to amend 1959 PA 168, entitled "An act to provide for township planning; for the creation, organization, powers and duties of township planning commissions; and for the regulation and subdivision of land," by amending section 9 (MCL 125.329).

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4628, entitled

A bill to amend 1959 PA 168, entitled "An act to provide for township planning; for the creation, organization, powers and duties of township planning commissions; and for the regulation and subdivision of land," by amending section 9 (MCL 125.329).

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

Roll Call No. 895**Yeas—110**

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

Nays—0

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 1959 PA 168, entitled "An act to provide for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies," by amending section 9 (MCL 125.329).

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. 4629, 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 97 (MCL 41.97), as amended by 1989 PA 77.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Local Government and Urban Policy,

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

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

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

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

House Bill No. 4629, 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 97 (MCL 41.97), as amended 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. 896

Yeas—104

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

Nays—0

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 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 72a (MCL 41.72a), as amended by 1996 PA 465.

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

The House returned to the consideration of

House Bill No. 4880, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 506b. (The bill was considered earlier today, see today’s journal, p. 2004.)

Rep. Brater moved to amend the bill as follows:

1. Amend page 2, following line 17, by inserting:

“(4) THIS SECTION DOES NOT APPLY IF THE CONVICTED INDIVIDUAL IS A PERSON WITH SERIOUS MENTAL ILLNESS AS DEFINED AT SECTION 100d OF THE MENTAL HEALTH CODE, 1974, PA 258, MCL 330.1100D.”.

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. 897

Yeas—44

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

Nays—63

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

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

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

House Bill No. 4880, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 506b.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 898

Yeas—58

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

Nays—16

Bovin	Hale	LaForge	Stallworth
Bradstreet	Kelly	Lemmons	Switalski
Clark, I.	Kilpatrick	Prusi	Tesanovich
Garza	Koetje	Scott	Vaughn

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 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 506c.
The motion prevailed.
The House agreed to the title as amended.

Rep. Raczkowski moved to reconsider the vote by which the House passed **House Bill No. 4629**.
The motion prevailed, a majority of the members serving voting therefor.
The question being on the passage of the bill,
The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 899**Yeas—109**

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

Nays—0

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 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 72a (MCL 41.72a), as amended by 1996 PA 465.

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

The House returned to the consideration of

House Bill No. 4876, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 506b. (The bill was considered earlier today, see today's journal, p. 2002.)

Rep. Callahan moved to amend the bill as follows:

1. Amend page 2, line 21, after "145M" by inserting "OR THE PERSON DISPLAYS AN OBJECTIVELY MANIFESTED DISABILITY".

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

Rep. Jacobs moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Jacobs.

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

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4876, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 506b. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 900

Yeas—107

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

Nays—0

In The Chair: Birkholz

The House agreed to the title of the bill.

Rep. Raczkowski moved to reconsider the vote by which the House passed **House Bill No. 4880**.

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

The question being on the passage of the bill,

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

Roll Call No. 901**Yeas—93**

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

Nays—14

Bovin	Kilpatrick	Reeves	Switalski
Clark, I.	Koetje	Rivet	Tesanovich
Daniels	LaForge	Scott	Vaughn
Hardman	Prusi		

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 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 506c.

The motion prevailed.

The House agreed to the title as amended.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Baird moved to discharge the Committee on Health Policy from further consideration of **House Bill No. 4127**.
(For first notice see House Journal No. 70, p. 1995.)

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

Rep. Baird demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 902**Yeas—52**

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

Nays—54

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

In The Chair: Birkholz

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

Reps. Schermesser, Hale, DeHart, Martinez, Scott, Mans, Bovin, Spade, Woodward, Dennis, Wojno, Neumann, Pappageorge, Jamnick, Prusi, Richardville and Lemmons offered the following resolution:

House Resolution No. 205.

A resolution to memorialize the Congress of the United States to assure that quality and access to health care for veterans are maintained.

Whereas, With the move to a balanced federal budget, many people are concerned over the impact of increasingly limited funds for vitally important services. An area of special concern is the health care provided to our veterans, especially through the facilities and programs of the Department of Veterans Affairs; and

Whereas, For those who served our country with sacrifice and valor in the Armed Forces, the VA health programs represent a fulfillment of a promise. The programs and facilities are literally a lifeline for many. This promise on the part of our nation—to care for our veterans in their times of need—cannot be forgotten or abandoned. The move to bring austerity and fiscal responsibility to government spending cannot override the needs of the veterans who now rely on us as we relied on them in our nation's times of need; and

Whereas, Funding to care for veterans who have suffered grave injuries must not be jeopardized. Veterans bedridden by injuries and dependent on VA health services have every right to the same level of dedication they gave to America in battles to preserve our way of life. To decrease our financial and emotional commitment to these patriots through inadequate care is wrong. Continuing cutbacks in funding and reductions in service and personal care represent a flawed approach to caring for men and women who have earned our lasting gratitude; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to assure that quality and access to health care for veterans are maintained; and be it further

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

The resolution was referred to the Committee on Veterans Affairs.

Reps. Brater, Hansen, LaForge, Spade, Bogardus, Martinez, Cherry, Garza, Neumann, Kelly, Hardman, Hale, Prusi, Baird, Rivet, Jacobs, Woodward, Bovin, Dennis, Wojno, Hanley, Vaughn, Tesanovich, Schermesser, DeHart, Godchaux, Van Woerkom, Ehardt, Scott, Jellema, Thomas, Pappageorge, Kilpatrick, Switalski, Minore, Gielegem, Clarke, Mead, Fauce, Jamnick, Schauer, Bishop, DeWeese, DeRossett and Raczkowski offered the following resolution:

House Resolution No. 206.

A resolution to honor Martinus J. G. Veltman upon the occasion of winning the Nobel Prize.

Whereas, Martinus J. G. Veltman, the John D. MacArthur Professor Emeritus of Physics, and his former graduate student at the University of Utrecht, Gerardus 't Hooft, have been awarded the 1999 Nobel Prize in Physics; and

Whereas, Professor Veltman developed a set of mathematical proofs that revolutionized thinking about elementary particles and forces that are the basis of the physical world; and

Whereas, Dr. Veltman's pioneering work, as cited by the Royal Swedish Academy of Sciences, has been of monumental importance to advances of modern physics and vital to the 1995 discovery of the subatomic particle known as the top quark, one of the basic building blocks of the universe; and

Whereas, Professor Veltman made important contributions to the University of Michigan as a member of the Department of Physics faculty from 1981 until his 1997 retirement, and his stature as a world-class authority in high-energy particle theory has attracted many post-doctoral students and research scientists to the University of Michigan; and

Whereas, Professor Veltman's distinguished career as a theoretical physicist and achievements attest to the excellence that characterizes the University of Michigan and the State of Michigan's commitment to higher education; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate and commend Martinus J. G. Veltman upon the occasion of winning the 1999 Nobel Prize in Physics; and be it further

Resolved, That on behalf of the citizens of the State of Michigan, we express our extraordinary pride in Professor Veltman; and be it further

Resolved, That a copy of this resolution be transmitted to Martinus J. G. Veltman as evidence of our highest esteem. Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

The Committee on Tax Policy, by Rep. Woronchak, Vice-Chair, reported

House Bill No. 4812, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267.

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

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

Favorable Roll Call

HB 4812 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Patterson, Vander Roest, Vear, Quarles, Basham, Jamnick, Minore, O'Neil, Switalski,

Nays: None.

The Committee on Tax Policy, by Rep. Woronchak, Vice-Chair, reported

House Bill No. 4852, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267.

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 4852 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Patterson, Vander Roest, Vear, Quarles, Basham, Jamnick, Minore, O'Neil, Switalski,

Nays: None.

The Committee on Tax Policy, by Rep. Woronchak, Vice-Chair, reported

Senate Bill No. 555, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1998 PA 60.

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 555 To Report Out:

Yeas: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Patterson, Vander Roest, Vear, Quarles, Basham, Jamnick, Minore, O'Neil, Switalski,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 19, 1999, at 9:00 a.m.,

Present: Reps. Cassis, Woronchak, Allen, Faunce, Gilbert, Gosselin, Patterson, Vander Roest, Vear, Quarles, Basham, Jamnick, Minore, O'Neil, Switalski,

Absent: Reps. Koetje, Garza,

Excused: Reps. Koetje, Garza.

The Committee on Employment Relations, Training and Safety, by Rep. Gosselin, Chair, reported

Senate Bill No. 663, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 1 (MCL 423.201), as amended by 1996 PA 543.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 663 To Report Out:

Yeas: Reps. Gosselin, Kuipers, DeWeese, Raczkowski,
Nays: Reps. Dennis, Switalski.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gosselin, Chair of the Committee on Employment Relations, Training and Safety, was received and read:

Meeting held on: Wednesday, October 20, 1999, at 9:00 a.m.,

Present: Reps. Gosselin, Kuipers, DeWeese, Raczkowski, Dennis, LaForge, Switalski.

The Committee on Transportation, by Rep. Rick Johnson, Chair, reported

House Bill No. 4458, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 803q.

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

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

Favorable Roll Call

HB 4458 To Report Out:

Yeas: Reps. Rick Johnson, Gilbert, DeVuyst, Hart, Middaugh, Patterson, Tabor, Bovin, Brewer, Jamnick, Lemmons,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rick Johnson, Chair of the Committee on Transportation, was received and read:

Meeting held on: Tuesday, October 19, 1999, at 3:37 p.m.,

Present: Reps. Rick Johnson, Gilbert, DeVuyst, Garcia, Hart, Ruth Johnson, Middaugh, Patterson, Shackleton, Tabor, Kilpatrick, Bovin, Brewer, Jamnick, Lemmons, Reeves,

Absent: Rep. Schermesser,

Excused: Rep. Schermesser.

The Committee on Regulatory Reform, by Rep. Vear, Vice-Chair, reported

House Bill No. 4007, entitled

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending sections 5 and 5b (MCL 256.605 and 256.605b), section 5 as amended and section 5b as added by 1998 PA 11.

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

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

Favorable Roll Call

HB 4007 To Report Out:

Yeas: Reps. Rocca, Vear, Faunce, Kuipers, Vaughn, Wojno, Hale,
Nays: None.

The Committee on Regulatory Reform, by Rep. Vear, Vice-Chair, reported

House Bill No. 4008, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208b (MCL 257.208b), as amended by 1998 PA 329.

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 4008 To Report Out:

Yeas: Reps. Rocca, Vear, Faunce, Kuipers, Vaughn, Hale,

Nays: Rep. Wojno.

The Committee on Regulatory Reform, by Rep. Vear, Vice-Chair, reported

Senate Bill No. 463, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending the title and sections 2, 4, 7, 8, 10, and 22 (MCL 125.1502, 125.1504, 125.1507, 125.1508, 125.1510, and 125.1522), the title and section 4 as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

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

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

Favorable Roll Call

SB 463 To Report Out:

Yeas: Reps. Rocca, Vear, Faunce, Kuipers, Hale,

Nays: Rep. Wojno.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 19, 1999, at 3:55 p.m.,

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

Absent: Rep. Woronchak,

Excused: Rep. Woronchak.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Vander Roest, Vice-Chair of the Committee on Gaming and Casino Oversight, was received and read:

Meeting held on: Wednesday, October 20, 1999, at 10:30 a.m.,

Present: Reps. Koetje, Vander Roest, Law, Richner, Voorhees, Garza, Hardman,

Absent: Reps. Brewer, Callahan,

Excused: Reps. Brewer, Callahan.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, October 14:

Senate Bill Nos. 810 811 812 813 814

The Clerk announced that the following bill had been printed and placed upon the files of the members, Friday, October 15:

Senate Bill No. 796

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, October 18:

Senate Bill Nos. 797 798 799 800 801 802 803 804 805 806 807 808 809 815

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, October 20, for his approval of the following bills:

Enrolled House Bill No. 4817 at 10:00 a.m.
Enrolled House Bill No. 4818 at 10:02 a.m.
Enrolled House Bill No. 4819 at 10:04 a.m.
Enrolled House Bill No. 4820 at 10:06 a.m.
Enrolled House Bill No. 4821 at 10:08 a.m.
Enrolled House Bill No. 4822 at 10:10 a.m.
Enrolled House Bill No. 4823 at 10:12 a.m.
Enrolled House Bill No. 4824 at 10:14 a.m.
Enrolled House Bill No. 4825 at 10:16 a.m.
Enrolled House Bill No. 4826 at 10:18 a.m.
Enrolled House Bill No. 4827 at 10:20 a.m.

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

House Bill Nos. 5008 5009 5010 5016

The Clerk announced that the following Senate bills had been received on October 20:

Senate Bill Nos. 783 784

Messages from the Governor

The following message from the Governor was received October 19, 1999 and read:

EXECUTIVE ORDER

No. 1999 - 12

Department of Education
State Board of Education
Superintendent of Public Instruction
Department of Career Development
Department of Treasury

Executive Reorganization

WHEREAS, Article V, Section 2 of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Governor's authority to exercise his powers under Article V, Section 2 of the Constitution of the state of Michigan of 1963 and the Executive Reorganization Act, Section 16.101 *et seq.* of the Michigan Compiled Laws with respect to the organization of the executive branch and transfers among its units has been consistently upheld by the Michigan Supreme Court. Soap and Detergent Association v Natural Resources Commission, 415 Mich 728; 330 NW2d 346 (1982); House Speaker v Governor, 443 Mich 560; 506 NW2d 190 (1993); and Straus v Governor, 459 Mich 526; 592 NW2d 53 (1999); and

WHEREAS, Michigan's remarkable economic resurgence enhances the need for employers to find skilled workers in order to continue job growth, increase future investment and assure the ability of employees to have rising, real incomes; and

WHEREAS, on April 5, 1999, the Michigan Department of Career Development was created to focus on providing resources and supporting efforts to increase the skill levels of Michigan workers, with a special emphasis on providing students and first time job seekers with information, skills and requirements of specific careers; and

WHEREAS, Michigan's already successful career development programs will benefit from greater coordination which will improve their effectiveness and efficiency; and

WHEREAS, successful state career development programs require long-term continuity yet maximum flexibility for Michigan citizens to compete effectively in the national and international market place; and

WHEREAS, successful vocational and career development programs can be further improved and enhanced by close coordination with the state's Workforce Development Boards; and

WHEREAS, the state can more effectively and efficiently carry out the Career and Technical Education Services, Adult Education Services, and the Postsecondary Services of the Department of Education by consolidating those services within the Department of Career Development; and

WHEREAS, strengthening and aligning these functions with career development and training opportunities will enhance Michigan's reputation as the state with the most highly skilled men and women; and

WHEREAS, the Michigan Merit Award Board was established within the Department of Treasury pursuant to Act No. 94 of the Public Acts of 1999, being Sections 390.1451 *et seq.* of the Michigan Compiled Laws, to increase access to postsecondary education and training, and to reward Michigan high school graduates who have demonstrated academic achievement; and

WHEREAS, pursuant to Act No. 94 of the Public Acts of 1999, being Sections 390.1451 *et seq.* of the Michigan Compiled Laws, the Michigan Merit Award Board is statutorily charged with administering the Michigan Merit Award Scholarship Program (the "Scholarship Program"), for which a primary eligibility requirement is that a student take and pass the Michigan Educational Assessment Program ("MEAP") subject area assessments in reading, writing, mathematics, and science; and

WHEREAS, pursuant to Section 7 of Act No. 94 of Public Acts of 1999, being Section 390.1457 of the Michigan Compiled Laws, for assessments administered after January 1, 2000, the Michigan Merit Award Board shall review and approve the assessments before they may be used to determine eligibility under the Scholarship Program; and

WHEREAS, the Scholarship Program will be better coordinated and more effectively and efficiently administered by transferring the responsibility for certain functions associated with the MEAP assessments from the Department of Education to the Department of Treasury.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. DEFINITION

As used herein:

The State Board of Education means the State Board of Education created by Article 8, Section 3 of the Constitution of the state of Michigan of 1963.

The Department of Education is the Department of Education created by Section 300 of Act No. 380 of the Public Acts of 1965, being Section 16.400 of the Michigan Compiled Laws, as reorganized by Executive Order 1996-11 and Executive Order 1996-12.

The Department of Career Development is the Department of Career Development created by Executive Order 1999-1.

II. TRANSFER OF FUNCTIONS — DEPARTMENT OF CAREER DEVELOPMENT

A. All of the administrative statutory powers, duties, functions and responsibilities of the Superintendent of Public Instruction set forth in the following provisions of the Michigan Compiled Laws to administer all Adult Education Services, as set forth in the following sections of the Michigan Compiled Laws:

1. Section 388.531 regarding adult education programs by counties; and

2. Section 388.532 regarding training and approval of adult education instructors,

are hereby transferred to the Department of Career Development by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws ("Type II transfer"). The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

B. All of the administrative statutory powers, duties, functions and responsibilities of the State Board of Education set forth in the following provisions of federal law regarding vocational education:

1. The Carl D. Perkins Vocational and Applied Technology Education Act, 20 USC 2301 *et seq.*;

2. The School to Work Opportunities Act of 1994, 20 USC 6101 *et seq.*; and

3. The Job Training Partnership Act, 29 USC 1501 *et seq.*,

are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

C. All of the administrative statutory powers, duties, functions and responsibilities of the State Board of Education or Superintendent of Public Instruction, as applicable, set forth in the following provisions of the Michigan Compiled Laws to administer the following postsecondary services:

1. Sections 395.101 to 395.103 regarding proprietary schools;

2. Sections 395.121 to 395.124 regarding private trade or business schools;

3. Sections 450.170 to 450.177 and Section 388.1010(c) regarding educational corporations; and

4. The King-Chavez-Parks Program authorized in the Appropriations Act for Higher Education in 1986 (1999 PA 93, sections 118, 501-507),

are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

D. All of the administrative statutory powers, duties, functions and responsibilities of the Superintendent of Public Instruction as set forth in the following provisions of the Michigan Compiled Laws regarding the administration of postsecondary services:

1. Section 380.3 regarding the designation of service area boundaries for area vocational-technical programs;
2. Section 389.105(4) regarding the designation of territory outside of a community college district to become part of its vocational-technical service area;
3. Section 389.123(b) regarding the approval of tuition waivers in exchange for educational services rendered to community colleges;
4. Section 389.124(a) regarding the education reports for a community college;
5. Section 389.143 regarding the approval of the community college accounting system, the filing of audits, and inspection of books;
6. Section 390.1152(d) regarding the designation of vocational schools eligible to receive student loans;
7. Section 390.1283(d) regarding the designation of eligible postsecondary institutions for participation in the part-time, Independent Student Grant Program;
8. Section 390.1323 regarding the designation of graduate and professional schools eligible to participate in the Michigan Graduate Work-Study Program;
9. Section 390.1373 regarding the designation of postsecondary schools eligible for the Michigan Work-Study Program;
10. Section 390.1403 regarding the designation of eligible postsecondary schools for the Michigan Educational Opportunity Grant Program; and
11. Sections 395.21, 395.31 *et seq.*, 395.1 *et seq.*, and 388.805 regarding the transfer of authority of the abolished state board of control for vocational education that includes the authority to accept and disburse federal funds for specific federal grant programs [Federal Funds for Vocational Education (20 USC 2301 *et seq.*)],

are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

E. All of the statutory rule making powers, duties, functions and responsibilities of the State Board of Education or the Superintendent of Public Instruction, as applicable, as set forth in the following provisions of the Michigan Compiled Laws or Michigan Administrative Code:

1. Section 388.1661a regarding administrative rules about vocational education consortiums for State Aid purposes; and
2. R 395.231 - 395.376 regarding reimbursed programs of vocational-technical education,

are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

F. All of the administrative statutory powers, duties, functions and responsibilities of the Superintendent of Public Instruction regarding the administration of career preparation program as set forth in the following provisions of the Michigan Compiled Laws:

1. Section 388.1663 regarding the Michigan Manufacturing Technology Program;
2. Section 388.1667(6)(a) regarding the Advanced Career Academy; and
3. Section 388.1668 regarding the Michigan Career Preparation System,

are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining policies, if any, on which the administration of these provisions shall be based.

III. TRANSFER OF FUNCTIONS — DEPARTMENT OF TREASURY

A. All of the administrative statutory powers, duties, functions and responsibilities of the State Board of Education and the Superintendent of Public Instruction as they relate to state assessments as set forth in the following provisions of the Michigan Compiled Laws:

1. Section 388.1081 *et seq.* regarding assessment of educational progress;
2. Section 380.1279c and Section 380.1279(2)(3)(6)(7)(9)(10) and (12-16) regarding state assessments administered to high school pupils; and
3. Section 388.1704a(2)(3)(6)(7)(9)(11)(13)(14)(15) and (16) regarding state assessments administered to high school pupils,

are hereby transferred to the Department of Treasury by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

IV. IMPLEMENTATION OF THE EXECUTIVE ORDER

A. Nothing in this Executive Order should be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, and its authority to serve as the general planning and coordinating body for all public education including higher education, and to advise the legislature as to the financial requirements in connection therewith.

B. The Director of the Department of Career Development and the State Treasurer, in consultation with the Superintendent of Public Instruction, shall provide executive direction and supervision for the implementation of applicable functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. All records, personnel, property and funds used, held, employed or to be made available to the State Board of Education and Superintendent for Public Instruction for the activities transferred to the Department of Career Development and the Department of Treasury are hereby transferred to the Department of Career Development and the Department of Treasury, respectively.

D. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of this fiscal year.

E. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be in effect until revised, amended or rescinded.

F. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

G. If a court or other entity with proper jurisdiction finds any portion of this Order to be invalid, such invalidity shall not affect the remaining portions of the Order that can be given effect without the invalid portion. Any portions found invalid shall be severable from the remaining portions of this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall take effect January 1, 2000.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 19th day of October, in the Year of our Lord, One Thousand Nine Hundred Ninety-Nine.

John Engler

Governor

By the Governor:

Candice S. Miller

Secretary of State

The message was referred to the Clerk.

Introduction of Bills

Rep. Kuipers introduced

House Bill No. 5018, entitled

A bill to amend 1996 PA 463, entitled "An act to establish guidelines for the decennial adoption of redistricting plans for the senate and house of representatives; to provide original jurisdiction to the supreme court to review redistricting plans enacted by the legislature for compliance with those guidelines; and to provide a procedure for the supreme court to use to redistrict the senate and house of representatives under certain circumstances," by amending sections 1, 2, and 4 (MCL 4.261, 4.262, and 4.264).

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

Rep. Richner introduced

House Bill No. 5019, entitled

A bill to establish guidelines for the decennial adoption of a redistricting plan for congressional districts; to provide original jurisdiction to the supreme court to review a congressional redistricting plan enacted by the legislature for compliance with those guidelines; and to provide a procedure for the supreme court to use to redistrict congressional districts under certain circumstances.

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

Rep. Richner introduced

House Bill No. 5020, entitled

A bill to confer original jurisdiction on the supreme court to hear and decide cases on congressional redistricting; and to allow the supreme court to review and order congressional redistricting plans.

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

Rep. Richner introduced

House Bill No. 5021, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 4 and 8 (MCL 46.404 and 46.408).

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

Rep. Richner introduced

House Bill No. 5022, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 302 (MCL 600.302), as amended by 1993 PA 190.

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

Messages from the Senate

House Bill No. 4764, entitled

A bill to amend 1996 PA 386, entitled "An act to regulate the sale and purchase of viatical settlement contracts; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties," (MCL 550.521 to 550.528) by adding section 4a.

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.

Senate Bill No. 783, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care reform act," by amending section 207 (MCL 550.1207), as amended by 1993 PA 201.

The Senate has passed the bill.

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

Senate Bill No. 784, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 5104 (MCL 500.5104), as added by 1993 PA 200.

The Senate has passed the bill.

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

Rep. Ruth Johnson moved that the House adjourn.

The motion prevailed, the time being 4:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, October 21, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives.