

No. 85
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House of Representatives
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House Chamber, Lansing, Thursday, December 6, 2001.

12:00 Noon.

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

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

Adamini—present	Garza—e/d/s	Lipsey—present	Schauer—present
Allen—present	George—present	Lockwood—present	Schermesser—excused
Anderson—present	Gielegem—present	Mans—excused	Scranton—present
Basham—present	Gilbert—present	McConico—present	Shackleton—present
Bernero—present	Godchaux—present	Mead—present	Sheltrown—present
Birkholz—present	Gosselin—present	Meyer—present	Shulman—present
Bisbee—present	Hager—present	Middaugh—present	Spade—present
Bishop—present	Hale—present	Minore—present	Stallworth—present
Bogardus—present	Hansen—present	Mortimer—present	Stamas—present
Bovin—present	Hardman—present	Murphy—present	Stewart—present
Bradstreet—present	Hart—present	Neumann—present	Switalski—present
Brown, Bob—present	Howell—present	Newell—present	Tabor—present
Brown, Cameron—present	Hummel—present	O’Neil—present	Thomas—present
Brown, Rich—present	Jacobs—present	Pappageorge—present	Toy—present
Callahan—present	Jamnack—present	Patterson—present	Vander Roest—present
Cassis—present	Jansen—present	Pestka—present	Vander Veen—present
Caul—present	Jelinek—present	Phillips—present	Van Woerkom—present
Clark—present	Johnson, Rick—present	Plakas—present	Vear—present
Clarke—present	Johnson, Ruth—present	Pumford—present	Voorhees—present
Daniels—present	Julian—present	Quarles—present	Waters—present
Dennis—excused	Kilpatrick—excused	Raczkowski—present	Whitmer—present
DeRossett—present	Koetje—present	Reeves—present	Williams—present
DeVuyst—present	Kolb—present	Richardville—present	Wojno—present
DeWeese—present	Kooiman—present	Richner—present	Woodward—present
Drolet—present	Kowall—present	Rison—excused	Woronchak—present
Ehardt—present	Kuipers—present	Rivet—present	Zelenko—present
Fauce—present	LaSata—present	Rocca—present	
Frank—present	Lemmons—present		

e/d/s = entered during session

Rev. Norm Burger, Pastor of Shepherd of the Hills Evangelical Lutheran Church in Grand Ledge, offered the following invocation:

“I won’t lead the assembly in a joint prayer today. I recognize that there are differences in our beliefs—coming from different religions or denominations as we do, some even coming from non-religious belief systems. What I would like to do today is thank you for the service that you render and communicate to you my pledge of ongoing support in my prayers for you.

As I prepared for today I was reminded of an important part in the Bible from 1 Timothy 2:1-3 that as a Christian and pastor I would like to share with you.

I urge then, first of all that requests, prayers, intercession and thanksgiving be made for everyone—for kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness. This is good and pleases God our Savior who wants all men to be saved and come to a knowledge of the truth.

God is reminding me here of the blessing of government—I think with gratitude of you and your work because you are the people who help to provide us with a safe, ordered and free society which we can lead peaceful and ordered lives. God reminds us of our great blessings. Since September 11, we have appreciated this blessing a little bit more and taken it a little less lightly for granted. All along God has told us to treasure and cherish it and also to treasure and cherish you the people who help provide it for us. Especially during this Christmas season, as a Christian, I am grateful of the work that you do to preserve our freedom—since one of the greatest freedoms that we have is the freedom of religion. We have the freedom to practice our faith without hindrance. As a Christian, I have the privilege of celebrating the birth of my Savior and celebrating and worshipping a God who does want everyone to be saved. I believe He has sent his Son to achieve that wonderful and loving purpose.

In closing, I simply want to thank you for the service that you render to us everyday and for helping to preserve the freedoms that we enjoy in this country. I pledge to in my personal prayers and in the prayers of my congregation that I will continue to support you and lift you up before my God. God bless you and continue to bless the work that you do as our government leaders. Thank you.”

Rep. Minore moved that Reps. Dennis, Kilpatrick, Mans, Rison and Schermesser be excused from today’s session. The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House
Senate Concurrent Resolution No. 44.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Natural Resources State Fish Hatchery Renovations Oden Project.

(For text of resolution, see House Journal No. 81, p. 2471.)

(The concurrent resolution was reported by the Committee on Appropriations on December 5, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 682

Yeas—103

Adamini
 Allen

Frank
 George

Lemmons
 Lipsey

Schauer
 Scranton

Anderson	Gielegem	Lockwood	Shackleton
Basham	Gilbert	McConico	Sheltrown
Bernero	Godchaux	Mead	Shulman
Birkholz	Gosselin	Meyer	Spade
Bisbee	Hager	Middaugh	Stallworth
Bishop	Hale	Minore	Stamas
Bogardus	Hansen	Mortimer	Stewart
Bovin	Hardman	Murphy	Switalski
Bradstreet	Hart	Neumann	Tabor
Brown, B.	Howell	Newell	Thomas
Brown, C.	Hummel	O'Neil	Toy
Brown, R.	Jacobs	Pappageorge	Van Woerkom
Callahan	Jamnick	Patterson	Vander Roest
Cassis	Jansen	Pestka	Vander Veen
Caul	Jelinek	Phillips	Vear
Clark, I.	Johnson, Rick	Plakas	Voorhees
Clarke, H.	Johnson, Ruth	Pumford	Waters
Daniels	Julian	Quarles	Whitmer
DeRossett	Koetje	Raczkowski	Williams
DeVuyst	Kolb	Reeves	Wojno
DeWeese	Kooiman	Richardville	Woodward
Drolet	Kowall	Richner	Woronchak
Ehardt	Kuipers	Rivet	Zelenko
Faunce	LaSata	Rocca	

Nays—0

In The Chair: Ehardt

The Speaker laid before the House
Senate Concurrent Resolution No. 45.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Grand Rapids Community College relative to the Grand Rapids Community College Main Building Renovation.

(For text of resolution, see House Journal No. 81, p. 2472.)

(The concurrent resolution was reported by the Committee on Appropriations on December 5, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 683

Yeas—102

Adamini	Frank	Lemmons	Rocca
Allen	George	Lipsey	Schauer
Anderson	Gielegem	Lockwood	Scranton
Basham	Gilbert	McConico	Shackleton
Bernero	Godchaux	Mead	Sheltrown
Birkholz	Gosselin	Meyer	Shulman
Bisbee	Hager	Middaugh	Spade

Bishop	Hale	Minore	Stallworth
Bogardus	Hansen	Mortimer	Stamas
Bovin	Hardman	Murphy	Stewart
Bradstreet	Hart	Neumann	Switalski
Brown, B.	Howell	Newell	Tabor
Brown, C.	Hummel	O'Neil	Toy
Brown, R.	Jacobs	Pappageorge	Van Woerkom
Callahan	Jamnack	Patterson	Vander Roest
Cassis	Jansen	Pestka	Vander Veen
Caul	Jelinek	Phillips	Vear
Clark, I.	Johnson, Rick	Plakas	Voorhees
Clarke, H.	Johnson, Ruth	Pumford	Waters
Daniels	Julian	Quarles	Whitmer
DeRossett	Koetje	Raczkowski	Williams
DeVuyst	Kolb	Reeves	Wojno
DeWeese	Kooiman	Richardville	Woodward
Drolet	Kowall	Richner	Woronchak
Ehardt	Kuipers	Rivet	Zelenko
Faunce	LaSata		

Nays—0

In The Chair: Ehardt

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bill had been received on Thursday, December 6:
Senate Bill No. 527

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

House Bill No. 4621, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 9, 10, 11, and 12 (MCL 207.772, 207.773, 207.779, 207.780, 207.781, and 207.782), section 9 as amended by 1996 PA 449 and section 12 as amended by 1994 PA 391; and to repeal acts and parts of acts.

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

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

A bill to amend 1992 PA 147, entitled "An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units," by amending sections 2, 3, 9, 10, 11, and 12 (MCL 207.772, 207.773, 207.779, 207.780, 207.781, and 207.782), section 9 as amended by 1996 PA 449, section 10 as amended by 2001 PA 158, and section 12 as amended by 1994 PA 391; and to repeal acts and parts of acts.

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

Senate Bill No. 527, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 205 (MCL 436.1205), as amended by 1998 PA 416, and by adding section 206.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Woronchak, Raczkowski, Pappageorge, Clark, Clarke, Cassis and DeWeese introduced

House Bill No. 5480, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 297f. The bill was read a first time by its title and referred to the Committee on Agriculture and Resource Management.

Reps. Van Woerkom, Faunce, Hager, Jelinek, Meyer, Kooiman, Dennis, Hart, Mans and Birkholz introduced

House Bill No. 5481, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2001 PA 74.

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

Reps. Allen, Bishop, Kuipers, Faunce, Woronchak, Howell, Gilbert, Patterson, Bisbee, Vander Roest, Van Woerkom, Stamas, Birkholz, Koetje, Shackleton, Ruth Johnson, Vear, Richardville, Rivet, Lipsey, DeRossett, Kolb and Toy introduced

House Bill No. 5482, entitled

A bill to provide for the formation, regulation, and registration of distance learning corporations; to prescribe their duties, rights, powers, immunities, and liabilities; and to provide for the powers and duties of certain state officers and entities.

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

Reps. Gilbert, Kuipers, Howell, Patterson, Bisbee, Vander Roest, Van Woerkom, Stamas, Birkholz, Koetje, Shackleton, Ruth Johnson, Vear, Richardville, Rivet, Lipsey, DeRossett, Kolb and Toy introduced

House Bill No. 5483, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 124 (MCL 450.2124).

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

Quorum Call

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

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

The following is the roll call:

Roll Call No. 684**Yeas—97**

Adamini	George	LaSata	Schauer
Allen	Gielegem	Lemmons	Scranton
Anderson	Gilbert	Lipsey	Shackleton
Basham	Godchaux	Lockwood	Sheltrown
Bernero	Gosselin	McConico	Shulman
Birkholz	Hager	Mead	Spade
Bisbee	Hale	Meyer	Stallworth

Bishop	Hansen	Middaugh	Stamas
Bogardus	Hardman	Mortimer	Stewart
Bovin	Hart	Murphy	Switalski
Bradstreet	Howell	Neumann	Tabor
Brown, B.	Hummel	Newell	Thomas
Brown, C.	Jacobs	Pappageorge	Van Woerkom
Brown, R.	Jamnick	Patterson	Vander Roest
Caul	Jansen	Pestka	Vander Veen
Clark, I.	Jelinek	Phillips	Vear
Clarke, H.	Johnson, Rick	Pumford	Voorhees
Daniels	Johnson, Ruth	Quarles	Waters
DeRossett	Julian	Raczkowski	Whitmer
DeVuyst	Koetje	Reeves	Williams
DeWeese	Kolb	Richardville	Wojno
Drolet	Kooiman	Richner	Woodward
Ehardt	Kowall	Rivet	Woronchak
Faunce	Kuipers	Rocca	Zelenko
Frank			

In The Chair: Ehardt

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 5341, entitled

A bill to commission and confer certain police and arrest powers on certain sergeants at arms and assistant sergeants at arms in the legislative branch; to prescribe certain duties and responsibilities of certain state employees; and to repeal acts and parts of acts.

(The bill was received from the Senate on December 4, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 5, see House Journal No. 83, p. 2520.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 685

Yeas—87

Adamini	Ehardt	Lemmons	Scranton
Allen	Faunce	Lockwood	Shackleton
Anderson	Frank	McConico	Sheltrown
Basham	George	Mead	Shulman
Bernero	Gielegem	Meyer	Spade
Birkholz	Gilbert	Middaugh	Stallworth
Bisbee	Godchaux	Mortimer	Stamas
Bishop	Gosselin	Murphy	Stewart
Bovin	Hager	Neumann	Switalski
Bradstreet	Hart	Newell	Tabor
Brown, B.	Howell	Pappageorge	Thomas
Brown, C.	Hummel	Patterson	Toy
Brown, R.	Jansen	Pestka	Van Woerkom
Callahan	Jelinek	Phillips	Vander Roest
Cassis	Johnson, Rick	Plakas	Vander Veen
Caul	Johnson, Ruth	Pumford	Vear
Clarke, H.	Julian	Raczkowski	Voorhees
Daniels	Koetje	Reeves	Whitmer

DeRossett	Kooiman	Richardville	Wojno
DeVuyst	Kowall	Richner	Woodward
DeWeese	Kuipers	Rocca	Woronchak
Drolet	LaSata	Schauer	

Nays—14

Bogardus	Hardman	Lipsey	Rivet
Clark, I.	Jacobs	Minore	Williams
Hale	Jamnack	Quarles	Zelenko
Hansen	Kolb		

In The Chair: Ehardt

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

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

The Speaker laid before the House

House Bill No. 5342, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 2 (MCL 28.602), as amended by 1998 PA 237.

(The bill was received from the Senate on December 4, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 5, see House Journal No. 83, p. 2520.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 686**Yeas—87**

Adamini	Ehardt	Lemmons	Scranton
Allen	Faunce	Lockwood	Shackleton
Anderson	Frank	McConico	Sheltrown
Basham	George	Mead	Shulman
Bernero	Gielegem	Meyer	Spade
Birkholz	Gilbert	Middaugh	Stallworth
Bisbee	Godchaux	Mortimer	Stamas
Bishop	Gosselin	Murphy	Stewart
Bovin	Hager	Neumann	Switalski
Bradstreet	Hart	Newell	Tabor
Brown, B.	Howell	Pappageorge	Thomas
Brown, C.	Hummel	Patterson	Toy
Brown, R.	Jansen	Pestka	Van Woerkom
Callahan	Jelinek	Phillips	Vander Roest
Cassis	Johnson, Rick	Plakas	Vander Veen
Caul	Johnson, Ruth	Pumford	Vear

Clarke, H.	Julian	Rackowski	Voorhees
Daniels	Koetje	Reeves	Whitmer
DeRossett	Kooiman	Richardville	Wojno
DeVuyst	Kowall	Richner	Woodward
DeWeese	Kuipers	Rocca	Woronchak
Drolet	LaSata	Schauer	

Nays—13

Bogardus	Hardman	Kolb	Rivet
Clark, I.	Jacobs	Lipsey	Williams
Hale	Jamnick	Minore	Zelenko
Hansen			

In The Chair: Ehardt

The House agreed to the full title of the bill.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on House Oversight and Operations, by Rep. Howell, Vice-Chair, reported

House Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to provide that the state officers compensation commission's determination of certain salaries and expense allowances become effective only upon approval by the legislature for the following legislative session.

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

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

Favorable Roll Call

HJR E To Report Out:

Yeas: Reps. Howell, Kuipers, Jacobs, Lipsey,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Patterson, Chair of the Committee on House Oversight and Operations, was received and read:

Meeting held on: Thursday, December 6, 2001, at 10:00 a.m.,

Present: Reps. Howell, Kuipers, Jacobs, Lipsey,

Absent: Rep. Patterson,

Excused: Rep. Patterson.

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

House Bill No. 5462, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12522 (MCL 333.12522).

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

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

Favorable Roll Call

HB 5462 To Report Out:

Yeas: Reps. Allen, Bishop, Bisbee, DeVuyst, Gilbert, Howell, Koetje, Middaugh, Van Woerkom, Vear, Thomas, Kolb, Lemmons, Lipsey, Rivet, Waters, Zelenko,

Nays: None.

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

Senate Bill No. 813, entitled

A bill to amend 1925 PA 17, entitled "An act to provide for the construction, improvement and maintenance of trunk line highways," by amending section 2 (MCL 250.62), as amended by 1987 PA 188.

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

Favorable Roll Call

SB 813 To Report Out:

Yeas: Reps. Allen, Bishop, Gilbert, Koetje, Middaugh, Kolb, Lemmons, Lipsey, Rivet, Zelenko,

Nays: None.

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, December 6, 2001, at 8:00 a.m.,

Present: Reps. Allen, Bishop, Bisbee, DeVuyst, Gilbert, Howell, Koetje, Middaugh, Van Woerkom, Vear, Thomas, Kolb, Lemmons, Lipsey, Rivet, Waters, Zelenko.

The Committee on Redistricting and Elections, by Rep. Patterson, Chair, reported

Senate Bill No. 173, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 31, 73, 283, 393, 509y, 509aa, 558, 561, 561a, 590f, 686, 691, 706, 727, 737, 745, 769, 782b, 795, 795c, 799a, 803, 804, 842, 880a, 931, and 992 (MCL 168.2, 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.558, 168.561, 168.561a, 168.590f, 168.686, 168.691, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.799a, 168.803, 168.804, 168.842, 168.880a, 168.931, and 168.992), sections 2, 73, 283, 393, and 686 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, sections 509y and 509aa as added by 1994 PA 441, section 558 as amended by 1999 PA 217, section 590f as added by 1988 PA 116, sections 706 and 737 as amended by 1985 PA 160, sections 727 and 769 as amended by 1995 PA 261, section 795 as amended by 1999 PA 218, section 795c as amended by 1990 PA 109, sections 799a and 803 as amended by 1997 PA 137, and section 931 as amended by 1996 PA 583, and by adding sections 560b and 701; and to repeal acts and parts of acts.

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

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

Favorable Roll Call

SB 173 To Report Out:

Yeas: Reps. Patterson, Richner, Allen, Bishop, Cassis, Hart,

Nays: Reps. Quarles, Jammick, Lemmons.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Patterson, Chair of the Committee on Redistricting and Elections, was received and read:

Meeting held on: Thursday, December 6, 2001, at 10:30 a.m.,

Present: Reps. Patterson, Richner, Allen, Bishop, Cassis, Hart, Quarles, Jammick, Lemmons.

Associate Speaker Pro Tempore Julian assumed the Chair.

Third Reading of Bills

House Bill No. 4994, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16186 (MCL 333.16186), as amended by 1993 PA 80.

The bill was read a third time.

The question being on the passage of the bill,

Rep. George moved that the bill be re-referred to the Committee on Health Policy.

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

Rep. George demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 687

Yeas—4

Bernero

George

Stamas

Vander Veen

Nays—96

Adamini

Faunce

Lemmons

Rivet

Allen

Frank

Lipsey

Rocca

Anderson

Gielegem

Lockwood

Schauer

Basham

Gilbert

McConico

Scranton

Birkholz

Godchaux

Mead

Shackleton

Bisbee

Gosselin

Meyer

Sheltrown

Bishop

Hager

Middaugh

Shulman

Bogardus

Hale

Minore

Spade

Bovin

Hansen

Mortimer

Stallworth

Bradstreet

Hardman

Murphy

Stewart

Brown, B.

Hart

Neumann

Switalski

Brown, C.

Howell

Newell

Tabor

Brown, R.

Hummel

O'Neil

Toy

Callahan

Jacobs

Pappageorge

Van Woerkom

Cassis

Jamnack

Patterson

Vander Roest

Caul

Jansen

Pestka

Vear

Clark, I.

Jelinek

Phillips

Voorhees

Clarke, H.

Julian

Plakas

Waters

Daniels

Koetje

Pumford

Whitmer

DeRossett

Kolb

Quarles

Williams

DeVuyst

Kooiman

Rackowski

Wojno

DeWeese

Kowall

Reeves

Woodward

Drolet

Kuipers

Richardville

Woronchak

Ehardt

LaSata

Richner

Zelenko

In The Chair: Julian

Rep. Allen moved that Rep. Rick Johnson be excused temporarily from today's session.
The motion prevailed.

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. 688**Yeas—85**

Adamini	Frank	McConico	Schauer
Allen	Gielegem	Mead	Scranton
Anderson	Gilbert	Meyer	Shackleton
Basham	Godchaux	Minore	Sheltrown
Bernero	Gosselin	Mortimer	Shulman
Bisbee	Hager	Murphy	Spade
Bogardus	Hale	Neumann	Stallworth
Bovin	Hansen	Newell	Stewart
Bradstreet	Hardman	O'Neil	Switalski
Brown, B.	Howell	Pappageorge	Tabor
Brown, C.	Hummel	Patterson	Van Woerkom
Brown, R.	Jacobs	Pestka	Vander Roest
Callahan	Jamnick	Phillips	Vear
Cassis	Jansen	Plakas	Voorhees
Clark, I.	Jelinek	Pumford	Waters
Daniels	Johnson, Ruth	Quarles	Whitmer
DeRossett	Julian	Reeves	Williams
DeVuyst	Kolb	Richardville	Wojno
DeWeese	LaSata	Richner	Woodward
Drolet	Lipsey	Rivet	Woronchak
Ehardt	Lockwood	Rocca	Zelenko
Faunce			

Nays—14

Birkholz	Hart	Kuipers	Stamas
Bishop	Koetje	Middaugh	Toy
Caul	Kooiman	Rackowski	Vander Veen
George	Kowall		

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Associate Speaker Pro Tempore Ehardt resumed the Chair.

House Bill No. 5389, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as amended by 2000 PA 300, and by adding sections 17b, 17c, 17d, 17f, and 17g to chapter XVII.

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

Roll Call No. 689**Yeas—101**

Adamini	Frank	LaSata	Rocca
Allen	George	Lemmons	Schauer
Anderson	Gielegem	Lipsey	Scranton
Basham	Gilbert	Lockwood	Shackleton
Bernero	Godchaux	McConico	Sheltrown
Birkholz	Gosselin	Mead	Shulman
Bisbee	Hager	Meyer	Spade
Bishop	Hale	Middaugh	Stallworth
Bogardus	Hansen	Minore	Stamas
Bovin	Hardman	Mortimer	Switalski
Bradstreet	Hart	Murphy	Tabor
Brown, B.	Howell	Neumann	Thomas
Brown, C.	Hummel	Newell	Toy
Brown, R.	Jacobs	O'Neil	Van Woerkom
Callahan	Jamnick	Pappageorge	Vander Roest
Cassis	Jansen	Patterson	Vander Veen
Caul	Jelinek	Pestka	Vear
Clark, I.	Johnson, Rick	Phillips	Voorhees
Clarke, H.	Johnson, Ruth	Plakas	Waters
Daniels	Julian	Pumford	Whitmer
DeRossett	Koetje	Rackowski	Williams
DeVuyst	Kolb	Reeves	Wojno
DeWeese	Kooiman	Richardville	Woodward
Drolet	Kowall	Richner	Woronchak
Ehardt	Kuipers	Rivet	Zelenko
Faunce			

Nays—0

In The Chair: Ehardt

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

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

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as amended by 2001 PA 136, and by adding sections 17b, 17c, 17d, 17f, and 17g to chapter XVII.

The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 5390, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14 of chapter XVII (MCL 777.14), as amended by 2000 PA 363, and by adding sections 14a, 14b, 14c, 14d, 14f, 14g, 14h, 14j, 14m, and 14p to chapter XVII.

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

Roll Call No. 690**Yeas—98**

Allen	Frank	Lipsey	Rocca
Anderson	George	Lockwood	Schauer

Basham	Gielegem	McConico	Scranton
Bernero	Gilbert	Mead	Shackleton
Birkholz	Gosselin	Meyer	Sheltrown
Bisbee	Hager	Middaugh	Shulman
Bishop	Hale	Minore	Spade
Bogardus	Hansen	Mortimer	Stallworth
Bovin	Hardman	Murphy	Stamas
Bradstreet	Howell	Neumann	Stewart
Brown, B.	Hummel	Newell	Switalski
Brown, C.	Jacobs	O'Neil	Tabor
Brown, R.	Jamnick	Pappageorge	Toy
Callahan	Jansen	Patterson	Van Woerkom
Cassis	Jelinek	Pestka	Vander Roest
Caul	Johnson, Rick	Phillips	Vander Veen
Clark, I.	Johnson, Ruth	Plakas	Vear
Clarke, H.	Julian	Pumford	Voorhees
Daniels	Koetje	Quarles	Waters
DeRossett	Kolb	Raczkowski	Whitmer
DeVuyst	Kooiman	Reeves	Williams
DeWeese	Kowall	Richardville	Wojno
Drolet	Kuipers	Richner	Woronchak
Ehardt	LaSata	Rivet	Zelenko
Faunce	Lemmons		

Nays—0

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

House Bill No. 5391, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter XVII (MCL 777.13), as amended by 2001 PA 13, and by adding sections 13b, 13c, 13d, 13e, 13f, 13g, 13j, 13k, 13m, 13n, and 13p.

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

Roll Call No. 691**Yeas—102**

Adamini	Frank	Lemmons	Schauer
Allen	George	Lipsey	Scranton
Anderson	Gielegem	Lockwood	Shackleton
Basham	Gilbert	McConico	Sheltrown
Bernero	Godchaux	Mead	Shulman
Birkholz	Gosselin	Meyer	Spade
Bisbee	Hager	Middaugh	Stallworth
Bishop	Hale	Minore	Stamas
Bogardus	Hansen	Mortimer	Stewart
Bovin	Hardman	Murphy	Switalski
Bradstreet	Hart	Neumann	Tabor
Brown, B.	Howell	Newell	Thomas
Brown, C.	Hummel	O'Neil	Toy

Brown, R.	Jacobs	Pappageorge	Van Woerkom
Callahan	Jamnack	Patterson	Vander Roest
Cassis	Jansen	Pestka	Vander Veen
Caul	Jelinek	Plakas	Vear
Clark, I.	Johnson, Rick	Pumford	Voorhees
Clarke, H.	Johnson, Ruth	Quarles	Waters
Daniels	Julian	Raczkowski	Whitmer
DeRossett	Koetje	Reeves	Williams
DeVuyst	Kolb	Richardville	Wojno
DeWeese	Kooiman	Richner	Woodward
Drolet	Kowall	Rivet	Woronchak
Ehardt	Kuipers	Rocca	Zelenko
Faunce	LaSata		

Nays—0

In The Chair: Ehardt

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

House Bill No. 5392, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as amended by 2000 PA 492, and by adding sections 11a, 11b, 11c, 11d, and 11e to chapter XVII.

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

Roll Call No. 692**Yeas—103**

Adamini	Frank	Lemmons	Schauer
Allen	George	Lipsey	Scranton
Anderson	Gielegem	Lockwood	Shackleton
Basham	Gilbert	McConico	Sheltrown
Bernero	Godchaux	Mead	Shulman
Birkholz	Gosselin	Meyer	Spade
Bisbee	Hager	Middaugh	Stallworth
Bishop	Hale	Minore	Stamas
Bogardus	Hansen	Mortimer	Stewart
Bovin	Hardman	Murphy	Switalski
Bradstreet	Hart	Neumann	Tabor
Brown, B.	Howell	Newell	Thomas
Brown, C.	Hummel	O'Neil	Toy
Brown, R.	Jacobs	Pappageorge	Van Woerkom
Callahan	Jamnack	Patterson	Vander Roest
Cassis	Jansen	Pestka	Vander Veen
Caul	Jelinek	Phillips	Vear
Clark, I.	Johnson, Rick	Plakas	Voorhees
Clarke, H.	Johnson, Ruth	Pumford	Waters
Daniels	Julian	Quarles	Whitmer
DeRossett	Koetje	Raczkowski	Williams
DeVuyst	Kolb	Reeves	Wojno
DeWeese	Kooiman	Richardville	Woodward
Drolet	Kowall	Richner	Woronchak
Ehardt	Kuipers	Rivet	Zelenko
Faunce	LaSata	Rocca	

Nays—0

In The Chair: Ehardt

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

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

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11 of chapter XVII (MCL 777.11), as amended by 2001 PA 154, and by adding sections 11a, 11b, 11c, 11d, and 11e to chapter XVII.

The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 5393, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 104, and by adding sections 12a, 12b, 12c, 12d, 12e, 12f, 12g, 12h, 12j, and 12k to chapter XVII.

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

Roll Call No. 693**Yeas—101**

Adamini	Frank	LaSata	Rocca
Allen	George	Lemmons	Schauer
Anderson	Gielegem	Lipsey	Scranton
Basham	Gilbert	Lockwood	Shackleton
Bernero	Godchaux	McConico	Sheltrown
Birkholz	Gosselin	Mead	Shulman
Bisbee	Hager	Meyer	Spade
Bishop	Hale	Middaugh	Stallworth
Bogardus	Hansen	Minore	Stamas
Bovin	Hardman	Mortimer	Stewart
Bradstreet	Hart	Murphy	Switalski
Brown, B.	Howell	Neumann	Tabor
Brown, C.	Hummel	Newell	Toy
Brown, R.	Jacobs	O’Neil	Van Woerkom
Callahan	Jamnick	Pappageorge	Vander Roest
Cassis	Jansen	Patterson	Vander Veen
Caul	Jelinek	Pestka	Vear
Clark, I.	Johnson, Rick	Phillips	Voorhees
Clarke, H.	Johnson, Ruth	Plakas	Waters
Daniels	Julian	Pumford	Whitmer
DeRossett	Koetje	Rackowski	Williams
DeVuyst	Kolb	Reeves	Wojno
DeWeese	Kooiman	Richardville	Woodward
Drolet	Kowall	Richner	Woronchak
Ehardt	Kuipers	Rivet	Zelenko
Faunce			

Nays—0

In The Chair: Ehardt

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

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

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 160, and by adding sections 12a, 12b, 12c, 12d, 12e, 12f, 12g, 12h, 12j, 12k, 12m, and 12n to chapter XVII.

The motion prevailed.

The House agreed to the title as amended.

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

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

Senate Bill No. 729, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2950h, 2950i, 2950j, 2950k, and 2950l.

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

Roll Call No. 694

Yeas—102

Adamini	Frank	Lemmons	Rocca
Allen	George	Lipsey	Schauer
Anderson	Gielegem	Lockwood	Scranton
Basham	Gilbert	McConico	Shackleton
Bernero	Godchaux	Mead	Sheltrown
Birkholz	Gosselin	Meyer	Shulman
Bisbee	Hager	Middaugh	Spade
Bishop	Hale	Minore	Stallworth
Bogardus	Hansen	Mortimer	Stamas
Bovin	Hardman	Murphy	Stewart
Bradstreet	Hart	Neumann	Switalski
Brown, B.	Howell	Newell	Tabor
Brown, C.	Hummel	O'Neil	Toy
Brown, R.	Jacobs	Pappageorge	Van Woerkom
Callahan	Jamnack	Patterson	Vander Roest
Cassis	Jansen	Pestka	Vander Veen
Caul	Jelinek	Phillips	Vear
Clark, I.	Johnson, Rick	Plakas	Voorhees
Clarke, H.	Johnson, Ruth	Pumford	Waters
Daniels	Julian	Quarles	Whitmer
DeRossett	Koetje	Raczkowski	Williams
DeVuyst	Kolb	Reeves	Wojno
DeWeese	Kooiman	Richardville	Woodward
Drolet	Kowall	Richner	Woronchak
Ehardt	Kuipers	Rivet	Zelenko
Faunce	LaSata		

Nays—0

In The Chair: Ehardt

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

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

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be

brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9948) by adding sections 2950h, 2950i, 2950j, and 2950k.

The motion prevailed.

The House agreed to the title as amended.

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

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

Senate Bill No. 731, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15c of chapter IV (MCL 764.15c), as amended by 1999 PA 269.

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

Roll Call No. 695

Yeas—99

Adamini	Frank	LaSata	Scranton
Allen	George	Lemmons	Shackleton
Anderson	Gielegem	Lipsey	Sheltrown
Basham	Gilbert	Lockwood	Shulman
Bernero	Godchaux	McConico	Spade
Birkholz	Gosselin	Mead	Stallworth
Bisbee	Hager	Meyer	Stamas
Bishop	Hale	Middaugh	Stewart
Bogardus	Hansen	Murphy	Switalski
Bovin	Hardman	Neumann	Tabor
Bradstreet	Hart	Newell	Thomas
Brown, B.	Howell	O’Neil	Toy
Brown, C.	Hummel	Pappageorge	Van Woerkom
Brown, R.	Jacobs	Patterson	Vander Roest
Callahan	Jamnick	Pestka	Vander Veen
Cassis	Jansen	Phillips	Vear
Clark, I.	Jelinek	Plakas	Voorhees
Clarke, H.	Johnson, Rick	Pumford	Waters
Daniels	Johnson, Ruth	Quarles	Whitmer
DeRossett	Julian	Reeves	Williams
DeVuyst	Koetje	Richardville	Wojno
DeWeese	Kolb	Richner	Woodward
Drolet	Kooiman	Rivet	Woronchak
Ehardt	Kowall	Rocca	Zelenko
Faunce	Kuipers	Schauer	

Nays—0

In The Chair: Ehardt

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“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.”.

The House agreed to the full title.

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

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

Senate Bill No. 735, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 9c and 15a of chapter IV, section 4a of chapter IX, and section 9a of chapter X (MCL 764.9c, 764.15a, 769.4a, and 770.9a), section 9c of chapter IV as amended by 1999 PA 76, section 15a of chapter IV as amended by 1999 PA 269, section 4a of chapter IX as amended by 1994 PA 68, and section 9a of chapter X as amended by 1994 PA 195.

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

Roll Call No. 696

Yeas—100

Adamini	Faunce	LaSata	Schauer
Allen	Frank	Lipsey	Scranton
Anderson	George	Lockwood	Shackleton
Basham	Gielegem	Mead	Sheltrown
Bernero	Gilbert	Meyer	Shulman
Birkholz	Godchaux	Middaugh	Spade
Bisbee	Gosselin	Minore	Stallworth
Bishop	Hager	Mortimer	Stamas
Bogardus	Hale	Murphy	Stewart
Bovin	Hansen	Neumann	Switalski
Bradstreet	Hardman	Newell	Tabor
Brown, B.	Hart	O’Neil	Thomas
Brown, C.	Howell	Pappageorge	Toy
Brown, R.	Hummel	Patterson	Van Woerkom
Callahan	Jacobs	Pestka	Vander Roest
Cassis	Jamnick	Phillips	Vander Veen
Caul	Jansen	Plakas	Vear
Clark, I.	Jelinek	Pumford	Voorhees
Clarke, H.	Johnson, Rick	Quarles	Waters
Daniels	Johnson, Ruth	Raczkowski	Whitmer
DeRossett	Julian	Reeves	Williams
DeVuyst	Koetje	Richardville	Wojno
DeWeese	Kooiman	Richner	Woodward
Drolet	Kowall	Rivet	Woronchak
Ehardt	Kuipers	Rocca	Zelenko

Nays—0

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

Rep. Patterson moved to amend 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 sections 9c and 15a of chapter IV, sections 1f and 4a of chapter IX, and section 9a of chapter X (MCL 764.9c, 764.15a, 769.1f, 769.4a, and 770.9a), section 9c of chapter IV as amended by 1999 PA 76, section 15a of chapter IV as amended by 1999 PA 269, section 1f of chapter IX as amended by 2000 PA 372, section 4a of chapter IX as amended by 1994 PA 68, and section 9a of chapter X as amended by 1994 PA 195.

The motion prevailed.

The House agreed to the title as amended.

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

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

Senate Bill No. 736, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 19 (MCL 552.519), as amended by 1998 PA 63.

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

Roll Call No. 697

Yeas—101

Adamini	Frank	Lemmons	Schauer
Allen	George	Lipsey	Scranton
Anderson	Gielegem	Lockwood	Shackleton
Basham	Gilbert	McConico	Sheltrown
Bernero	Godchaux	Mead	Shulman
Birkholz	Gosselin	Meyer	Spade
Bisbee	Hager	Middaugh	Stallworth
Bishop	Hale	Minore	Stamas
Bogardus	Hansen	Murphy	Stewart
Bovin	Hardman	Neumann	Switalski
Bradstreet	Hart	Newell	Tabor
Brown, B.	Howell	O'Neil	Thomas
Brown, C.	Hummel	Pappageorge	Toy
Brown, R.	Jamnack	Patterson	Van Woerkom
Callahan	Jansen	Pestka	Vander Roest
Cassis	Jelinek	Phillips	Vander Veen
Caul	Johnson, Rick	Plakas	Vear
Clark, I.	Johnson, Ruth	Pumford	Voorhees
Clarke, H.	Julian	Quarles	Waters
Daniels	Koetje	Raczkowski	Whitmer
DeRossett	Kolb	Reeves	Williams
DeVuyst	Kooiman	Richardville	Wojno

DeWeese	Kowall	Richner	Woodward
Drolet	Kuipers	Rivet	Woronchak
Ehardt	LaSata	Rocca	Zelenko
Faunce			

Nays—0

In The Chair: Ehardt

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts.”

The House agreed to the full title.

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

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

Senate Bill No. 753, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15b of chapter IV (MCL 764.15b), as amended by 1999 PA 269.

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

Roll Call No. 698**Yeas—100**

Adamini	Faunce	Kuipers	Rivet
Allen	Frank	LaSata	Rocca
Anderson	George	Lemmons	Schauer
Basham	Gielegem	Lipsey	Scranton
Bernero	Gilbert	Lockwood	Shackleton
Birkholz	Godchaux	McConico	Sheltrown
Bisbee	Gosselin	Mead	Shulman
Bishop	Hager	Meyer	Spade
Bogardus	Hale	Middaugh	Stamas
Bovin	Hansen	Mortimer	Stewart
Bradstreet	Hardman	Murphy	Switalski
Brown, B.	Hart	Neumann	Tabor
Brown, C.	Howell	Newell	Toy
Brown, R.	Hummel	O’Neil	Van Woerkom
Callahan	Jacobs	Pappageorge	Vander Roest
Cassis	Jamnick	Patterson	Vander Veen
Caul	Jansen	Pestka	Vear
Clark, I.	Jelinek	Phillips	Voorhees
Clarke, H.	Johnson, Rick	Plakas	Waters
Daniels	Johnson, Ruth	Pumford	Whitmer
DeRossett	Julian	Quarles	Williams
DeVuyst	Koetje	Rackowski	Wojno
DeWeese	Kolb	Reeves	Woodward
Drolet	Kooiman	Richardville	Woronchak
Ehardt	Kowall	Richner	Zelenko

Nays—0

In The Chair: Ehardt

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“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.”

The House agreed to the full title.

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

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

Senate Bill No. 754, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15c of chapter IV (MCL 764.15c), as amended by 1999 PA 269.

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

Roll Call No. 699**Yeas—99**

Adamini	Frank	LaSata	Scranton
Allen	George	Lemmons	Shackleton
Anderson	Gielegem	Lipsey	Sheltrown
Basham	Gilbert	Lockwood	Shulman
Bernero	Godchaux	McConico	Spade
Birkholz	Gosselin	Mead	Stallworth
Bisbee	Hager	Meyer	Stamas
Bishop	Hale	Middaugh	Stewart
Bovin	Hansen	Mortimer	Switalski
Bradstreet	Hardman	Murphy	Tabor
Brown, B.	Hart	Neumann	Thomas
Brown, C.	Howell	Newell	Toy
Brown, R.	Hummel	O’Neil	Van Woerkom
Callahan	Jacobs	Patterson	Vander Roest
Cassis	Jamnick	Pestka	Vander Veen
Caul	Jansen	Phillips	Vear
Clark, I.	Jelinek	Plakas	Voorhees
Clarke, H.	Johnson, Rick	Pumford	Waters
Daniels	Johnson, Ruth	Quarles	Whitmer
DeRossett	Julian	Raczkowski	Williams
DeVuyst	Koetje	Reeves	Wojno
DeWeese	Kolb	Richardville	Woodward

Drolet
Ehardt
Faunce

Kooiman
Kowall
Kuipers

Richner
Rocca
Schauer

Woronchak
Zelenko

Nays—0

In The Chair: Ehardt

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“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.”

The House agreed to the full title.

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

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

Senate Bill No. 757, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 1, 2, 2c, and 14 of chapter XIII (MCL 712A.1, 712A.2, 712A.2c, and 712A.14), section 1 as amended by 2000 PA 46, section 2 as amended by 2000 PA 55, and sections 2c and 14 as amended by 1998 PA 474.

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

Roll Call No. 700

Yeas—99

Adamini
Allen
Anderson
Basham
Bernero
Birkholz
Bisbee
Bishop
Bogardus
Bovin
Brown, B.
Brown, C.
Brown, R.
Callahan
Cassis

George
Gielegem
Gilbert
Gosselin
Hager
Hale
Hansen
Hardman
Hart
Howell
Hummel
Jacobs
Jamnick
Jansen
Jelinek

Lipsey
Lockwood
McConico
Mead
Meyer
Middaugh
Minore
Mortimer
Murphy
Neumann
Newell
O’Neil
Pappageorge
Patterson
Pestka

Schauer
Scranton
Shackleton
Sheltrown
Shulman
Spade
Stallworth
Stamas
Stewart
Switalski
Tabor
Toy
Van Woerkom
Vander Roest
Vander Veen

Caul	Johnson, Rick	Phillips	Vear
Clark, I.	Johnson, Ruth	Plakas	Voorhees
Clarke, H.	Julian	Pumford	Waters
Daniels	Koetje	Quarles	Whitmer
DeRossett	Kolb	Raczkowski	Williams
DeVuyst	Kooiman	Reeves	Wojno
DeWeese	Kowall	Richardville	Woodward
Drolet	Kuipers	Richner	Woronchak
Faunce	LaSata	Rivet	Zelenko
Frank	Lemmons	Rocca	

Nays—0

In The Chair: Ehardt

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties.”

The House agreed to the full title.

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

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

Associate Speaker Pro Tempore Julian resumed the Chair.

Second Reading of Bills

House Bill No. 4162, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” (MCL 168.1 to 168.992) by adding section 659.

The bill was read a second time.

Rep. Spade moved to substitute (H-1) the bill.

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

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

The motion prevailed.

House Bill No. 5474, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 7 (MCL 208.7), as amended by 2000 PA 477.

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

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

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

The motion prevailed.

Senate Bill No. 819, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9101 (MCL 324.9101), as amended by 2000 PA 504.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5313, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1201, 1202, 1203, 1204, 1204c, 1205, 1206, 1209, 1214, 1224, 1234, 1238, 1242, 1243, 1244, 1905, and 3310 (MCL 500.1201, 500.1202, 500.1203, 500.1204, 500.1204c, 500.1205, 500.1206, 500.1209, 500.1214, 500.1224, 500.1234, 500.1238, 500.1242, 500.1243, 500.1244, 500.1905, and 500.3310), section 1201 as amended by 1980 PA 340, section 1204 as amended by 1986 PA 173, section 1204c as amended by 1998 PA 540, section 1206 as amended by 1992 PA 1, section 1209 as amended by 1980 PA 461, section 1214 as amended by 1986 PA 173, section 1224 as amended by 2000 PA 35, section 1234 as amended by 1981 PA 1, section 1238 as added by 1984 PA 5, section 1243 as added by 1994 PA 409, section 1244 as amended by 1984 PA 7, section 1905 as amended by 1996 PA 548, and section 3310 as amended by 1986 PA 10, and by adding sections 1201a, 1204e, 1206a, 1206b, 1208a, 1208b, 1211, 1211a, 1211b, 1239, 1240, 1246, and 1247.

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

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

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

The motion prevailed.

House Bill No. 4165, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 400.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5330, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 3 (MCL 205.3), as amended by 1986 PA 58.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4987, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2512 (MCL 339.2512), as amended by 2000 PA 436.

The bill was read a second time.

Rep. Bishop moved to amend the bill as follows:

1. Amend page 4, line 20, after "ESCROWEE" by inserting "WITHIN 2 BANKING DAYS AFTER THE LICENSEE HAS RECEIVED NOTICE THAT AN OFFER TO PURCHASE IS ACCEPTED BY ALL PARTIES".

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

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

The motion prevailed.

House Bill No. 5182, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 7 (MCL 338.887), as amended by 1992 PA 130.

The bill was read a second time.

Reps. Kuipers and Bernero moved to substitute (H-2) the bill.

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

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

The motion prevailed.

Rep. Vander Roest moved that Rep. DeVuyst be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5216, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 577, 578, 580, 626, 661, 691, 738, 770, 770a, 771, 772, 773, 776, 781, 786, 789, 790, 791, 792, 793, 795, 795a, 796a, 797, 797a, 798b, 798c, and 799a (MCL 168.577, 168.578, 168.580, 168.626, 168.661, 168.691, 168.738, 168.770, 168.770a, 168.771, 168.772, 168.773, 168.776, 168.781, 168.786, 168.789, 168.790, 168.791, 168.792, 168.793, 168.795, 168.795a, 168.796a, 168.797, 168.797a, 168.798b, 168.798c, and 168.799a), section 580 as amended by 1985 PA 160, sections 626 and 797a as amended by 1996 PA 583, section 661 as amended by 1982 PA 2, sections 738 and 786 as amended by 1996 PA 213, section 795 as amended by 1999 PA 218, sections 795a and 796a as amended by 1998 PA 215, section 797 as amended by 1992 PA 8, sections 798b and 798c as amended by 1990 PA 109, and section 799a as amended by 1997 PA 137, and by adding section 17; and to repeal acts and parts of acts.

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

Roll Call No. 701**Yeas—101**

Adamini	George	Lipsey	Schauer
Allen	Gielegem	Lockwood	Scranton
Anderson	Gilbert	McConico	Shackleton
Basham	Godchaux	Mead	Sheltrown
Bernero	Gosselin	Meyer	Shulman
Birkholz	Hager	Middaugh	Spade
Bisbee	Hale	Minore	Stallworth
Bishop	Hansen	Mortimer	Stamas
Bogardus	Hardman	Murphy	Stewart
Bovin	Howell	Neumann	Switalski
Bradstreet	Hummel	Newell	Tabor
Brown, B.	Jacobs	O'Neil	Thomas
Brown, C.	Jamnack	Pappageorge	Toy
Brown, R.	Jansen	Patterson	Van Woerkom
Callahan	Jelinek	Pestka	Vander Roest
Cassis	Johnson, Rick	Phillips	Vander Veen
Caul	Johnson, Ruth	Plakas	Vear
Clark, I.	Julian	Pumford	Voorhees
Clarke, H.	Koetje	Quarles	Waters
Daniels	Kolb	Raczkowski	Whitmer
DeRossett	Kooiman	Reeves	Williams
DeWeese	Kowall	Richardville	Wojno

Drolet
Ehardt
Faunce
Frank

Kuipers
LaSata
Lemmons

Richner
Rivet
Rocca

Woodward
Woronchak
Zelenko

Nays—1

Hart

In The Chair: Julian

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

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

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 2, 31, 770, 770a, 771, 773, and 794a (MCL 168.2, 168.31, 168.770, 168.770a, 168.771, 168.773, and 168.794a), section 2 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, and section 794a as amended by 1995 PA 261, and by adding section 37; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Rich Brown moved that Rep. Adamini be excused temporarily from today’s session.

The motion prevailed.

House Bill No. 5335, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 561 and 696 (MCL 168.561 and 168.696).

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

Roll Call No. 702

Yeas—100

Allen
Anderson
Basham
Bernero
Birkholz
Bisbee
Bishop
Bogardus
Bovin
Bradstreet
Brown, B.
Brown, C.
Brown, R.
Callahan
Cassis
Caul

Gielegem
Gilbert
Godchaux
Gosselin
Hager
Hale
Hansen
Hardman
Hart
Howell
Hummel
Jacobs
Jamnick
Jansen
Jelinek
Johnson, Rick

Lipsey
Lockwood
McConico
Mead
Meyer
Middaugh
Minore
Mortimer
Murphy
Neumann
Newell
O’Neil
Pappageorge
Patterson
Pestka
Phillips

Schauer
Scranton
Shackleton
Sheltrown
Shulman
Spade
Stallworth
Stamas
Stewart
Switalski
Tabor
Thomas
Toy
Van Woerkom
Vander Roest
Vander Veen

Clarke, H.	Johnson, Ruth	Plakas	Vear
Daniels	Julian	Pumford	Voorhees
DeRossett	Koetje	Quarles	Waters
DeWeese	Kolb	Rackowski	Whitmer
Drolet	Kooiman	Reeves	Williams
Ehardt	Kowall	Richardville	Wojno
Faunce	Kuipers	Richner	Woodward
Frank	LaSata	Rivet	Woronchak
George	Lemmons	Rocca	Zelenko

Nays—0

In The Chair: Julian

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

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

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 2, 558, 561, 590f, 691, and 696 (MCL 168.2, 168.558, 168.561, 168.590f, 168.691, and 168.696), section 2 as amended by 1999 PA 216, section 558 as amended by 1999 PA 217, and section 590f as added by 1988 PA 116, and by adding section 560b; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville 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. 173, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 2, 31, 73, 283, 393, 509y, 509aa, 558, 561, 561a, 590f, 686, 691, 706, 727, 737, 745, 769, 782b, 795, 795c, 799a, 803, 804, 842, 880a, 931, and 992 (MCL 168.2, 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.558, 168.561, 168.561a, 168.590f, 168.686, 168.691, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.799a, 168.803, 168.804, 168.842, 168.880a, 168.931, and 168.992), sections 2, 73, 283, 393, and 686 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, sections 509y and 509aa as added by 1994 PA 441, section 558 as amended by 1999 PA 217, section 590f as added by 1988 PA 116, sections 706 and 737 as amended by 1985 PA 160, sections 727 and 769 as amended by 1995 PA 261, section 795 as amended by 1999 PA 218, section 795c as amended by 1990 PA 109, sections 799a and 803 as amended by 1997 PA 137, and section 931 as amended by 1996 PA 583, and by adding sections 560b and 701; and to repeal acts and parts of acts.

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

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

Rep. Callahan moved to amend the bill as follows:

1. Amend page 2, line 6, after “in” by striking out “accordance” and inserting “COMPLIANCE.”.
2. Amend page 5, line 5, after “VIDEO” by inserting “OR DVD”.
3. Amend page 9, line 17, after “CLERK” by inserting “OR THEIR DEPUTY”.

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

Rep. Callahan demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 703**Yeas—43**

Adamini	Daniels	McConico	Sheltrown
Anderson	Frank	Minore	Spade
Basham	Gielegem	Murphy	Stallworth
Bernero	Hale	Neumann	Switalski
Bogardus	Hansen	O'Neil	Waters
Bovin	Hardman	Pestka	Whitmer
Brown, B.	Jacobs	Plakas	Williams
Brown, R.	Jamnick	Quarles	Wojno
Callahan	Kolb	Reeves	Woodward
Clark, I.	Lemmons	Rivet	Zelenko
Clarke, H.	Lockwood	Schauer	

Nays—53

Allen	Gilbert	Kuipers	Rocca
Birkholz	Godchaux	LaSata	Shackleton
Bisbee	Gosselin	Mead	Shulman
Bishop	Hager	Meyer	Stamas
Bradstreet	Hart	Middaugh	Stewart
Brown, C.	Howell	Mortimer	Tabor
Cassis	Hummel	Newell	Toy
Caul	Jansen	Pappageorge	Van Woerkom
DeRossett	Jelinek	Patterson	Vander Roest
DeWeese	Johnson, Rick	Pumford	Vander Veen
Drolet	Julian	Raczkowski	Vear
Ehardt	Koetje	Richardville	Voorhees
Faunce	Kowall	Richner	Woronchak
George			

In The Chair: Julian

Rep. Lemmons moved to amend the bill as follows:

1. Amend page 16, line 9, by striking out all of sections 701 and 706.
2. Amend page 20, line 15, by striking out all of section 737.
3. Amend page 25, line 17, by striking out all of section 782b.
4. Amend page 29, line 8, by striking out all of section 795c.
5. Amend page 35, line 3, after "unless" by inserting "a cross or a check mark has been placed by the voter in the circle at the head of the party ticket, if any, on which the name of the candidate has been printed, written, or placed or unless".

6. Amend page 35, line 25, by striking out all of section 804.

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

Rep. Lemmons demanded the yeas and nays.

The demand was supported.

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

After debate,

Rep. Kuipers demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

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

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

Roll Call No. 704**Yeas—41**

Adamini	Frank	Lockwood	Sheltrown
Anderson	Gielegem	Minore	Spade
Basham	Hale	Murphy	Stallworth
Bernero	Hansen	Neumann	Switalski
Bovin	Hardman	O'Neil	Waters
Brown, B.	Jacobs	Pestka	Whitmer
Brown, R.	Jamnack	Phillips	Williams
Callahan	Kolb	Plakas	Wojno
Clark, I.	Lemmons	Quarles	Woodward
Clarke, H.	Lipsey	Schauer	Zelenko
Daniels			

Nays—56

Allen	Gilbert	Kowall	Rocca
Birkholz	Godchaux	Kuipers	Scranton
Bisbee	Gosselin	LaSata	Shackleton
Bishop	Hager	Mead	Shulman
Bradstreet	Hart	Meyer	Stamas
Brown, C.	Howell	Middaugh	Stewart
Cassis	Hummel	Mortimer	Tabor
Caul	Jansen	Newell	Toy
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeWeese	Johnson, Rick	Patterson	Vander Roest
Drolet	Johnson, Ruth	Pumford	Vander Veen
Ehardt	Julian	Raczkowski	Vear
Faunce	Koetje	Richardville	Voorhees
George	Kooiman	Richner	Woronchak

In The Chair: Julian

Associate Speaker Pro Tempore Ehardt resumed the Chair.

Rep. Quarles moved to amend the bill as follows:

1. Amend page 42, following line 21, by inserting:

"Enacting section 2. This amendatory act does not take effect unless approved by a majority of the electors of this state voting on the question at the general election to be held November 5, 2002. This amendatory act shall be submitted to the qualified electors of this state at that election as provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. If approved by the electors, this amendatory act takes effect January 1, 2003."

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

Rep. Quarles demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 705**Yeas—47**

Adamini	Frank	Minore	Spade
Anderson	Gielegem	Murphy	Stallworth

Basham	Hale	Neumann	Switalski
Bernero	Hansen	O'Neil	Thomas
Bogardus	Hardman	Pestka	Waters
Bovin	Jacobs	Phillips	Whitmer
Brown, B.	Jamnick	Plakas	Williams
Brown, R.	Kolb	Quarles	Wojno
Callahan	Lemmons	Reeves	Woodward
Clark, I.	Lipsey	Rivet	Woronchak
Clarke, H.	Lockwood	Schauer	Zelenko
Daniels	McConico	Sheltrown	

Nays—54

Allen	Godchaux	Kuipers	Rocca
Birkholz	Gosselin	LaSata	Scranton
Bisbee	Hager	Mead	Shackleton
Bishop	Hart	Meyer	Shulman
Bradstreet	Howell	Middaugh	Stamas
Brown, C.	Hummel	Mortimer	Stewart
Cassis	Jansen	Newell	Tabor
Caul	Jelinek	Pappageorge	Toy
DeRossett	Johnson, Rick	Patterson	Van Woerkom
DeWeese	Johnson, Ruth	Pumford	Vander Roest
Drolet	Julian	Rackowski	Vander Veen
Ehardt	Koetje	Richardville	Vear
Faunce	Kooiman	Richner	Voorhees
Gilbert	Kowall		

In The Chair: Ehardt

Associate Speaker Pro Tempore Julian resumed the Chair.

Rep. Quarles moved to amend the bill as follows:

1. Amend page 24, following line 10, by inserting:

“Sec. 758. ~~(1) For the purposes of AS USED IN~~ this act, “absent voter” means a qualified and registered elector who ~~meets 1 or more of the following requirements;~~

~~(a) On account of physical disability, cannot without another’s assistance attend~~ WISHES TO VOTE WITHOUT ATTENDING the polls on the day of an election.

~~(b) On account of the tenets of his or her religion, cannot attend the polls on the day of election.~~

~~(c) Cannot attend the polls on the day of an election in the precinct in which he or she resides because of being an election precinct inspector in another precinct.~~

~~(d) Is 60 years of age or older.~~

~~(e) Is absent or expects to be absent from the township or city in which he or she resides during the entire period the polls are open for voting on the day of an election.~~

~~(f) Cannot attend the polls on election day because of being confined in jail awaiting arraignment or trial.~~

~~(2) Subsection (1) does not apply to~~ ABSENT VOTER DOES NOT INCLUDE a person who has moved outside of this state, regardless of length of his or her residence outside of this state, and who no longer maintains an actual residence in this state. The storage of personal effects or household goods, the ownership of property that is rented or leased to others, or occasional brief visits to a former domicile in this state while residing outside of this state for most of the year does not constitute a residence for voting purposes in this state, except for each of the following:

(a) A person described in section 1 of article II of the state constitution of 1963 and statutes enacted under that section.

(b) A person described in section 759a.

Sec. 759. (1) At any time during the 75 days before a primary ELECTION or special primary ELECTION, but not later than 2 p.m. of the Saturday immediately before the primary ELECTION or special primary ELECTION, an elector who qualifies to vote as an absent voter, ~~as defined in section 758,~~ may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the elector is registered. An application received before a primary ELECTION or special primary ELECTION may be for either that primary ELECTION only, or for that primary ELECTION and the election that follows.

(2) Except as otherwise provided in subsection (1), at any time during the 75 days before an election, but not later than 2 p.m. of the Saturday before the election, an elector who qualifies to vote as an absent voter, ~~as defined in section 758,~~ may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

- (a) By a written request signed by the ~~voter stating the statutory grounds for making the application~~ ELECTOR.
- (b) On an absent voter ballot application form provided for that purpose by the clerk of the city, township, or village.
- (c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. ~~A person other~~ OTHER than the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant TO RETURN THE APPLICATION; or a clerk, assistant of the clerk, or other authorized election official, A PERSON shall not be in possession of a signed absent voter ballot application. A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of the city, township, or village shall have absent voter ballot application forms available in the office of the clerk at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application shall be in substantially the following form:

"Application for absent voter ballot for:

- The primary ELECTION or special primary election to be held on _____, 19____ [DATE].
- The election to be held on _____, 19____ [DATE].

(Check applicable election or elections)

I, _____, a qualified and registered elector of the _____ precinct of the township of _____ or village of _____ or of the _____ ward of the city of _____, in the county of _____ and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

The statutory grounds on which I base my request are:

- I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.
- I am physically unable to attend the polls without the assistance of another.
- I cannot attend the polls because of the tenets of my religion.
- I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.
- I am 60 years of age or older.
- I cannot attend the polls because I am confined to jail awaiting arraignment or trial.

(Check applicable reason)

Send absent voter ballot to me at:

.....
 (Street No. or R.R.)

 (Post Office) (State) ZIP CODE
 My registered address.....
 (Street No. or R.R.)

 (Post Office) (State) ZIP CODE

Date

I ~~declare~~ SWEAR that the statements in this absent voter ballot application are true.

.....
(Signature)

WARNING

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to

return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the office of the clerk must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

Certificate of Authorized Registered
Elector Returning Absent Voter
Ballot Application

I certify that my name is, my address is, and my date of birth is; that I am delivering the absent voter ballot application ofat his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

(Date)

(Signature)"

(6) The following instructions for an applicant for an absent voter ballot shall be included with each application furnished an applicant:

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

(a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.

(d) ~~In the event~~ IF an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.

Sec. 759b. (1) ~~Any~~ A registered elector may apply for AN absent voter ~~ballots~~ BALLOT at any time ~~prior to~~ BEFORE 4 p.m. on election day if ~~he shall have become physically disabled or shall be absent from the city or township because of sickness or death in the family which~~ AN EVENT has occurred at a time ~~which has~~ THAT made it impossible to apply for absent voter ballots by the statutory deadline. The application shall be called an emergency absent voter BALLOT application.

(2) Emergency absent voter BALLOT applications may be made by letter or on a form PRESCRIBED BY THE SECRETARY OF STATE AND provided by the clerk. The application shall set forth that the voter is qualified to vote in the election ~~, stating the statutory reason for applying for an emergency absent voter ballot and that the reason for applying after the statutory deadline~~ AN EVENT occurred at such a time to make it impossible to file an application for AN absent voter ~~ballots~~ BALLOT by the statutory deadline.

(3) ~~Any~~ A person intentionally making a false statement in ~~such~~ AN EMERGENCY ABSENT VOTER BALLOT application is guilty of a felony. ~~Any~~ A person aiding or abetting ~~any~~ ANOTHER person to make a false statement ~~on~~ ~~such~~ IN AN EMERGENCY ABSENT VOTER BALLOT application is guilty of a felony.

(4) Upon receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ABSENT VOTER ballots to the applicant in person, through a deputy or an election assistant, or ~~he may deliver them~~ at his OR HER office to a person named by the applicant in the EMERGENCY ABSENT VOTER BALLOT application. The ABSENT voter may return the ABSENT VOTER ballots to the clerk ~~in the sealed envelope provided therefor~~ in any manner. ~~he sees fit. To~~ HOWEVER, TO be valid, ~~ballots must be returned~~ THE ABSENT VOTER SHALL RETURN THE ABSENT VOTER BALLOTS to the clerk IN THE SEALED ENVELOPE PROVIDED FOR THAT REASON AND in time to be delivered to the polls ~~prior to~~ BEFORE 8 p.m. on election day.".

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

The demand was supported.

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

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

Roll Call No. 706**Yeas—48**

Adamini	Faunce	McConico	Schauer
Anderson	Frank	Minore	Sheltrown
Basham	Gielegem	Murphy	Spade
Bernero	Hale	Neumann	Stallworth
Bogardus	Hansen	O'Neil	Switalski
Bovin	Hardman	Pestka	Thomas
Brown, B.	Jacobs	Phillips	Waters
Brown, R.	Jamnick	Plakas	Whitmer
Callahan	Kolb	Quarles	Williams
Clark, I.	Lemmons	Raczkowski	Wojno
Clarke, H.	Lipsey	Reeves	Woodward
Daniels	Lockwood	Rivet	Zelenko

Nays—50

Birkholz	Hager	LaSata	Scranton
Bisbee	Hart	Mead	Shackleton
Bishop	Howell	Meyer	Stamas
Bradstreet	Hummel	Middaugh	Stewart
Brown, C.	Jansen	Mortimer	Tabor
Cassis	Jelinek	Newell	Toy
Caul	Johnson, Rick	Pappageorge	Van Woerkom
DeRossett	Johnson, Ruth	Patterson	Vander Roest
DeWeese	Julian	Pumford	Vander Veen
Ehardt	Koetje	Richardville	Vear
Gilbert	Kooiman	Richner	Voorhees
Godchaux	Kowall	Rocca	Woronchak
Gosselin	Kuipers		

In The Chair: Julian

Rep. Allen moved that Rep. Rick Johnson be excused temporarily from today's session.
The motion prevailed.

Rep. Kolb moved to amend the bill as follows:

1. Amend page 42, following line 21, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 4054 of the 91st Legislature is enacted into law.”.

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

Rep. Kolb demanded the yeas and nays.

The demand was supported.

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

Roll Call No. 707**Yeas—45**

Adamini	Frank	McConico	Schauer
Anderson	Gielegem	Minore	Sheltrown
Basham	Hale	Murphy	Stallworth
Bernero	Hansen	Neumann	Switalski
Bogardus	Hardman	O'Neil	Thomas
Bovin	Jacobs	Pestka	Waters
Brown, B.	Jamnick	Phillips	Whitmer
Brown, R.	Kolb	Plakas	Williams
Callahan	Lemmons	Quarles	Wojno
Clark, I.	Lipsey	Reeves	Woodward
Clarke, H.	Lockwood	Rivet	Zelenko
Daniels			

Nays—55

Allen	Godchaux	LaSata	Shackleton
Birkholz	Gosselin	Mead	Shulman
Bisbee	Hager	Meyer	Spade
Bishop	Hart	Middaugh	Stamas
Bradstreet	Howell	Mortimer	Stewart
Brown, C.	Hummel	Newell	Tabor
Cassis	Jansen	Pappageorge	Toy
Caul	Jelinek	Patterson	Van Woerkom
DeRossett	Johnson, Ruth	Pumford	Vander Roest
DeWeese	Julian	Rackowski	Vander Veen
Drolet	Koetje	Richardville	Vear
Ehardt	Kooiman	Richner	Voorhees
Faunce	Kowall	Rocca	Woronchak
Gilbert	Kuipers	Scranton	

In The Chair: Julian

Rep. Kolb moved to amend the bill as follows:

1. Amend page 42, following line 21, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 4055 of the 91st Legislature is enacted into law.”.

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

Rep. Kolb demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 708**Yeas—41**

Adamini	Frank	Lockwood	Sheltrown
Anderson	Gielegem	McConico	Stallworth

Basham	Hale	Minore	Switalski
Bernero	Hansen	Murphy	Thomas
Bovin	Hardman	Neumann	Waters
Brown, B.	Jacobs	Phillips	Whitmer
Brown, R.	Jamnick	Plakas	Williams
Callahan	Kolb	Quarles	Wojno
Clark, I.	Lemmons	Rivet	Woodward
Clarke, H.	Lipsey	Schauer	Zelenko
Daniels			

Nays—53

Allen	Godchaux	Kuipers	Shackleton
Birkholz	Gosselin	LaSata	Shulman
Bisbee	Hager	Mead	Spade
Bishop	Hart	Meyer	Stamas
Bradstreet	Howell	Middaugh	Stewart
Brown, C.	Hummel	Newell	Tabor
Cassis	Jansen	Pappageorge	Toy
Caul	Jelinek	Patterson	Van Woerkom
DeRossett	Johnson, Ruth	Pumford	Vander Roest
DeWeese	Julian	Rackowski	Vander Veen
Drolet	Koetje	Richardville	Vear
Ehardt	Kooiman	Richner	Voorhees
Faunce	Kowall	Rocca	Woronchak
Gilbert			

In The Chair: Julian

Rep. Bogardus moved to reconsider the vote by which the House did not adopt the amendment.

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

Rep. Bogardus demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 709**Yeas—43**

Adamini	Daniels	Lockwood	Sheltrown
Anderson	Frank	McConico	Spade
Basham	Gielegem	Minore	Switalski
Bernero	Hale	Neumann	Thomas
Bogardus	Hansen	O'Neil	Waters
Bovin	Hardman	Pestka	Whitmer
Brown, B.	Jacobs	Phillips	Williams
Brown, R.	Jamnick	Plakas	Wojno
Callahan	Kolb	Quarles	Woodward
Clark, I.	Lemmons	Rivet	Zelenko
Clarke, H.	Lipsey	Schauer	

Nays—53

Allen	Gosselin	Kuipers	Rocca
Birkholz	Hager	LaSata	Shackleton

Bisbee	Hart	Mead	Shulman
Bishop	Howell	Meyer	Stamas
Bradstreet	Hummel	Middaugh	Stewart
Cassis	Jansen	Mortimer	Tabor
Caul	Jelinek	Newell	Toy
DeRossett	Johnson, Rick	Pappageorge	Van Woerkom
DeWeese	Johnson, Ruth	Patterson	Vander Roest
Drolet	Julian	Pumford	Vander Veen
Ehardt	Koetje	Rackowski	Vear
Faunce	Kooiman	Richardville	Voorhees
Gilbert	Kowall	Richner	Woronchak
Godchaux			

In The Chair: Julian

Rep. Rivet moved to amend the bill as follows:

1. Amend page 42, following line 21, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 4353 of the 91st Legislature is enacted into law.”.

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

Rep. Rivet demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 710

Yeas—42

Adamini	Frank	McConico	Sheltrown
Anderson	Gielegem	Minore	Spade
Basham	Hale	Murphy	Stallworth
Bernero	Hansen	Neumann	Switalski
Bogardus	Hardman	Pestka	Thomas
Bovin	Jacobs	Phillips	Waters
Brown, B.	Jamnick	Quarles	Whitmer
Brown, R.	Kolb	Reeves	Wojno
Callahan	Lemmons	Rivet	Woodward
Clarke, H.	Lipsey	Schauer	Zelenko
Daniels	Lockwood		

Nays—56

Allen	Gilbert	Kowall	Rocca
Birkholz	Godchaux	Kuipers	Scranton
Bisbee	Gosselin	LaSata	Shackleton
Bishop	Hager	Mead	Shulman
Bradstreet	Hart	Meyer	Stamas
Brown, C.	Howell	Middaugh	Stewart
Cassis	Hummel	Mortimer	Tabor
Caul	Jansen	Newell	Toy
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeWeese	Johnson, Rick	Patterson	Vander Roest
Drolet	Johnson, Ruth	Pumford	Vander Veen
Ehardt	Julian	Rackowski	Vear

Faunce
George

Koetje
Kooiman

Richardville
Richner

Voorhees
Woronchak

In The Chair: Julian

Rep. Adamini moved to amend the bill as follows:

1. Amend page 5, following line 6, by inserting:

“(P) ENSURE THAT NO VOTER OVER THE AGE OF 55 WAITS MORE THAN 30 MINUTES TO VOTE.”.

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

Rep. Adamini demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 711

Yeas—43

Adamini	Daniels	McConico	Sheltrown
Anderson	Frank	Minore	Spade
Basham	Gielegem	Murphy	Stallworth
Bernero	Hale	Neumann	Switalski
Bogardus	Hansen	O’Neil	Waters
Bovin	Hardman	Pestka	Whitmer
Brown, B.	Jacobs	Phillips	Williams
Brown, R.	Jamnick	Plakas	Wojno
Callahan	Lemmons	Quarles	Woodward
Clark, I.	Lipsey	Reeves	Zelenko
Clarke, H.	Lockwood	Schauer	

Nays—55

Allen	Gilbert	Kuipers	Scranton
Birkholz	Godchaux	LaSata	Shackleton
Bisbee	Gosselin	Mead	Shulman
Bishop	Hager	Meyer	Stamas
Bradstreet	Howell	Middaugh	Stewart
Brown, C.	Hummel	Mortimer	Tabor
Cassis	Jansen	Newell	Toy
Caul	Jelinek	Pappageorge	Van Woerkom
DeRossett	Johnson, Rick	Patterson	Vander Roest
DeWeese	Johnson, Ruth	Pumford	Vander Veen
Drolet	Julian	Raczkowski	Vear
Ehardt	Koetje	Richardville	Voorhees
Faunce	Kooiman	Richner	Woronchak
George	Kowall	Rocca	

In The Chair: Julian

Rep. Adamini moved to amend the bill as follows:

1. Amend page 5, following line 6, by inserting:

“(P) ENSURE THAT NO VOTER WAITS TO VOTE OUTDOORS WHEN THE TEMPERATURE IS UNDER 32 DEGREES FAHRENHEIT.”.

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

Rep. Adamini demanded the yeas and nays.
The demand was supported.

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

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

Roll Call No. 712**Yeas—43**

Adamini	Daniels	Minore	Spade
Anderson	Frank	Murphy	Stallworth
Basham	Hale	Neumann	Switalski
Bernero	Hansen	Pestka	Thomas
Bogardus	Hardman	Phillips	Waters
Bovin	Jamnick	Plakas	Whitmer
Brown, B.	Kolb	Quarles	Williams
Brown, R.	Lemmons	Reeves	Wojno
Callahan	Lipsey	Rivet	Woodward
Clark, I.	Lockwood	Schauer	Zelenko
Clarke, H.	McConico	Sheltrown	

Nays—56

Allen	Gilbert	Kowall	Rocca
Birkholz	Godchaux	Kuipers	Scranton
Bisbee	Gosselin	LaSata	Shackleton
Bishop	Hager	Mead	Shulman
Bradstreet	Hart	Meyer	Stamas
Brown, C.	Howell	Middaugh	Stewart
Cassis	Hummel	Mortimer	Tabor
Caul	Jansen	Newell	Toy
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeWeese	Johnson, Rick	Patterson	Vander Roest
Drolet	Johnson, Ruth	Pumford	Vander Veen
Ehardt	Julian	Rackowski	Vear
Faunce	Koetje	Richardville	Voorhees
George	Kooiman	Richner	Woronchak

In The Chair: Julian

Rep. Adamini moved to amend the bill as follows:

1. Amend page 5, following line 6, by inserting:

“(P) ENSURE THAT NO DISABLED OR HANDICAPPED VOTER SHALL HAVE TO WAIT OUTDOORS TO VOTE.”.

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

Rep. Adamini demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 713**Yeas—47**

Adamini	Frank	Minore	Sheltrown
Anderson	Gielegem	Murphy	Spade

Basham	Hale	Neumann	Stallworth
Bernero	Hansen	O'Neil	Switalski
Bogardus	Hardman	Pestka	Thomas
Bovin	Jacobs	Phillips	Waters
Brown, B.	Jamnick	Plakas	Whitmer
Brown, R.	Kolb	Quarles	Williams
Callahan	Lemmons	Raczkowski	Wojno
Clark, I.	Lipsey	Reeves	Woodward
Clarke, H.	Lockwood	Rivet	Zelenko
Daniels	McConico	Schauer	

Nays—52

Allen	George	Koetje	Richner
Birkholz	Gilbert	Kooiman	Rocca
Bisbee	Godchaux	Kowall	Scranton
Bishop	Gosselin	Kuipers	Shulman
Bradstreet	Hager	LaSata	Stamas
Brown, C.	Hart	Meyer	Stewart
Cassis	Howell	Middaugh	Tabor
Caul	Hummel	Mortimer	Toy
DeRossett	Jansen	Newell	Van Woerkom
DeWeese	Jelinek	Pappageorge	Vander Roest
Drolet	Johnson, Rick	Patterson	Vander Veen
Ehardt	Johnson, Ruth	Pumford	Vear
Faunce	Julian	Richardville	Voorhees

In The Chair: Julian

Rep. Adamini moved to amend the bill as follows:

1. Amend page 5, following line 6, by inserting:

“(P) SHALL PREPARE AND REPORT TO THE LEGISLATURE A REPORT ON THE NUMBER OF VOTERS STATEWIDE, IN THE NOVEMBER 2002 ELECTION, WHO EXCEEDED THE 2 MINUTE TIME LIMITATION SET FORTH IN MCL 168.786, WHICH REPORT SHALL BE FILED NO LATER THAN FEBRUARY 1, 2003.”.

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

Rep. Adamini demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 714**Yeas—44**

Anderson	Frank	McConico	Sheltrown
Basham	Gielegem	Minore	Spade
Bernero	Hale	Murphy	Stallworth
Bogardus	Hansen	Neumann	Switalski
Bovin	Hardman	O'Neil	Thomas
Brown, B.	Jacobs	Pestka	Waters
Brown, R.	Jamnick	Phillips	Whitmer
Callahan	Kolb	Plakas	Williams
Clark, I.	Lemmons	Quarles	Wojno
Clarke, H.	Lipsey	Reeves	Woodward
Daniels	Lockwood	Schauer	Zelenko

Nays—56

Allen	Gilbert	Kowall	Rocca
Birkholz	Godchaux	Kuipers	Scranton
Bisbee	Gosselin	LaSata	Shackleton
Bishop	Hager	Mead	Shulman
Bradstreet	Hart	Meyer	Stamas
Brown, C.	Howell	Middaugh	Stewart
Cassis	Hummel	Mortimer	Tabor
Caul	Jansen	Newell	Toy
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeWeese	Johnson, Rick	Patterson	Vander Roest
Drolet	Johnson, Ruth	Pumford	Vander Veen
Ehardt	Julian	Raczkowski	Vear
Faunce	Koetje	Richardville	Voorhees
George	Kooiman	Richner	Woronchak

In The Chair: Julian

Rep. Allen moved that Rep. Rick Johnson be excused temporarily from today's session.
The motion prevailed.

Rep. Lemmons moved to amend the bill as follows:

1. Amend page 17, line 5, after "split." by inserting "A CANDIDATE'S POLITICAL PARTY DESIGNATION SHALL BE PRINTED ON THE BALLOT PRECEDING THE CANDIDATE'S NAME, AND SHALL BE IN THE SAME SIZE FONT AS THE CANDIDATE'S NAME."

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

Rep. Lemmons demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 715**Yeas—44**

Adamini	Frank	McConico	Sheltrown
Anderson	Gielegem	Minore	Spade
Basham	Hale	Murphy	Stallworth
Bernero	Hansen	Neumann	Switalski
Bogardus	Hardman	O'Neil	Thomas
Brown, B.	Jacobs	Phillips	Waters
Brown, R.	Jamnick	Plakas	Whitmer
Callahan	Kolb	Quarles	Williams
Clark, I.	Lemmons	Reeves	Wojno
Clarke, H.	Lipsey	Rivet	Woodward
Daniels	Lockwood	Schauer	Zelenko

Nays—55

Allen	Gilbert	Kuipers	Scranton
Birkholz	Godchaux	LaSata	Shackleton

Bisbee	Gosselin	Mead	Shulman
Bishop	Hager	Meyer	Stamas
Bradstreet	Hart	Middaugh	Stewart
Brown, C.	Howell	Mortimer	Tabor
Cassis	Hummel	Newell	Toy
Caul	Jansen	Pappageorge	Van Woerkom
DeRossett	Jelinek	Patterson	Vander Roest
DeWeese	Johnson, Ruth	Pumford	Vander Veen
Drolet	Julian	Raczkowski	Vear
Ehardt	Koetje	Richardville	Voorhees
Faunce	Kooiman	Richner	Woronchak
George	Kowall	Rocca	

In The Chair: Julian

Rep. Garza entered the House Chambers.

Rep. Daniels moved to amend the bill as follows:

1. Amend page 42, following line 21, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 673 of the 91st Legislature is enacted into law.”.

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

Rep. Daniels demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 716

Yeas—46

Adamini	Frank	McConico	Schauer
Anderson	Garza	Minore	Sheltrown
Basham	Gielegem	Murphy	Spade
Bernero	Hale	Neumann	Stallworth
Bogardus	Hansen	O’Neil	Switalski
Bovin	Hardman	Pestka	Waters
Brown, B.	Jacobs	Phillips	Whitmer
Brown, R.	Jamnick	Plakas	Williams
Callahan	Kolb	Quarles	Wojno
Clark, I.	Lemmons	Reeves	Woodward
Clarke, H.	Lipsey	Rivet	Zelenko
Daniels	Lockwood		

Nays—55

Allen	Gilbert	Kuipers	Scranton
Birkholz	Godchaux	LaSata	Shackleton
Bisbee	Gosselin	Mead	Shulman
Bishop	Hager	Meyer	Stamas

Bradstreet	Hart	Middaugh	Stewart
Brown, C.	Howell	Mortimer	Tabor
Cassis	Hummel	Newell	Toy
Caul	Jansen	Pappageorge	Van Woerkom
DeRossett	Jelinek	Patterson	Vander Roest
DeWeese	Johnson, Ruth	Pumford	Vander Veen
Drolet	Julian	Rackowski	Vear
Ehardt	Koetje	Richardville	Voorhees
Faunce	Kooiman	Richner	Woronchak
George	Kowall	Rocca	

In The Chair: Julian

Rep. Woodward moved to amend the bill as follows:

1. Amend page 5, following line 6, by inserting:

“(P) THE SECRETARY OF STATE SHALL STUDY AND REPORT BACK TO THE LEGISLATURE NO LATER THAN NOVEMBER 1, 2002, ON THE DELETERIOUS EFFECTS ON STUDENTS AND YOUNG VOTERS OF PUBLIC ACT 118 OF 1999.”.

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

Rep. Woodward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 717

Yeas—46

Adamini	Garza	Minore	Sheltrown
Anderson	Gielegem	Murphy	Spade
Basham	Hale	Neumann	Stallworth
Bernero	Hansen	O’Neil	Switalski
Bogardus	Hardman	Pestka	Thomas
Bovin	Jacobs	Phillips	Waters
Brown, B.	Jamnick	Plakas	Whitmer
Brown, R.	Kolb	Quarles	Williams
Callahan	Lemmons	Reeves	Wojno
Clark, I.	Lipsey	Rivet	Woodward
Clarke, H.	Lockwood	Schauer	Zelenko
Frank	McConico		

Nays—55

Allen	Gilbert	Kowall	Rocca
Birkholz	Godchaux	Kuipers	Shackleton
Bisbee	Gosselin	LaSata	Shulman
Bishop	Hager	Mead	Stamas
Bradstreet	Hart	Meyer	Stewart
Brown, C.	Howell	Middaugh	Tabor
Cassis	Hummel	Mortimer	Toy
Caul	Jansen	Newell	Van Woerkom
DeRossett	Jelinek	Pappageorge	Vander Roest
DeWeese	Johnson, Rick	Patterson	Vander Veen
Drolet	Johnson, Ruth	Pumford	Vear

Ehardt
Faunce
George

Julian
Koetje
Kooiman

Rackowski
Richardville
Richner

Voorhees
Woronchak

In The Chair: Julian

Rep. Richardville moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Rep. Richardville 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. 173, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 31, 73, 283, 393, 509y, 509aa, 558, 561, 561a, 590f, 686, 691, 706, 727, 737, 745, 769, 782b, 795, 795c, 799a, 803, 804, 842, 880a, 931, and 992 (MCL 168.2, 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.558, 168.561, 168.561a, 168.590f, 168.686, 168.691, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.799a, 168.803, 168.804, 168.842, 168.880a, 168.931, and 168.992), sections 2, 73, 283, 393, and 686 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, sections 509y and 509aa as added by 1994 PA 441, section 558 as amended by 1999 PA 217, section 590f as added by 1988 PA 116, sections 706 and 737 as amended by 1985 PA 160, sections 727 and 769 as amended by 1995 PA 261, section 795 as amended by 1999 PA 218, section 795c as amended by 1990 PA 109, sections 799a and 803 as amended by 1997 PA 137, and section 931 as amended by 1996 PA 583, and by adding sections 560b and 701; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,
After debate,

Rep. Kuipers demanded the previous question.
The demand was supported.

The question being, "Shall the main question now be put?"
The previous question was ordered.

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. 718

Yeas—56

Allen
Birkholz
Bisbee
Bishop
Bradstreet
Brown, C.
Cassis
Caul
DeRossett
DeWeese
Drolet
Ehardt
Faunce
George

Gilbert
Godchaux
Gosselin
Hager
Hart
Howell
Hummel
Jansen
Jelinek
Johnson, Rick
Johnson, Ruth
Julian
Koetje
Kooiman

Kowall
Kuipers
LaSata
Mead
Meyer
Middaugh
Mortimer
Newell
Pappageorge
Patterson
Pumford
Rackowski
Richardville
Richner

Rocca
Scranton
Shackleton
Shulman
Stamas
Stewart
Tabor
Toy
Van Woerkom
Vander Roest
Vander Veen
Vear
Voorhees
Woronchak

Nays—47

Adamini	Frank	McConico	Sheltrown
Anderson	Garza	Minore	Spade
Basham	Gielegem	Murphy	Stallworth
Bernero	Hale	Neumann	Switalski
Bogardus	Hansen	O'Neil	Thomas
Bovin	Hardman	Pestka	Waters
Brown, B.	Jacobs	Phillips	Whitmer
Brown, R.	Jamnick	Plakas	Williams
Callahan	Kolb	Quarles	Wojno
Clark, I.	Lemmons	Reeves	Woodward
Clarke, H.	Lipsey	Rivet	Zelenko
Daniels	Lockwood	Schauer	

In The Chair: Julian

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

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

A bill to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 31, 73, 283, 393, 509y, 509aa, 561a, 624, 624a, 686, 706, 727, 737, 745, 769, 782b, 795, 795c, 797a, 798c, 799a, 803, 804, 842, and 931 (MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931), section 31 as amended by 1999 PA 220, sections 73, 283, 393, and 686 as amended by 1999 PA 216, sections 509y and 509aa as added by 1994 PA 441, sections 624 and 795 as amended by 1999 PA 218, section 624a as amended by 1988 PA 116, sections 706 and 737 as amended by 1985 PA 160, sections 727 and 769 as amended by 1995 PA 261, sections 795c and 798c as amended by 1990 PA 109, sections 797a and 931 as amended by 1996 PA 583, and sections 799a and 803 as amended by 1997 PA 137, and by adding section 701; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Reps. Kolb, Whitmer, Callahan, Murphy, Spade, Zelenko, O'Neil, Lockwood, Plakas, Hale, Garza, Reeves, Schauer, Clarke, Basham, Hardman, Waters, Phillips, Lemmons, Clark, Hansen, Minore, Thomas and Daniels, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on final passage of SB 173 (H-3) for the following reasons:

The voters of Michigan want and deserve election reform. This bill is NOT election reform. This bill's purpose is to take away a voting option that Michigan voters have exercised in large numbers for over one hundred years—the right to cast, quickly and simply, a straight-ticket vote.

The truth of the matter is that this bill will result in longer lines at the polls, which will increase voter frustration with the election process and their elected officials. It will dramatically increase the costs of administering elections, because with so many voters now required to spend more time in the voting booth, additional voting equipment and staff will be needed at the polls. With these cost implications and several other unfunded mandates in this bill, such as the requirement that voting machines be changed to prohibit straight party voting, this bill violates the Headlee amendment of the Michigan Constitution.

Shamefully, it is quite likely that this bill will disenfranchise a broad spectrum of Michigan voters of their right to vote. Longer lines at the polls will effectively deprive some Michigan residents of the right to vote if they must come to the polls during their lunch hour, or if their jobs won't permit them to miss several hours of work to wait in line. And existing Michigan law at MCL 168.786 limits voters to two minutes in the voting booth. This means that removing the straight-party voting option will disenfranchise voters who might not be able to complete their ballots in two minutes, such as persons with disabilities, or persons who don't read very well, or some senior citizens. This bill may very well violate the federal Voting Rights Act as well, as available statistics indicate that the elimination of the straight-party voting option will have a disproportionate negative impact on Michigan's African-American voters.

Finally, proponents of this bill have claimed that eliminating the straight-party voting option will help reduce 'ballot fall-off' and make it more likely that voters will complete the non-partisan provisions at the end of their ballots. However, the only data available on this subject indicates that the opposite is true. In fact, there appears to be only a minor correlation between straight party voting and ballot fall-off, and the correlation is inverse: jurisdictions which experience less straight party voting experience relatively higher levels of ballot fall-off."

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

"Mr. Speaker and members of the House:

I voted no on final passage of SB 173 (H-3) for the following reasons:

This bill is NOT election reform. This bill's purpose is to take away a voting option that Michigan voters have exercised in large numbers for over one hundred years—the right to cast, quickly and simply, a straight-ticket vote.

The truth of the matter is that this bill will result in longer lines at the polls, which will increase voter frustration with the election process and their elected officials. It will dramatically increase the costs of administering elections, because with so many voters now required to spend more time in the voting booth, additional voting equipment and staff will be needed at the polls. With these cost implications and several other unfunded mandates in this bill, such as the requirement that voting machines be changed to prohibit straight party voting, this bill violates the Headlee amendment of the Michigan Constitution.

Shamefully, it is quite likely that this bill will disenfranchise a broad spectrum of Michigan voters of their right to vote. Longer lines at the polls will effectively deprive some Michigan residents of the right to vote if they must come to the polls during their lunch hour, or if their jobs won't permit them to miss several hours of work to wait in line. And existing Michigan law at MCL 168.786 limits voters to two minutes in the voting booth. This means that removing the straight-party voting option will disenfranchise voters who might not be able to complete their ballots in two minutes, such as persons with disabilities, or persons who don't read very well, or some senior citizens. This bill may very well violate the federal Voting Rights Act as well, as available statistics indicate that the elimination of the straight-party voting option will have a disproportionate negative impact on Michigan's African-American voters.

Finally, proponents of this bill have claimed that eliminating the straight-party voting option will help reduce 'ballot fall-off' and make it more likely that voters will complete the non-partisan provisions at the end of their ballots. However, the only data available on this subject indicates that the opposite is true. In fact, there appears to be only a minor correlation between straight party voting and ballot fall-off, and the correlation is inverse: jurisdictions which experience less straight party voting experience relatively higher levels of ballot fall-off."

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

"Mr. Speaker and members of the House:

I voted no on final passage of SB 173 (H-3) for the following reasons:

The voters of Michigan want and deserve election reform. This bill is NOT election reform. This bill's purpose is to take away a voting option that Michigan voters have exercised in large numbers for over one hundred years—the right to cast, quickly and simply, a straight-ticket vote.

The truth of the matter is that this bill is the result of the Republican Party's fear of the strength of our next general election's Democratic Ticket. I understand their political motivation, but quite frankly that does not out-weigh what will result in longer lines at the polls, which will increase voter frustration with the election process and their elected officials. It will dramatically increase the costs of administering elections, because with so many voters now required to spend more time in the voting booth, additional voting equipment and staff will be needed at the polls. With these cost implications and several other unfunded mandates in this bill, such as the requirement that voting machines be changed to prohibit straight party voting, this bill violates the Headlee amendment of the Michigan Constitution.

Shamefully, it is quite likely that this bill will disenfranchise a broad spectrum of Michigan voters of their right to vote. Longer lines at the polls will effectively deprive some Michigan residents of the right to vote if they must come to the polls during their lunch hour, or if their jobs won't permit them to miss several hours of work to wait in line. And existing Michigan law at MCL 168.786 limits voters to two minutes in the voting booth. This means that removing the straight-party voting option will disenfranchise voters who might not be able to complete their ballots in two

minutes, such as persons with disabilities, or persons who don't read very well, or some senior citizens. This bill may very well violate the federal Voting Rights Act as well, as available statistics indicate that the elimination of the straight-party voting option will have a disproportionate negative impact on Michigan's African-American voters.

Finally, proponents of this bill have claimed that eliminating the straight-party voting option will help reduce 'ballot fall-off' and make it more likely that voters will complete the non-partisan provisions at the end of their ballots. However, the only data available on this subject indicates that the opposite is true. In fact, there appears to be only a minor correlation between straight party voting and ballot fall-off, and the correlation is inverse: jurisdictions which experience less straight party voting experience relatively higher levels of ballot fall-off."

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

"Mr. Speaker and members of the House:

What follows are the comments I had intended to make from the floor this evening, but at approximately 7:30 PM discussion was terminated by the Republican Caucus. I am extremely disappointed that the 87,000 people in my 54th District, as well as the 87,000 people in the other 19 districts represented by members of the Democratic Caucus remaining of the list of those waiting to speak on the Floor on this issue, were not able to be fully represented in the discussion of the proposed legislation eliminating Michigan's electorates opportunity to cast a straight party vote in next year's General Election.

This evening, not to your surprise, I am voting against SB 173, substituted as H-3 by the Redistricting and Elections Committee earlier this afternoon. I ask you consider my comments before we vote this evening.

Unfortunately it is my belief, the real impact of this legislation, eliminating the straight party voting option, will not be felt until the 2002 November General Election begins and our Michigan electorate begin voting using their absentee ballots, but will be more widely felt on the actual November day when the polls open.

Information presented to our Committee today by leadership of the Michigan Municipal Clerks associations clearly stated their objections to this Bill. Copies were placed on your desks in this Chamber for you to read so I won't repeat everything they written, but only share my thoughts . . . some of which I didn't share in the Committee meeting because we were rushed to finish the meeting and return to the business of the House today.

It has most disappointing for me to see efforts to amend this legislation, giving the absentee voting option to everyone or at a minimum creating a tie bar to another House Bill addressing this freedom of absentee ballot use, be strongly defeated. We were reminded that this Bill is on the house calendar and could be before us today . . . it clearly seems a shame that one minority party amendment couldn't be added to this legislation tonight.

Speakers at our Committee meeting today were asked each asked for backup information to so that their points of delay and inconvenience for our Michigan electorate voters could be substantiated. Again, I say to you . . . the success or failure of this legislation will not be learned until general election day 2002 and those who will face the anger and frustration of our voters will be our County, Township, City and Village Clerks and their office staffs and election precinct workers. The statement to voters that it was us in the legislature will not ease that anger or frustration, but only serve to increase it. If you have never worked inside a precinct as one of the election officials, I ask each of you to try to put yourself in their shoes and try to explain why this elimination of straight party voting is a good thing after they have been waiting for sometime to exercise their right to vote. Having worked as an election day precinct worker, let me assure, there is nothing that will be able to be said to reduce their anger and frustration.

My experience with the State, as a local Township official, sometimes was that the administration of legislation past was, difficult at best, and sometimes close to impossible to implement without additional work load and costs . . . generally not reimbursed.

I can assure you, our local municipal clerks will do what is needed to implement this legislation and it will require possibly . . . increasing the number of voting precincts . . . purchasing additional voting devices . . . finding additional election precinct workers . . . hiring additional seasonal staff and in all probability many other things none of us could even begin to think about.

I apologize for repeating some of the issues you have listened, or not listened, to this evening and I sincerely ask you not to vote for this legislation . . . let us really do some things to encourage people to vote . . . such as full access to absentee voting."

Notices

I hereby give notice that on the next legislative session day I will move to reconsider the vote by which the House passed **Senate Bill No. 173**.

Rep. Bishop

By unanimous consent the House returned to the order of
Reports of Standing Committees

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported
House Bill No. 4338, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81129 and 81130 (MCL 324.81129 and 324.81130), as added by 1995 PA 58.

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 4338 To Report Out:

Yeas: Reps. DeVuyst, Tabor, Kowall, Rocca, Voorhees, Callahan, Basham, Sheltroun,

Nays: None.

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

House Bill No. 5380, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901, 16902, 16903, 16904a, 16905, 16906, and 16909 (MCL 324.16901, 324.16902, 324.16903, 324.16904a, 324.16905, 324.16906, and 324.16909), sections 16901 and 16903 as amended and section 16904a as added by 1997 PA 17, and by adding section 16909a; and to repeal acts and parts of acts.

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

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

Favorable Roll Call

HB 5380 To Report Out:

Yeas: Reps. DeVuyst, Tabor, Bradstreet, Kowall, Rocca, Voorhees, Callahan, Basham, Sheltroun,

Nays: None.

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

Senate Bill No. 27, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2000 PA 456.

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 27 To Report Out:

Yeas: Reps. DeVuyst, Tabor, Bradstreet, Kowall, Voorhees, Callahan,

Nays: Reps. Rocca, Sheltroun.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, December 6, 2001, at 10:00 a.m.,

Present: Reps. DeVuyst, Tabor, Bradstreet, Drolet, Kowall, Rocca, Voorhees, Callahan, Basham, Sheltroun,

Absent: Rep. Garza,

Excused: Rep. Garza.

Second Reading of Bills

House Bill No. 5380, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901, 16902, 16903, 16904a, 16905, 16906, and 16909 (MCL 324.16901, 324.16902, 324.16903, 324.16904a, 324.16905, 324.16906, and 324.16909), sections 16901 and 16903 as amended and section 16904a as added by 1997 PA 17, and by adding section 16909a; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Conservation and Outdoor Recreation,

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

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

The motion prevailed.

Rep. Adamini moved that Rep. Rich Brown be excused temporarily from today's session.
The motion prevailed.

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

The Speaker laid before the House

House Bill No. 4736, entitled

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects," (MCL 125.981 to 125.987) by adding chapter 2.

(The bill was received from the Senate on October 11, with substitute (S-2) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 16, see House Journal No. 69, p. 2055.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 719

Yeas—8

Anderson
Brown, B.

Callahan
Jammick

Plakas
Spade

Switalski
Woodward

Nays—50

Allen
Birkholz
Bisbee
Bishop
Bradstreet
Brown, C.
Cassis
Caul
DeWeese
Drolet
Ehardt
Faunce
Garza

George
Gilbert
Gosselin
Hager
Hart
Howell
Hummel
Jacobs
Jelinek
Johnson, Rick
Johnson, Ruth
Julian
Koetje

Kooiman
Kowall
Kuipers
LaSata
Mead
Meyer
Middaugh
Mortimer
Newell
Pappageorge
Patterson
Pumford

Richardville
Richner
Rocca
Scranton
Shulman
Stewart
Tabor
Van Woerkom
Vander Roest
Vear
Voorhees
Woronchak

In The Chair: Julian

Rep. Richardville moved to reconsider the vote by which the House did not concur in the Senate substitute (S-2). The motion prevailed, a majority of the members present voting therefor. The question being on concurring in the substitute (S-2) made to the bill by the Senate, Rep. Patterson moved that consideration of the bill be postponed for the day. The motion prevailed.

Second Reading of Bills

House Bill No. 4870, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 141 (MCL 559.241), as amended by 1980 PA 513.

The bill was read a second time.

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

The motion prevailed.

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

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



Rep. Zelenko moved that Rep. Whitmer be excused temporarily from today's session. The motion prevailed.

Rep. Vander Roest moved that Reps. Vander Veen, Godchaux and Toy be excused temporarily from today's session. The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4870, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 141 (MCL 559.241), as amended by 1980 PA 513.

Was read a third time and not passed, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 720

Yeas—26

Anderson	Garza	Neumann	Spade
Bernero	Gielegem	Phillips	Switalski
Brown, B.	Hansen	Reeves	Thomas
Callahan	Hardman	Richner	Williams
Clark, I.	Jamnick	Schauer	Wojno
Clarke, H.	Kolb	Sheltrown	Woodward
Frank	Lemmons		

Nays—47

Allen	George	Kooiman	Richardville
Birkholz	Gilbert	Kowall	Rocca
Bisbee	Gosselin	Kuipers	Scranton
Bishop	Hager	LaSata	Shulman

Bradstreet	Hart	Mead	Stewart
Brown, C.	Howell	Meyer	Tabor
Cassis	Hummel	Middaugh	Van Woerkom
Caul	Jelinek	Mortimer	Vander Roest
DeRossett	Johnson, Rick	Newell	Vear
Drolet	Johnson, Ruth	Pappageorge	Voorhees
Ehardt	Julian	Patterson	Woronchak
Faunce	Koetje	Pumford	

In The Chair: Julian

Second Reading of Bills

House Bill No. 4871, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending sections 3b and 5 (MCL 125.583b and 125.585), section 3b as amended by 1993 PA 210 and section 5 as amended by 2000 PA 20.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4989, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 11 (MCL 400.711), as amended by 1992 PA 176.

The bill was read a second time.

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

The motion prevailed.

Rep. Patterson 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. 4989, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 11 (MCL 400.711), as amended by 1992 PA 176.

Was read a third time and not passed, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 721

Yeas—38

Adamini	Daniels	Lipsey	Richner
Anderson	Frank	Lockwood	Schauer
Basham	Garza	McConico	Sheltrown
Bernero	Gielegem	Murphy	Spade
Bogardus	Hale	Neumann	Thomas
Brown, B.	Hansen	O'Neil	Williams
Brown, R.	Hardman	Phillips	Wojno
Callahan	Jamnick	Plakas	Woodward
Clark, I.	Kolb	Reeves	Zelenko
Clarke, H.	Lemmons		

Nays—49

Allen	George	Kooiman	Richardville
Birkholz	Gilbert	Kowall	Rocca
Bisbee	Gosselin	Kuipers	Scranton
Bishop	Hager	LaSata	Shackleton
Bradstreet	Hart	Mead	Shulman
Brown, C.	Howell	Meyer	Stewart
Cassis	Hummel	Middaugh	Tabor
Caul	Jelinek	Mortimer	Van Woerkom
DeRossett	Johnson, Rick	Newell	Vander Roest
DeWeese	Johnson, Ruth	Pappageorge	Vear
Drolet	Julian	Patterson	Voorhees
Ehardt	Koetje	Pumford	Woronchak
Faunce			

In The Chair: Julian

Rep. Patterson moved that **House Bill No. 4871** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

House Bill No. 4871, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending sections 3b and 5 (MCL 125.583b and 125.585), section 3b as amended by 1993 PA 210 and section 5 as amended by 2000 PA 20.

Was read a third time and not passed, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 722**Yeas—39**

Adamini	Daniels	Lipsey	Richner
Anderson	Frank	Lockwood	Schauer
Basham	Garza	McConico	Sheltrown
Bernero	Gielegem	Murphy	Spade
Bogardus	Hale	Neumann	Waters
Brown, B.	Hansen	O'Neil	Williams
Brown, R.	Hardman	Phillips	Wojno
Callahan	Jamnick	Plakas	Woodward
Clark, I.	Kolb	Quarles	Zelenko
Clarke, H.	Lemmons	Reeves	

Nays—47

Allen	Faunce	Kooiman	Richardville
Birkholz	George	Kowall	Rocca
Bisbee	Gilbert	Kuipers	Shackleton
Bishop	Gosselin	LaSata	Shulman
Bradstreet	Hager	Mead	Stewart
Brown, C.	Hart	Meyer	Tabor
Cassis	Howell	Middaugh	Van Woerkom
Caul	Hummel	Mortimer	Vander Roest

DeRossett
DeWeese
Drolet
Ehardt

Jelinek
Johnson, Ruth
Julian
Koetje

Newell
Pappageorge
Patterson
Pumford

Vear
Voorhees
Woronchak

In The Chair: Julian

Notices

December 6, 2001

Mr. Gary L. Randall, Clerk
House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Randall:

Effective immediately, I am reinstating Representative Barbara Vander Veen to the Committee on Family and Children Services and removing Representative Mark Jansen.

Thank you for your attention to this matter. Please feel free to contact my office if you have any questions.

Sincerely,
Rick Johnson
Speaker of the House

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported

House Bill No. 5457, entitled

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending section 5 (MCL 460.805).

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

HB 5457 To Report Out:

Yeas: Reps. Bradstreet, Middaugh, Birkholz, Cassis, Richardville, Rivet, Bovin, Bob Brown, Daniels, Woodward,
Nays: None.

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported

House Bill No. 5458, entitled

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending section 44 (MCL 460.844).

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 5458 To Report Out:

Yeas: Reps. Bradstreet, Middaugh, Birkholz, Bishop, Cassis, Richardville, Rivet, Bovin, Bob Brown, Daniels,
Schauer, Woodward,
Nays: None.

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported

House Bill No. 5459, entitled

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending section 40 (MCL 460.840).

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

HB 5459 To Report Out:

Yeas: Reps. Bradstreet, Middaugh, Birkholz, Bishop, Cassis, Richardville, Rivet, Bovin, Bob Brown, Daniels, Schauer, Woodward,

Nays: None.

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported

House Concurrent Resolution No. 49.

A concurrent resolution to urge the United States Environmental Protection Agency to reevaluate and adjust Michigan's cap on nitrogen oxide emissions.

(For text of resolution, see House Journal No. 80, p. 2392.)

With the recommendation that the following substitute (H-2) be adopted and that the concurrent resolution then be adopted.

Substitute for House Concurrent Resolution No. 49.

A concurrent resolution to urge the United States Environmental Protection Agency to reevaluate Michigan's electrical demand growth rate and promote energy efficiency and the health of Michigan's citizens.

Whereas, Identifying specific strategies to control the transport of ozone-causing pollutants is a major challenge facing Michigan and our country. Michigan is strongly committed to the development of an effective and fair program based on emissions standards and practices that are appropriate for the state's future; and

Whereas, NOx is one of the precursors to the formation of ground level ozone or smog. It is believed by many in the healthcare delivery community that exposure to smog can result in a variety of health problems, including the aggravation of asthma and other respiratory diseases; and

Whereas, Programs to encourage the use of high efficiency, electrically orientated products and goods could help address Michigan's electricity demand growth; and

Whereas, Several years ago, the EPA NOx State Implementation Plan Call Rule set a cap on nitrogen oxide emissions that is based on miscalculations of Michigan's energy needs. The EPA assumptions, upon which the NOx emissions cap is determined, factor in an annual energy demand growth rate to the year 2007 at approximately one percent. In fact, however, the Michigan Public Service Commission has projected the state's annual energy growth rate to be approximately 2.28 percent, more than twice the rate used in the EPA calculations; and

Whereas, The impact of using the wrong energy growth assumptions is that Michigan would be forced to live under emissions thresholds that are prohibitively expensive. The restrictions would seriously hamper the state's economic strength, as well as jeopardizing energy supplies in the years to come. For this to occur because of erroneous assumptions is clearly wrong; and

Whereas, The EPA has provided other affected states surrounding Michigan with much more realistic estimates of their energy demand growth rates. The use of unrealistically low energy growth rates for Michigan would place this state at an unfair competitive disadvantage with surrounding states; and

Whereas, Michigan is in the process of adopting regulations to impose control levels that comply with EPA goals for air quality, including in areas of the Atlantic coast. Our state is also seeking a legal remedy in the federal courts, a process which is protracted and expensive, and which directs resources away from other productive endeavors. Clearly, it would be far more effective for the EPA to revisit the issue of Michigan's NOx budget in the context of the correct data on energy demand growth rates; and

Whereas, This state is in the process of evaluating its energy policies by reviewing its electric generation capabilities and its ability to meet our future energy demands; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Environmental Protection Agency to reevaluate Michigan's electrical demand growth rate, using realistic energy growth rates for prior years and projections for the years to come; and be it further

Resolved, That we urge the United States Environmental Protection Agency to support programs calling for energy efficiency, also taking into consideration the impacts on public health; and be it further

Resolved, That copies of this resolution be transmitted to the United States Environmental Protection Agency.

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

Favorable Roll Call

HCR 49 To Report Out:

Yeas: Reps. Bradstreet, Middaugh, Birkholz, Bishop, Cassis, Kowall, Richardville, Rivet, Bovin, Bob Brown, Daniels, Schauer, Woodward,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Thursday, December 6, 2001, at 10:00 a.m.,

Present: Reps. Bradstreet, Middaugh, Birkholz, Bisbee, Bishop, Cassis, Kowall, Richardville, Rivet, Bovin, Bob Brown, Daniels, Schauer, Thomas, Woodward,

Absent: Reps. Howell, Vander Veen,

Excused: Reps. Howell, Vander Veen.

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

House Bill No. 4672, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1178a. 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 4672 To Report Out:

Yeas: Reps. Meyer, Bradstreet, DeWeese, Hager, Hart, Ruth Johnson, Van Woerkom, Voorhees, Hansen, Bogardus, Clark, McConico, Spade, Zelenko,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, December 6, 2001, at 9:00 a.m.,

Present: Reps. Kuipers, Meyer, Bradstreet, DeWeese, Hager, Hart, Ruth Johnson, Van Woerkom, Voorhees, Hansen, Bogardus, Clark, McConico, Spade, Zelenko,

Absent: Reps. Allen, Gielegem,

Excused: Reps. Allen, Gielegem.

The Committee on Civil Law and the Judiciary, by Rep. Howell, Chair, reported

Senate Bill No. 76, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 507 (MCL 600.507), as amended by 1994 PA 138.

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

1. Amend page 1, line 8, after "votes" by striking out the balance of the sentence and inserting "in the November 2002 general election shall be elected for a term of 8 years, and the candidate receiving the second highest number of votes shall be elected for a term of 6 years."

2. Amend page 2, line 6, by striking out all of subdivision (c) and relettering the remaining subdivisions.

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

Favorable Roll Call

SB 76 To Report Out:

Yeas: Reps. Howell, Hummel, Bisbee, Faunce, Koetje, Richner, Voorhees, Adamini, Lipsey, Minore, Waters,

Nays: None.

The Committee on Civil Law and the Judiciary, by Rep. Howell, Chair, reported

Senate Bill No. 109, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding section 16.

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

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

Favorable Roll Call

SB 109 To Report Out:

Yeas: Reps. Howell, Hummel, Bisbee, Faunce, Koetje, Richner, Voorhees, Adamini, Lipsey, Minore, Waters,

Nays: None.

The Committee on Civil Law and the Judiciary, by Rep. Howell, Chair, reported

Senate Bill No. 764, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 508, 803, and 8134 (MCL 600.508, 600.803, and 600.8134), section 803 as amended by 1998 PA 55 and section 8134 as amended by 1987 PA 75.

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

1. Amend page 5, line 11, by striking out all of subdivision (c) and relettering the remaining subdivisions.

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

Favorable Roll Call

SB 764 To Report Out:

Yeas: Reps. Howell, Hummel, Bisbee, Faunce, Koetje, Richner, Voorhees, Adamini, Lipsey, Minore, Waters,

Nays: None.

The Committee on Civil Law and the Judiciary, by Rep. Howell, Chair, reported

Senate Bill No. 765, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 504 (MCL 600.504), as amended by 1996 PA 388.

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

1. Amend page 2, line 6, by striking out all of subdivision (c) and relettering the remaining subdivisions.

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

Favorable Roll Call

SB 765 To Report Out:

Yeas: Reps. Howell, Hummel, Bisbee, Faunce, Koetje, Voorhees,

Nays: Reps. Richner, Waters.

The Committee on Civil Law and the Judiciary, by Rep. Howell, Chair, reported

Senate Bill No. 786, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8121 (MCL 600.8121), as amended by 2000 PA 449.

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

1. Amend page 5, line 3, by striking out all of subdivision (d) and relettering the remaining subdivisions.

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

Favorable Roll Call

SB 786 To Report Out:

Yeas: Reps. Howell, Hummel, Bisbee, Faunce, Koetje, Voorhees,
Nays: Reps. Richner, Lipsey, Waters.

The Committee on Civil Law and the Judiciary, by Rep. Howell, Chair, reported

Senate Bill No. 825, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 518 and 521 (MCL 600.518 and 500.521), section 518 as amended by 1988 PA 134 and section 521 as amended by 1990 PA 54.

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

1. Amend page 2, line 19, by striking out all of subdivision (d) and relettering the remaining subdivisions.
The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 825 To Report Out:

Yeas: Reps. Howell, Hummel, Bisbee, Faunce, Koetje, Richner, Voorhees, Adamini, Lipsey, Minore, Waters,
Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, December 6, 2001, at 9:30 a.m.,

Present: Reps. Howell, Hummel, Bisbee, Faunce, Koetje, Richner, Voorhees, Adamini, Lipsey, Minore, Waters.

The Committee on Family and Children Services, by Rep. Hart, Chair, reported

House Bill No. 5316, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 14h.

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

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

Favorable Roll Call

HB 5316 To Report Out:

Yeas: Reps. Hart, DeWeese, Hager, Jansen, Tabor,
Nays: Reps. Murphy, Bernero.

The Committee on Family and Children Services, by Rep. Hart, Chair, reported

Senate Bill No. 817, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57d, 57e, 57f, and 57g (MCL 400.57d, 400.57e, 400.57f, and 400.57g), as added by 1995 PA 223, and by adding section 14h.

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 817 To Report Out:

Yeas: Reps. Hart, DeWeese, Hager, Jansen, Tabor,
Nays: Rep. Bernero.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hart, Chair of the Committee on Family and Children Services, was received and read:

Meeting held on: Thursday, December 6, 2001, at 9:00 a.m.,

Present: Reps. Hart, DeWeese, Hager, Jansen, Tabor, Murphy, Bernero,

Absent: Reps. Garza, Rison,

Excused: Reps. Garza, Rison.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeRossett, Chair of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Thursday, December 6, 2001, at 8:00 a.m.,

Present: Reps. DeRossett, Julian, Ehardt, Gilbert, Meyer, Van Woerkom, Vear, Sheltroun, Hansen, Spade,

Absent: Rep. Bogardus,

Excused: Rep. Bogardus.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Bishop moved to withdraw the notice to reconsider the vote by which the House passed **Senate Bill No. 173**. The motion prevailed.

Third Reading of Bills

Rep. Richardville moved that **House Bill No. 5474** be placed on its immediate passage. The motion prevailed, a majority of the members serving voting therefor.

House Bill No. 5474, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 7 (MCL 208.7), as amended by 2000 PA 477.

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

Roll Call No. 723**Yeas—97**

Adamini	Garza	LaSata	Richner
Allen	George	Lemmons	Rivet
Anderson	Gielegem	Lipsey	Rocca
Basham	Gilbert	Lockwood	Scranton
Bernero	Gosselin	McConico	Shackleton
Birkholz	Hager	Mead	Sheltroun
Bisbee	Hale	Meyer	Shulman
Bishop	Hansen	Middaugh	Spade
Bovin	Hardman	Minore	Stallworth
Bradstreet	Hart	Mortimer	Stamas
Brown, B.	Howell	Murphy	Stewart
Brown, C.	Hummel	Neumann	Switalski
Brown, R.	Jacobs	Newell	Tabor
Callahan	Jamnick	O'Neil	Thomas
Cassis	Jansen	Pappageorge	Van Woerkom
Caul	Jelinek	Patterson	Vander Roest

Clark, I.	Johnson, Rick	Pestka	Vear
Clarke, H.	Johnson, Ruth	Phillips	Voorhees
Daniels	Julian	Plakas	Waters
DeRossett	Koetje	Pumford	Williams
DeWeese	Kolb	Quarles	Wojno
Drolet	Kooiman	Rackowski	Woodward
Ehardt	Kowall	Reeves	Woronchak
Faunce	Kuipers	Richardville	Zelenko
Frank			

Nays—0

In The Chair: Julian

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

Rep. Richardville moved that **House Bill No. 5313** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

House Bill No. 5313, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1201, 1202, 1203, 1204, 1204c, 1205, 1206, 1209, 1214, 1224, 1234, 1238, 1242, 1243, 1244, 1905, and 3310 (MCL 500.1201, 500.1202, 500.1203, 500.1204, 500.1204c, 500.1205, 500.1206, 500.1209, 500.1214, 500.1224, 500.1234, 500.1238, 500.1242, 500.1243, 500.1244, 500.1905, and 500.3310), section 1201 as amended by 1980 PA 340, section 1204 as amended by 1986 PA 173, section 1204c as amended by 1998 PA 540, section 1206 as amended by 1992 PA 1, section 1209 as amended by 1980 PA 461, section 1214 as amended by 1986 PA 173, section 1224 as amended by 2000 PA 35, section 1234 as amended by 1981 PA 1, section 1238 as added by 1984 PA 5, section 1243 as added by 1994 PA 409, section 1244 as amended by 1984 PA 7, section 1905 as amended by 1996 PA 548, and section 3310 as amended by 1986 PA 10, and by adding sections 1201a, 1204e, 1206a, 1206b, 1208a, 1208b, 1211, 1211a, 1211b, 1239, 1240, 1246, and 1247.

Rep. Woodward moved that the bill be read in its entirety by the Clerk.
The motion prevailed.

Rep. Richardville moved that Rule 46 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 724

Yeas—97

Adamini	Garza	LaSata	Rivet
Allen	George	Lemmons	Rocca
Anderson	Gielegem	Lipsey	Schauer
Basham	Gilbert	Lockwood	Scranton
Bernero	Gosselin	McConico	Shackleton
Birkholz	Hager	Mead	Sheltrown
Bisbee	Hale	Meyer	Shulman
Bishop	Hansen	Middaugh	Spade
Bovin	Hardman	Minore	Stallworth
Bradstreet	Hart	Mortimer	Stamas
Brown, B.	Howell	Murphy	Stewart
Brown, C.	Hummel	Neumann	Switalski
Brown, R.	Jacobs	Newell	Tabor

Callahan	Jamnick	O'Neil	Thomas
Cassis	Jansen	Pappageorge	Van Woerkom
Caul	Jelinek	Patterson	Vander Roest
Clark, I.	Johnson, Rick	Pestka	Vear
Clarke, H.	Johnson, Ruth	Phillips	Voorhees
Daniels	Julian	Plakas	Waters
DeRossett	Koetje	Pumford	Williams
DeWeese	Kolb	Rackowski	Wojno
Drolet	Kooiman	Reeves	Woodward
Ehardt	Kowall	Richardville	Woronchak
Faunce	Kuipers	Richner	Zelenko
Frank			

Nays—0

In The Chair: Julian

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

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

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1201, 1202, 1203, 1204, 1204c, 1205, 1206, 1209, 1214, 1224, 1234, 1242, 1243, 1244, 1905, and 3310 (MCL 500.1201, 500.1202, 500.1203, 500.1204, 500.1204c, 500.1205, 500.1206, 500.1209, 500.1214, 500.1224, 500.1234, 500.1242, 500.1243, 500.1244, 500.1905, and 500.3310), section 1201 as amended by 1980 PA 340, sections 1204 and 1214 as amended by 1986 PA 173, section 1204c as amended by 1998 PA 540, section 1206 as amended by 1992 PA 1, section 1209 as amended by 1980 PA 461, section 1224 as amended by 2000 PA 35, section 1234 as amended by 1981 PA 1, section 1243 as added by 1994 PA 409, section 1244 as amended by 1984 PA 7, section 1905 as amended by 1996 PA 548, and section 3310 as amended by 1986 PA 10, and by adding sections 1201a, 1204e, 1206a, 1206b, 1208a, 1208b, 1211, 1211a, 1211b, 1239, 1240, 1246, and 1247.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Richardville moved that **House Bill No. 5380** be placed on its immediate passage.

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

House Bill No. 5380, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901, 16902, 16903, 16904a, 16905, 16906, and 16909 (MCL 324.16901, 324.16902, 324.16903, 324.16904a, 324.16905, 324.16906, and 324.16909), sections 16901 and 16903 as amended and section 16904a as added by 1997 PA 17, and by adding section 16909a; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Callahan moved to amend the bill as follows:

1. Amend page 9, line 17, after "of" by striking out "\$20,000.00" and inserting "\$25,000.00".

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

The question being on the passage of the bill,

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

Roll Call No. 725

Yeas—98

Adamini	Garza	Lemmons	Rivet
Allen	George	Lipsey	Rocca

Anderson	Gielegem	Lockwood	Schauer
Basham	Gilbert	McConico	Scranton
Bernero	Gosselin	Mead	Shackleton
Birkholz	Hager	Meyer	Sheltrown
Bisbee	Hale	Middaugh	Shulman
Bishop	Hansen	Minore	Spade
Bovin	Hardman	Mortimer	Stallworth
Bradstreet	Hart	Murphy	Stamas
Brown, B.	Howell	Neumann	Stewart
Brown, C.	Hummel	Newell	Switalski
Brown, R.	Jacobs	O'Neil	Tabor
Callahan	Jamnack	Pappageorge	Thomas
Cassis	Jansen	Patterson	Van Woerkom
Caul	Jelinek	Pestka	Vander Roest
Clark, I.	Johnson, Rick	Phillips	Vear
Clarke, H.	Johnson, Ruth	Plakas	Voorhees
Daniels	Julian	Pumford	Waters
DeRossett	Koetje	Quarles	Williams
DeWeese	Kolb	Raczkowski	Wojno
Drolet	Kooiman	Reeves	Woodward
Ehardt	Kowall	Richardville	Woronchak
Faunce	Kuipers	Richner	Zelenko
Frank	LaSata		

Nays—0

In The Chair: Julian

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

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

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901, 16902, 16903, 16904a, 16905, 16906, 16908, and 16909 (MCL 324.16901, 324.16902, 324.16903, 324.16904a, 324.16905, 324.16906, 324.16908, and 324.16909), sections 16901 and 16903 as amended and section 16904a as added by 1997 PA 17 and section 16908 as amended by 1995 PA 268; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Anderson, Basham, Birkholz, Bisbee, Bovin, Bob Brown, Cameron Brown, Callahan, Cassis, Caul, Clarke, Daniels, DeRossett, Drolet, Ehardt, Faunce, Garza, George, Gielegem, Gilbert, Hager, Howell, Julian, Koetje, Kooiman, Kowall, Kuipers, Lemmons, Meyer, Middaugh, Mortimer, Murphy, Newell, O'Neil, Pappageorge, Pestka, Phillips, Plakas, Pumford, Richardville, Rocca, Schauer, Shackleton, Shulman, Spade, Stallworth, Stamas, Stewart, Switalski, Tabor, Vander Roest, Vear, Wojno and Zelenko were named co-sponsors of the bill.

The House returned to the consideration of

House Bill No. 4870, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 141 (MCL 559.241), as amended by 1980 PA 513.

(The bill was considered earlier today, see today's journal, p. 2601.)

Rep. Richardville moved to reconsider the vote by which the House did not pass the bill.

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

The question being on the passage of the bill,

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

The motion prevailed.

The House returned to the consideration of
House Bill No. 4871, entitled

A bill to amend 1921 PA 207, entitled “City and village zoning act,” by amending sections 3b and 5 (MCL 125.583b and 125.585), section 3b as amended by 1993 PA 210 and section 5 as amended by 2000 PA 20.
(The bill was considered earlier today, see today’s journal, p. 2603.)

Rep. Patterson moved to reconsider the vote by which the House did not pass the bill.

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

The question being on the passage of the bill,

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

Roll Call No. 726**Yeas—95**

Adamini	George	Lipsey	Rocca
Allen	Gielegem	Lockwood	Schauer
Anderson	Gilbert	McConico	Scranton
Basham	Hager	Mead	Shackleton
Bernero	Hale	Meyer	Sheltrown
Birkholz	Hansen	Middaugh	Shulman
Bisbee	Hardman	Minore	Spade
Bishop	Hart	Mortimer	Stallworth
Bovin	Howell	Murphy	Stamas
Brown, B.	Hummel	Neumann	Stewart
Brown, C.	Jacobs	Newell	Switalski
Brown, R.	Jamnick	O’Neil	Tabor
Callahan	Jansen	Pappageorge	Thomas
Cassis	Jelinek	Patterson	Van Woerkom
Caul	Johnson, Rick	Pestka	Vander Roest
Clark, I.	Johnson, Ruth	Phillips	Vear
Clarke, H.	Julian	Plakas	Voorhees
Daniels	Koetje	Pumford	Waters
DeRossett	Kolb	Quarles	Williams
DeWeese	Kooiman	Rackowski	Wojno
Ehardt	Kowall	Reeves	Woodward
Faunce	Kuipers	Richardville	Woronchak
Frank	LaSata	Richner	Zelenko
Garza	Lemmons	Rivet	

Nays—3

Bradstreet

Drolet

Gosselin

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Adamini, Basham, Rich Brown, DeRossett, Hardman, Howell, Julian, Kolb, Lockwood, McConico, Meyer, Minore, Murphy, Phillips, Plakas, Quarles, Reeves, Richardville, Stewart, Woodward and Zelenko were named co-sponsors of the bill.

Rep. Neumann moved that Rep. Sheltrown be excused temporarily from today’s session.

The motion prevailed.

The House returned to the consideration of
House Bill No. 4989, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 11 (MCL 400.711), as amended by 1992 PA 176.

(The bill was considered earlier today, see today's journal, p. 2602.)

Rep. Richardville moved to reconsider the vote by which the House did not pass the bill.

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

The question being on the passage of the bill,

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

Roll Call No. 727

Yeas—88

Allen	Gielegem	Lipsey	Richner
Anderson	Gilbert	Lockwood	Rivet
Basham	Hager	McConico	Rocca
Bernero	Hale	Mead	Schauer
Birkholz	Hansen	Meyer	Scranton
Bisbee	Hardman	Middaugh	Shulman
Bovin	Hart	Minore	Spade
Brown, B.	Howell	Mortimer	Stallworth
Brown, C.	Hummel	Murphy	Stamas
Callahan	Jacobs	Neumann	Stewart
Cassis	Jamnick	Newell	Switalski
Caul	Jansen	O'Neil	Tabor
Clark, I.	Jelinek	Pappageorge	Thomas
Clarke, H.	Johnson, Rick	Patterson	Van Woerkom
Daniels	Johnson, Ruth	Pestka	Vander Roest
DeRossett	Julian	Phillips	Vear
DeWeese	Koetje	Plakas	Voorhees
Ehardt	Kolb	Pumford	Waters
Faunce	Kooiman	Quarles	Wojno
Frank	Kowall	Rackowski	Woodward
Garza	Kuipers	Reeves	Woronchak
George	LaSata	Richardville	Zelenko

Nays—5

Bishop	Drolet	Gosselin	Shackleton
Bradstreet			

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Adamini, Basham, Bernero, Rich Brown, Clark, Clarke, Daniels, DeRossett, DeWeese, Frank, Garza, Hale, Jacobs, Jamnick, Jelinek, Kolb, Kowall, Lemmons, Lipsey, Lockwood, Mead, Minore, O'Neil, Phillips, Plakas, Quarles, Reeves, Richardville, Richner, Rivet, Scranton, Stallworth, Stewart, Switalski, Thomas, Waters, Woodward and Zelenko were named co-sponsors of the bill.

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

Rep. Callahan moved that the House adjourn.
The motion prevailed, the time being 10:10 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Tuesday, December 11, at 2:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.

