

No. 74
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House of Representatives
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House Chamber, Lansing, Wednesday, October 24, 2001.

2:00 p.m.

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

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

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

e/d/s = entered during session

Rev. Leslie Tyvela, Pastor of Immanuel Lutheran Church in Bay City, offered the following invocation:

“O God, You once called everything that is and is to be—You called it all and it is now here. Everything that we see and don’t see has been created by You and preserved by You. Give unto each and every one of us the joy of knowing that You continue to work through people—people in this state and of part of Michigan called Lansing and particularly the House of Representatives. Help us to come together and be able to agree whenever possible on things for the common good. Our state has been well served by people who leave their occupation and their careers and their families elsewhere to come and do great things for the common good. Continue to bless all of the Representatives and their staff and all of the officials of this House that they may truly know that they are Your hands—Your hands and heart and brains to be able to do and be able to provide the very best for all of the wonderful people of the state of Michigan. We have all been well served by them. We thank You for continuing to assure us that You will lead and preserve and care for them. Thank You for being the Lord of us all. Amen.”

Rep. Jacobs moved that Reps. Callahan and Clarke be excused from today’s session.
The motion prevailed.

Rep. Vander Roest moved that Rep. Gilbert be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Rep. Quarles moved that the Committee on Redistricting and Elections be discharged from further consideration of **House Bill No. 5250**.

(For first notice see House Journal No. 73, p. 2166.)

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

Rep. Quarles demanded the yeas and nays.

The demand was supported.

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

Rep. Middaugh moved that consideration of the motion be postponed for the day.

The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 229.

A resolution to urge the Boards of Medicine, Osteopathic Medicine and Surgery, Nursing, and Pharmacy and the Department of Consumer and Industry Services to promote end-of-life care as a distinct area of practice.

(For text of resolution, see House Journal No. 71, p. 2092.)

(The resolution was reported by the Committee on Health Policy on October 23, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

House Resolution No. 230.

A resolution to urge the Boards of Medicine, Osteopathic Medicine and Surgery, Nursing, and Pharmacy to adopt the Model Guidelines for the Use of Controlled Substances for the Treatment of Pain.

(For text of resolution, see House Journal No. 71, p. 2092.)

(The resolution was reported by the Committee on Health Policy on October 23, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

House Resolution No. 231.

A resolution to urge the United States Department of Health and Human Services to create a federal Medicaid waiver program for in-patient palliative care.

(For text of resolution, see House Journal No. 71, p. 2093.)

(The resolution was reported by the Committee on Health Policy on October 23, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

House Resolution No. 232.

A resolution to urge the Department of Community Health and the state's physician associations to encourage physicians to provide certain information on end-of-life care to their patients.

(For text of resolution, see House Journal No. 71, p. 2093.)

(The resolution was reported by the Committee on Health Policy on October 23, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

House Resolution No. 233.

A resolution to memorialize the Congress of the United States to amend federal laws and regulations to address the issue of unopened prescription medications recovered from deceased patients.

(For text of resolution, see House Journal No. 71, p. 2094.)

(The resolution was reported by the Committee on Health Policy on October 23, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

House Resolution No. 235.

A resolution to urge the Michigan Hospital Finance Authority to communicate to health care facility administrators in Michigan that the authority can finance the construction of palliative care units and other facilities for end-of-life care.

(For text of resolution, see House Journal No. 71, p. 2094.)

(The resolution was reported by the Committee on Health Policy on October 23, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

The resolution was adopted.

Third Reading of Bills

House Bill No. 5013, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 82.

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

Roll Call No. 528

Yeas—107

Adamini
Allen
Anderson
Basham
Bernero
Birkholz

George
Gielegem
Godchaux
Gosselin
Hager
Hale

Lockwood
Mans
McConico
Mead
Meyer
Middaugh

Schauer
Schermesser
Scranton
Shackleton
Sheltrown
Shulman

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Allen, Basham, Birkholz, Bovin, Cameron Brown, Rich Brown, Cassis, Caul, Clark, DeVuyst, Hager, Hardman, Hart, Jacobs, Jamnick, Jansen, Jelinek, Julian, Kowall, Lemmons, Lockwood, McConico, Mead, Meyer, Minore, Murphy, Neumann, Newell, O'Neil, Pappageorge, Patterson, Pestka, Phillips, Reeves, Richardville, Rivet, Rocca, Sanborn, Shackleton, Sheltroun, Shulman, Spade, Stallworth, Stamas, Stewart, Tabor, Toy, Vander Roest, Vander Veen, Van Woerkom, Vear, Waters, Wojno and Zelenko were named co-sponsors of the bill.

House Bill No. 5022, entitled

A bill to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," by amending sections 8 and 47 (MCL 565.8 and 565.47), section 8 as amended by 1980 PA 488.

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

Roll Call No. 529**Yeas—104**

Adamini	George	Mans	Schauer
Allen	Gielegem	McConico	Schermesser
Anderson	Godchaux	Mead	Scranton
Basham	Gosselin	Meyer	Shackleton
Bernero	Hager	Middaugh	Sheltroun
Birkholz	Hale	Minore	Shulman
Bisbee	Hansen	Mortimer	Spade
Bogardus	Hardman	Murphy	Stallworth
Bovin	Hart	Neumann	Stamas
Bradstreet	Howell	Newell	Stewart
Brown, B.	Hummel	O'Neil	Switalski
Brown, C.	Jacobs	Pappageorge	Tabor
Brown, R.	Jamnack	Patterson	Thomas
Cassis	Jansen	Pestka	Toy
Caul	Jelinek	Phillips	Van Woerkom

Clark, I.	Johnson, Rick	Plakas	Vander Roest
Daniels	Johnson, Ruth	Pumford	Vander Veen
Dennis	Julian	Quarles	Vear
DeRossett	Kilpatrick	Raczkowski	Voorhees
DeVuyst	Kolb	Reeves	Waters
DeWeese	Kooiman	Richardville	Whitmer
Drolet	Kowall	Richner	Williams
Ehardt	Kuipers	Rison	Wojno
Faunce	Lemmons	Rivet	Woodward
Frank	Lipsey	Rocca	Woronchak
Garza	Lockwood	Sanborn	Zelenko

Nays—3

Bishop	Koetje	LaSata
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In The Chair: Julian

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Quarles moved that the Committee on Redistricting and Elections be discharged from further consideration of **House Bill No. 5251**.

(For first notice see House Journal No. 73, p. 2166.)

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

Rep. Quarles demanded the yeas and nays.

The demand was supported.

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

Rep. Middaugh moved that consideration of the motion be postponed for the day.

The motion prevailed.

Third Reading of Bills**House Bill No. 5023, entitled**

A bill to amend 1937 PA 103, entitled "An act to prescribe certain conditions relative to the execution of instruments entitled to be recorded in the office of the register of deeds," by amending section 1 (MCL 565.201), as amended by 1996 PA 459.

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

Roll Call No. 530**Yeas—100**

Adamini	Gielegem	McConico	Schermesser
Allen	Godchaux	Mead	Scranton
Anderson	Gosselin	Meyer	Shackleton
Basham	Hager	Middaugh	Sheltrown
Bernero	Hale	Minore	Shulman
Birkholz	Hansen	Mortimer	Spade
Bisbee	Hardman	Murphy	Stallworth
Bogardus	Hart	Neumann	Stamas

Bovin	Howell	Newell	Stewart
Bradstreet	Hummel	O'Neil	Switalski
Brown, B.	Jacobs	Pappageorge	Tabor
Brown, C.	Jamnack	Patterson	Thomas
Cassis	Jansen	Phillips	Toy
Caul	Jelinek	Plakas	Van Woerkom
Clark, I.	Johnson, Rick	Pumford	Vander Roest
Daniels	Johnson, Ruth	Quarles	Vander Veen
Dennis	Julian	Raczkowski	Vear
DeRossett	Kilpatrick	Reeves	Voorhees
DeVuyst	Kolb	Richardville	Waters
DeWeese	Kooiman	Richner	Whitmer
Drolet	Kowall	Rison	Williams
Ehardt	Kuipers	Rivet	Wojno
Faunce	Lemmons	Rocca	Woodward
Garza	Lockwood	Sanborn	Woronchak
George	Mans	Schauer	Zelenko

Nays—6

Bishop	Koetje	Lipsey	Pestka
Brown, R.	LaSata		

In The Chair: Julian

The House agreed to the title of the bill.

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

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

House Bill No. 5024, entitled

A bill to amend 1879 PA 237, entitled "An act to provide for the execution, acknowledgment, and recording of contracts for the sale of land," by amending section 1 (MCL 565.351), as amended by 1991 PA 140.

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

Roll Call No. 531**Yeas—96**

Adamini	George	Lockwood	Schermesser
Allen	Gielegem	Mans	Scranton
Anderson	Godchaux	McConico	Shackleton
Basham	Gosselin	Mead	Shulman
Bernero	Hager	Meyer	Spade
Birkholz	Hale	Middaugh	Stallworth
Bisbee	Hansen	Minore	Stamas
Bogardus	Hardman	Mortimer	Stewart
Bovin	Hart	Murphy	Switalski
Bradstreet	Howell	Neumann	Tabor
Brown, B.	Hummel	Newell	Thomas
Brown, C.	Jacobs	O'Neil	Toy
Cassis	Jamnack	Pappageorge	Van Woerkom
Caul	Jansen	Patterson	Vander Roest
Clark, I.	Jelinek	Plakas	Vander Veen
Daniels	Johnson, Rick	Pumford	Vear
Dennis	Johnson, Ruth	Raczkowski	Voorhees
DeRossett	Julian	Reeves	Waters
DeVuyst	Kilpatrick	Richardville	Whitmer
DeWeese	Kolb	Richner	Williams

Drolet	Kooiman	Rison	Wojno
Ehardt	Kowall	Rocca	Woodward
Faunce	Kuipers	Sanborn	Woronchak
Garza	Lemmons	Schauer	Zelenko

Nays—9

Bishop	Koetje	Lipsey	Rivet
Brown, R.	LaSata	Pestka	Sheltrown
Frank			

In The Chair: Julian

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

House Bill No. 5025, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 144 (MCL 560.144).
 Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 532**Yeas—102**

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

Nays—5

Bishop	LaSata	Lipsey	Sheltrown
Koetje			

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Mans, Richardville, Hale, Faunce, Neumann, Schauer, Minore, DeRossett, Woodward, Basham, Lemmons, Zelenko, Quarles, Switalski, Anderson, Jamnick, Adamini, Lockwood, Schermesser, Dennis, Spade, Bovin, Kolb, Clark, Gielegem, Phillips, Hansen, Kilpatrick, Jacobs, Bernero, Wojno, Rich Brown, Lipsey, McConico, O'Neil, Murphy, Whitmer, Voorhees, Shulman, Pappageorge, Thomas, Bogardus, Newell, Cassis, Ehardt, Drolet, Bishop, DeWeese, Mead, Stewart, Plakas, Hager, Van Woerkom, DeVuyst, Meyer and Rivet offered the following resolution:

House Resolution No. 244.

A resolution honoring the Hungarian-Americans of Michigan on the occasion of the forty-fifth anniversary of the Hungarian Revolution.

Whereas, On October 23, 1956, the people of Budapest, led by the city's youth, rose up against the imperialist forces of the Soviet Union and the communists of Hungary. The brave and fearless Freedom Fighters had, within one week, defeated the occupying forces of the Soviet Union and the local communist regime. The Hungarian people achieved freedom for a short time and attempted to restore the basic liberties the nation had long cherished; and

Whereas, On November 4, 1956, the entire armed forces of the Soviet Union were brought to bear upon these brave Freedom Fighters as thousands of tanks, artillery, and air forces brutally killed over 50,000 people. In addition, many thousands of people were exiled to Siberia. Over 250,000 people were forced to flee to the free world. The people of Hungary have proven that this savage attack did not weaken their spirits; and

Whereas, Hungarian-Americans have the good fortune to live in a land with basic liberties. All of these citizens continue to remind the free world of the communist tyranny as seen in Hungary in 1956. Today, Hungary has seen new freedom and is building a new democracy. Undoubtedly, the spirit of the revolutionaries of 1956 is rekindled throughout the nation; and

Whereas, Particular recognition is due to the members of the Hungarian Freedom Fighters Association of Detroit who stand in the forefront of the continuing struggle for freedom against communist tyranny throughout the world; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the Hungarian-Americans of Michigan as they celebrate the forty-fifth anniversary of the Hungarian Revolution; and be it further

Resolved, That a copy of this resolution be transmitted to the Hungarian-American Cultural Center, for the October 28, 2001, commemoration program in Taylor, Michigan as a reflection of our esteem and respect.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Thomas, Hale, Faunce, Neumann, Minore, Woodward, Lemmons, Zelenko, Switalski, Anderson, Jamnick, Adamini, Lockwood, Schermesser, Mans, Kolb, Clark, Gielegem, Phillips, Daniels, Hansen, Kilpatrick, Jacobs, Sheltrown, Bernero, Wojno, Rich Brown, Lipsey, McConico, O'Neil, Murphy, Whitmer, Waters, Hardman, Shulman, Bogardus, Ehardt, Garza, Plakas, Hager, Van Woerkom, DeVuyst, Godchaux, Meyer, Birkholz and Rivet offered the following resolution:

House Resolution No. 245.

A resolution congratulating Dr. Joycelyn Elders, M.D., former U.S. Surgeon General, upon being an honored guest at the 2nd Annual Harvest Ball for the National Healthcare Scholars Foundation.

Whereas, A native of Schaal, Arkansas, Dr. Elders is the oldest of eight children. She is now a professor emeritus of pediatric endocrinology at the University of Arkansas School of Medical Science. Dr. Elders never saw a physician prior to her first year in college. At the age of 15, she received a scholarship from the United Methodist Church to attend Philander Smith College in Little Rock, Arkansas. Upon graduation at age 18, she entered the U.S. Army as a first lieutenant and received training as a physical therapist; and

Whereas, Dr. Elders attended the University of Arkansas Medical School on the G.I. Bill. After graduation in 1960, she was an intern at the University of Minnesota Hospital in Minneapolis and did a pediatric residency and an endocrinology fellowship at the University of Arkansas Medical Center in Little Rock. She ascended the academic ladder to full professorship after her fellowship and board certification in 1976. Dr. Elders also holds a Master of Science Degree in Biochemistry; and

Whereas, Dr. Elders joined the faculty at the University of Arkansas as a professor of pediatrics and received board certification as a pediatric endocrinologist in 1978. Based on her studies of growth in children and the treatment of hormone related illnesses, she has written many articles for medical research publications. She was appointed Director of the Arkansas Department of Health in October of 1987. While serving as director, she was elected President of the Association of State and Territorial Health Officers; and

Whereas, Dr. Elders was nominated for the position of Surgeon General of the U.S. Public Health Service by President Clinton on July 1, 1993, confirmed by the Senate September 7, and sworn in on September 8. Dr. Elders served in this post until January of 1995. Following this, she returned to teaching until her retirement on June 30, 1998; and

Whereas, Dr. Elders has been active in civic affairs as a member of the Little Rock Chamber of Commerce, Northside YMCA, and Youth Homes. She was listed in "100 Outstanding Women in Arkansas", "Personalities of the South", and "Distinguished Women in America". She has won awards such as the Arkansas Democrat's Woman of the Year, National Governor's Association Distinguished Service Award, American Medical Association's Dr. Nathan Davis Award, De Lee Humanitarian Award, and the National Coalition of 100 Black Women's Candace Award for Health Science. Dr. Elders has also received multiple honorary doctorate of medical sciences degrees and honorary doctorate of letters degrees. Dr. Elders believes her greatest achievement is that she married Oliver Elders and they have two sons, Eric and Kevin; now, therefore, be it

Resolved by the House of Representatives, That the members of the this legislative body join in congratulating Dr. Jocelyn Elders, M.D., former U.S. Surgeon General, upon being an honored guest at the 2nd Annual Harvest Ball for the National Healthcare Scholars Foundation on Saturday, October 27, 2001 at the MGM Grand Casino; and be it further

Resolved, That a copy of this resolution be transmitted to Dr. Jocelyn Elders, M.D., as a token of our respect and esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Mead, Richardville, Hale, Faunce, Neumann, Schauer, Minore, DeRossett, Woodward, Lemmons, Zelenko, Switalski, Anderson, Jamnick, Adamini, Lockwood, Schermesser, Julian, Spade, Mans, Bovin, Kolb, Phillips, Hansen, Kilpatrick, Jacobs, Sheltroun, Bernero, Wojno, Rich Brown, Lipsey, McConico, O'Neil, Murphy, Whitmer, Waters, Toy, Voorhees, Shulman, Pappageorge, Thomas, Bogardus, Vander Roest, Newell, Cassis, Ehardt, Drolet, Bishop, Kooiman, DeWeese, Stewart, Plakas, Hager, Vear, Van Woerkom, DeVuyst, Meyer, Vander Veen, Gosselin, Birkholz, Rivet, Kuipers and Koetje offered the following resolution:

House Resolution No. 246.

A resolution honoring the Oakview Medical Care Facility in Mason county on its thirty-fifth anniversary.

Whereas, The people of Mason county established a county medical care facility on November 10, 1966. It was created in accordance with the provisions of the Social Welfare Act, Public Act 280 of 1939; and

Whereas, The state of Michigan, in accordance with the provisions of both state and federal law, issued licenses and certifications to the Mason county medical care facility, authorizing the administration of long-term nursing home care services for the residents of the state; and

Whereas, The people of Mason county named their county medical care facility, "Oakview Medical Care Facility". The Oakview Medical Care Facility has been in continuous operation since November 10, 1966. They provide a full range of long-term nursing and rehabilitation services to the residents of Mason county and the entire state of Michigan; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Oakview Medical Care Facility in Mason county on its thirty-fifth anniversary; and be it further

Resolved, That a copy of this resolution be transmitted to the Oakview Medical Care Facility as a reflection of our esteem and respect.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

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

House Bill No. 4655, entitled

A bill to revise the priority of allocation of funds for certain programs and services administered by the department of community health; and to prescribe the powers and duties of certain state agencies and departments.

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 4655 To Report Out:

Yeas: Reps. Hart, Vander Veen, DeWeese, Hager, Tabor,

Nays: Reps. Murphy, Bernero, Garza, Rison.

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

House Bill No. 5009, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 13 (MCL 722.633), as amended by 1996 PA 309.

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

1. Amend page 1, line 8, after "than" by striking out "180" and inserting "93".

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

Favorable Roll Call

HB 5009 To Report Out:

Yeas: Reps. Hart, Vander Veen, DeWeese, Tabor, Murphy, Bernero, Garza, Rison,

Nays: Rep. Hager.

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: Tuesday, October 23, 2001, at 4:30 p.m.,

Present: Reps. Hart, Vander Veen, DeWeese, Hager, Tabor, Murphy, Bernero, Garza, Rison.

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

House Bill No. 5047, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 12a to chapter V.

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 5047 To Report Out:

Yeas: Reps. Howell, Bisbee, Faunce, Hummel, Koetje, Voorhees, Adamini, 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: Tuesday, October 23, 2001, at 4:21 p.m.,

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

Absent: Rep. Lipsey,

Excused: Rep. Lipsey.

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

House Bill No. 5152, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 706a.

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 5152 To Report Out:

Yeas: Reps. Sanborn, Bisbee, Ehardt, Hager, Julian, Middaugh, Richner, Van Woerkom, Wojno, Anderson, Clark, Daniels, Schermesser, Woodward,

Nays: None.

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

House Bill No. 5218, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3009 (MCL 500.3009), as amended by 1988 PA 43.

The committee recommended that the bill be referred to the Committee on Civil Law and the Judiciary.

Favorable Roll Call

HB 5218 To Report Out:

Yeas: Reps. Sanborn, Bisbee, Ehardt, Hager, Julian, Middaugh, Richner, Van Woerkom, Wojno, Anderson, Clark, Daniels, Schermesser, Woodward,

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on Civil Law and the Judiciary.

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

House Bill No. 5219, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 45, 401, 514, and 520 (MCL 257.45, 257.401, 257.514, and 257.520), section 401 as amended by 1995 PA 98.

The committee recommended that the bill be referred to the Committee on Civil Law and the Judiciary.

Favorable Roll Call

HB 5219 To Report Out:

Yeas: Reps. Sanborn, Bisbee, Ehardt, Hager, Julian, Middaugh, Richner, Van Woerkom, Wojno, Anderson, Clark, Daniels, Schermesser, Woodward,

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on Civil Law and the Judiciary.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 24, 2001, at 10:30 a.m.,

Present: Reps. Sanborn, Bisbee, Ehardt, Hager, Julian, Middaugh, Richner, Van Woerkom, Wojno, Anderson, Clark, Daniels, Schermesser, Woodward,

Absent: Rep. Scranton,

Excused: Rep. Scranton.

The Committee on Transportation, by Rep. Gilbert, Chair, reported

House Bill No. 5005, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 3, 4a, 5, 6, 9i, 10a, and 10b (MCL 290.643, 290.644a, 290.645, 290.646, 290.649i, 290.650a, and 290.650b), section 3 as amended by 2000 PA 206,

section 4a as added by 1986 PA 127, and sections 5 and 6 as amended and sections 9i, 10a, and 10b as added by 1993 PA 236.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5005 To Report Out:

Yeas: Reps. Gilbert, George, DeRossett, Hart, Hummel, Julian, Anderson, Bovin, Jamnick, Murphy,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gilbert, Chair of the Committee on Transportation, was received and read:
Meeting held on: Wednesday, October 24, 2001, at 9:00 a.m.,

Present: Reps. Gilbert, George, DeRossett, Drolet, Gosselin, Hart, Hummel, Ruth Johnson, Julian, Anderson, Bovin, Daniels, Jamnick, Murphy, Neumann, Schermesser,

Absent: Rep. Scranton,
Excused: Rep. Scranton.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

House Bill No. 5211, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 19 (MCL 211.19), as amended by 1996 PA 126.

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 5211 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil, Wojno,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

House Bill No. 5213, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 56a (MCL 211.56a), as amended by 1998 PA 435.

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 5213 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil, Wojno,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 24, 2001, at 10:30 a.m.,

Present: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil, Wojno,

Absent: Rep. Newell,
Excused: Rep. Newell.

The Committee on Land Use and Environment, by Rep. Ruth Johnson, Chair, reported
House Bill No. 5038, entitled

A bill to amend 1959 PA 168, entitled "An act to provide for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies," by amending sections 6 and 9 (MCL 125.326 and 125.329), section 6 as amended by 1987 PA 73 and section 9 as amended by 1999 PA 197, and by adding section 7a.

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 5038 To Report Out:

Yeas: Reps. Ruth Johnson, Koetje, Birkholz, DeRossett, DeVuyst, Ehardt, Tabor, Kolb, Basham, Gielegghem, Hale,
Nays: None.

The Committee on Land Use and Environment, by Rep. Ruth Johnson, Chair, reported

House Bill No. 5252, entitled

A bill to amend 1945 PA 282, entitled "An act to provide for county planning; the creation, organization, powers and duties of county planning commissions," by amending sections 4 and 5 (MCL 125.104 and 125.105) and by adding section 4b.

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

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

Favorable Roll Call

HB 5252 To Report Out:

Yeas: Reps. Ruth Johnson, Koetje, Birkholz, DeRossett, DeVuyst, Ehardt, Tabor, Kolb, Basham, Gielegghem, Hale,
Nays: None.

The Committee on Land Use and Environment, by Rep. Ruth Johnson, Chair, reported

House Bill No. 5267, entitled

A bill to amend 1931 PA 285, entitled "An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act," by amending sections 6, 7, and 8 (MCL 125.36, 125.37, and 125.38), section 8 as amended by 1999 PA 14, and by adding sections 7a and 8a.

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

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

Favorable Roll Call

HB 5267 To Report Out:

Yeas: Reps. Ruth Johnson, Koetje, Birkholz, DeRossett, DeVuyst, Ehardt, Tabor, Kolb, Basham, Gielegghem, Hale,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ruth Johnson, Chair of the Committee on Land Use and Environment, was received and read:

Meeting held on: Tuesday, October 23, 2001, at 10:30 a.m.,

Present: Reps. Ruth Johnson, Koetje, Birkholz, DeRossett, DeVuyst, Ehardt, Tabor, Kolb, Basham, Gielegghem, Hale.

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: Wednesday, October 24, 2001, at 10:30 a.m.,

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

Announcement by the Clerk of Printing and Enrollment

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

Senate Bill Nos. 705 706 707 708 709 710 711 712 713 714

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, October 19:

**Senate Bill Nos. 716 717 718 719 720 721 722 723 724 725 726 727 728 729
 730 731 732 733 734 735 736 737 738 739 740 741 742 743
 744 745**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, October 22:

**Senate Bill Nos. 746 747 748 749 750 751 752 753 754 755 756 757 758 759
 760 761 762**

The Clerk announced that the following Senate bills had been received on Wednesday, October 24:

Senate Bill Nos. 430 499 500 666

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4156, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending the title and section 11 (MCL 207.561), section 11 as amended by 1996 PA 446.

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

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

House Bill No. 4174, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5735 (MCL 600.5735).

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

The House agreed to the full title.

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

House Bill No. 4562, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9205a.

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

The House agreed to the full title.

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

House Bill No. 4771, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 16 (MCL 125.1516).

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

The House agreed to the full title.

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

Senate Bill No. 430, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 75106 (MCL 324.75106).

The Senate has passed the bill.

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

Senate Bill No. 499, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by repealing chapter 37 (MCL 500.3701 to 500.3728).

The Senate has passed the bill.

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

Senate Bill No. 500, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 244 (MCL 500.244), as amended by 1992 PA 182.

The Senate has passed the bill.

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

Senate Bill No. 666, entitled

A bill to amend 1995 PA 274, entitled "An act to amend section 834 of Act No. 218 of the Public Acts of 1956, entitled as amended "The insurance code of 1956," as amended by Act No. 443 of the Public Acts of 1994, being section 500.834 of the Michigan Compiled Laws," by repealing enacting section 2.

The Senate has passed the bill.

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

Notices

October 22, 2001

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

Dear Mr. Randall:

This letter is to notify you that I am changing the name of the Consumer and Industry Services/Michigan Economic Development Corporation Subcommittee of Appropriations to the Consumer and Industry Services/Department of Career Development/Michigan Strategic Fund Agency/History, Arts and Libraries Subcommittee of Appropriations.

Thank you for your attention to this matter.

Sincerely,
Rick Johnson
Speaker of the House

Messages from the Governor

The following message from the Governor, approving and signing the following bill at the times designated below, was received and read:

Date: October 23, 2001

Time: 2:54 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4813 (Public Act No. 134, I.E.), being

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of

specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 319 and 732 (MCL 257.319 and 257.732), as amended by 2001 PA 103, and by adding sections 58c and 626c; and to repeal acts and parts of acts. (Filed with the Secretary of State October 23, 2001, at 4:50 p.m.)

Introduction of Bills

Rep. Mead introduced

House Bill No. 5336, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending section 13 (MCL 397.183), as amended by 1994 PA 114.

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

Rep. Gilbert introduced

House Bill No. 5337, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2000 PA 6.

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

Reps. Patterson, DeVuyst, Stamas, Bradstreet, DeRossett, Newell, Julian, Richardville, Howell and Ruth Johnson introduced

House Bill No. 5338, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411a (MCL 750.411a), as amended by 2000 PA 370.

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

Reps. Patterson, DeVuyst, Stamas, Bradstreet, DeRossett, Newell, Julian, Richardville, Howell and Ruth Johnson introduced

House Bill No. 5339, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2000 PA 371.

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

Announcements by the Clerk

The following is a change of meeting place for one of the Standing Committees for the 2001-2002 Legislative Session:

Tuesdays	9:00 a.m.	Health Policy	521 House Office Building
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Rep. Basham moved that the House adjourn.
The motion prevailed, the time being 4:25 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Thursday, October 25, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives.