

No. 2
STATE OF MICHIGAN
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House of Representatives
91st Legislature
REGULAR SESSION OF 2002

House Chamber, Lansing, Tuesday, January 22, 2002.

2:00 p.m.

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

e/d/s = entered during session

Rep. Jason Allen, from the 104th District, offered the following invocation:

“Lord, we thank You for our very special state. We ask for Your wisdom and guidance as we face the challenges of the future. Please bless this body, our staff and families. In Your holy name we pray. Amen.”

Rep. Jacobs moved that Reps. Plakas, Schermesser and Stallworth be excused from today’s session.
The motion prevailed.

Third Reading of Bills

Senate Bill No. 615, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.1100) by adding section 68.

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

Roll Call No. 6

Yeas—102

Adamini	Frank	LaSata	Rocca
Allen	Garza	Lipsey	Schauer
Anderson	George	Lockwood	Scranton
Basham	Gielegem	Mans	Shackleton
Bernero	Gilbert	McConico	Sheltrown
Birkholz	Godchaux	Mead	Shulman
Bisbee	Gosselin	Meyer	Spade
Bishop	Hager	Middaugh	Stamas
Bogardus	Hale	Minore	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	Pappageorge	Vander Roest
Cassis	Jamnick	Patterson	Vander Veen
Caul	Jansen	Pestka	Vear
Clark, I.	Jelinek	Phillips	Voorhees
Clarke, H.	Johnson, Rick	Pumford	Waters
Daniels	Johnson, Ruth	Rackowski	Whitmer
Dennis	Julian	Reeves	Williams
DeRossett	Koetje	Richardville	Wojno
DeVuyst	Kolb	Richner	Woodward
Drolet	Kooiman	Rison	Woronchak
Ehardt	Kowall	Rivet	Zelenko
Faunce	Kuipers		

Nays—0

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

“An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions.”.

The House agreed to the full title.

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

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

Rep. DeWeese entered the House Chambers.

House Bill No. 5472, entitled

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending section 2 (MCL 125.2652), as amended by 2000 PA 145.

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

Roll Call No. 7

Yeas—104

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

Nays—0

In The Chair: Ehardt

The House agreed to the title of the bill.

Rep. Patterson 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. 682, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 17a (MCL 552.17a), as amended by 1990 PA 243.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 683, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending sections 1, 1a, and 5 (MCL 552.451, 552.451a, and 552.455), sections 1 and 1a as amended by 1990 PA 237 and section 5 as amended by 1996 PA 5.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 684, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 2 (MCL 722.22), as amended by 1999 PA 156.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 434, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 3 (MCL 722.623), as amended by 1994 PA 177.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Family and Children Services (for amendment, see House Journal No. 78 of 2001, p. 2279),

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

Rep. Murphy moved to amend the bill as follows:

1. Amend page 1, line 1, after "physician," by striking out "coroner,".

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

Rep. Bernero moved to amend the bill as follows:

1. Amend page 1, line 1, after "(1)" by inserting "AN INDIVIDUAL IS REQUIRED TO REPORT UNDER THIS ACT AS FOLLOWS:

(A)".

2. Amend page 2, following line 12, by inserting:

"(B) A DEPARTMENT EMPLOYEE WHO IS 1 OF THE FOLLOWING AND HAS REASONABLE CAUSE TO SUSPECT CHILD ABUSE OR NEGLECT SHALL MAKE A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT TO THE DEPARTMENT:

(i) ELIGIBILITY SPECIALIST.

(ii) FAMILY INDEPENDENCE MANAGER.

(iii) FAMILY INDEPENDENCE SPECIALIST.

(iv) SOCIAL SERVICES SPECIALIST.

(v) SOCIAL WORK SPECIALIST.

(vi) SOCIAL WORK SPECIALIST MANAGER.

(vii) WELFARE SERVICES SPECIALIST.".

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

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

The motion prevailed.

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.

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

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

Rep. Gilbert 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. 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.

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

Roll Call No. 8

Yeas—76

Allen	Ehardt	Kolb	Rison
Anderson	Frank	Kuipers	Rivet
Bernero	Garza	LaSata	Schauer
Birkholz	George	Lipsey	Sheltrown
Bisbee	Gielegem	Lockwood	Spade
Bishop	Gilbert	McConico	Stamas
Bovin	Gosselin	Mead	Stewart
Bradstreet	Hager	Meyer	Switalski
Brown, C.	Hale	Middaugh	Tabor
Brown, R.	Hansen	Minore	Thomas
Callahan	Hardman	Mortimer	Toy
Caul	Howell	Murphy	Van Woerkom
Clark, I.	Hummel	Neumann	Vander Roest
Clarke, H.	Jacobs	Newell	Vander Veen
Daniels	Jamnick	O’Neil	Vear
DeRossett	Jelinek	Pappageorge	Waters
DeVuyst	Johnson, Rick	Phillips	Whitmer
DeWeese	Johnson, Ruth	Pumford	Williams
Drolet	Julian	Reeves	Zelenko

Nays—27

Adamini	Godchaux	Patterson	Shackleton
Basham	Hart	Pestka	Shulman
Bogardus	Jansen	Rackowski	Voorhees
Brown, B.	Koetje	Richardville	Wojno
Cassis	Kooiman	Richner	Woodward
Dennis	Kowall	Rocca	Woronchak
Faunce	Mans	Scranton	

In The Chair: Ehardt

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

Rep. Patterson moved that when the House adjourns today it stand adjourned until Wednesday, January 23, at 6:00 p.m.
 The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Vander Veen, Raczkowski, Patterson, Vander Roest, Switalski, Mead, Tabor, Faunce, Meyer, Van Woerkom, DeVuyst, Julian, Bishop, George, Kuipers, Middaugh, Shulman, Stewart, Howell, Drolet, Newell, Richardville, Gosselin, Woronchak, Hager, Gilbert, Koetje, Toy, Scranton, Mans, Jelinek, Pappageorge, Richner, Voorhees, Vear, Birkholz, Jansen, DeRossett, Cassis, Kooiman, Caul and Bisbee offered the following resolution:

House Resolution No. 297.

A resolution designating February 6th as "Ronald Reagan Day" in the state of Michigan.

Whereas, On February 6, 2002, President Ronald Wilson Reagan will reach the age of ninety-one years old. Ronald Reagan, a man of faith, coming from a humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and

Whereas, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America. In his second term he earned the confidence of 3/5 of the electoral vote and was victorious in 49 of the 50 states in the general election, a record unsurpassed in the history of American presidential elections; and

Whereas, During Ronald Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to an unprecedented economic expansion and opportunity for millions of Americans. His commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

Whereas, President Reagan's commitment to our armed forces contributed to the restoration of pride in America. His vision of "peace through strength" led to the end of the Cold War and helped prepare America's Armed Forces to win the Gulf War; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body designate February 6th as "Ronald Reagan Day"; and be it further

Resolved, That a copy of this resolution be transmitted to the Ronald Reagan Legacy Project as a token of our sincere gratitude and admiration.

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. Patterson, Mans, O'Neil, Basham, Anderson, Bob Brown and Bovin offered the following resolution:

House Resolution No. 298.

A resolution to express opposition to plans by the Riverview Trenton Railroad Company to develop certain riverfront lands in the cities of Riverview and Trenton for the purposes of a rail, truck, and vessel-served intermodal transportation facility.

Whereas, The Riverview Trenton Railroad Company proposes to construct an intermodal transportation facility along the banks of the Detroit River in the cities of Riverview and Trenton, Michigan. The facility would be designed and operated to permit the handling of truck trailers and containers transferred between trucks, railroad flat cars, and ships or barges. The operation of such a facility would result in increased truck, rail, and ship traffic in the general vicinity; and

Whereas, The proposed Riverview Trenton Railroad Company intermodal facility will require new rail construction to permit the facility to become operational; and

Whereas, The construction and subsequent operation of the facility threaten to have significant adverse impacts on the region and the Detroit River; and

Whereas, Added waterborne traffic that would be generated by the proposed project, which includes access to deep water ports, would require additional bridge openings on the Detroit River, isolating approximately 14,000 people on the island of Grosse Ile and cutting it off from emergency services; and

Whereas, The added rail traffic that would be generated by the proposed project would cause significant blockages of important streets, isolating two hospitals and denying the public basic police and fire protection and emergency medical services; and

Whereas, The additional truck traffic that would be generated by the proposed project represents a significant reduction in the quality of life for thousands of citizens who will face lines of stalled traffic at railroad crossings and additional congestion as they go about their routine activities, such as entering and leaving their subdivisions and driveways; and

Whereas, The local road and rail infrastructure is inadequate to handle the additional truck and rail traffic that would be generated by the proposed project. The local communities would be forced to spend millions of dollars on road improvements and repairs, while realizing few, if any, economic benefits from the proposed project, either from added jobs or taxes; and

Whereas, The proposed project has not been adequately defined to permit a full assessment of its potential impacts; and

Whereas, The proposed project is inconsistent with the work of state and local communities along the Detroit River over many years to improve the appearance of the land along the banks of the river, preserve and restore the river and the land adjacent to it as important natural resources, and create recreational opportunities along the river's banks; and

Whereas, The proposed project would be inconsistent with the American and Canadian Heritage River Initiative and with the first International Wildlife Refuge in North America, located along the Detroit River, which was designated by President Bush on December 21, 2001; and

Whereas, Wayne County, the Downriver Community Conference, which by itself represents 18 communities with a total population of 450,000, the city of Riverview, the city of Trenton, the city of Wyandotte, and Grosse Ile Township have all unanimously passed resolutions and have taken many other actions in opposition to the Riverview Trenton Railroad Company's proposed project. They have done so because of concerns over the environmental impacts of the project and because the project is not consistent with local land use objectives, which include conversion of some or all of the property in question from industrial to nonindustrial or mixed use; and

Whereas, There are proceedings before the United States Surface Transportation Board on the merits of the Riverview Trenton Railroad Company's proposed project, its environmental impacts, and whether federal law should prevent the local communities from exercising their authority over local land use planning and zoning with respect to the proposed project; and

Whereas, It seems clear that the intermodal facility proposed by the Riverview Trenton Railroad Company poses significant threats to the public health, safety, and welfare; that it is contrary to local community interests to improve the conditions of the lands immediately adjacent to the Detroit River; and that it would place within these communities an industrial activity that may conflict with future land use plans; and

Whereas, Any need for an additional intermodal facility in the Detroit area could be better met at other locations, such as the Detroit Intermodal Terminal, in which the state already has a substantial investment; now, therefore, be it

Resolved by the House of Representatives, That we oppose the construction and operation of an intermodal facility at the proposed location in the cities of Riverview and Trenton, Michigan, and call upon the United States Surface Transportation Board to (1) revoke the class exemption that, according to the Riverview Trenton Railroad Company, allows it to operate as a railroad within the proposed facility and deny any other operating authority sought by the Riverview Trenton Railroad Company, (2) find that it lacks jurisdiction over the Riverview Trenton Railroad Company and its proposed operations, and (3) if it determines that it has jurisdiction over the project, then find that it is not consistent with the public interest; and be it further

Resolved, That copies of this resolution be transmitted to the communities of the Downriver area and to the United States Department of Transportation Surface Transportation Board.

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. Hager, Raczkowski, Van Woerkom, Hart, Jelinek, LaSata, Bisbee, Meyer, Faunce, Tabor, Daniels, Kowall, Mortimer, Bishop, Woronchak, Shackleton, Allen, Scranton, Hansen, Sheltroun, Rison and Birkholz offered the following resolution:

House Resolution No. 299.

A resolution to urge Canadian authorities to remove all offshore drilling platforms from the waters of the Great Lakes.

Whereas, The people of Michigan are strongly committed to the protection of the Great Lakes. This concern rises from living in the center of the Great Lakes Basin, where the Great Lakes contain one-fifth of the world's fresh water and at least two-thirds of North America's fresh water, appreciation for the harmful impact of certain activities over the years, and sensitivity to the vulnerability of this remarkable fresh water resource; and

Whereas, As science and technology have advanced to paint a clearer picture of how delicate the lakes truly are in the face of certain specific threats, more and more people have voiced opposition to offshore drilling on the Great Lakes. For many, whatever there is to gain in energy produced from offshore drilling on the Great Lakes could not exceed the potential costs that would arise from a serious accident or series of problems; and

Whereas, Over the years, the United States and Canadian governments have taken great efforts to repair and restore the viability of the Great Lakes. Notwithstanding those efforts, there are still several hundred off-shore gas wells on Great Lakes waters which pose a threat to the Great Lakes ecosystem and the progress that has been made in the past three decades; and

Whereas, The people of Michigan feel that there are great risks to operating offshore drilling platforms on the Great Lakes. The potential for serious harm to the source of fresh water for tens of millions of Americans and Canadians is a source of utmost concern; now, therefore, be it

Resolved by the House of Representatives, That we urge Canadian authorities to remove all offshore drilling platforms from the waters of the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the Consul General of Canada in Detroit, the United States Secretaries of State and Energy, the Michigan congressional delegation, and the International Joint Commission.

The resolution was referred to the Committee on House Oversight and Operations.

Reps. Patterson, Mans, O'Neil, Basham, Anderson, Bob Brown and Bovin offered the following concurrent resolution:
House Concurrent Resolution No. 53.

A concurrent resolution to express opposition to plans by the Riverview Trenton Railroad Company to develop certain riverfront lands in the cities of Riverview and Trenton for the purposes of a rail, truck, and vessel-served intermodal transportation facility.

Whereas, The Riverview Trenton Railroad Company proposes to construct an intermodal transportation facility along the banks of the Detroit River in the cities of Riverview and Trenton, Michigan. The facility would be designed and operated to permit the handling of truck trailers and containers transferred between trucks, railroad flat cars, and ships or barges. The operation of such a facility would result in increased truck, rail, and ship traffic in the general vicinity; and

Whereas, The proposed Riverview Trenton Railroad Company intermodal facility will require new rail construction to permit the facility to become operational; and

Whereas, The construction and subsequent operation of the facility threaten to have significant adverse impacts on the region and the Detroit River; and

Whereas, Added waterborne traffic that would be generated by the proposed project, which includes access to deep water ports, would require additional bridge openings on the Detroit River, isolating approximately 14,000 people on the island of Grosse Ile and cutting it off from emergency services; and

Whereas, The added rail traffic that would be generated by the proposed project would cause significant blockages of important streets, isolating two hospitals and denying the public basic police and fire protection and emergency medical services; and

Whereas, The additional truck traffic that would be generated by the proposed project represents a significant reduction in the quality of life for thousands of citizens who will face lines of stalled traffic at railroad crossings and additional congestion as they go about their routine activities, such as entering and leaving their subdivisions and driveways; and

Whereas, The local road and rail infrastructure is inadequate to handle the additional truck and rail traffic that would be generated by the proposed project. The local communities would be forced to spend millions of dollars on road improvements and repairs, while realizing few, if any, economic benefits from the proposed project, either from added jobs or taxes; and

Whereas, The proposed project has not been adequately defined to permit a full assessment of its potential impacts; and

Whereas, The proposed project is inconsistent with the work of state and local communities along the Detroit River over many years to improve the appearance of the land along the banks of the river, preserve and restore the river and the land adjacent to it as important natural resources, and create recreational opportunities along the river's banks; and

Whereas, The proposed project would be inconsistent with the American and Canadian Heritage River Initiative and with the first International Wildlife Refuge in North America, located along the Detroit River, which was designated by President Bush on December 21, 2001; and

Whereas, Wayne County, the Downriver Community Conference, which by itself represents 18 communities with a total population of 450,000, the city of Riverview, the city of Trenton, the city of Wyandotte, and Grosse Ile Township have all unanimously passed resolutions and have taken many other actions in opposition to the Riverview Trenton Railroad Company's proposed project. They have done so because of concerns over the environmental impacts of the project and because the project is not consistent with local land use objectives, which include conversion of some or all of the property in question from industrial to nonindustrial or mixed use; and

Whereas, There are proceedings before the United States Surface Transportation Board on the merits of the Riverview Trenton Railroad Company's proposed project, its environmental impacts, and whether federal law should prevent the local communities from exercising their authority over local land use planning and zoning with respect to the proposed project; and

Whereas, It seems clear that the intermodal facility proposed by the Riverview Trenton Railroad Company poses significant threats to the public health, safety, and welfare; that it is contrary to local community interests to improve the conditions of the lands immediately adjacent to the Detroit River; and that it would place within these communities an industrial activity that may conflict with future land use plans; and

Whereas, Any need for an additional intermodal facility in the Detroit area could be better met at other locations, such as the Detroit Intermodal Terminal, in which the state already has a substantial investment; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we oppose the construction and operation of an intermodal facility at the proposed location in the cities of Riverview and Trenton, Michigan, and call upon the United States Surface Transportation Board to (1) revoke the class exemption that, according to the Riverview Trenton Railroad Company, allows it to operate as a railroad within the proposed facility and deny any other operating authority sought by the Riverview Trenton Railroad Company, (2) find that it lacks jurisdiction over the Riverview Trenton Railroad Company and its proposed operations, and (3) if it determines that it has jurisdiction over the project, then find that it is not consistent with the public interest; and be it further

Resolved, That copies of this resolution be transmitted to the communities of the Downriver area and to the United States Department of Transportation Surface Transportation Board.

Pending the reference of the concurrent resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

Reps. Hager, Raczkowski, Van Woerkom, Hart, Jelinek, LaSata, Bisbee, Gilbert, Meyer, Faunce, Tabor, Daniels, Kowall, Bishop, Mortimer, Allen, Woronchak, Shackleton, Scranton, Godchaux, Hansen, Sheltroun, Rison and Birkholz offered the following concurrent resolution:

House Concurrent Resolution No. 54.

A concurrent resolution to urge Canadian authorities to remove all offshore drilling platforms from the waters of the Great Lakes.

Whereas, The people of Michigan are strongly committed to the protection of the Great Lakes. This concern rises from living in the center of the Great Lakes Basin, where the Great Lakes contain one-fifth of the world's fresh water and at least two-thirds of North America's fresh water, appreciation for the harmful impact of certain activities over the years, and sensitivity to the vulnerability of this remarkable fresh water resource; and

Whereas, As science and technology have advanced to paint a clearer picture of how delicate the lakes truly are in the face of certain specific threats, more and more people have voiced opposition to offshore drilling on the Great Lakes. For many, whatever there is to gain in energy produced from offshore drilling on the Great Lakes could not exceed the potential costs that would arise from a serious accident or series of problems; and

Whereas, Over the years, the United States and Canadian governments have taken great efforts to repair and restore the viability of the Great Lakes. Notwithstanding those efforts, there are still several hundred off-shore gas wells on Great Lakes waters which pose a threat to the Great Lakes ecosystem and the progress that has been made in the past three decades; and

Whereas, The people of Michigan feel that there are great risks to operating offshore drilling platforms on the Great Lakes. The potential for serious harm to the source of fresh water for tens of millions of Americans and Canadians is a source of utmost concern; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge Canadian authorities to remove all offshore drilling platforms from the waters of the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the Counsel General of Canada in Detroit, the United States Secretaries of State and Energy, the Michigan congressional delegation, and the International Joint Commission.

The concurrent resolution was referred to the Committee on House Oversight and Operations.

Reports of Standing Committees

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

House Bill No. 5496, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending sections 3, 7, 7a, 8, 9, 10, and 11 (MCL 30.403, 30.407, 30.407a, 30.408, 30.409, 30.410, and 30.411), sections 3, 7, 8, 9, 10, and 11 as amended and section 7a as added by 1990 PA 50, and by adding section 21; and to repeal acts and parts of acts.

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 5496 To Report Out:

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

Nays: None.

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

House Resolution No. 281.

A resolution to memorialize the Congress of the United States to increase the number of customs inspectors at Michigan's international border crossings.

(For text of resolution, see House Journal No. 86 of 2001, p. 2651.)

With the recommendation that the resolution be adopted.

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

Favorable Roll Call

HR 281 To Report Out:

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

Nays: None.

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

House Resolution No. 282.

A resolution to urge United States and Canadian customs officials to consider relocating customs for border crossings so that inspections take place before the border is crossed.

(For text of resolution, see House Journal No. 86 of 2001, p. 2651.)

With the recommendation that the resolution be adopted.

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

Favorable Roll Call

HR 282 To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 22, 2002, at 9:00 a.m.,

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

Absent: Reps. Lemmons, Lipsey,

Excused: Reps. Lemmons, Lipsey.

The Committee on Criminal Justice, by Rep. Faunce, Chair, reported

House Bill No. 5298, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 36 of chapter VIII (MCL 768.36).

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

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

"Enacting section 1. This amendatory act takes effect May 1, 2002."

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

Favorable Roll Call

HB 5298 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Julian, McConico, Callahan, O'Neil, Rison,

Nays: None.

The Committee on Criminal Justice, by Rep. Faunce, Chair, reported

House Bill No. 5506, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 204a (MCL 750.204a), as amended by 1998 PA 208.

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 5506 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Julian, McConico, Callahan, O'Neil, Rison,

Nays: None.

The Committee on Criminal Justice, by Rep. Faunce, Chair, reported

House Bill No. 5507, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 436 (MCL 750.436), as amended by 1988 PA 87.

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 5507 To Report Out:

Yeas: Reps. Faunce, Kowall, DeWeese, George, Julian, McConico, Callahan, O'Neil, Rison,

Nays: None.

The Committee on Criminal Justice, by Rep. Faunce, Chair, reported

House Bill No. 5509, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411j (MCL 750.411j), as amended by 1997 PA 75.

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

1. Amend page 6, line 26, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 930 of the 91st Legislature is enacted into law."

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

Favorable Roll Call

HB 5509 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Julian, McConico, Callahan, O'Neil, Rison,

Nays: None.

The Committee on Criminal Justice, by Rep. Faunce, Chair, reported

House Bill No. 5511, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 212a (MCL 750.212a), as added by 1998 PA 207.

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 5511 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Julian, McConico, Callahan, O'Neil, Rison,

Nays: None.

The Committee on Criminal Justice, by Rep. Faunce, Chair, reported

House Bill No. 5512, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 543h.

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 5512 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Julian, McConico, Callahan, O'Neil, Rison,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Faunce, Chair of the Committee on Criminal Justice, was received and read:
Meeting held on: Tuesday, January 22, 2002, at 10:30 a.m.,
Present: Reps. Faunce, Kowall, Bishop, DeWeese, George, Julian, McConico, Callahan, O'Neil, Rison,
Absent: Rep. Raczkowski.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ehardt, Chair of the Committee on Health Policy, was received and read:
Meeting held on: Tuesday, January 22, 2002, at 9:00 a.m.,
Present: Reps. Ehardt, Bradstreet, George, Ruth Johnson, Rocca, Scranton, Vander Veen, Woronchak, Neumann, Adamini, Garza, Hardman, Schauer, Williams,
Absent: Rep. Raczkowski,
Excused: Rep. Raczkowski.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Birkholz, Chair of the Committee on Local Government and Urban Policy, was received and read:
Meeting held on: Tuesday, January 22, 2002, at 12:00 Noon,
Present: Reps. Birkholz, Hager, Drolet, Gilbert, Gosselin, Hummel, Richardville, Jamnick, Dennis, Hardman,
Absent: Rep. Minore,
Excused: Rep. Minore.

Notices

January 17, 2002

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

Dear Mr. Randall:

Public Act 262 of 2001, calls for the creation of a legislative oversight committee on the cyber court. Michigan Compiled Laws section 600.8029(1) requires the appointment of three members of the House of Representatives, one of whom shall not be a member of the majority party to be included on this oversight committee. Please make note in your records of the following appointments: Representative Marc Shulman (acting Chair), Representative Scott Hummel, and Representative Bill McConico.

Thank you for your attention to this matter.

Sincerely,
Rick Johnson
Speaker of the House

January 22, 2002

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

Dear Mr. Randall:

Please make note in your records that Representative Jim Howell is removed from the House Oversight and Operations Committee and is replaced by Representative Larry Julian. Representative Julian will serve as Vice-Chair.

In addition, Representative Larry Julian is removed from the Criminal Justice Committee and replaced by Representative Jim Howell.

Thank you for your attention to this matter.

Sincerely,
Rick Johnson
Speaker of the House

January 22, 2002

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

Dear Mr. Randall:

This letter is to inform you that the following floor seat change has been requested and approved:
Representative Gretchen Whitmer moves from seat 59 to 63.

The seat changes will be effective January 23, 2002.

Sincerely,
Rick Johnson
Speaker of the House

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, January 10:

House Bill Nos. 5564 5565

The Clerk announced the enrollment printing and presentation to the Governor on Friday, January 11, for his approval of the following bill:

Enrolled House Bill No. 5027 at 11:36 a.m.

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing Administrative Rules

January 3, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:00 A.M. this date, administrative rule (02-01-01) for the Department of Consumer and Industry Services, Bureau of Workers' Disability Compensation, entitled "*Worker's Compensation Health Care Services Rules*" effective 7 days hereafter.

January 8, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:15 A.M. this date, administrative rule (02-01-02) for the Department of Consumer and Industry Services, Bureau of Commercial Services, entitled "*General Rules*", effective 7 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communications were referred to the Clerk.

Introduction of Bills

Rep. Mortimer introduced

House Bill No. 5566, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 1998 PA 226.

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

Rep. DeWeese introduced

House Bill No. 5567, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1304.

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

Rep. Cassis introduced

House Bill No. 5568, 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 impose and provide for the disposition of an administrative fee; 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 section 2 (MCL 207.552), as amended by 2000 PA 247.

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

Reps. Scranton and Godchaux introduced

House Bill No. 5569, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding section 10dd.

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

Reps. Julian, Zelenko, Bernero, Van Woerkom, Toy, Richardville, Whitmer, Adamini, Hummel, Birkholz and Lockwood introduced

House Bill No. 5570, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2000 PA 502.

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

Reps. Spade, Toy, Vander Roest, Zelenko, Whitmer, Schauer, Mans, Gielegem, Adamini, Sheltrown, Rich Brown, Richardville, Neumann, Stallworth, Murphy, Bovin and Callahan introduced

House Bill No. 5571, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 613e.

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

Rep. Allen introduced

House Bill No. 5572, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4x.
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Schauer moved that the House adjourn.
The motion prevailed, the time being 3:35 p.m.

Associate Speaker Pro Tempore Ehardt declared the House adjourned until Wednesday, January 23, at 6:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.

