

No. 40
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
91st Legislature
REGULAR SESSION OF 2001

House Chamber, Lansing, Tuesday, May 15, 2001.

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

e/d/s = entered during session

Rev. Thomas Nichols, Chaplain of the Shield of Faith Ministries in Saginaw, offered the following invocation:

“When the state of Michigan began in 1837, we were just under 175,000 people, now we are well over nine million. Our leadership has served us well over the years, making us a true Great Lakes State. Proverbs 11:14 says, ‘Without wise leadership a nation falls, with many counselors there is safety.’ Deuteronomy 1:13 says, ‘Choose some men from each tribe who have wisdom, understanding and a good reputation and I will appoint them as leaders.’ Father God, these are the elected leaders of this 26th state of the Union and since this is the state that doubled the number of states in the Union, I ask that You give a double blessing on these Representatives. I pray that the righteous dreams of these men and women become a reality for the benefit of all. Protect these Representatives from any attacks of the enemy. We humbly apply to You, Father, for wisdom, discernment, health, prosperity and Your favor on their lives and on their work. Give them the inspiration needed to solve complicated issues and give them the desire and perseverance to complete the work they have begun. God, help them make laws that dance on injustice. Finally, I ask the Representatives to leave a place in the great documents that are established here for God to add His signature to them. Amen.”

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

Third Reading of Bills

House Bill No. 4505, entitled

A bill to amend 1998 PA 57, entitled “An act to require contractors to provide certain notices to governmental entities concerning improvements on real property; to allow for the modification of contracts for improvement to real property; to provide for remedies; and to repeal acts and parts of acts,” by repealing section 6 (MCL 125.1596).

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

Roll Call No. 159

Yeas—107

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

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**House Bill No. 4513, entitled**

A bill to repeal 1913 PA 184, entitled “An act to regulate the business of selling farm products on commission, providing all commission merchants dealing in farm products shall be licensed, to provide against and punish fraud and deception in the sale of farm products on commission, and defining the duties of the state dairy and food commissioner relative thereto,” (MCL 445.331 to 445.341).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4022, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

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

The motion prevailed.

House Bill No. 4459, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 4 (MCL 207.774), as amended by 1996 PA 242.

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

The motion prevailed.

Senate Bill No. 341, entitled

A bill to amend 1993 PA 331, entitled “State education tax act,” (MCL 211.901 to 211.906) by adding section 5a.

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.

Rep. Patterson 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. Schermesser, Plakas, Thomas, Hale, Minore, Jacobs, Kilpatrick, Quarles, Mans, Spade, Lockwood, Callahan, Lemmons, Frank, O’Neil, Stallworth, Phillips, Hansen, Dennis, Clarke, Scranton, Van Woerkom, Stewart, Zelenko, Wojno, Lipsey, Adamini, Basham, Kolb, Waters, Gielegghem, Clark, Bogardus, DeWeese, Rich Brown, Woodward, Rivet, Garza, Patterson, Murphy, Whitmer, Hager, Neumann, Bovin, Jamnick, Anderson, Switalski and McConico offered the following resolution:

House Resolution No. 116.

A resolution to memorialize the Congress of the United States to enact the Detroit River International Wildlife Refuge Establishment Act.

Whereas, The Detroit River is a unique resource in many ways. This historic water route has been a major transportation thoroughfare since long before Europeans arrived, and its role in commerce has been a key part of the economic strength of two nations. In addition to these well-documented elements, the Detroit River also hosts great diversity in wildlife and ecological features; and

Whereas, The lower portions of the Detroit River include shoals, islands, and channels that support a variety of aquatic plants, fish, and wildlife. Although designated an American Heritage River in 1998, the Detroit River is still threatened by environmental practices; and

Whereas, Congress is considering a measure, H.R. 1230, that would establish the Detroit River International Wildlife Refuge. This bill would provide a mechanism to preserve the character of the area through land acquisition and agreements for cooperative management. Under this legislation, the Secretary of the Interior could acquire land along an 18-mile stretch of the Detroit River. A key component of the proposal is that it does not authorize the taking of land but relies upon willing sellers; and

Whereas, Establishing the Detroit International Wildlife Refuge along one of the great metropolitan regions in the country is an excellent investment in Michigan's resources; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Detroit River International Wildlife Refuge Establishment Act; and be it further

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

The resolution was referred to the Committee on Conservation and Outdoor Recreation.

Reps. Spade, Hale, Richardville, Thomas, DeVuyst, Voorhees, Julian, Phillips, Vander Roest, Hansen, Bernero, Rocca, Dennis, Clarke, Schermesser, Scranton, Van Woerkom, Mead, Stewart, Raczkowski, Zelenko, Wojno, Lipsey, Adamini, Minore, Basham, Callahan, Kolb, Waters, Gielegghem, Clark, Sheltrown, Bogardus, Schauer, Drolet, DeWeese, Birkholz, Jelinek, Rich Brown, Woodward, Rivet, Frank, Murphy, Whitmer, Bisbee, Faunce, Hager, Shackleton, O'Neil, Lemmons, Lockwood, Neumann, Bovin, Jamnick, Anderson, Plakas, Vear, Switalski, Pappageorge, McConico and Jacobs offered the following resolution:

House Resolution No. 117.

A resolution commemorating May 15, 2001, as Peace Officers' Memorial Day.

Whereas, It is a privilege to join together in honoring the lives of fallen peace officers across Michigan. Since 1864, the state of Michigan has lost 480 law enforcement officers in the line of duty. We join with family, friends, and colleagues in remembrance of the men and women who lost their lives in the spirit of protecting Michigan citizens; and

Whereas, More than 500,000 men and women across the country serve their communities at great risk to their personal safety. To date, approximately 14,000 officers nationwide have made the supreme sacrifice to their nation; and

Whereas, The state of Michigan will observe May 13-19, 2001, as Michigan Peace Officers' Memorial Week. A statewide ceremony will commence at the State Capitol, and candlelight ceremonies will be held in cities throughout Michigan. This week is an annual time of healing for the victims' family members as they celebrate the careers of loved ones and honor their memory; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate May 15, 2001, as Peace Officers' Memorial Day. We encourage citizens across our state to take a moment to reflect upon the loss of the men and women in uniform who dedicated their lives to protect and uphold the law; and be it further

Resolved, That a copy of this resolution be transmitted to various law enforcement agencies and organizations in Michigan as we honor the memories of their fallen comrades.

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. Kowall, Raczkowski, Meyer, Mortimer, Koetje, Richardville, Bisbee, LaSata, Hager, Newell, George, Allen, Stamas, Shackleton, Middaugh, Rivet, Howell, Cassis, Hale, DeVuyst, Voorhees, Julian, Ruth Johnson, Phillips, Vander Roest, Hansen, Bernero, Rocca, Vander Veen, Schermesser, Scranton, Van Woerkom, Mead, Stewart, Wojno, Lipsey, Basham, Kolb, Waters, Bogardus, Schauer, Kooiman, DeWeese, Birkholz, Jelinek, Rich Brown, Patterson, Whitmer, Bradstreet, Gosselin, Faunce, Bishop, O'Neil, Lemmons, Lockwood, Bovin, Jamnick, Vear, Switalski, Pappageorge, McConico and Jacobs offered the following resolution:

House Resolution No. 118.

A resolution to urge the governor to work with public and private entities on the development of a state energy policy.

Whereas, Recent events within our state and in other parts of the country illustrate the many ways in which energy issues are fundamentally important to Michigan's future. Our economy, transportation, natural resources, and health are directly dependent upon reliable and safe energy. Last summer's ruptured gasoline pipeline in Jackson County, steady rises in fuel costs, increasing pressures for energy development, and the crisis facing California demonstrate the need for a well-coordinated approach to energy issues and the wisdom of acting before problems become emergencies; and

Whereas, It would be prudent for Michigan to develop a state energy policy. By bringing together the state's major energy companies, the appropriate state agencies, and various citizens groups, virtually all aspects of energy, from production and delivery to economic, environmental, and public safety considerations, can be considered. With a state energy policy, Michigan can address such complex matters as power plant siting, development of new energy sources, environmental stewardship, tax incentives, energy distribution systems, and licensing and regulatory details in an integrated manner; and

Whereas, An initiative to develop a state energy policy must include the input of the state's energy providers, oil and gas developers, citizens groups, the environmental community, the Public Service Commission, the Department of Natural Resources, and the Department of Environmental Quality. The process of developing a comprehensive policy and the policy itself would better prepare our state for the challenges that will face us; now, therefore, be it

Resolved by the House of Representatives, That we urge the governor to work with public and private entities on the development of a state energy policy; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

The resolution was referred to the Committee on Energy and Technology.

Reps. DeWeese, Hale, Thomas, DeVuyst, Voorhees, Julian, Phillips, Vander Roest, Hansen, Spade, Bernero, Rocca, Clarke, Schermesser, Scranton, Van Woerkom, Mead, Stewart, Raczkowski, Koetje, Zelenko, Wojno, Lipsey, Basham, Kolb, Waters, Bogardus, Schauer, Kooiman, Birkholz, Woodward, Frank, Murphy, Whitmer, Richner, Faunce, Hager, Kowall, O'Neil, Lemmons, Neumann, Bovin, Jamnick, Allen, Vear, Switalski, Pappageorge, McConico and Jacobs offered the following resolution:

House Resolution No. 119.

A resolution declaring May 2001 as Asian Pacific American Heritage Month.

Whereas, The state of Michigan is fortunate to have 179,202 citizens of Asian and Pacific Island descent among its population. They have made, and continue to make, significant contributions to our society; and

Whereas, Individuals of Asian and Pacific Island origin have migrated to Michigan from over 30 nations and are excelling in the fields of education, business, the arts, and other various professions; and

Whereas, Asian Pacific American citizens, through advocating issues of justice and equity, continue to break down the barriers of discrimination, indifference, and intolerance, thereby making it possible for all Asian Pacific Americans to move to the forefront of social, cultural, political, and economic arenas; and

Whereas, The dedication and commitment of our Great Lakes state's Asian Pacific American citizens is best reflected in the establishment of many Asian Pacific American organizations such as the Asian Pacific American Council of Michigan, the American Citizens for Justice, the Mid-Michigan Asian Pacific American Association, and the Asian American Bar Association; and

Whereas, The state of Michigan is proud of its cultural diversity and welcomes the opportunity to honor our Asian Pacific American citizens for their commitment to leadership, dedication to knowledge, and determination to succeed; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 2001 as Asian Pacific American Heritage Month in Michigan, and urge all citizens to recognize the many accomplishments and contributions that Asian Pacific Americans have made to our state, nation, and world; and be it further

Resolved, That a copy of this resolution be transmitted to the Mid-Michigan Asian Pacific American Association.

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. Middaugh, Richardville, DeVuyst, Voorhees, Julian, Ruth Johnson, Vander Roest, Vander Veen, Scranton, Van Woerkom, Mead, Stewart, Raczkowski, Koetje, Waters, Drolet, Kooiman, DeWeese, Birkholz, George, Cassis, Jelinek, Patterson, Richner, Newell, Bisbee, Bradstreet, Faunce, Hager, Shackleton, Kowall, O'Neil, Lemmons, Bovin, Allen, Vear, Jansen, Switalski, Pappageorge and McConico offered the following resolution:

House Resolution No. 120.

A resolution to memorialize the Congress of the United States to enact legislation that will sharply reduce the number of gasoline types required to meet local environmental standards.

Whereas, While there are many factors that are contributing to the recent swift rise in pump prices for gasoline, a significant element is the number of types of gasoline refineries must produce to meet environmental standards of various metropolitan regions across the country. Over the years, federal mandates to improve air quality of areas with problems have resulted in a complicated patchwork of fuel requirements. The large number of fuels is also the result of the strategies individual states have developed to meet the federal standards; and

Whereas, While the goals of cleaner air are important challenges that must be met, it seems inefficient on many levels for refineries to have to develop, produce, and deliver so many different types of gasoline. In the Midwest alone, at least seven types of fuel must be made. The impact of these requirements is to raise costs, delay production, disrupt distribution, and reduce the supply. These problems, as Michigan has learned all too well, become far more severe when any unforeseen events, such as a gasoline pipeline accident or a refinery fire, take place; and

Whereas, Determining a standard that would dramatically reduce the number of gasoline types nationwide and still meet requirements for emissions could bring enormous efficiencies to a process that is of the utmost importance to our nation; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation that will sharply reduce the number of gasoline types required to meet local environmental standards; and be it further

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

The resolution was referred to the Committee on Transportation.

Reps. Schermesser, Plakas, Thomas, Hale, Minore, Jacobs, Kilpatrick, Quarles, Spade, Lockwood, Callahan, Lemmons, Frank, O'Neil, Stallworth, Phillips, Hansen, Dennis, Clarke, Scranton, Van Woerkom, Stewart, Zelenko, Wojno, Lipsey, Adamini, Basham, Kolb, Waters, Gielegghem, Clark, Bogardus, Rich Brown, Woodward, Rivet, Patterson, Murphy, Whitmer, Hager, Neumann, Bovin, Jamnick, Anderson and McConico offered the following concurrent resolution:

House Concurrent Resolution No. 32.

A concurrent resolution to memorialize the Congress of the United States to enact the Detroit River International Wildlife Refuge Establishment Act.

Whereas, The Detroit River is a unique resource in many ways. This historic water route has been a major transportation thoroughfare since long before Europeans arrived, and its role in commerce has been a key part of the economic strength of two nations. In addition to these well-documented elements, the Detroit River also hosts great diversity in wildlife and ecological features; and

Whereas, The lower portions of the Detroit River include shoals, islands, and channels that support a variety of aquatic plants, fish, and wildlife. Although designated an American Heritage River in 1998, the Detroit River is still threatened by environmental practices; and

Whereas, Congress is considering a measure, H.R. 1230, that would establish the Detroit River International Wildlife Refuge. This bill would provide a mechanism to preserve the character of the area through land acquisition and agreements for cooperative management. Under this legislation, the Secretary of the Interior could acquire land along an 18-mile stretch of the Detroit River. A key component of the proposal is that it does not authorize the taking of land but relies upon willing sellers; and

Whereas, Establishing the Detroit International Wildlife Refuge along one of the great metropolitan regions in the country is an excellent investment in Michigan's resources; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact the Detroit River International Wildlife Refuge Establishment Act; and be it further

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

The concurrent resolution was referred to the Committee on Conservation and Outdoor Recreation.

Reports of Standing Committees

The Committee on Criminal Justice, by Rep. Kowall, Vice-Chair, reported

House Bill No. 4200, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 1999 PA 53.

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

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

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

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

Favorable Roll Call

HB 4200 To Report Out:

Yeas: Reps. Faunce, Kowall, DeWeese, George, Julian, Raczkowski, Sanborn, McConico, Callahan, O'Neil, Rison,
Nays: None.

The Committee on Criminal Justice, by Rep. Kowall, Vice-Chair, reported

House Bill No. 4596, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 626c; and to repeal acts and parts of acts.

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

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

"Enacting section 2. This amendatory act takes effect January 1, 2002."

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

Favorable Roll Call

HB 4596 To Report Out:

Yeas: Reps. Faunce, Kowall, DeWeese, George, Julian, Raczkowski, McConico, Callahan, O'Neil, Rison,
Nays: None.

The Committee on Criminal Justice, by Rep. Kowall, Vice-Chair, reported

House Bill No. 4597, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," section 12 of chapter XVII (MCL 777.12), as amended by 2000 PA 459.

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

1. Amend page 7, following line 5, by inserting:

"Enacting section 1. This amendatory act takes effect January 1, 2002." and renumbering the remaining enacting section.

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

Favorable Roll Call

HB 4597 To Report Out:

Yeas: Reps. Faunce, Kowall, DeWeese, George, Julian, Raczkowski, McConico, Callahan, O'Neil, Rison,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Kowall, Vice-Chair of the Committee on Criminal Justice, was received and read:

Meeting held on: Tuesday, May 15, 2001, at 10:30 a.m.,

Present: Reps. Faunce, Kowall, DeWeese, George, Julian, Raczkowski, Sanborn, McConico, Callahan, O'Neil, Rison.

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

House Bill No. 4735, 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," by amending section 1 (MCL 125.981), as amended by 1999 PA 49.

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 4735 To Report Out:

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

Nays: None.

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

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.

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 4736 To Report Out:

Yeas: Reps. Allen, Bishop, DeVuyst, Koetje, Middaugh, Mortimer, Van Woerkom, Vear, Thomas, Kolb, Lemmons, Lipsey, 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, May 15, 2001, at 9:00 a.m.,

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

Absent: Rep. Howell,

Excused: Rep. Howell.

The Committee on Appropriations, by Rep. Shulman, Chair, reported

Senate Bill No. 283, entitled

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2001; to implement the appropriations within the budgetary process; to provide for the expenditure of appropriations; 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

SB 283 To Report Out:

Yeas: Reps. Shulman, LaSata, Cameron Brown, Caul, Godchaux, Jansen, Jelinek, Kooiman, Mead, Mortimer, Newell, Pappageorge, Pumford, Shackleton, Stamas, Stewart, Toy, Vander Roest,

Nays: Reps. Frank, Rich Brown, Clarke, Lockwood, Pestka, Phillips, Plakas, Reeves, Stallworth, Switalski, Whitmer.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 15, 2001, at 3:00 p.m.,

Present: Reps. Shulman, LaSata, Cameron Brown, Caul, Godchaux, Jansen, Jelinek, Kooiman, Mead, Mortimer, Newell, Pappageorge, Pumford, Shackleton, Stamas, Stewart, Toy, Vander Roest, Frank, Rich Brown, Clarke, Lockwood, Pestka, Phillips, Plakas, Reeves, Stallworth, Switalski, Whitmer.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 15, 2001, at 9:00 a.m.,

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

Absent: Reps. Bradstreet, Hart, Gielegthem,

Excused: Reps. Bradstreet, Hart, Gielegthem.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Voorhees, Chair of the Committee on Senior Health, Security and Retirement, was received and read:

Meeting held on: Tuesday, May 15, 2001, at 10:30 a.m.,

Present: Reps. Voorhees, Woronchak, Kuipers, Vear, Williams, Bovin, Spade, Zelenko,

Absent: Rep. Cassis,

Excused: Rep. Cassis.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members, Thursday, May 10:

House Bill No. 4753

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, May 11:

House Bill Nos. 4754 4755 4756 4757 4758 4759 4760 4761

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, May 15, for his approval of the following bill:

Enrolled House Bill No. 4187 at 10:17 a.m.

The Clerk announced that the following Senate bill had been received on Tuesday, May 15:

Senate Bill No. 431

By unanimous consent the House returned to the order of

Messages from the Senate**Senate Bill No. 431, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 115 (MCL 500.115), as added by 1992 PA 182, and by adding chapter 5.

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.

Communications from State Officers

The following communication from the Bureau of State Lottery was received and read:

May, 2001

Please find enclosed the 2000 Michigan lottery annual report. We're proud to share the highlights of another successful year!

Sincerely,
Don Gilmer
Lottery Commissioner

The communication was referred to the Clerk.

The following communication from the Department of Consumer and Industry Services were received and read:

May 4, 2001

Attached is the 2001 report and certification on the availability and pricing of liquor liability insurance in Michigan, in accordance with 1986, P.A. 176.

Based on the analysis and findings contained in this report, I certify that liquor liability insurance is reasonably available in Michigan at a reasonable premium.

Sincerely,
Frank M. Fitzgerald
Commissioner of Financial
and Insurance Services

The communication was referred to the Clerk.

The following communications from the Department of Consumer and Industry Services were received and read:

May 7, 2001

Pursuant to Section 314 of P.A. 293 of 2000, we are enclosing copies of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report#</u>	<u>License#</u>
Special Investigation	Olympic Center	CS 2001C0201011	CS470201339

These reports were performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

May 10, 2001

Pursuant to Section 314 of P.A. 293 of 2000, we are enclosing copies of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report#</u>	<u>License#</u>
Special Investigation	Olympic Center	2001C0201012	CS470201339
Special Investigation	Olympic Center	2001C0201013	CS470201339

These reports were performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,
John R. Suckow, C.P.A.
Director, Finance and
Administrative Services

The communications were referred to the Clerk.

The following communication from the Auditor General was received and read:

May 9, 2001

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the
Baraga Maximum Correctional Facility
And Camp Kitwen
Department of Corrections
May 2001

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on House Oversight and Operations.

Introduction of Bills

Reps. Lemmons, Scranton, Raczkowski, Garza, Reeves, Woodward, Schauer, Murphy, Callahan, Waters, Wojno, Jacobs, Rich Brown, McConico, Lipsey, Williams, Spade, Daniels, Clark, Anderson, Bob Brown, Switalski, Clarke, Koetje, Neumann, Bovin, Rison, Sheltroun, DeRossett, Newell, Schermesser, Hansen, Dennis, Howell, Frank, Quarles, Kilpatrick, Whitmer, Hardman, Phillips, Rocca, Jelinek, Jansen, Bisbee, Woronchak, Kowall, Bernero, Hart, Caul, Gilbert, Tabor, Vander Veen, Voorhees, Vear, Plakas, Gosselin, Drolet, Kooiman, DeWeese, Pappageorge, Middaugh, Zelenko, Richardville, Mans, Hale, Gielegghem, Stallworth, O'Neil and Lockwood introduced

House Bill No. 4762, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 8 (MCL 207.1008).

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

Reps. McConico, O'Neil, Rison, Lipsey, Phillips, Hale, Minore and Lemmons introduced

House Bill No. 4763, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 65 (MCL 791.265), as amended by 1998 PA 512.

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

Reps. Neumann, Mortimer and Gosselin introduced

House Bill No. 4764, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 101 (MCL 484.2101), as amended by 2000 PA 295, and by adding section 305a.

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

Reps. Scranton, Vander Veen and Godchaux introduced

House Bill No. 4765, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding sections 27a and 27b to chapter VIII.

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

Reps. Vear, Raczkowski, Vander Veen, Kooiman, Bradstreet, Shackleton, Caul, Hart, Woronchak, Gilbert, Stewart, Toy, Mortimer, Ehardt, Koetje, Bishop, Spade, Jacobs, Godchaux, Scranton, Vander Roest, George, Bogardus, Hansen, Kowall, Faunce, Richner, Cassis, Callahan, Bovin, Wojno, DeWeese, Pestka, Reeves, Rison, Woodward, Jansen, Voorhees, Meyer, Newell, Howell, Richardville, DeRossett, Waters, Switalski, Hager, Phillips, Kolb, Gielegghem, Birkholz, Jelinek, Pumford, Cameron Brown, Bob Brown, Plakas, Neumann, Patterson, Lockwood, Jamnick, Minore, Adamini, Rich Brown, Williams, Hardman, Mans, O'Neil, Clark, Clarke, Garza, Stallworth, Basham, Lipsey and Lemmons introduced

House Bill No. 4766, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 528; and to repeal acts and parts of acts.

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

Reps. Phillips, Stallworth, Anderson, McConico, Hale, Quarles, Schauer, Pumford, Clark, Rocca, Dennis, Hansen, Jamnick, Minore, Bovin, Waters, Hardman, Williams, Gielegghem, Spade, Rison, Whitmer, Zelenko, Neumann, Kilpatrick, Reeves, Jansen, Bernero, Frank, Woodward, Rich Brown, Daniels, Murphy, Sheltroun, Rivet, Switalski, Plakas, Bob Brown, Lipsey and Lemmons introduced

House Bill No. 4767, entitled

A bill to create a right of reentry in property that is transferred from a city, village, or township to this state.

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

Reps. Rivet, Switalski, Spade, Neumann, Anderson, Reeves and DeVuyst introduced

House Bill No. 4768, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74117 (MCL 324.74117), as added by 1995 PA 58.

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

Reps. Bernero, DeWeese, Mans, Rich Brown, Bob Brown, O'Neil, Anderson, Pappageorge, Waters, George, Richardville, Howell and Pestka introduced

House Bill No. 4769, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 13103 (MCL 333.13103), as added by 1996 PA 223.

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

Reps. Bernero, DeWeese, Mans, Rich Brown, Bob Brown, O'Neil, Anderson, Pappageorge, Waters, George, Richardville, Howell and Pestka introduced

House Bill No. 4770, 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 2000 PA 412.

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

Reps. DeRossett and Woronchak introduced

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

Reps. Anderson, Basham, Phillips, Daniels, Schauer, Bovin, Rich Brown, Jacobs, Neumann, Hale, Switalski, Ruth Johnson, Rivet, Zelenko, Plakas and O'Neil introduced

House Bill No. 4772, entitled

A bill to amend 1967 PA 119, entitled "An act to regulate the sale, distribution, and use of certain chemical agents and devices containing certain chemical agents; and to provide penalties," by amending section 2a (MCL 752.272a), as added by 2000 PA 299.

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

Reps. Anderson, Basham, Phillips, Daniels, Schauer, Bovin, Rich Brown, Jacobs, Neumann, Hale, Switalski, Ruth Johnson, Rivet, Zelenko, Plakas and O'Neil introduced

House Bill No. 4773, 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.

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

Rep. Richner introduced

House Bill No. 4774, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9311 (MCL 440.9311), as amended by 2000 PA 348.

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

Reps. Hager, LaSata, Bernero, Birkholz, Gilbert, Kowall and Shackleton introduced

House Bill No. 4775, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 11a (MCL 408.481a), as added by 1996 PA 215.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. Vear, Plakas, Bernero, Pappageorge, Birkholz and Tabor introduced

House Bill No. 4776, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131, 16263, and 21720 (MCL 333.16131, 333.16263, and 333.21720), sections 16131 and 16263 as amended by 2000 PA 11, and by adding section 16328 and part 173; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. DeWeese, Kuipers, Ruth Johnson, Pappageorge, Caul, Bisbee, Toy, Schauer and Lemmons introduced

House Bill No. 4777, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406q.

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

Reps. DeWeese, Kuipers, Ruth Johnson, Pappageorge, Caul, Bisbee, Toy, Schauer and Lemmons introduced

House Bill No. 4778, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401i.

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

Rep. Patterson moved that the House adjourn.

The motion prevailed, the time being 8:15 p.m.

Associate Speaker Pro Tempore Ehardt declared the House adjourned until Wednesday, May 16, at 2:00 p.m.

GARY L. RANDALL

Clerk of the House of Representatives.

