

No. 63
STATE OF MICHIGAN
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House of Representatives
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House Chamber, Lansing, Wednesday, September 26, 2001.

12:00 Noon.

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

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

Adamini—present	Garza—present	Lipsey—present	Sanborn—present
Allen—present	George—present	Lockwood—present	Schauer—present
Anderson—present	Gielegthem—present	Mans—present	Schermesser—present
Basham—present	Gilbert—present	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—present	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—present	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—excused	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		

Father Anthony Spinosa, Pastor of Our Lady of Lebanon Maronite Catholic Church in Flint, offered the following invocation:

“Almighty and ever loving God, we ask Your blessing upon the men and women gathered in this chamber today. As they govern, guide and protect the citizens of our state. We ask You to bestow upon them wisdom, courage, honor and patience to do all that is necessary for the welfare of the state of Michigan. May all their decisions reflect Your holy will and may they persevere in all honorable endeavors of government.

We also ask Your blessing upon our great nation in this time of great tragedy and difficulty. We remember today the dead—the innocent victims of terrorism. We remember their families and their friends who suffer greatly at this time.

We ask you to guide our president, his advisors, and all who sit under the great dome of our nation’s capitol, the symbol of our freedom. Protect the men and women of the military who defend and protect us. Keep them all safe and under Your care.

We ask You to bless our nation with an end to violence and terrorism and to give to the United States of America and to all nations a lasting and enduring peace. We ask this in Your name, O Lord, Amen.”

Rep. Jacobs moved that Rep. Reeves be excused from today’s session.
The motion prevailed.

Rep. Phillips, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 460-466. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 460-461 and 463-466, and ‘nay’ on Roll Call No. 462.”

Second Reading of Bills

Senate Bill No. 407, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15 of chapter XVII (MCL 777.15), as amended by 2000 PA 279.

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

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 4, line 18, by striking out “September 1, 2001” and inserting “January 1, 2002”.

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

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

The motion prevailed.

Senate Bill No. 408, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending section 47 (MCL 125.1447).

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

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 4, line 26, by striking out “September 1, 2001” and inserting “January 1, 2002”.

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

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

The motion prevailed.

Senate Bill No. 409, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as amended by 2000 PA 492.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Faunce moved to substitute (H-3) the bill.

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

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

The motion prevailed.

Senate Bill No. 410, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2157, 52908, and 76107 (MCL 324.2157, 324.52908, and 324.76107), section 2157 as added by 1995 PA 60, section 52908 as added by 1995 PA 57, and 76107 as added by 1995 PA 58.

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

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Faunce moved to substitute (H-3) the bill.

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

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

The motion prevailed.

Senate Bill No. 411, 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.

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

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Rep. Faunce moved to substitute (H-4) the bill.

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 12, line 8, by striking out "September 1, 2001" and inserting "January 1, 2002".

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 2, line 2, after "INVOLVING" by striking out "MORE THAN".

2. Amend page 2, line 3, after "\$20,000" by inserting "OR MORE".

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4820, entitled**

A bill to regulate the production, transportation, handling, processing, delivery, and sale of grade A milk and milk products; to define grade A milk and milk products and to establish standards and requirements for grade A milk and milk products; to provide for dairy food safety; to provide for the sampling, sampling analysis, and transportation of milk and milk products; to regulate the labeling, manufacture, distribution, and sale of milk and milk products for the protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration,

manufacture, distribution, and sale of milk and milk products; to provide for enforcement; to provide for licenses and permits and revocation of licenses and permits; to impose certain fees; to require certain security arrangements of milk plants to ensure the prompt payment of producers; to prescribe powers and duties of certain state departments and officers; to provide for uniform standards and uniform inspection; to provide for promulgation of rules; to provide for certain remedies and penalties; and to repeal acts and parts of acts.

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

Roll Call No. 467**Yeas—107**

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

Nays—0

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

Reps. Basham, Bernero, Birkholz, Bogardus, Cameron Brown, Clark, DeWeese, George, Gosselin, Hager, Howell, Hummel, Jansen, Jelinek, Julian, LaSata, McConico, Mead, O'Neil, Patterson, Phillips, Plakas, Richardville, Rivet, Rocca, Sanborn, Schauer, Scranton, Tabor, Vander Roest and Vander Veen were named co-sponsors of the bill.

Rep. Godchaux moved that Rep. Scranton be excused temporarily from today's session.
The motion prevailed.

House Bill No. 4829, entitled

A bill to define and regulate milk, cream, frozen desserts, and related foods and by-products of those foods under certain circumstances; to prescribe certain powers and duties of certain state agencies and officers; to prohibit the sale of unclean and unsanitary milk and manufactured dairy products and their use in the manufacture of food products; to prohibit unclean and unsanitary conditions of milk and milk processing establishments; to establish production and handling standards of sanitary milk and dairy products for manufacturing and manufactured dairy products; to regulate the sale and transportation of milk and dairy products for manufacturing purposes; to issue licenses and permits to certain persons and provide for the revocation or suspension of licenses and permits under certain circumstances; to impose certain fees; to require certain security devices under certain circumstances; to establish inspection requirements; to promulgate rules; to set certain standards for milk and dairy products, processing, and pasteurization; to provide for penalties and remedies; and to repeal acts and parts of acts.

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

Roll Call No. 468**Yeas—103**

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

Nays—0

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

Reps. Birkholz, Cameron Brown, Faunce, Gilbert, Hager, Howell, Hummel, Julian, Mans, McConico, Mead, Murphy, Phillips, Richardville, Sanborn, Schauer, Toy and Voorhees were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Messages from the Senate**Senate Bill No. 291, entitled**

A bill to make appropriations for the department of history, arts, and libraries, certain other state departments, and certain other state purposes for the fiscal year ending September 30, 2002; to make, supplement, and adjust appropriations for certain state departments and certain other state purposes for the fiscal years ending September 30, 2001 and September 30, 2002; to provide for the expenditure of those appropriations; to provide for the imposition of

certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 2, line 11, by striking out "357,280,200" and inserting "361,785,500".
2. Amend page 2, line 15, by striking out "357,280,200" and inserting "361,785,500".
3. Amend page 2, line 21, by striking out "104,736,700" and inserting "111,236,700".
4. Amend page 2, line 22, by striking out "51,586,700" and inserting "49,592,000".
5. Amend page 4, line 19, by striking out "1,700,000" and inserting "1,900,000".
6. Amend page 4, line 23, by striking out "1,700,000" and inserting "1,900,000".
7. Amend page 5, line 5, by striking out "0" and inserting "1,500,000".
8. Amend page 5, line 6, by striking out "1,700,000" and inserting "400,000".
9. Amend page 5, following line 7, by inserting:

"Special projects	\$200,000".
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10. Amend page 5, line 9, by striking out "200,000" and inserting "400,000".
11. Amend page 5, line 11, by striking out "200,000" and inserting "400,000".
12. Amend page 5, following line 11, after "Special revenue funds:" by inserting:

"Healthy Michigan fund.....	1,500,000".
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13. Amend page 5, following line 11, after "State general fund/general purpose" by striking out "1,500,000" and inserting "0".
14. Amend page 8, following line 2, by inserting:

"Powertrain-Saginaw malleable iron facility supplemental environmental projects.....	89,800".
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15. Amend page 8, line 4, by striking out "39,720,000" and inserting "39,809,800".
16. Amend page 8, following line 7, by inserting:

"Environmental response fund.....	89,800".
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17. Amend page 8, line 14, by striking out "Environmental response fund" and inserting "Clean Michigan initiative - response activities".
18. Amend page 8, line 18, by striking out all of lines 18 and 19.
19. Amend page 8, line 20, by striking out "589,800" and inserting "500,000".
20. Amend page 8, line 23, by striking out all of line 23.
21. Amend page 12, line 19, section 108a, subsection (1), after "GROSS APPROPRIATION" by striking out "990,900" and inserting "1,215,100".
22. Amend page 12, line 19, section 108a, subsection (1), after "ADJUSTED GROSS APPROPRIATION" by striking out "990,900" and inserting "1,215,100".
23. Amend page 12, line 19, section 108a, subsection (1), after "State general fund/general purpose" by striking out "990,900" and inserting "1,215,100".
24. Amend page 12, line 19, section 108a, subsection (2), after "Legislative council" by striking out "529,500" and inserting "753,700".
25. Amend page 12, line 19, section 108a, subsection (2), "GROSS APPROPRIATION" by striking out "529,500" and inserting "753,700".
26. Amend page 12, line 19, section 108a, subsection (2), "State general fund/general purpose" by striking out "529,500" and inserting "753,700".
27. Amend page 13, line 16, by striking out "1,000,000" and inserting "5,500,000".
28. Amend page 13, line 20, by striking out "1,000,000" and inserting "5,500,000".
29. Amend page 14, line 2, by striking out "(3,000,000)" and inserting "(0)".
30. Amend page 14, line 3, by striking out "4,000,000" and inserting "5,500,000".
31. Amend page 14, line 6, by striking out all of line 6.
32. Amend page 14, following line 7, by inserting:

"Oscoda Wurtsmith Airport Authority.....	1,500,000".
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33. Amend page 14, line 8, by striking out "1,000,000" and inserting "5,500,000".
34. Amend page 14, line 11, by striking out all of line 11.
35. Amend page 14, line 12, by striking out "4,000,000" and inserting "5,500,000".
36. Amend page 25, line 15, after "is" by striking out "\$156,323,400.00" and inserting "\$160,828,700.00".
37. Amend page 30, following line 12, by striking out all of section 221.
38. Amend page 31, following line 3, by striking out all of section 227 and inserting:
"Sec. 227. The department shall not submit a section 1115 health insurance flexibility and accountability (HIFA) demonstration waiver or similar proposal to the federal centers for Medicare and Medicaid unless the proposal has been approved by the house of representatives and senate appropriations subcommittees on community health."
39. Amend page 31, following line 3, following section 227 by inserting:
"Sec. 227a. From the amount appropriated in part 1 for the cancer prevention and control program, \$500,000.00 shall be allocated to the Karmanos Cancer Institute/Wayne State University, \$500,000.00 shall be allocated to the

University of Michigan comprehensive cancer center, and \$500,000.00 shall be allocated to Michigan State University for cancer and cancer prevention services and activities, consistent with the current priorities of the Michigan cancer consortium.”.

40. Amend page 54, following line 26, by inserting:

“Sec. 604. The funding appropriated in part 1 for the Oscoda Wurtsmith Airport Authority shall be used to provide assistance to former TIMCO company employees.”.

41. Amend page 60, line 14, by striking out all of section 1301 and inserting:

“Sec. 1301. (1) The department is authorized to receive and expend up to \$4,084,900.00 from the USDA’s Commodity Credit Corporation to assist Michigan’s specialty crop producers. These funds are to be allocated as follows:

(a) \$500,000.00 for support activities that promote agriculture including:

(i) Establishment and expansion of export markets.

(ii) Facilitate implementation of funded value-added project.

(iii) Administrative support for grant development and processing.

(b) Up to \$3,250,000.00 for program grants that develop new or expand existing markets for specialty crop producers including:

(i) Up to \$2,100,000.00 in direct program grants to Michigan’s specialty crop producers.

(ii) \$1,150,000.00 to the agricultural development fund for the support of grants for value added agricultural processing and agricultural production ventures for specialty crops in accordance with the Julian-Stille value-added act, 2000 PA 322, MCL 285.301 to 285.304.

(c) Up to \$334,900.00 for grants to provide for the processing, transportation, and distribution of commodities to eligible recipient agencies as provided under section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508[a]).

(2) Funds appropriated in part 1 for the Specialty Crop Program are considered work project appropriations and any unencumbered funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451(3) of the management and budget act, 1984 PA 431, MCL 18.1451:

(a) This project will be accomplished through the efforts of state employees, contracted services and grants to specialty crop producers.

(b) The total estimated cost of this project is \$4,084,900.00.

(c) The tentative completion date for this project is September 30, 2004.”.

The Senate has concurred in the House substitute (H-1) as amended, ordered that the bill be given immediate effect and agreed to the title as amended.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 469

Yeas—107

Adamini	Garza	Lipsey	Schauer
Allen	George	Lockwood	Schermesser
Anderson	Gielegthem	Mans	Scranton
Basham	Gilbert	McConico	Shackleton
Bernero	Godchaux	Mead	Sheltrown
Birkholz	Hager	Meyer	Shulman
Bisbee	Hale	Middaugh	Spade
Bishop	Hansen	Minore	Stallworth
Bogardus	Hardman	Mortimer	Stamas
Bovin	Hart	Murphy	Stewart
Bradstreet	Howell	Neumann	Switalski
Brown, B.	Hummel	Newell	Tabor
Brown, C.	Jacobs	O’Neil	Thomas
Brown, R.	Jamnick	Pappageorge	Toy
Callahan	Jansen	Patterson	Van Woerkom
Cassis	Jelinek	Pestka	Vander Roest
Caul	Johnson, Rick	Phillips	Vander Veen

Clark, I.	Johnson, Ruth	Plakas	Vear
Clarke, H.	Julian	Pumford	Voorhees
Daniels	Kilpatrick	Quarles	Waters
Dennis	Koetje	Raczkowski	Whitmer
DeRossett	Kolb	Richardville	Williams
DeVuyst	Kooiman	Richner	Wojno
DeWeese	Kowall	Rison	Woodward
Ehardt	Kuipers	Rivet	Woronchak
Faunce	LaSata	Rocca	Zelenko
Frank	Lemmons	Sanborn	

Nays—2

Drolet

Gosselin

In The Chair: Ehardt

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

Second Reading of Bills

House Bill No. 5080, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; to prescribe certain powers and duties of state departments; and to repeal acts and parts of acts.

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

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

Rep. Rivet moved to amend the bill as follows:

1. Amend page 5, line 16, after “law” by inserting “and the legislature, through resolution, will express support for the agreement reached by the board of governance”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5080, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; to prescribe certain powers and duties of state departments; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,
Rep. Bob Brown moved that the bill be referred to the Committee on Tax Policy.
The question being on the motion made by Rep. Bob Brown,
Rep. Bob Brown demanded the yeas and nays.
The demand was supported.
The question being on the motion made by Rep. Bob Brown,
The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 470**Yeas—36**

Adamini	Garza	Neumann	Spade
Anderson	Gielegthem	O'Neil	Stallworth
Basham	Gosselin	Pestka	Switalski
Brown, B.	Hale	Phillips	Vander Roest
Callahan	Hardman	Plakas	Voorhees
Clarke, H.	Hummel	Rivet	Whitmer
Dennis	Jamnick	Rocca	Williams
Drolet	Mans	Schermesser	Wojno
Frank	McConico	Sheltrown	Woodward

Nays—69

Allen	Gilbert	Kuipers	Richardville
Bernero	Godchaux	LaSata	Richner
Birkholz	Hager	Lemmons	Rison
Bisbee	Hansen	Lipsey	Sanborn
Bishop	Hart	Lockwood	Scranton
Bovin	Howell	Mead	Shackleton
Brown, C.	Jacobs	Meyer	Shulman
Brown, R.	Jansen	Middaugh	Stamas
Cassis	Jelinek	Minore	Stewart
Caul	Johnson, Rick	Mortimer	Tabor
Clark, I.	Johnson, Ruth	Murphy	Thomas
Daniels	Julian	Newell	Toy
DeRossett	Kilpatrick	Pappageorge	Van Woerkom
DeVuyst	Koetje	Patterson	Vander Veen
DeWeese	Kolb	Pumford	Vear
Ehardt	Kooiman	Quarles	Waters
Faunce	Kowall	Rackowski	Zelenko

In The Chair: Ehardt

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

Roll Call No. 471**Yeas—57**

Allen	Godchaux	Kuipers	Quarles
Bernero	Hager	LaSata	Richardville
Birkholz	Hansen	Lemmons	Richner
Bisbee	Hardman	Lipsey	Rison

Bovin	Hart	McConico	Schauer
Caul	Howell	Mead	Scranton
Clark, I.	Jacobs	Meyer	Shulman
Clarke, H.	Jamnack	Minore	Stallworth
Daniels	Jelinek	Mortimer	Tabor
DeRossett	Johnson, Rick	Murphy	Thomas
DeVuyst	Julian	Newell	Van Woerkom
DeWeese	Kilpatrick	O'Neil	Vear
Ehardt	Koetje	Phillips	Waters
Garza	Kolb	Pumford	Zelenko
Gilbert			

Nays—50

Adamini	Frank	Neumann	Stamas
Anderson	George	Pappageorge	Stewart
Basham	Gielegthem	Patterson	Switalski
Bishop	Gosselin	Pestka	Toy
Bradstreet	Hale	Plakas	Vander Roest
Brown, B.	Hummel	Rackowski	Vander Veen
Brown, C.	Jansen	Rivet	Voorhees
Brown, R.	Johnson, Ruth	Rocca	Whitmer
Callahan	Kooiman	Sanborn	Williams
Cassis	Kowall	Schermesser	Wojno
Dennis	Lockwood	Shackleton	Woodward
Drolet	Mans	Sheltrown	Woronchak
Faunce	Middaugh		

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

Reps. Drolet, Faunce and Rackowski, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

A decade ago, Michigan taxpayers were \$15 billion poorer than they are today. Republican governance has produced that much tax relief. Is that era ending? Over the next ten years, supporters of this bill hope to take back \$4 billion of that tax relief. Years of progress and prosperity are being reversed today. The state is hungry, and the party of smaller government has decided to once again let it feast on the taxpayer.

This bill seeks a huge tax increase. There has been some confusion on this point. Nobody ever wants to admit that they voted to raise taxes. We tell ourselves that we are just ‘*streamlining*’ the process by which we collect the tax. But, when we ask ourselves why this is necessary, we discover that the U.S. Supreme Court is standing in the way of the state’s desire to take this money. If this legislation does not pass, that \$4 billion stays in the pockets of the taxpayers that we are supposed to be fighting for. Government needs this law in place before it can go after that wealth. *Changing laws so as to generate more tax dollars is called RAISING TAXES!*

In addition to the tax increase, this bill seeks to create another IRS-like data collection agency. Nothing prevents the real IRS from someday using it to assess a *federal* sales tax.

The bill promises all sorts of privacy protections that it cannot deliver. The IRS that we have now has been making the same claims, regardless of whether the president was Clinton or Nixon.

Americans for Tax Reform and National Taxpayers Union—the two most substantive taxpayer champions in the nation—agree that this is a tax increase. They have sent letters to all of our offices, making this point very clear. They are fighting the streamlined sales tax in states across the nation, and in the halls of Congress. Jack Kemp, author of the Reagan tax cut, agrees with them, and so do dozens of taxpayer-friendly think tanks and political advocacy organizations. Taken together, they all represent the activists who elevated Ronald Reagan and the Michigan Republicans to power. They are also the grassroots volunteers who watched from the sidelines after the first George Bush let his lips move. The party of smaller government used to listen to them. That party and the economy of this nation profited from their wisdom and their energy.

In our state, the party of tax cuts and small government controls the Senate and the Governor's office. Either branch could still reject this legislation, and I implore each of them to do so."

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

"Mr. Speaker and members of the House:

I oppose the passage of House Bill 5080. This bill would take up to \$300 million each year out of the pockets of Michigan taxpayers and place it in the hands of the Engler Administration. There are countless reasons why this bill is a bad idea, but I choose to focus on three primary issues.

As many people know, the sales tax is a regressive tax. Meaning that lower-income families spend a higher percentage of their income on taxable items than on non-taxable items. If this Governor imposes a tax on Internet purchases (and this tax would also apply to catalog sales) he would be raising \$300 million from those less fortunate than others in this state. In 1999, the Governor began a complete phase out of the Single Business Tax. The Governor has also cut income tax by .5 percent. The merits of these cuts are debatable, but let's see if we can suspend these tax cuts before we go and raise taxes on lower income families.

Throughout the ten-year history of the Engler administration, this has been a government often ruled by executive order. The Governor has created new departments, eliminated citizen commissions and even cut the budget for public schools by executive order. I think he could assign some folks to negotiate with other states, a means to raise taxes without legislative approval. But of course, the Governor wants cover on this tax increase. I for one won't give it to him.

Finally, there are many related legal questions of jurisdiction and authority that must be answered before such a tax is imposed. The United States Supreme Court has ruled that imposition of such a tax violates the Interstate Commerce Clause. Until such concerns are addressed in the courts or by the federal government, actions to collect such a tax are premature.

Now, just like supporters of this bill I would like to see more funding for education. I would like to make sure that Michigan businesses stay competitive with their Internet competitors. I just don't think a \$300 million tax increase is the way to go about doing it."

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

"Mr. Speaker and members of the House:

I vote "no" on HB 5080 because it could transfer as much as \$3.9 billion additional tax dollars from citizens to government over ten years. The bill's supporters say it's not a tax hike—but they offer no offsetting tax cuts. You know the saying: 'If it looks, quacks, and smells like a duck, it's a duck.' This looks, quacks, and smells like a tax increase.

The bill also violates Article 9, Section 2 of Michigan's Constitution, which says the legislature's power of taxation shall never be "surrendered, suspended or contracted away." This bill is a surrender—to the endless desire of government to spend. Contracting away tax collection is exactly what it will do.

Individual privacy is deeply threatened. Private tax collectors will have information on every transaction, including credit card numbers and home addresses. Supporters of the new tax say this is all alarmist. Yeah, right—'Social Security numbers will never be used for personal identification.'

House Bill 5080 opens the door to sales taxes on services, and some tax exemptions may have to be eliminated, because other states will demand 'harmonization' of tax systems.

Proponents complain the current system is unfair, because local businesses must compete with out-of-state e-tailers that don't collect sales tax. But merchandise purchased over the Internet isn't beamed to your doorstep by Star Trek transporter—it comes by truck. In most cases shipping costs are more than the sales tax. The legislation is actually unfair to consumers, who will pay more because there will be less competition to cut prices.

Here's the dirty little secret: The tax compact authorized by this bill will likely lead to a national sales tax. Congress is smacking its lips at the potential to suck even more federal taxes from citizens. Who knows how far the feds will go once they get their fingers in this pie: They will demand a piece of the action, and Michigan will lose all control.

Any new taxes sent to Washington will make Michigan's current 'donor status' even worse—we already send over \$1000 more from each man, woman, and child to Washington than we get back. Southern 'taker' states will get even

more from Michigan taxpayers under a national sales tax. States which wisely refuse to join the compact will be laughing all the way to the bank when our Internet entrepreneurs relocate there.

None of these things will come all at once, but passage of HB 5080 starts us down a one-way road towards them.

HB 5080 is not a taxpayer-friendly bill. It's a big government-friendly bill. The 'son of IRS' bureaucracy it creates will hurt Michigan businesses and consumers."

Reps. Plakas, Anderson, Williams, Callahan and Dennis, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I oppose the passage of House 5080. This bill would take up to \$300 million each year out of the pockets of Michigan taxpayers and place it in the hands of the Engler Administration. There are countless reasons why this bill is a bad idea, but I choose to focus on three primary issues.

The Internet has not been with us very long, but already it has transformed the way people get their news, communicate with their friends and family, and purchase many goods. All the while, businesses that have offered quality products at a competitive price while treating their laborers to fine wages and benefits. If this Governor imposes a tax on this successful business model he will be suppressing this growing business.

As many people know, the sales tax is a regressive tax. Meaning that lower-income families spend a higher percentage of their income on taxable items than on taxable items. If this Governor imposes a tax on Internet purchases (and this tax would also apply to catalog sales) he would be raising \$300 million from those less fortunate than others in this state. In 1999, the Governor began a complete phase out of the Single Business Tax. The Governor has also cut income tax by .5 percent. The merits of these tax cuts are debatable, but let's see if we can suspend these tax cuts before we go and raise taxes on lower income families.

Throughout the ten-year history of the Engler administration, this has been a government often ruled by executive order. The Governor has created new departments, eliminated citizen commissions and even cut the budget for public schools by executive order. I think he could assign some folks to negotiate with other states, a means to raise taxes without legislative approval. But of course, the Governor wants cover on this tax increase. I for one won't give it to him.

Now, just like supporters of this bill I would like to see more funding for education. I would like to make sure that Michigan businesses stay competitive with their Internet competitors. I just don't think a \$300 million tax increase is the way to go about doing it."

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

"Mr. Speaker and members of the House:

I have over the past number of months thoroughly reviewed and evaluated the proposal for Michigan to go forward in joining the interstate compact for streamlined sales and use tax system. Unfortunately, in this case the disadvantages outweighed the advantages. I agree with the proponents that these are currently legally collectible taxes. My concerns are not whether we should collect those taxes, but how. I believe there are better alternatives than to bring our tax code into alignment with every other state. I have never seen government move to the lowest common denominator, but usually when compromise is reached the numbers increase. Michigan has a lower sales and use tax rate than most other states. We also have numerous exemptions from everything from prescription drugs to manufacturing to services. By joining the compact today we risk losing many of those exemptions and we move closer to a national sales tax which doesn't reflect differences in different states. Congress should take action now to alleviate the Supreme Court's objections based on the Commerce Clause of the Constitution. There are technologies available which would allow the collection of those taxes without streamlining all of our tax systems."

Reps. Bishop and Vander Roest, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

As a firm believer in the Jeffersonian principles of state's rights and the decentralization of government, this bill violates my most closely held core beliefs. I simply will not support any legislation that threatens to compromise the autonomous rights of the state of Michigan - especially not its taxing authority."

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

"Mr. Speaker and members of the House:

I oppose the passage of House bill 5080 for a couple of reasons.

First, I am a member of the tax policy committee and the bill should have been fully debated in committee.

Secondly, I had the opportunity to study the e-commerce and Internet sales tax issue in Spain this past summer and all the details pertaining to its use, implementation and global effects was not told to the legislature.

Thirdly, the proponents of this bill did a terrible job of explaining why I should vote for this bill, for their lack of communication to me as an effected official to this body indicated to me that they did not respect my position or vote on this issue.”

Rep. Minore moved that Rep. Jacobs be excused temporarily from today’s session.
The motion prevailed.

Rep. Van Woerkom moved that Rep. Faunce be excused temporarily from today’s session.
The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 167.

A resolution to approve, and urge the Governor to execute, a certain tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the State of Michigan.

(For text of resolution, see House Journal No. 56, p. 1159.)

(The resolution was reported by the Committee on Regulatory Reform on June 28, consideration of which, under the rules, was postponed until July 10.)

The question being on the adoption of the resolution,

Rep. Birkholz demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the resolution,

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

Roll Call No. 472

Yeas—51

Adamini	DeRossett	Lemmons	Rocca
Bernero	DeVuyst	Lipsey	Schermesser
Bisbee	Ehardt	Lockwood	Sheltrown
Bogardus	Frank	McConico	Switalski
Bovin	Garza	Minore	Thomas
Brown, B.	Gielegthem	O’Neil	Toy
Brown, R.	Hansen	Patterson	Waters
Callahan	Howell	Phillips	Whitmer
Caul	Jamnick	Quarles	Williams
Clark, I.	Johnson, Rick	Richardville	Wojno
Clarke, H.	Julian	Richner	Woodward
Daniels	Kilpatrick	Rison	Zelenko
Dennis	Kolb	Rivet	

Nays—52

Allen	Hager	Mead	Scranton
Anderson	Hale	Meyer	Shackleton
Basham	Hart	Middaugh	Shulman
Birkholz	Hummel	Mortimer	Spade
Bishop	Jansen	Murphy	Stamas
Bradstreet	Jelinek	Neumann	Stewart
Brown, C.	Johnson, Ruth	Newell	Tabor
DeWeese	Koetje	Pappageorge	Van Woerkom

Drolet
George
Gilbert
Godchaux
Gosselin

Kooiman
Kowall
Kuipers
LaSata
Mans

Pestka
Plakas
Pumford
Raczkowski
Schauer

Vander Roest
Vander Veen
Vear
Voorhees
Woronchak

In The Chair: Ehardt

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

Rep. Richardville moved that when the House adjourns today it stand adjourned until Tuesday, October 2, at 2:00 p.m.
The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Richardville, Lemmons, Spade, Rivet, Wojno, Raczkowski, Ehardt, Faunce, Shackleton, Sheltroun, Rich Brown, Rocca, Callahan, Kilpatrick, Kolb, Gielegghem, Minore, Adamini, Bovin, Clarke, Newell, Toy, Stewart, Mans, Jacobs, Cassis, Van Woerkom, Basham, Voorhees, Kuipers, Gosselin, Mead, Middaugh, Birkholz, Pappageorge, Woronchak, Bishop, Bradstreet, Jansen, Vander Roest, Murphy, Woodward, Kowall, Kooiman and Koetje offered the following resolution:

House Resolution No. 187.

A resolution to memorialize the Congress of the United States to enact legislation to provide funding for the restoration of the Great Lakes.

Whereas, The waters of the Great Lakes constitute a resource of the utmost importance to the future of our nation. The quality and quantity of this fresh water treasure are vital to the health and commercial well-being of millions of Americans; and

Whereas, There are numerous threats to the Great Lakes. These range from the obvious damage of pollution from a range of sources and the impact of exotic species upon the ecology to growing demands for fresh water by other regions of the country; and

Whereas, Congress has enacted legislation to fund the restoration of the Florida Everglades. This legislation includes several billion dollars in funding. While the Everglades are clearly a unique resource within an area with more than 6 million people, the Great Lakes exert an impact felt throughout the entire country and Canada. More than 33 million people live within the Great Lakes Basin, according to 1990 statistics. The nature of the lakes as the largest accessible source of fresh water in the world makes it clear that all efforts must be made to protect these waters; and

Whereas, With the Great Lakes at the heart of American industrial and agricultural production, the country must do all it can to assure the viability of the health of the lakes. Every effort must be made to safeguard the fundamental resource. The cost of ignoring this reality is far too large; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to provide funding for the restoration of the Great Lakes; 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 Land Use and Environment.

Reps. Jacobs, Cassis, DeWeese, Ruth Johnson, Schauer, Woronchak, McConico, Pappageorge, Rivet, Woodward, Adamini, Kilpatrick, Bernero, Dennis, Garza, Clarke, Basham, Clark, Newell, Rison, Sheltroun, Hale, Pestka, Lockwood, Jamnick, Minore, Vander Roest, Stewart, Gielegghem, Hardman, Bovin, Murphy, Bob Brown, Rich Brown, Anderson, Kolb, Thomas, Raczkowski, and Whitmer offered the following resolution:

House Resolution No. 188.

A resolution to condemn violence and bigotry against Arab Americans, American Muslims, and Americans from South Asia.

Whereas, Peace-loving people around the globe have joined with Americans of all creeds, colors, and backgrounds in mourning the deaths of thousands of innocent men, women, and children from the terrorist attacks of September 11, 2001. In addition to the profound sorrow and anger felt by our people, some of our fellow citizens and neighbors also face hatred in another form—in actions of bigotry and violence directed at Arab Americans, American Muslims, and Americans from South Asia; and

Whereas, There have been several reports of vandalism, threats, and even violence since the terrorist attacks. The injustice of striking out at someone because they may have something in common with the suspected groups responsible for the murders is most disturbing. Violence and threats directed at innocent people are always wrong. Clearly, the notion that Arab Americans, American Muslims, Americans from South Asia, and people who may look like they come from a particular part of the world feel any less revulsion for the nightmare of September 11th reflects appalling ignorance and intolerance; and

Whereas, Leaders from across the country, including the President and religious leaders from all faiths, have decried threats and violence against Muslims and people from the Mideast as unacceptable and un-American behavior. Indeed, as Archbishop Theodore McCarrick of Washington, D.C., reminded all Americans, "We must seek the guilty and not strike out against the innocent or we become like them who are without moral guidance or direction"; now, therefore, be it

Resolved by the House of Representatives, That we condemn violence and bigotry against Arab Americans, American Muslims, and Americans from South Asia. We urge state and local law enforcement officials to exert all necessary efforts to protect the civil rights and liberties of these fellow citizens and neighbors.

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

Reps. Vander Roest, Tabor, Spade, Ehardt, Faunce, Sheltroun, Rocca, Callahan, Minore, Vear, Newell, Mans, Cassis, Van Woerkom, Basham, Voorhees, Kuipers, Gosselin, Mead, Birkholz, Hager, Woronchak, Bishop, Bradstreet, Jansen, Murphy, Drolet, Kooiman and Koetje offered the following resolution:

House Resolution No. 189.

A resolution to urge the state's public universities to refrain from conducting any research involving human embryonic stem cells.

Whereas, The recent White House decision to permit federal funding for research involving human embryonic stem cells within certain limitations marks a new era in taxpayer-supported research. The decision is considered by many people throughout Michigan and across the country to be in violation of the principles of respect for the sanctity of human life; and

Whereas, Utilizing human embryonic stem cells for research is an activity that is predicated on the misguided interpretation that, somehow, embryos are not alive at every stage. In fact, it is clear that embryos are the foundation for each and every distinct human life. Embryos, from the earliest stages of life, have distinct, definable characteristics that remain with them through every stage of life, from infancy to adolescence to adulthood; and

Whereas, The destruction of human embryos to harvest stem cells is ending life. To argue that other factors surrounding the situation justify the activity is an exercise in semantics on a moral question of paramount significance. The notion that this research is designed to help people and develop therapies to fight disease does not erase the fact that this noble work takes place at the unacceptable cost of taking human life; and

Whereas, Millions of American people feel a deep moral opposition to the practice of destroying human embryos to conduct research. It is even more appalling that tax money should ever be used for this purpose; now, therefore, be it

Resolved by the House of Representatives, That we urge the state's public universities to refrain from conducting any research involving human embryonic stem cells; and be it further

Resolved, That copies of this resolution be transmitted to each of the state's public universities.

The resolution was referred to the Committee on Health Policy.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

House Resolution No. 190.

A resolution honoring the delegates and staff of the 1961-1962 Michigan Constitutional Convention upon the occasion of the 40th anniversary of its commencement.

Whereas, It is with deep appreciation of the significance of this milestone that we commend the delegates and staff members of the 1961-1962 Michigan Constitutional Convention as we mark the 40th anniversary of their monumental effort. We are proud to recognize the essential role this enterprise played in contributing to the sound governance of the state of Michigan; and

Whereas, We recognize the Michigan Constitutional Convention delegates' and staff members' deep dedication to public service, embodied in their donation of 136 days to the creation of a new constitution, rejection of purely local and particular interests, stand for public accountability and efficiency for those in power, and their dedication to the protection of the rights of the individual; and

Whereas, Since its adoption by the citizens of Michigan, the Constitution has been a vital element in helping Michigan grow and adapt to political, economic, and cultural challenges and opportunities. The success of our state through 40 years of prosperity and adversity, of challenge, and opportunities, has been greatly aided by the dedication and integrity of the participants of the 1961-1962 Michigan Constitutional Convention; and

Whereas, This document of foundational law has been amended only 22 times since its inception despite four decades of change to the national and state political landscape. This aspect further affirms the vision and thoughtfulness the writers contributed to their endeavor; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the delegates and staff upon the occasion of the 40th anniversary of the 1961-1962 Michigan Constitutional Convention's commencement. We salute its authors and staff on this happy occasion and convey to them our sincere appreciation; and be it further

Resolved, That a copy of this resolution be transmitted to the Constitutional Convention Reunion Committee as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Richardville 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. Bernero and DeWeese offered the following resolution:

House Resolution No. 191.

A resolution to observe the month of September as National Alcohol and Drug Addiction Recovery Month.

Whereas, September has been dedicated as National Alcohol and Drug Addiction Recovery Month. Project Vox, a program of the National Council on Alcoholism and Drug Dependence of Michigan, Inc. (NCADD) promotes public understanding of alcoholism and drug dependence as preventable and treatable diseases; and

Whereas, September 29, 2001, will mark the inaugural of "Celebrate Recovery" by Project Vox of NCADD as a day-long event to provide an opportunity for people in recovery to celebrate their freedom from alcohol and drugs; and

Whereas, The theme for this year's observance, "We Recover Together: Family, Friends and Community" expresses the importance for each and every individual to play an active role to reach out and encourage those in need of addiction treatment to seek help; and

Whereas, The National Council on Alcoholism and Drug Dependence of Michigan, Inc. recognizes the tremendous strides taken by individuals who have undergone successful treatment and salutes those in the field who have dedicated their lives to helping people on the path to recovery. They advocate that with professional treatment and a personal commitment, those who have a dependency can find recovery from their addictions; and

Whereas, Prevention is the ultimate key to reversing the upward trend in the use of alcohol and drugs. Empowering communities to address these problems is essential so that efforts can be made to develop and implement initiatives to prevent alcohol and drug use; and

Whereas, We recognize that alcoholism and other drug addictions are major health problems that affect thousands of Michigan citizens of all ages, races, and ethnic backgrounds in all communities. We also recognize these problems have a huge medical, societal, and economic cost; and

Whereas, The National Council on Alcoholism and Drug Dependence of Michigan, Inc., Project Vox, has been a resounding voice for persons with addictive disorders and their loved ones to assist in changing the way society relates and treats people suffering from addiction; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body observe September as National Alcohol and Drug Addition Recovery Month in the state Michigan with the overwhelming support of family, friends and community, recovering together; and be it further

Resolved, That a copy of this resolution be transmitted to The National Council on Alcoholism and Drug Dependence of Michigan, Inc.

Pending the reference of the resolution to a committee,

Rep. Richardville 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. Richardville, Lemmons, Spade, Rivet, Wojno, Raczkowski, Ehardt, Faunce, Shackleton, Sheltroun, Rich Brown, Rocca, Callahan, Kilpatrick, Kolb, Gielegheem, Minore, Adamini, Bovin, Clarke, Newell, Toy, Stewart, Mans, Jacobs, Cassis, Van Woerkom, Basham, Voorhees, Kuipers, Gosselin, Mead, Middaugh, Birkholz, Pappageorge, Woronchak, Bishop, Bradstreet, Vander Roest, Murphy, Woodward, Kowall, Kooiman and Koetje offered the following concurrent resolution:

House Concurrent Resolution No. 38.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to provide funding for the restoration of the Great Lakes.

Whereas, The waters of the Great Lakes constitute a resource of the utmost importance to the future of our nation. The quality and quantity of this fresh water treasure are vital to the health and commercial well-being of millions of Americans; and

Whereas, There are numerous threats to the Great Lakes. These range from the obvious damage of pollution from a range of sources and the impact of exotic species upon the ecology to growing demands for fresh water by other regions of the country; and

Whereas, Congress has enacted legislation to fund the restoration of the Florida Everglades. This legislation includes several billion dollars in funding. While the Everglades are clearly a unique resource within an area with more than 6 million people, the Great Lakes exert an impact felt throughout the entire country and Canada. More than 33 million people live within the Great Lakes Basin, according to 1990 statistics. The nature of the lakes as the largest accessible source of fresh water in the world makes it clear that all efforts must be made to protect these waters; and

Whereas, With the Great Lakes at the heart of American industrial and agricultural production, the country must do all it can to assure the viability of the health of the lakes. Every effort must be made to safeguard the fundamental resource. The cost of ignoring this reality is far too large; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to provide funding for the restoration of the Great Lakes; 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 Land Use and Environment.

Reps. Vander Veen, Lemmons, Wojno, Raczkowski, Ehardt, Faunce, Shackleton, Sheltrown, Rich Brown, Callahan, Kilpatrick, Gielegem, Minore, Vander Roest, Clarke, Newell, Stewart, Mans, Jacobs, Cassis, Van Woerkom, Basham, Voorhees, Kuipers, Gosselin, Mead, Middaugh, Birkholz, Hager, Pappageorge, Woronchak, Bishop, Bradstreet, Jansen, Schauer, Murphy, Woodward, Kowall, Kooiman and Koetje offered the following concurrent resolution:

House Concurrent Resolution No. 39.

A concurrent resolution to memorialize the Congress to increase protections for the Great Lakes and to affirm the authority of the Great Lakes governors on matters of the usage of Great Lakes waters.

Whereas, The waters of the Great Lakes are threatened by conflicting interests from many directions. In addition to concerns over the ecology of the region and how best to protect the basin from pollution, the Great Lakes are threatened by the needs that other parts of the country have for fresh water. Many people throughout the Great Lakes area are worried that the day may come when Great lakes water is transported at large volume against the will of those who live here and contrary to the best long-term interests of this resource; and

Whereas, The Great Lakes states have taken many steps to protect the lakes. Most recently, the Annex to the Great Lakes Charter has demonstrated the concern that the people of this region have that the stewardship for this fresh water resource remains where it belongs—with the people of the Great Lakes; and

Whereas, The Great Lakes governors work closely with one another and with their Canadian provincial counterparts on a wide range of issues related to water management and a host of economic matters that strongly influence the lakes. This cooperation mirrors the shared stake in the quality of the lakes and reflects the appropriateness of policies that clearly affirm the authority of the Great Lakes governors on the Great Lakes; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress to increase protections for the Great Lakes and to affirm the authority of the Great Lakes governors on matters of the usage of Great Lakes waters; 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 Land Use and Environment.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following concurrent resolution:

House Concurrent Resolution No. 40.

A concurrent resolution honoring the delegates and staff of the 1961-1962 Michigan Constitutional Convention upon the occasion of the 40th anniversary of its commencement.

Whereas, It is with deep appreciation of the significance of this milestone that we commend the delegates and staff members of the 1961-1962 Michigan Constitutional Convention as we mark the 40th anniversary of their monumental effort. We are proud to recognize the essential role this enterprise played in contributing to the sound governance of the state of Michigan; and

Whereas, We recognize the Michigan Constitutional Convention delegates' and staff members' deep dedication to public service, embodied in their donation of 136 days to the creation of a new constitution, rejection of purely local and particular interests, stand for public accountability and efficiency for those in power, and their dedication to the protection of the rights of the individual; and

Whereas, Since its adoption by the citizens of Michigan, the Constitution has been a vital element in helping Michigan grow and adapt to political, economic, and cultural challenges and opportunities. The success of our state through 40 years of prosperity and adversity, of challenge, and opportunities, has been greatly aided by the dedication and integrity of the participants of the 1961-1962 Michigan Constitutional Convention; and

Whereas, This document of foundational law has been amended only 22 times since its inception despite four decades of change to the national and state political landscape. This aspect further affirms the vision and thoughtfulness the writers contributed to their endeavor; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor the delegates and staff upon the occasion of the 40th anniversary of the 1961-1962 Michigan Constitutional Convention's commencement. We salute its authors and staff on this happy occasion and convey to them our sincere appreciation; and be it further

Resolved, That a copy of this resolution be transmitted to the Constitutional Convention Reunion Committee as a token of our esteem.

Pending the reference of the concurrent resolution to a committee,

Rep. Richardville 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.

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Richardville, Chair of the Committee on Veterans Affairs, was received and read:

Meeting held on: Wednesday, September 26, 2001, at 9:00 a.m.,

Present: Reps. Richardville, Woronchak, Allen, Patterson, Schermesser, Mans, Woodward.

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, September 26, 2001, at 10:30 a.m.,

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

Absent: Rep. Jacobs,

Excused: Rep. Jacobs.

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, September 20:

Senate Bill Nos.	621	622	623	624	625	626	627	628	629	630	631	632	633	634
	635	636	637	638	639	640								

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Monday, September 24::

Senate Bill Nos.	641	642	643	644	645	646	647	648	649	650	651	652	653	654
	655	656	657	658	659	660	661	662	663	664				

Senate Joint Resolution **S**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Wednesday, September 26:

House Bill Nos.	5081	5082	5083	5084	5085	5086	5087	5088	5089	5090	5091	5092	5093	5094
	5095	5096	5097	5098	5099	5100	5101							

The Clerk announced that the following Senate bill had been received on Wednesday, September 26:

Senate Bill No. **602**

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

Senate Bill No. 602, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as added by 2000 PA 77, and by adding sections 217m and 217n.

The Senate has passed the bill.

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

Communications from State Officers

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

September 25, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the
Unemployment Agency
Department of Consumer and Industry Services
September 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

Rep. Faunce introduced

House Bill No. 5102, 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," (MCL 791.201 to 791.283) by adding section 1a.

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

Rep. Birkholz introduced

House Bill No. 5103, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16105, 16106, 16108, 16109, 16128, 16163, 16174, 16186, 16261, 16323, 16327, 16608, 16624, 17210, and 17221 (MCL 333.16105, 333.16106, 333.16108, 333.16109, 333.16128, 333.16163, 333.16174, 333.16186, 333.16261, 333.16323, 333.16327, 333.16608, 333.16624, 333.17210, and 333.17221), section 16106 as amended by 1997 PA 153, sections 16108 and 16186 as amended and sections 16323 and 16327 as added by 1993 PA 80, section 16109 as amended by 1991 PA 58, section 16174 as amended by 1998 PA 227, sections 16608 and 16624 as amended by 1990 PA 216, and section 17221 as amended by 1993 PA 79.

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

Rep. Bradstreet moved that the House adjourn.
The motion prevailed, the time being 4:40 p.m.

Associate Speaker Pro Tempore Ehardt declared the House adjourned until Tuesday, October 2, at 2:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.