

**No. 81**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**91st Legislature**  
**REGULAR SESSION OF 2001**

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House Chamber, Lansing, Wednesday, November 28, 2001.

2:00 p.m.

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

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

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

e/d/s = entered during session

Rev. Bernie Groendyck, Pastor of Resurrection Life Church in Grand Haven, offered the following invocation:

“Father, we come to You in the mighty name of Jesus’, Your son. We ask, Lord, that today everything that is said and everything that is done be according to the principles and guidelines that great men and women before us have laid out. Lord, we ask that wisdom, knowledge and understanding prevail in our hearts and in our minds—and, that righteousness prevails so that the people of Michigan can live at peace. We thank You for that today. In Jesus’ name, Amen.”

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Rep. Jacobs moved that Reps. Daniels, Hardman, Quarles, Schauer and Schermesser be excused from today’s session.

The motion prevailed.

Rep. Vander Roest moved that Rep. Koetje be excused from today’s session.

The motion prevailed.

### **Motions and Resolutions**

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 267.**

A resolution of tribute offered as a memorial for Jack Legel, former member of the House of Representatives.

Whereas, The members of this legislative body were saddened to learn of the passing of Jack Legel, who served his community and state in many capacities over the years. The members and staff at the Capitol who worked with him during his tenure in Lansing remember well his commitment to public service and to Michigan. We offer our sincere condolences to his family; and

Whereas, A native of Detroit who earned his bachelor’s degree at the University of Detroit, Jack Legel worked in the auto industry as a cost estimator with the Fisher Body Division of General Motors. He was involved in business organizations and various civic groups for many years. His commitment to our system of self-government was reflected in his service as a member of the Board of Canvassers for the Detroit Election Commission for 20 years and as a leader in local political groups; and

Whereas, In 1976, Jack Legel was elected to the first of his three consecutive terms as the voice of his northwest Detroit district in the Michigan House of Representatives. His experiences and insights benefited the House Taxation Committee and the City Government Committee, which he chaired in 1979-80. Even after his tenure as a lawmaker, Mr. Legel continued to work on public policy issues. His respect for the role of government in people’s lives will long be remembered; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Jack Legel, a member of this legislative body from 1977 to 1980; and be it further

Resolved, That copies of this resolution be transmitted to the Legel family as evidence of our respect for his memory.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

### **Reports of Standing Committees**

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

**House Bill No. 5357, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 504, 507, 508, 517, 518, 522, and 8121 (MCL 600.504, 600.507, 600.508, 600.517, 600.518, 600.522, and 600.8121), section 504 as amended by 1996 PA 388, section 507 as amended by 1994 PA 138, section 517 as amended by 1990 PA 54, section 518 as amended by 1988 PA 134, section 522 as amended by 1981 PA 182, and section 8121 as amended by 2000 PA 449.

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

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

## Favorable Roll Call

**HB 5357** To Report Out:

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

Nays: Reps. Lipsey, Waters.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 27, 2001, at 3:44 p.m.,

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

Absent: Rep. Koetje,

Excused: Rep. Koetje.

Rep. Richner moved that Rep. DeVuyst be excused temporarily from today's session.  
The motion prevailed.

## Messages from the Senate

The Speaker laid before the House

**House Bill No. 4753, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2131 (MCL 324.2131), as added by 1995 PA 60.

(The bill was received from the Senate on November 27, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 80, p. 2405.)

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

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

**Roll Call No. 635****Yeas—99**

Adamini	Frank	Lemmons	Rocca
Allen	Garza	Lipsey	Scranton
Anderson	George	Lockwood	Shackleton
Basham	Gielegghem	Mans	Sheltrown
Bernero	Gilbert	McConico	Shulman
Birkholz	Godchaux	Mead	Spade
Bisbee	Gosselin	Meyer	Stallworth
Bishop	Hager	Middaugh	Stamas
Bogardus	Hale	Minore	Stewart
Bovin	Hansen	Mortimer	Switalski
Bradstreet	Hart	Murphy	Tabor
Brown, B.	Howell	Neumann	Toy
Brown, C.	Hummel	Newell	Van Woerkom
Brown, R.	Jacobs	O'Neil	Vander Roest
Callahan	Jamnack	Pappageorge	Vander Veen
Cassis	Jansen	Patterson	Vear
Caul	Jelinek	Pestka	Voorhees
Clark, I.	Johnson, Rick	Plakas	Waters

Clarke, H.	Johnson, Ruth	Pumford	Whitmer
Dennis	Julian	Raczkowski	Williams
DeRossett	Kolb	Reeves	Wojno
DeWeese	Kooiman	Richardville	Woodward
Drolet	Kowall	Richner	Woronchak
Ehardt	Kuipers	Rison	Zelenko
Faunce	LaSata	Rivet	

**Nays—1**

Phillips

In The Chair: Julian

The House agreed to the full title of the bill.

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

Rep. Whitmer moved that Rep. Kilpatrick be excused temporarily from today's session.

The motion prevailed.

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

The motion prevailed.

The Speaker laid before the House

**House Bill No. 4995, entitled**

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 40 (MCL 125.310), as amended by 2000 PA 384, and by adding section 16h.

(The bill was received from the Senate on November 27, with substitute (S-4), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 80, p. 2405.)

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 636****Yeas—88**

Allen	Garza	LaSata	Rocca
Basham	George	Lemmons	Scranton
Bernero	Gielegem	Lipsey	Shackleton
Bisbee	Gilbert	Lockwood	Shulman
Bishop	Godchaux	Mans	Stallworth
Bogardus	Gosselin	McConico	Stamas
Bradstreet	Hager	Mead	Stewart
Brown, B.	Hale	Meyer	Switalski
Brown, C.	Hansen	Middaugh	Tabor
Callahan	Hart	Minore	Thomas
Cassis	Howell	Mortimer	Toy
Caul	Hummel	Newell	Van Woerkom

Clark, I.	Jacobs	O'Neil	Vander Roest
Clarke, H.	Jansen	Pappageorge	Vander Veen
Dennis	Jelinek	Patterson	Vear
DeRossett	Johnson, Rick	Pestka	Voorhees
DeVuyst	Johnson, Ruth	Phillips	Waters
DeWeese	Julian	Pumford	Whitmer
Drolet	Kolb	Rackowski	Williams
Ehardt	Kooiman	Reeves	Wojno
Faunce	Kowall	Richardville	Woodward
Frank	Kuipers	Richner	Woronchak

**Nays—13**

Anderson	Jamnick	Plakas	Sheltrown
Birkholz	Murphy	Rison	Spade
Bovin	Neumann	Rivet	Zelenko
Brown, R.			

In The Chair: Julian

The House agreed to the title as amended.

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

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

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

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

The motion prevailed.

The Speaker laid before the House

**House Bill No. 5028, entitled**

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 40 (MCL 125.240), as amended by 2000 PA 385, and by adding section 16h.

(The bill was received from the Senate on November 27, with substitute (S-4), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 80, p. 2405.)

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 637****Yeas—85**

Allen	Gilbert	Lipsey	Shackleton
Basham	Godchaux	Lockwood	Shulman
Bernero	Gosselin	Mans	Spade
Bisbee	Hager	McConico	Stallworth
Bishop	Hale	Mead	Stamas
Bradstreet	Hansen	Meyer	Stewart
Brown, C.	Hart	Middaugh	Switalski

Callahan	Hummel	Mortimer	Tabor
Cassis	Jacobs	Neumann	Thomas
Caul	Jansen	Newell	Toy
Clark, I.	Jelinek	O'Neil	Van Woerkom
Clarke, H.	Johnson, Rick	Pappageorge	Vander Roest
Dennis	Johnson, Ruth	Patterson	Vander Veen
DeRossett	Julian	Pestka	Vear
DeWeese	Kilpatrick	Pumford	Voorhees
Drolet	Kolb	Rackowski	Waters
Ehardt	Kooiman	Reeves	Whitmer
Faunce	Kowall	Richardville	Williams
Frank	Kuipers	Richner	Wojno
Garza	LaSata	Rocca	Woodward
George	Lemmons	Scranton	Woronchak
Gielegem			

### Nays—13

Anderson	Brown, R.	Phillips	Rivet
Birkholz	Jamnick	Plakas	Sheltrown
Bogardus	Murphy	Rison	Zelenko
Bovin			

In The Chair: Julian

The House agreed to the full title of the bill.

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

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

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

The Speaker laid before the House

#### House Bill No. 5029, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 20 (MCL 125.600), as amended by 2000 PA 383, and by adding section 4f.

(The bill was received from the Senate on November 27, with substitute (S-4), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 80, p. 2405.)

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

### Roll Call No. 638

### Yeas—84

Adamini	Frank	Kowall	Richner
Allen	Garza	Kuipers	Rocca
Basham	George	LaSata	Scranton
Bernero	Gielegem	Lipsev	Shackleton
Bisbee	Gilbert	Lockwood	Shulman
Bishop	Godchaux	Mans	Stallworth
Bradstreet	Gosselin	McConico	Stamas
Brown, B.	Hager	Mead	Stewart
Brown, C.	Hale	Meyer	Tabor

Callahan	Hansen	Middaugh	Thomas
Cassis	Hart	Minore	Toy
Caul	Howell	Mortimer	Van Woerkom
Clark, I.	Hummel	Neumann	Vander Roest
Clarke, H.	Jacobs	Newell	Vander Veen
Dennis	Jansen	O'Neil	Vear
DeRossett	Jelinek	Pappageorge	Voorhees
DeVuyst	Johnson, Rick	Patterson	Waters
DeWeese	Johnson, Ruth	Pestka	Whitmer
Drolet	Julian	Pumford	Wojno
Ehardt	Kolb	Rackowski	Woodward
Faunce	Kooiman	Richardville	Woronchak

### Nays—19

Anderson	Jamnick	Plakas	Spade
Birkholz	Kilpatrick	Reeves	Switalski
Bogardus	Lemmons	Rison	Williams
Bovin	Murphy	Rivet	Zelenko
Brown, R.	Phillips	Sheltrown	

In The Chair: Julian

The House agreed to the full title of the bill.

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

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

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

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

The motion prevailed.

### Third Reading of Bills

#### House Bill No. 4907, 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 section 5a.

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

#### Roll Call No. 639

#### Yeas—101

Adamini	Frank	Lemmons	Rivet
Allen	Garza	Lipsey	Rocca
Anderson	George	Lockwood	Scranton
Basham	Gielegem	Mans	Shackleton
Bernero	Gilbert	McConico	Sheltrown

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

### Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Bogardus moved that Rep. Minore be excused temporarily from today's session.

The motion prevailed.

### House Bill No. 4908, entitled

A bill to amend 1986 PA 196, entitled "Public transportation authority act," (MCL 124.451 to 124.479) by adding section 23a.

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

### Roll Call No. 640

### Yeas—101

Adamini	Frank	LaSata	Rivet
Allen	Garza	Lemmons	Rocca
Anderson	George	Lipsey	Scranton
Basham	Gielegem	Lockwood	Shackleton
Bernero	Gilbert	Mans	Sheltrown
Birkholz	Godchaux	McConico	Shulman
Bisbee	Gosselin	Mead	Spade
Bishop	Hager	Meyer	Stallworth
Bogardus	Hale	Middaugh	Stamas

Bovin	Hansen	Mortimer	Stewart
Bradstreet	Hart	Murphy	Switalski
Brown, B.	Howell	Neumann	Tabor
Brown, C.	Hummel	Newell	Thomas
Brown, R.	Jacobs	O'Neil	Toy
Callahan	Jamnick	Pappageorge	Van Woerkom
Cassis	Jansen	Patterson	Vander Roest
Caul	Jelinek	Pestka	Vander Veen
Clark, I.	Johnson, Rick	Phillips	Vear
Clarke, H.	Johnson, Ruth	Plakas	Voorhees
Dennis	Julian	Pumford	Waters
DeRossett	Kilpatrick	Raczkowski	Whitmer
DeVuyst	Kolb	Reeves	Wojno
DeWeese	Kooiman	Richardville	Woodward
Drolet	Kowall	Richner	Woronchak
Ehardt	Kuipers	Rison	Zelenko
Faunce			

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**House Bill No. 4909, entitled**

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," (MCL 125.1801 to 125.1830) by adding section 12b.

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

**Roll Call No. 641****Yeas—102**

Adamini	Garza	Lipsey	Rocca
Allen	George	Lockwood	Scranton
Anderson	Gielegem	Mans	Shackleton
Basham	Gilbert	McConico	Sheltrown
Bernero	Godchaux	Mead	Shulman
Birkholz	Gosselin	Meyer	Spade
Bisbee	Hager	Middaugh	Stallworth
Bishop	Hale	Minore	Stamas
Bogardus	Hansen	Mortimer	Stewart
Bradstreet	Hart	Murphy	Switalski
Brown, B.	Howell	Neumann	Tabor
Brown, C.	Hummel	Newell	Thomas
Brown, R.	Jacobs	O'Neil	Toy
Callahan	Jamnick	Pappageorge	Van Woerkom
Cassis	Jansen	Patterson	Vander Roest
Caul	Jelinek	Pestka	Vander Veen
Clark, I.	Johnson, Rick	Phillips	Vear
Clarke, H.	Johnson, Ruth	Plakas	Voorhees
Dennis	Julian	Pumford	Waters
DeRossett	Kilpatrick	Raczkowski	Whitmer

DeVuyst  
DeWeese  
Drolet  
Ehardt  
Faunce  
Frank

Kolb  
Kooiman  
Kowall  
Kuipers  
LaSata  
Lemmons

Reeves  
Richardville  
Richner  
Rison  
Rivet

Williams  
Wojno  
Woodward  
Woronchak  
Zelenko

### Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

### House Bill No. 4910, entitled

A bill to amend 1948 (1st Ex Sess) PA 31, entitled “An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of any county, city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district’s boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district’s boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district’s boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property; and to prescribe penalties and provide remedies,” (MCL 123.951 to 123.965) by adding section 11/.

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

### Roll Call No. 642

### Yeas—103

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

Frank  
Garza  
George  
Gielegem  
Gilbert  
Godchaux  
Gosselin  
Hager  
Hale  
Hansen  
Hart  
Howell  
Hummel  
Jacobs  
Jamnick  
Jansen  
Jelinek

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

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

Clark, I.	Johnson, Rick	Phillips	Voorhees
Clarke, H.	Johnson, Ruth	Plakas	Waters
Dennis	Julian	Pumford	Whitmer
DeRossett	Kilpatrick	Raczkowski	Williams
DeVuyst	Kolb	Reeves	Wojno
DeWeese	Kooiman	Richardville	Woodward
Drolet	Kowall	Richner	Woronchak
Ehardt	Kuipers	Rison	Zelenko
Faunce	LaSata	Rivet	

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**House Bill No. 5145, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 9307 (MCL 324.9307), as amended by 1998 PA 463.

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

**Roll Call No. 643****Yeas—102**

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

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

### House Bill No. 5186, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 1 (MCL 52.201).

The bill was read a third time.

The question being on the passage of the bill,

Rep. Van Woerkom moved to amend the bill as follows:

1. Amend page 2, following line 10, by inserting:

"Enacting section 1. Section 1b of 1953 PA 181, MCL 52.201b, is repealed."

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

The question being on the passage of the bill,

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

### Roll Call No. 644

### Yeas—103

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

Nays—0

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

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

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 1 (MCL 52.201); and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

### House Bill No. 4141, entitled

A bill to regulate certain health clubs with respect to potential medical emergencies; and to provide for civil sanctions.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Jacobs moved to amend the bill as follows:

1. Amend page 2, following line 21, by inserting:

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

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

The question being on the passage of the bill,

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

### Roll Call No. 645

### Yeas—88

Adamini	Garza	Lockwood	Rivet
Allen	George	Mans	Rocca
Anderson	Gielegem	McConico	Scranton
Basham	Gilbert	Mead	Shackleton
Bernero	Godchaux	Meyer	Sheltrown
Birkholz	Hager	Middaugh	Shulman
Bishop	Hale	Minore	Spade
Bogardus	Hansen	Mortimer	Stallworth
Bovin	Hart	Murphy	Stamas
Brown, B.	Howell	Neumann	Stewart
Brown, C.	Jacobs	Newell	Switalski
Brown, R.	Jamnick	O'Neil	Tabor
Callahan	Jelinek	Pappageorge	Thomas
Cassis	Johnson, Rick	Patterson	Toy
Caul	Johnson, Ruth	Pestka	Van Woerkom
Clark, I.	Julian	Phillips	Waters
Clarke, H.	Kilpatrick	Plakas	Whitmer
Dennis	Kolb	Raczkowski	Williams
DeRossett	Kowall	Reeves	Wojno
DeWeese	LaSata	Richardville	Woodward
Faunce	Lemmons	Richner	Woronchak
Frank	Lipsey	Rison	Zelenko

### Nays—15

Bisbee	Ehardt	Kooiman	Vander Veen
Bradstreet	Gosselin	Kuipers	Vear
DeVuyst	Hummel	Pumford	Voorhees
Drolet	Jansen	Vander Roest	

In The Chair: Julian

The House agreed to the title of the bill.

Reps. Drolet and Vear, 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:

Michigan exercise clubs provide a service that demonstrably lowers the risk of heart attack. The Center for Disease Control recently ranked the states according the general obesity of their citizens, and Michigan finished second. Residents of this state would clearly benefit from greater access to health clubs. With the intention of saving heart attack victims, this legislation would put more regulatory burdens, more fines, more liability, more costs, and more government interference in the way of entrepreneurs who are in the business of providing the physical activity that would prevent heart attacks from happening. This bill is bad public policy, bad economic policy, and bad health policy.

It would be a better world if each one of us could—whenever an emergency presented itself—have instant access to someone certified in the provision of CPR. More to the point, it would be preferable if more of us just learned how to administer CPR. Heart attacks happen everywhere. People who jog, bike, swim and walk often have medical problems when they are far away from anyone who can perform CPR. These pursuits will clearly improve overall health and prevent heart attacks, and we would never dream of restricting them to only those areas where CPR providers could be had at a moment’s notice. If there is a role for the legislature, then it should be to encourage more of us to learn CPR. However, restricting the pursuit of exercise, based upon the availability to certified CPR providers, is the wrong way to save lives in the long run.

Unfortunately, this is precisely what this bill would do. It would be foolish to argue that health clubs would not benefit from having CPR providers readily available. On the other hand, it is equally silly to assume that mandating the provision of CPR providers will come with no cost. Creating more rules for businesses to follow necessitates that they spend an additional amount of time complying with the new rules. In the case of this mandate, more time will be spent searching for employees who know or will learn CPR. It will mean more time and money spent making sure that at least one such employee is always on the premises. It will require staff time spent in the formation and implementation of a mandatory emergency action plan.

All of this extra time comes at a cost, and the costs will be passed along to the consumers of the service that the health club provides. Raising prices limits demand. Lower demand means fewer health clubs, and fewer opportunities for people to engage in physical activity. These entrepreneurs save lives. We should stay out of their way. This legislation is an unfunded mandate, and a tax upon healthy living.”

#### **House Bill No. 5212, entitled**

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 14 (MCL 205.104), as amended by 1986 PA 41.

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

#### **Roll Call No. 646**

#### **Yeas—103**

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

DeWeese	Kooiman	Richardville	Woodward
Drolet	Kowall	Richner	Woronchak
Ehardt	Kuipers	Rison	Zelenko
Faunce	LaSata	Rivet	

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**House Bill No. 4911, entitled**

A bill to amend 1957 PA 185, entitled “An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation,” by amending section 11 (MCL 123.741) and by adding section 11a.

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

**Roll Call No. 647****Yeas—102**

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

**Nays—0**

In The Chair: Julian

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

### Second Reading of Bills

#### House Bill No. 5357, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 507, 508, 517, 518, 522, and 8121 (MCL 600.504, 600.507, 600.508, 600.517, 600.518, 600.522, and 600.8121), section 504 as amended by 1996 PA 388, section 507 as amended by 1994 PA 138, section 517 as amended by 1990 PA 54, section 518 as amended by 1988 PA 134, section 522 as amended by 1981 PA 182, and section 8121 as amended by 2000 PA 449.

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

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

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

The motion prevailed.

#### House Bill No. 4980, entitled

A bill to name a certain portion of highway I-69 the "Purple Heart Highway"; and to prescribe certain duties of the state transportation department.

The bill was read a second time.

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

The motion prevailed.

#### House Bill No. 5210, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811k (MCL 257.811k), as added by 2000 PA 73.

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

The motion prevailed.

#### House Bill No. 5214, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

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

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

The motion prevailed.

#### House Bill No. 5215, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 26 (MCL 125.1826).

The bill was read a second time.

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

The motion prevailed.

#### Senate Bill No. 666, entitled

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

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 4812, entitled**

A bill to amend 1981 PA 155, entitled "An act to provide for ownership rights in dies, molds, and forms for use in the fabrication of plastic parts under certain conditions and to establish a lien on certain dies, molds, and forms," by amending sections 1 and 8a (MCL 445.611 and 445.618a), section 8a as added by 1986 PA 103, and by adding sections 9, 10, 10a, 10b, and 10c.

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

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

Rep. Richner moved to amend the bill as follows:

1. Amend page 3, line 15, by striking out all of subsection (5) and inserting:

“(5) THE LIEN REMAINS VALID UNTIL THE FIRST OF THE FOLLOWING EVENTS TAKES PLACE:

(A) THE MOLDBUILDER IS PAID THE AMOUNT OWED BY THE CUSTOMER OR MOLDER.

(B) THE CUSTOMER RECEIVES A VERIFIED STATEMENT FROM THE MOLDER THAT THE MOLDER HAS PAID THE AMOUNT FOR WHICH THE LIEN IS CLAIMED.

(C) THE FINANCING STATEMENT IS TERMINATED.”.

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

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

The motion prevailed.

**House Bill No. 5382, entitled**

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9201 (MCL 440.9201), as amended by 2000 PA 348.

The bill was read a second time.

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

The motion prevailed.

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

The motion prevailed.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Phillips, Kilpatrick, Zelenko, Murphy, Callahan, Bovin, Clark, Lockwood, Hale, Plakas, Anderson, Jamnick, Bogardus, McConico, Rison, Neumann, Hansen, Woodward, Bob Brown, Dennis, Basham, Lipsey, Switalski, Williams, Waters, Clarke, Stallworth, Jacobs, Whitmer, O'Neil, Thomas, Vander Roest, Birkholz, Shulman, Cassis, Jansen and Kolb offered the following resolution:

**House Resolution No. 268.**

A resolution honoring the Pontiac Alumnae Chapter of Delta Sigma Theta Sorority, Inc. on the observance of their 25th anniversary.

Whereas, Delta Sigma Theta Sorority, Inc. is a private, nonprofit organization founded in 1913 by 22 young women at Howard University. Their main purpose is to provide services and programs to promote human welfare. Delta Sigma Theta Sorority is a sisterhood of more than 200,000 predominately black college educated women. They currently have over 900 chapters located in the United States, Japan, Korea, Germany, Bermuda, Haiti, Liberia, and the Bahamas; and

Whereas, The major programs of the Sorority are based upon the organization's Five Point Thrust Program. These programs include the Economic Development, Educational Development, International Awareness and Involvement, Physical and Mental Health, and the Political Awareness and Involvement; and

Whereas, The Pontiac Chapter began in 1976 when the late Soror Anne Russell, a prominent educator and historical author of the book, "African-American Patriots in Pontiac" and a few other members established the "Women of Delta Sigma Theta". They sponsored theater parties, bake sales, and plant sales to acquire revenue to support the Chapter. The Pontiac Alumnae Chapter of Delta Sigma Theta Sorority, Inc. was then chartered on November 30, 1976, in Pontiac, Michigan; and

Whereas, The Pontiac Alumnae Chapter has proven to be both a vital and invaluable organization in the Pontiac community. They have served the community in various capacities, focusing on the theme "Lending a Helping Hand

is a Must". The city of Pontiac has benefited from the various community programs, both past and present, which includes the Jabberwock, Woodland Heights Senior Citizens Center, the Lighthouse—PATH and HAVEN, Pontiac Rescue Mission, Baldwin Center, Black College Tour, ACT Preparation Workshops, Black Business Salute, Voter Registration, Census 2000, Chittlins and Champagne Cabaret, Health Education Forums—Women's Health Issues, Clinical Depression Seminar, Bone Marrow Donor Drive, Osteoporosis Screening—Woodland Heights Seniors and the Pontiac Health Fair; and

Whereas, The Sorority sponsors Youth programs, both past and present, including the Delta Classics for young ladies in grades 9-12, Delta Academy for at-risk African-American girls, aged 11-14, Delta Darlings for young ladies in grades 6-8, and the Black Male Salute for young males in grades 11-12; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the Pontiac Alumnae Chapter of Delta Sigma Theta Sorority, Inc. on the observance of their 25th anniversary of service in the Pontiac community on Friday, November 30, 2001, at the Northfield Hilton in Troy, Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Pontiac Alumnae Chapter of Delta Sigma Theta Sorority, Inc. as a token of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Adamini, Bernero, Richner, Rivet, Mead, Shulman, DeVuyst, Julian, Faunce, Hale, Hansen, Richardville, Jelinek, Vander Roest, Dennis, Howell, Kolb, Anderson, Sheltroun, Woodward, Murphy, Zelenko, Switalski, Stewart, Ehardt, DeWeese, DeRossett, Pappageorge, Meyer, Van Woerkom, Neumann, Birkholz, Gielegem, Bogardus, Jamnick, Raczkowski, George, Minore, Waters, Lipsey, Lockwood, Cassis, Spade, Pumford, Lemmons, Wojno, Rich Brown, Whitmer, Callahan, Jacobs, Clarke, Plakas, Clark, Rison, Toy, Bovin, Jansen, Bob Brown and McConico offered the following resolution:

**House Resolution No. 269.**

A resolution honoring Matthew Ludwig upon his selection for the very prestigious Milken National Educator award.

Whereas, It is a distinct pleasure to offer congratulations to Matthew Ludwig upon his selection for the prestigious Milken National Educator award. This talented and energetic teacher has compiled a most impressive record over the years as illustrated by this most fitting award and symbol of excellence. We commend him upon his outstanding efforts and the success he has achieved through the education of our young people; and

Whereas, Michigan has a long tradition of belief in the value of education. Our state was the first to provide in its constitution for an officer holding statewide duties in public education. In settlements across the state, hiring a schoolteacher and finding a place to hold classes were always among the first tasks which marked a true sense of community for the pioneers. Mr. Ludwig, through his diligent efforts, has contributed significantly to help keep Michigan in a leadership role in public education; and

Whereas, Professionally, by receiving the Milken National Educator award, Matthew Ludwig is being acknowledged for his efforts in several areas. In addition to specific innovations in classroom teaching, outstanding accomplishments in music education, and strong long-range potential for professional and policy leadership, he is being honored for his success in the most fundamental component of learning, which is motivating young people. We applaud the dedication he has consistently displayed and offer our thanks for the manner in which both students and other educators benefit from all of this hard work; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Matthew Ludwig upon his selection for the prestigious Milken National Educator award; and be it further

Resolved, That a copy of this resolution be transmitted to Matthew Ludwig as evidence of our respect for his exemplary work.

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. Murphy, Reeves, Garza, Bernero, Richner, Rivet, Mead, Shulman, DeVuyst, Julian, Faunce, Vander Veen, Hale, Hansen, Richardville, Jelinek, Vander Roest, Dennis, Howell, Kolb, Anderson, Sheltroun, Woodward, Zelenko, Switalski, Stewart, Ehardt, DeWeese, DeRossett, Pappageorge, Meyer, Van Woerkom, Tabor, Neumann, Birkholz, Gielegem, Bogardus, Jamnick, Adamini, Raczkowski, George, Minore, Waters, Lipsey, Lockwood, Cassis, Spade,

Pumford, Lemmons, Wojno, Rich Brown, Whitmer, Callahan, Jacobs, Clarke, Plakas, Clark, Rison, Toy, Bovin, Jansen, Bob Brown and McConico offered the following resolution:

**House Resolution No. 270.**

A resolution honoring E. Sharon Banks upon her selection as the Michigan Superintendent of the Year.

Whereas, It is a pleasure to offer our congratulations to E. Sharon Banks upon her selection as the Michigan Superintendent of the Year. With the record that this talented and energetic superintendent has compiled over the years, this is a most fitting symbol of excellence in an endeavor of great importance to every citizen, business, and institution in this state, which is the education of our young people; and

Whereas, Michigan has a long tradition of belief in the value of education. Our state was the first to provide, in its constitution, for an officer with statewide duties in public education. In the settlements in all parts of the state, hiring a schoolteacher and finding a place to hold classes were always among the first tasks marking a sense of community for the pioneers; and

Whereas, In receiving the Michigan Superintendent of the Year award, E. Sharon Banks is being singled out for her efforts in several areas. In addition to specific innovations in education, study units, and programs, she is being honored for her success in the most fundamental component of learning, which is motivating young people. We applaud the dedication she has consistently displayed and offer our thanks for the manner in which both students and other educators benefit from all of this hard work; now, therefore, be it

Resolved by the House of Representatives, That the members of the this legislative body honor E. Sharon Banks upon her selection as the Michigan Superintendent of the Year; and be it further

Resolved, That a copy of this resolution be transmitted to E. Sharon Banks as a token of our respect for her fine work.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

### Reports of Standing Committees

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

**House Bill No. 4325, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 451 (MCL 750.451).

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

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

#### Favorable Roll Call

**HB 4325** To Report Out:

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

Nays: None.

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

**House Bill No. 5032, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145a (MCL 750.145a).

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

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

#### Favorable Roll Call

**HB 5032** To Report Out:

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

Nays: None.

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

**House Bill No. 5033, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2000 PA 279.

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

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

## Favorable Roll Call

**HB 5033** To Report Out:

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

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

**House Bill No. 5449, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 448, 449, 450, 451, and 462 (MCL 750.448, 750.449, 750.450, 750.451, and 750.462).

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

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

## Favorable Roll Call

**HB 5449** To Report Out:

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

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

**Senate Bill No. 502, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," (MCL 259.1 to 259.208) by adding section 80f.

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

1. Amend page 3, line 26, by striking out "January" and inserting "February".

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

## Favorable Roll Call

**SB 502** To Report Out:

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

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

**Senate Bill No. 505, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 104.

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

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

## Favorable Roll Call

**SB 505** To Report Out:

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 27, 2001, at 10:30 a.m.,

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

Absent: Reps. Raczkowski.

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

**House Bill No. 5242, entitled**

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 8 (MCL 722.958).

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 5242** To Report Out:

Yeas: Reps. Hart, Vander Veen, DeWeese, Hager, Murphy, Bernero.

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 27, 2001, at 3:45 p.m.,

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

Absent: Rep. Garza,

Excused: Rep. Garza.

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

**House Concurrent Resolution No. 48.**

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

(For text of resolution, see House Journal No. 78, p. 2278.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

**HCR 48** To Report Out:

Yeas: Reps. Bradstreet, Middaugh, Birkholz, Bisbee, Bishop, Cassis, Howell, Kowall, Richardville, Vander Veen, Rivet, Bovin, Bob Brown,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 28, 2001, at 9:00 a.m.,

Present: Reps. Bradstreet, Middaugh, Birkholz, Bisbee, Bishop, Cassis, Howell, Kowall, Richardville, Vander Veen, Rivet, Bovin, Bob Brown, Woodward,

Absent: Reps. Daniels, Schauer, Thomas,

Excused: Reps. Daniels, Schauer, Thomas.

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

**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.

(For text of resolution, see House Journal No. 63, p. 1942.)

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

**Substitute for House Resolution No. 187.**

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

Whereas, The waters of the Great Lakes constitute a resource of the utmost importance to the future of our nation, as they interact with the international community. 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 industrial pollution and pollution caused by ineffective sewage treatment to water diversion and consumptive use of water and from oil and gas drilling on the Great Lakes to the impact of exotic species. The cost of ignoring this reality is far too large;

Whereas, Congress over the years has provided support for numerous projects to protect and conserve our natural resources, with the most recent being legislation to fund the restoration of the Everglades and the South Florida ecosystem. This legislation includes several billion dollars in funding to the state of Florida. While the Everglades and the South Florida ecosystem are clearly a unique resource within an area with more than 6 million people, the Great Lakes ecosystem is the home of more than 33 million people, and it has a prevailing international and national economic significance due to the shipping of raw materials, industrial products, and food, not to mention being the home of 20 percent of the world's fresh surface water, and 95 percent of the United States fresh surface water; and

Whereas, With the Great Lakes at the heart of American industrial and agricultural production, and the source of recreation for millions, the United States of America must do all it can to assure the viability of the health of the lakes; now, therefore, be it

Resolved by the House of Representatives, That we call upon the Congress of the United States to fund the Great Lakes Basin with similar appropriations that have been afforded the Florida Everglades and the South Florida ecosystem; 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, the members of the Michigan congressional delegation, and the United States Secretary of the Interior.

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

#### Favorable Roll Call

#### **HR 187** To Report Out:

Yeas: Reps. Ruth Johnson, Birkholz, Kolb, Basham, Gielegem, Hale,

Nays: Reps. DeRossett, DeVuyst, Tabor.

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

#### **House Resolution No. 265.**

A resolution to memorialize the Congress of the United States not to take control of the Great Lakes away from the Great Lakes states and to reaffirm authority granted to the Council of Great Lakes Governors.

(For text of resolution, see House Journal No. 80, p. 2391.)

With the recommendation that the resolution be adopted.

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

#### Favorable Roll Call

#### **HR 265** To Report Out:

Yeas: Reps. Ruth Johnson, Birkholz, DeRossett, DeVuyst, Tabor, Kolb, Basham, Gielegem, Hale,

Nays: None.

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

#### **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.

(For text of resolution, see House Journal No. 63, p. 1944.)

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

#### **Substitute for House Concurrent Resolution No. 38.**

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

Whereas, The waters of the Great Lakes constitute a resource of the utmost importance to the future of our nation, as they interact with the international community. 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 industrial pollution and pollution caused by ineffective sewage treatment to water diversion and consumptive use of water and from oil and gas drilling on the Great Lakes to the impact of exotic species. The cost of ignoring this reality is far too large;

Whereas, Congress over the years has provided support for numerous projects to protect and conserve our natural resources, with the most recent being legislation to fund the restoration of the Everglades and the South Florida ecosystem. This legislation includes several billion dollars in funding to the state of Florida. While the Everglades and the South Florida ecosystem are clearly a unique resource within an area with more than 6 million people, the Great Lakes ecosystem is the home of more than 33 million people, and it has a prevailing international and national economic significance due to the shipping of raw materials, industrial products, and food, not to mention being the home of 20 percent of the world's fresh surface water, and 95 percent of the United States fresh surface water; and

Whereas, With the Great Lakes at the heart of American industrial and agricultural production, and the source of recreation for millions, the United States of America must do all it can to assure the viability of the health of the lakes; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we call upon the Congress of the United States to fund the Great Lakes Basin with similar appropriations that have been afforded the Florida Everglades and the South Florida ecosystem; 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, the members of the Michigan congressional delegation, and the United States Secretary of the Interior.

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

#### Favorable Roll Call

#### **HCR 38** To Report Out:

Yeas: Reps. Ruth Johnson, Birkholz, Kolb, Basham, Gielegem, Hale,

Nays: Reps. DeRossett, DeVuyst, Tabor.

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

#### **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.

(For text of resolution, see House Journal No. 63, p. 1945.)

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

#### **Substitute for House Concurrent Resolution No. 39.**

A concurrent resolution to memorialize the Congress of the United States not to take control of the Great Lakes away from the Great Lakes states and to reaffirm authority granted to the Council of Great Lakes Governors.

Whereas, The Great Lakes states have taken many steps to protect the lakes. Most recently, Annex 2001 to the Great Lakes Charter has demonstrated the concern of the people of this region that the stewardship for this fresh water resource must remain where it belongs—with the people of the Great Lakes; and

Whereas, The Great Lakes governors work closely with one another and their Canadian provincial counterparts on protecting the Great Lakes 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 Council of Great Lakes Governors pursuant to the Great Lakes Charter; and

Whereas, The Great Lakes states have demonstrated that we are an effective and efficient manager of Great Lakes water resources. We implore the federal government to continue to allow the Great Lakes states the ability to control 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 Speaker announced that under Rule 77 the concurrent resolution would lie over one day.

## Favorable Roll Call

**HCR 39** To Report Out:

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 27, 2001, at 3:45 p.m.,

Present: Reps. Ruth Johnson, Birkholz, DeRossett, DeVuyst, Tabor, Kolb, Basham, Gielegem, Hale,

Absent: Reps. Koetje, Ehardt,

Excused: Reps. Koetje, Ehardt.

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

**Senate Concurrent Resolution No. 31.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Agriculture Animal Health Diagnostic Laboratory.

(For text of resolution, see House Journal No. 78, p. 2285.)

With the recommendation that the concurrent resolution be adopted.

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

## Favorable Roll Call

**SCR 31** To Report Out:

Yeas: Reps. LaSata, Cameron Brown, Caul, 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,

Nays: None.

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

**Senate Concurrent Resolution No. 32.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Community Health Center for Forensic Psychiatry.

(For text of resolution, see House Journal No. 78, p. 2286.)

With the recommendation that the concurrent resolution be adopted.

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

## Favorable Roll Call

**SCR 32** To Report Out:

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

Nays: None.

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

**Senate Concurrent Resolution No. 33.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Multilevel Correctional Facility at Ionia.

(For text of resolution, see House Journal No. 78, p. 2286.)

With the recommendation that the concurrent resolution be adopted.

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

## Favorable Roll Call

**SCR 33** To Report Out:

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

Nays: None.

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

**Senate Concurrent Resolution No. 34.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Parnall Correctional Facility Additional Housing Unit.

(For text of resolution, see House Journal No. 78, p. 2287.)

With the recommendation that the concurrent resolution be adopted.

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

## Favorable Roll Call

**SCR 34** To Report Out:

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

Nays: None.

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

**Senate Concurrent Resolution No. 35.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Central Michigan University relative to the Central Michigan University Health Professions Building.

(For text of resolution, see House Journal No. 78, p. 2288.)

With the recommendation that the concurrent resolution be adopted.

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

## Favorable Roll Call

**SCR 35** To Report Out:

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

Nays: None.

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

**Senate Concurrent Resolution No. 36.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Gogebic Community College relative to the Gogebic Community College General Campus Renovations.

(For text of resolution, see House Journal No. 78, p. 2289.)

With the recommendation that the concurrent resolution be adopted.

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

## Favorable Roll Call

**SCR 36** To Report Out:

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

Nays: None.

The Committee on Appropriations, by Rep. Shulman, Chair, reported  
**Senate Concurrent Resolution No. 37.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Grand Valley State University relative to the Grand Valley State University Health Professions Building.

(For text of resolution, see House Journal No. 78, p. 2290.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

**SCR 37** To Report Out:

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

Nays: None.

The Committee on Appropriations, by Rep. Shulman, Chair, reported  
**Senate Concurrent Resolution No. 38.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the School District of the City of Dearborn relative to the Henry Ford Community College Instructional/Classroom Renovations.

(For text of resolution, see House Journal No. 78, p. 2291.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

**SCR 38** To Report Out:

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

Nays: None.

The Committee on Appropriations, by Rep. Shulman, Chair, reported  
**Senate Concurrent Resolution No. 39.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Oakland University relative to the Oakland University School of Education and Human Services Building.

(For text of resolution, see House Journal No. 78, p. 2291.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

**SCR 39** To Report Out:

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

Nays: None.

The Committee on Appropriations, by Rep. Shulman, Chair, reported  
**Senate Concurrent Resolution No. 40.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Schoolcraft College relative to the Schoolcraft College Business and Industry Training Center and Waterman Center Renovation.

(For text of resolution, see House Journal No. 78, p. 2292.)

With the recommendation that the concurrent resolution be adopted.

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

#### Favorable Roll Call

#### **SCR 40** To Report Out:

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

Nays: None.

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

#### **Senate Concurrent Resolution No. 41.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Ann Arbor Central Campus Renovation Phase II-Mason Hall and Haven Hall.

(For text of resolution, see House Journal No. 78, p. 2293.)

With the recommendation that the concurrent resolution be adopted.

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

#### Favorable Roll Call

#### **SCR 41** To Report Out:

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

Nays: None.

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

#### **Senate Concurrent Resolution No. 42.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Washtenaw Community College relative to the Washtenaw Community College Technology Education Building.

(For text of resolution, see House Journal No. 78, p. 2294.)

With the recommendation that the concurrent resolution be adopted.

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

#### Favorable Roll Call

#### **SCR 42** To Report Out:

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

Nays: None.

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

#### **Senate Concurrent Resolution No. 43.**

A concurrent resolution to change the scope of the Computer Technology and Academic Center project at Kellogg Community College.

(For text of resolution, see House Journal No. 78, p. 2295.)

With the recommendation that the concurrent resolution be adopted.

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

## Favorable Roll Call

**SCR 43** To Report Out:

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

Nays: None.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 28, 2001, at 10:30 a.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.

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

**House Bill No. 4165, entitled**

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

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 4165** To Report Out:

Yeas: Reps. Cassis, Drolet, Faunce, Gosselin, Meyer, Richardville, Woronchak, Basham, Bob Brown, Minore, Wojno,

Nays: None.

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

**House Bill No. 5333, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 30a (MCL 205.30a), as amended by 1995 PA 116.

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 5333** To Report Out:

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

Nays: None.

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

**House Bill No. 5397, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30d (MCL 206.30d), as amended by 2000 PA 42.

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 5397** To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 28, 2001, at 10:30 a.m.,

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

Absent: Reps. Newell, Quarles, Hale,

Excused: Reps. Newell, Quarles, Hale.

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

**House Bill No. 5383, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 1b, 10c, 11, and 12 (MCL 247.651b, 247.660c, 247.661, and 247.662), section 1b as amended by 1989 PA 188, section 10c as amended by 1990 PA 73, section 11 as amended by 2000 PA 188, and section 12 as amended by 1997 PA 79, and by adding section 10p.

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

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

Favorable Roll Call

**HB 5383** To Report Out:

Yeas: Reps. Gilbert, George, DeRossett, Drolet, Gosselin, Hart, Hummel, Julian, Scranton, Jamnick,

Nays: Reps. Ruth Johnson, Anderson, Bovin, Neumann.

The Committee on Transportation, by Rep. Gilbert, Chair, reported  
**House Bill No. 5396, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 9a (MCL 247.659a), as amended by 1998 PA 308.

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

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

#### Favorable Roll Call

#### **HB 5396** To Report Out:

Yeas: Reps. Gilbert, George, DeRossett, Drolet, Gosselin, Hart, Hummel, Ruth Johnson, Julian, Scranton, Anderson, Bovin, Jamnick, Murphy, Neumann,

Nays: None.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gilbert, Chair of the Committee on Transportation, was received and read:  
 Meeting held on: Wednesday, November 28, 2001, at 9:00 a.m.,

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

Absent: Reps. Daniels, Schermesser,

Excused: Reps. Daniels, Schermesser.

#### 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, November 8:

**Senate Bill Nos. 818 819 820 821 822 823**

The Clerk announced that the following bill had been printed and placed upon the files of the members, Friday, November 9:

**Senate Bill No. 824**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Wednesday, November 28:

**House Bill Nos. 5454 5455 5456**

The Clerk announced that the following Senate bills had been received on Wednesday, November 28:

**Senate Bill Nos. 356 534 535 541 615 674 685 705 794 811 812 813**

By unanimous consent the House returned to the order of

**Messages from the Senate**

**House Bill No. 4448, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6013 (MCL 600.6013), as amended by 1993 PA 78.

The Senate has passed the bill and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 5013, entitled**

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

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

The House agreed to the full title.

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

**Senate Bill No. 356, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 1 (MCL 41.801), as amended by 1998 PA 545.

The Senate has passed the bill.

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

**Senate Bill No. 534, entitled**

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending section 9 (MCL 456.529), as amended by 1982 PA 132.

The Senate has passed the bill.

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

**Senate Bill No. 535, entitled**

A bill to amend 1927 PA 10, entitled "An act to authorize cemetery corporations to sell or convey property rights, franchises and liabilities to a municipal corporation," by amending the title and sections 1, 2, 3, and 4 (MCL 456.181, 456.182, 456.183, and 456.184).

The Senate has passed the bill.

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

**Senate Bill No. 541, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 51, 83, 86, 87, 89, 133, 151, and 205 (MCL 259.2, 259.3, 259.4, 259.5, 259.6, 259.7, 259.8, 259.9, 259.51, 259.83, 259.86, 259.87, 259.89, 259.133, 259.151, and 259.205), sections 2, 3, 4, 5, 6, 7, 8, 51, 83, 86, and 133 as

amended by 1996 PA 370, sections 9 and 151 as amended by 2000 PA 382, and section 89 as amended by 1998 PA 81, and by adding sections 80g, 80h, 83a, 83b, 87a, 89a, 205a, and 205b; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

**Senate Bill No. 615, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 674, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 221.

The Senate has passed the bill.

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

**Senate Bill No. 685, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 64.

The Senate has passed the bill.

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

**Senate Bill No. 705, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 75.

The Senate has passed the bill.

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

**Senate Bill No. 794, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2882 (MCL 333.2882), as amended by 1997 PA 54.

The Senate has passed the bill.

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

**Senate Bill No. 811, entitled**

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 2001 PA 47.

The Senate has passed the bill.

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

**Senate Bill No. 812, entitled**

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 13 (MCL 247.183), as amended by 1994 PA 306, and by adding section 1a.

The Senate has passed the bill.

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

**Senate Bill No. 813, entitled**

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

The Senate has passed the bill.

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

**Senate Concurrent Resolution No. 44.**

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

Whereas, 2001 PA 81 established the Department of Natural Resources State Fish Hatchery Renovations at a total authorized project cost of \$23,300,000 (the State Building Authority (the "Authority") share is \$20,000,000 and the State General Fund/General Purpose share is \$3,300,000). The Authority's share of the project is composed of two components, the renovation of the existing Oden Fish Hatchery (the "Facility") and the renovation of the existing Platt River Fish Hatchery (the "Platt Facility"); and

Whereas, The estimated project costs for the Facility and the Platt Facility are \$11,801,000 and \$8,199,000, respectively, which in the aggregate is equal to the Authority's share of the total project cost of \$20,000,000 for the Department of Natural Resources State Fish Hatchery Renovations; and

Whereas, The portions of the Facility and the Platt Facility to be financed by the Authority shall be \$11,801,000 and \$8,199,000, respectively, which in the aggregate is equal to the share of the total authorized cost to be financed by the Authority; and

Whereas, The remaining \$3,300,000 of the authorized State General Fund/General Purpose share will be used on various other state fish hatchery renovations around the State of Michigan; and

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the State of Michigan (the "State") may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Department of Natural Resources State Fish Hatchery Renovations Oden Project located in Emmet County (the "Facility") is currently owned by the State; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the State pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facility by the Authority to the State (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Department of Natural Resources State Fish Hatchery Renovations Oden Project shall not exceed \$11,801,000 (the Authority share is \$11,801,000 and the State General Fund/General Purpose share is \$0), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$11,801,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$995,000 and \$1,250,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

#### **Senate Concurrent Resolution No. 45.**

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

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Grand Rapids Community College (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Grand Rapids Community College Main Building Renovation (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Grand Rapids Community College Main Building Renovation shall not exceed \$6,000,000 (the Authority share is \$2,999,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$3,000,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$2,999,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$250,000 and \$320,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of Grand Rapids Community College, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

**Communications from State Officers**

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

November 21, 2001

Enclosed is a copy of the following audit report and/or executive digest:  
Performance Audit of the  
Federal Cash Management Improvement Act Program  
Department of Treasury  
November 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. Bradstreet introduced

**House Bill No. 5457, entitled**

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

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

Rep. Rivet introduced

**House Bill No. 5458, entitled**

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

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

Rep. Vander Veen introduced

**House Bill No. 5459, entitled**

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

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

Reps. Shulman and Bradstreet introduced

**House Bill No. 5460, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 310 (MCL 484.2310), as amended by 2000 PA 295.

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

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Rep. Bradstreet moved that the House adjourn.  
The motion prevailed, the time being 4:15 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Thursday, November 29, at 12:00 Noon.

GARY L. RANDALL  
Clerk of the House of Representatives.

