

**No. 12**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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House Chamber, Lansing, Wednesday, February 13, 2002.

2:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Steven Pestka, from the 76th District, offered the following invocation:

“This is My chosen task: to loosen all the bonds that bind men unfairly, to let the oppressed go free, to break every yoke. Share your bread with the hungry, take the homeless into your home. Clothe the naked when you see him, do not turn away from people in need. Then cleansing light shall break forth like the dawn, and your wounds shall soon be healed. Your triumph shall go before you and the Lord’s glory shall be your rear guard. Then you shall call and the Lord will answer. You shall cry out and He will say: ‘here I am.’

If you remove from your midst the yoke of oppression, the finger of scorn and the tongue of malice, if you put yourself out for the hungry and relieve the wretched, then shall your light shine in the darkness, and your gloom shall be as noonday. And the Lord will guide you continually. He will refresh you in dry places, renewing your strength. And You shall be like a watered garden, like a never-failing spring. And you shall rebuild ancient ruins, restoring old foundations. You shall be known as the builder of broken walls, the restorer of dwelling places. This is the promise of the Lord.”

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

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

### Reports of Standing Committees

The Speaker laid before the House

#### **House Concurrent Resolution No. 49.**

A concurrent resolution to urge the United States Environmental Protection Agency to reevaluate and adjust Michigan’s cap on nitrogen oxide emissions.

(For text of resolution, see House Journal No. 80 of 2001, p. 2392.)

(The concurrent resolution was reported by the Committee on Energy and Technology on December 6, 2001, with substitute (H-2), consideration of which, under the rules, was postponed until December 11, 2001.)

(For substitute, see House Journal No. 85 of 2001, p. 2605.)

The question being on the adoption of the proposed substitute (H-2) recommended by the Committee,

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

### Messages from the Senate

The Speaker laid before the House

#### **Senate Bill No. 541, entitled**

A bill to amend 1945 PA 327, entitled “An act relating to aeronautics in this state; providing for the development and regulation thereof; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, or registration, or supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by the state and by political subdivisions; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics,” 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 bill was received from the Senate on February 12, with an amendment to House substitute (H-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 11, p. 189.)

The question being on concurring in the amendment to the House substitute (H-1) 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. 71****Yeas—105**

|            |               |              |              |
|------------|---------------|--------------|--------------|
| Adamini    | Frank         | Lemmons      | Rocca        |
| Allen      | Garza         | Lipsey       | Schauer      |
| Anderson   | George        | Lockwood     | Schermesser  |
| Basham     | Gielegem      | Mans         | Scranton     |
| Bernero    | Gilbert       | McConico     | Shackleton   |
| Birkholz   | Godchaux      | Mead         | Sheltrown    |
| Bisbee     | Gosselin      | Meyer        | Shulman      |
| Bishop     | Hager         | Middaugh     | Spade        |
| Bogardus   | Hale          | Minore       | Stamas       |
| Bovin      | Hansen        | Mortimer     | Stewart      |
| Bradstreet | Hardman       | 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     |
| Daniels    | Julian        | Pumford      | Waters       |
| Dennis     | Koetje        | Rackowski    | Whitmer      |
| DeRossett  | Kolb          | Reeves       | Williams     |
| DeVuyst    | Kooiman       | Richardville | Wojno        |
| DeWeese    | Kowall        | Richner      | Woodward     |
| Drolet     | Kuipers       | Rison        | Woronchak    |
| Ehardt     | LaSata        | Rivet        | Zelenko      |
| Faunce     |               |              |              |

**Nays—0**

In The Chair: Ehardt

Rep. Bogardus moved that Rep. Quarles be excused from the balance of today's session.  
The motion prevailed.

**Third Reading of Bills****House Bill No. 5525, entitled**

A bill to amend 1964 PA 283, entitled "Weights and measures act of 1964," by amending sections 1, 2, 8, 10a, 10b, and 31 (MCL 290.601, 290.602, 290.608, 290.610a, 290.610b, and 290.631), sections 2 and 8 as amended by 1982 PA 260 and section 31 as amended by 1986 PA 194, and by adding sections 9a, 9b, 28c, and 31a; and to repeal acts and parts of acts.

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

**Roll Call No. 72****Yeas—104**

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

**Nays—0**

In The Chair: Ehardt

The House agreed to the title of the bill.

**House Bill No. 5585, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6013 (MCL 600.6013), as amended by 2001 PA 175.

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

**Roll Call No. 73****Yeas—105**

|          |          |          |             |
|----------|----------|----------|-------------|
| Adamini  | Frank    | Lemmons  | Rocca       |
| Allen    | Garza    | Lipsey   | Schauer     |
| Anderson | George   | Lockwood | Schermesser |
| Basham   | Gielegem | Mans     | Scranton    |
| Bernero  | Gilbert  | McConico | Shackleton  |
| Birkholz | Godchaux | Mead     | Sheltrown   |
| Bisbee   | Gosselin | Meyer    | Shulman     |
| Bishop   | Hager    | Middaugh | Spade       |
| Bogardus | Hale     | Minore   | Stamas      |
| Bovin    | Hansen   | Mortimer | Stewart     |

|            |               |              |              |
|------------|---------------|--------------|--------------|
| Bradstreet | Hardman       | 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     |
| Daniels    | Julian        | Pumford      | Waters       |
| Dennis     | Koetje        | Rackowski    | Whitmer      |
| DeRossett  | Kolb          | Reeves       | Williams     |
| DeVuyst    | Kooiman       | Richardville | Wojno        |
| DeWeese    | Kowall        | Richner      | Woodward     |
| Drolet     | Kuipers       | Rison        | Woronchak    |
| Ehardt     | LaSata        | Rivet        | Zelenko      |
| Faunce     |               |              |              |

**Nays—0**

In The Chair: Ehardt

The House agreed to the title of the bill.

**House Bill No. 5583, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1285a (MCL 380.1285a), as added by 1996 PA 285.

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

**Roll Call No. 74****Yeas—103**

|            |               |             |              |
|------------|---------------|-------------|--------------|
| Adamini    | Faunce        | LaSata      | Schauer      |
| Allen      | Frank         | Lemmons     | Schermesser  |
| Anderson   | Garza         | Lipse       | Scranton     |
| Basham     | George        | Lockwood    | Shackleton   |
| Bernero    | Gielegem      | Mans        | Sheltrown    |
| Birkholz   | Gilbert       | McConico    | Shulman      |
| Bisbee     | Godchaux      | Mead        | Spade        |
| Bishop     | Gosselin      | Meyer       | Stamas       |
| Bogardus   | Hager         | Middaugh    | Stewart      |
| Bovin      | Hale          | Minore      | Switalski    |
| Bradstreet | Hansen        | Mortimer    | Tabor        |
| Brown, B.  | Hardman       | Murphy      | Thomas       |
| Brown, C.  | Howell        | Neumann     | Toy          |
| Brown, R.  | Hummel        | Newell      | Van Woerkom  |
| Callahan   | Jacobs        | Pappageorge | Vander Roest |
| Cassis     | Jamnick       | Patterson   | Vander Veen  |
| Caul       | Jansen        | Pestka      | Vear         |
| Clark, I.  | Jelinek       | Phillips    | Voorhees     |
| Clarke, H. | Johnson, Rick | Plakas      | Waters       |
| Daniels    | Johnson, Ruth | Pumford     | Whitmer      |
| Dennis     | Julian        | Rackowski   | Williams     |
| DeRossett  | Koetje        | Reeves      | Wojno        |

|         |         |              |           |
|---------|---------|--------------|-----------|
| DeVuyst | Kolb    | Richardville | Woodward  |
| DeWeese | Kooiman | Richner      | Woronchak |
| Drolet  | Kowall  | Rivet        | Zelenko   |
| Ehardt  | Kuipers | Rocca        |           |

**Nays—0**

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

**House Bill No. 5584, entitled**

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 1 (MCL 722.111), as amended by 1994 PA 205.

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

**Roll Call No. 75****Yeas—103**

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

**Nays—1**

Drolet

In The Chair: Ehardt

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

### Second Reading of Bills

#### House Bill No. 5398, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 37 to chapter VIII.

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

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

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

The motion prevailed.

#### Senate Bill No. 718, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 551 (MCL 418.551), as amended by 1992 PA 269.

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

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

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

The motion prevailed.

#### House Bill No. 5298, entitled

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

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Justice (for amendment, see House Journal No. 2, p. 24),

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

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

The motion prevailed.

#### House Bill No. 5480, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 297f.

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

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

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

The motion prevailed.

#### House Bill No. 4401, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2a of chapter IV (MCL 764.2a).

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

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

Rep. McConico moved to substitute (H-2) the bill.

The question being on the adoption of the substitute (H-2) offered by Rep. McConico,

Rep. Faunce demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-2) offered by Rep. McConico,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 76****Yeas—19**

|          |          |           |          |
|----------|----------|-----------|----------|
| Adamini  | Hardman  | Murphy    | Thomas   |
| Bogardus | Jamnick  | Phillips  | Waters   |
| Daniels  | Kolb     | Reeves    | Williams |
| Garza    | McConico | Rison     | Zelenko  |
| Hale     | Minore   | Switalski |          |

**Nays—76**

|            |               |              |              |
|------------|---------------|--------------|--------------|
| Allen      | Faunce        | Kowall       | Rocca        |
| Basham     | Frank         | Kuipers      | Schauer      |
| Bernero    | George        | LaSata       | Scranton     |
| Birkholz   | Gielegem      | Lemmons      | Shackleton   |
| Bisbee     | Gilbert       | Lockwood     | Sheltrown    |
| Bishop     | Godchaux      | Mans         | Shulman      |
| Bovin      | Gosselin      | Mead         | Spade        |
| Bradstreet | Hager         | Meyer        | Stamas       |
| Brown, B.  | Hansen        | Middaugh     | Stewart      |
| Brown, C.  | Howell        | Mortimer     | Tabor        |
| Brown, R.  | Hummel        | Neumann      | Toy          |
| Callahan   | Jacobs        | Newell       | Van Woerkom  |
| Cassis     | Jansen        | O'Neil       | Vander Roest |
| Caul       | Jelinek       | Patterson    | Vander Veen  |
| Clarke, H. | Johnson, Rick | Pestka       | Vear         |
| DeRossett  | Johnson, Ruth | Pumford      | Voorhees     |
| DeVuyst    | Julian        | Raczkowski   | Wojno        |
| Drolet     | Koetje        | Richardville | Woodward     |
| Ehardt     | Kooiman       | Richner      | Woronchak    |

In The Chair: Ehardt

Rep. Schauer moved that the bill be placed on the order of Third Reading of Bills.  
The motion prevailed.

**House Bill No. 4781, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 215 (MCL 750.215), as amended by 1991 PA 145.

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

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 5, following line 13, by inserting:

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

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

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

The motion prevailed.

**House Bill No. 4782, entitled**

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

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

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 3, following line 2, by inserting:

“Enacting section 1. This amendatory act takes effect July 1, 2002.” and renumbering the remaining enacting section.

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

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

The motion prevailed.

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Associate Speaker Pro Tempore Julian assumed the Chair.

**House Bill No. 5399, entitled**

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

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

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 4, following line 19, by inserting:

“Enacting section 1. This amendatory act takes effect July 1, 2002.”.

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

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

The motion prevailed.

**House Bill No. 5440, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 81d.

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

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 3, following line 16, by inserting:

“Enacting section 1. This amendatory act takes effect July 1, 2002.” and renumbering the remaining enacting section.

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

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

The motion prevailed.

**House Bill No. 5441, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2001 PA 20.

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

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 3, following line 38, by inserting:

“Enacting section 1. This amendatory act takes effect July 1, 2002.” and renumbering the remaining enacting section.

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

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

The motion prevailed.

**House Bill No. 5442, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 479 and 479a (MCL 750.479 and 750.479a), section 479a as amended by 1998 PA 344.

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

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

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

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

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

The motion prevailed.

**House Bill No. 5443, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2000 PA 473.

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

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 2, line 12, by striking out "PHYSICAL".
2. Amend page 2, line 39, after "Person" by striking out "F" and inserting "D".
3. Amend page 4, following line 13, by inserting:

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

4. Amend page 4, following line 18, by inserting:

"(c) House Bill No. 5600."

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

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

The motion prevailed.

**House Bill No. 5444, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 483a (MCL 750.483a), as added by 2000 PA 451.

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

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 7, following line 13, by inserting:

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

The motion prevailed and the amendment 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. 5445, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 122 (MCL 750.122), as added by 2000 PA 452.

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

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 6, following line 2, by inserting:

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

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

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

The motion prevailed.

**House Bill No. 5446, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 120a (MCL 750.120a), as amended by 2000 PA 450.

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

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

Rep. Faunce moved to amend the bill as follows:

1. Amend page 3, following line 13, by inserting:

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

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

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

The motion prevailed.

**House Bill No. 5486, entitled**

A bill to amend 1978 PA 59, entitled "Condominium act," by amending sections 58, 67, 69, 90, 90a, 108, 112, 135, 173, and 176 (MCL 559.158, 559.167, 559.169, 559.190, 559.190a, 559.208, 559.212, 559.235, 559.273, and 559.276), sections 58, 67, 69, 90, 108, 112, and 135 as amended and sections 90a and 176 as added by 2000 PA 379 and section 173 as amended by 1983 PA 113.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 5151, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2607.

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

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

Rep. Richner moved to amend the bill as follows:

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

"Enacting section 1. This amendatory act takes effect January 1, 2003 and applies to an appeal filed on or after that date."

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.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Rep. Richardville moved that Rule 75 be suspended.

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

By unanimous consent the House considered **House Resolution No. 323** out of numerical order.

Rep. Patterson offered the following resolution:

**House Resolution No. 323.**

A resolution to amend the Standing Rules of the House of Representatives.

Resolved by the House of Representatives, That Rule 35 of the Standing Rules of the House of Representatives be amended to read as follows:

**"Names and Number of Members.**

Rule 35. (a) All standing committees shall be appointed by the Speaker, except where the House shall otherwise order.

(b) The standing committees of the House and the number of Members shall be as follows:

(1) Agriculture and Resource Management (11)

(2) Appropriations (29)

- (3) Civil Law and the Judiciary (11)
- (4) Commerce (17)
- (5) Conservation and Outdoor Recreation (11)
- (6) Criminal Justice (11)
- (7) Education (17)
- (8) Employment Relations, Training and Safety (7)
- (9) Energy and Technology (17)
- (10) Family and Children Services (9)
- (11) Gaming and Casino Oversight (5)
- (12) HEALTH INSURANCE (9)
- ~~(12)~~ (13) Health Policy (15)
- ~~(13)~~ (14) House Oversight and Operations (5)
- ~~(14)~~ (15) House Television and Oversight (6)
- ~~(15)~~ (16) Insurance and Financial Services (15)
- ~~(16)~~ (17) Land Use and Environment (11)
- ~~(17)~~ (18) Local Government and Urban Policy (11)
- ~~(18)~~ (19) Redistricting and Elections (9)
- ~~(19)~~ (20) Regulatory Reform (9)
- ~~(20)~~ (21) Senior Health, Security and Retirement (9)
- ~~(21)~~ (22) Tax Policy (17)
- ~~(22)~~ (23) Transportation (17)
- ~~(23)~~ (24) Veterans Affairs (7)

Statutory Standing Committees:

1. Administrative Rules (5)
2. House Fiscal Agency (6)
3. Legislative Council (6)
4. Legislative Retirement (4)
5. Michigan Capitol Committee (4)

(c) Any Member of any committee who is absent from attendance at any such committee meetings for three committee meetings, unless excused from attendance by the committee according to Rule 36, shall be automatically dropped from membership on such committee, and the committee automatically reduced unless the Speaker of the House shall fill such vacancy. Each committee clerk shall keep a record of attendance at all committee meetings, and shall make a written report to the office of the Clerk of the House showing the names of those present, the names of those absent, and the names of those excused from attendance, which shall be entered upon the House Journal. When a Member has been absent for three meetings of a committee without proper excuse, the Clerk of the House shall report the name of such Member, together with the dates of said meetings, to the Speaker of the House, and advise the Member of such action. The Speaker of the House shall then fill such vacancy by appointing a Member to the committee.

(d) The daily House Journal shall report the roll call on all motions to report bills, joint resolutions and reorganization orders. (See Const 1963, Art 4 § 17)

(e) Committees shall adopt a meeting schedule at the commencement of each term which shall be printed in the House Journal. Additional meetings may be called by the Chair or by a majority of the Members in writing to the Clerk of the House. The Chair may cancel any scheduled meeting, except one called by a majority of the Members, by notice to the Members.”

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

### Third Reading of Bills

**House Bill No. 5376, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding sections 18609 and 18611.

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



|            |               |              |              |
|------------|---------------|--------------|--------------|
| Bernero    | Gilbert       | McConico     | Scranton     |
| Birkholz   | Godchaux      | Mead         | Shackleton   |
| Bisbee     | Hager         | Meyer        | Shulman      |
| Bishop     | Hale          | Middaugh     | Spade        |
| Bogardus   | Hansen        | Minore       | Stamas       |
| Bovin      | Hardman       | 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     |
| Daniels    | Koetje        | Pumford      | Waters       |
| Dennis     | Kolb          | Rackowski    | Whitmer      |
| DeRossett  | Kooiman       | Reeves       | Williams     |
| DeVuyst    | Kowall        | Richardville | Wojno        |
| DeWeese    | Kuipers       | Richner      | Woodward     |
| Ehardt     | LaSata        | Rison        | Woronchak    |
| Faunce     | Lemmons       | Rivet        | Zelenko      |
| Frank      |               |              |              |

#### Nays—4

|          |        |          |           |
|----------|--------|----------|-----------|
| Anderson | Drolet | Gosselin | Sheltrown |
|----------|--------|----------|-----------|

In The Chair: Julian

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

Rep. Daniels moved that Rep. Phillips be excused temporarily from today's session.  
The motion prevailed.

#### House Bill No. 5377, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 186.  
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 1, line 3, by striking out all of subdivision (A) and relettering the remaining subdivisions.
- 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. 79

#### Yeas—102

|          |        |          |             |
|----------|--------|----------|-------------|
| Adamini  | Frank  | Lipsey   | Schauer     |
| Allen    | Garza  | Lockwood | Schermesser |
| Anderson | George | Mans     | Scranton    |

|            |               |              |              |
|------------|---------------|--------------|--------------|
| Basham     | Gielegem      | McConico     | Shackleton   |
| Bernero    | Gilbert       | Mead         | Sheltrown    |
| Birkholz   | Godchaux      | Meyer        | Shulman      |
| Bisbee     | Hager         | Middaugh     | Spade        |
| Bishop     | Hale          | Minore       | Stamas       |
| Bogardus   | Hansen        | Mortimer     | Stewart      |
| Bovin      | Hardman       | 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 | Plakas       | Vear         |
| Clark, I.  | Johnson, Ruth | Pumford      | Voorhees     |
| Clarke, H. | Julian        | Rackowski    | Waters       |
| Daniels    | Koetje        | Reeves       | Whitmer      |
| Dennis     | Kolb          | Richardville | Williams     |
| DeRossett  | Kooiman       | Richner      | Wojno        |
| DeVuyst    | Kowall        | Rison        | Woodward     |
| DeWeese    | Kuipers       | Rivet        | Woronchak    |
| Ehardt     | LaSata        | Rocca        | Zelenko      |
| Faunce     | Lemmons       |              |              |

### Nays—2

Drolet Gosselin

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Basham, Bogardus, Callahan, Clarke, DeRossett, DeVuyst, Faunce, Gilbert, Hardman, Julian, LaSata, Lipsey, McConico, Mortimer, Murphy, Reeves, Richardville, Rocca, Schermesser, Spade, Stewart, Vander Roest and Zelenko were named co-sponsors of the bill.

#### House Bill No. 5378, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 18605 and 18607.

The bill was read a third time.

The question being on the passage of the bill,

Rep. DeRossett moved to amend the bill as follows:

1. Amend page 2, line 16, after "A" by striking out "MINIMUM OF 1 YEAR" and inserting "MAXIMUM OF 2 YEARS".

2. Amend page 2, line 20, after "THAN" by striking out "1 YEAR" and inserting "2 YEARS".

The motion was seconded and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 1, line 6, after "MANUFACTURER'S" by striking out the balance of the line and inserting "NAME AND PRODUCT BRAND NAME. A HOUSE BRAND, CO-BRAND, OR PRIVATE LABEL NAME ALONE DOES NOT SATISFY THIS SUBPARAGRAPH.".

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

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 2, line 21, by striking out all of line 21.

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

Rep. Jacobs moved to amend the bill as follows:

1. Amend page 3, line 19, after "WITHIN" by striking out "2 BUSINESS DAYS OF A REQUEST" and inserting "10 OF THE PRESCRIBER'S BUSINESS HOURS AFTER A REQUEST IS MADE".

2. Amend page 3, line 23, after "THAN" by striking out the balance of the sentence and inserting "THE 10 BUSINESS HOURS.".

The motion was seconded and the amendments were 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. 80**

**Yeas—101**

|            |               |              |              |
|------------|---------------|--------------|--------------|
| Adamini    | Garza         | Lipsey       | Rocca        |
| Allen      | George        | Lockwood     | Schauer      |
| Basham     | Gielegem      | Mans         | Schermesser  |
| Bernero    | Gilbert       | McConico     | Scranton     |
| Birkholz   | Godchaux      | Mead         | Shackleton   |
| Bisbee     | Hager         | Meyer        | Shulman      |
| Bishop     | Hale          | Middaugh     | Spade        |
| Bogardus   | Hansen        | Minore       | Stamas       |
| Bovin      | Hardman       | 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     |
| Daniels    | Koetje        | Pumford      | Waters       |
| Dennis     | Kolb          | Rackowski    | Whitmer      |
| DeRossett  | Kooiman       | Reeves       | Williams     |
| DeVuyst    | Kowall        | Richardville | Wojno        |
| DeWeese    | Kuipers       | Richner      | Woodward     |
| Ehardt     | LaSata        | Rison        | Woronchak    |
| Faunce     | Lemmons       | Rivet        | Zelenko      |
| Frank      |               |              |              |

**Nays—4**

|          |        |          |           |
|----------|--------|----------|-----------|
| Anderson | Drolet | Gosselin | Sheltrown |
|----------|--------|----------|-----------|

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Basham, Bogardus, Clarke, Daniels, DeVuyst, Faunce, Gilbert, Hardman, Jelinek, Julian, Lemmons, McConico, Pumford, Rackowski, Richardville, Rocca, Schauer, Schermesser, Spade, Stewart, Tabor, Vander Roest, Voorhees and Zelenko were named co-sponsors of the bill.

Rep. Richardville 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. Cassis, Vander Roest, Gosselin, Kowall, Ruth Johnson, Voorhees, Toy, Koetje, Godchaux, Shulman, Raczkowski, Quarles, Phillips, Switalski, Birkholz, Pappageorge, Murphy, Hansen, Spade, Julian, Wojno, Lipsey, Neumann, Faunce, Zelenko, Bogardus, Lemmons, Woodward, Gielegem, Lockwood, Rich Brown, Richardville, Ehardt, Meyer, Hardman, Jamnick, DeRossett, Vear, Vander Veen, Drolet, Van Woerkom, Hager, DeVuyst, Howell, Stewart, Bishop, Clarke, Jacobs and DeWeese offered the following resolution:

#### **House Resolution No. 321.**

A resolution honoring Robert Vandermark upon his retirement from public office as the Director of the Oakland County Equalization Department.

Whereas, It is with a strong sense of admiration for all of the contributions he has made on behalf of the people of Oakland County that we salute Robert Vandermark, Director of the Oakland County Equalization Department. His retirement from public office as the Equalization Director marks the end of an era of effectiveness and efficiency in public service. We thank this conscientious individual on this occasion with confidence that Oakland County will long benefit from all his hard work; and

Whereas, Robert Vandermark, a native Michiganian, graduated from Wayne State University and started his professional career as an appraiser for the city of Troy. He later became an assessor for the city of Berkley; and

Whereas, Robert's exceptional talents were recognized by three Governors of the State of Michigan. He was appointed to serve as the Chairman of the State Tax Commission under Governor Milliken. He then served with the State Board of Assessor's under Governors Blanchard and Engler; and

Whereas, Robert Vandermark is considered by many to be a "one of a kind" expert in his field. It is not uncommon for colleagues to refer to Robert as "The Dean of Assessors". Robert Vandermark has shared his outstanding talents as an appraiser and assessor by educating others in his profession. He has taught Assessment Administration throughout the state of Michigan and the country; and

Whereas, Robert Vandermark has given unselfishly of his time through community and civic involvement. We recognize that he has led the way in every association in which he has been involved, whether serving as the President of the Michigan Association of Equalization Directors or the Chairman of the State and Provincial Council of Assessment Administrators. Significantly, his commendable commitment to the ideals of the Rotary International is exemplified in his living Rotary's motto, "Service Above Self"; and

Whereas, With all that Robert Vandermark has given to the people of Oakland County and the state of Michigan, he can take a great deal of personal pride and satisfaction in an outstanding career and job well done; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Robert Vandermark upon his retirement from public office as the Director of the Oakland County Equalization Department. May health, happiness, and the joy of friendship and family be his in the future; and be it further

Resolved, That a copy of this resolution be transmitted to Robert Vandermark 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. Gilbert, Murphy, Hansen, Spade, Julian, Thomas, Wojno, Lipsey, Neumann, Faunce, Zelenko, Bogardus, Lemmons, Woodward, Sheltroun, Lockwood, Switalski, Cassis, Rich Brown, Richardville, Pappageorge, Ehardt, Meyer, Vander Roest, Hardman, Jamnick, Scranton, DeRossett, Schermesser, Vear, Drolet, Bradstreet, Van Woerkom, Hager, Toy, Voorhees, Koetje, DeVuyst, Shulman, Howell, Kooiman, Birkholz, Rivet, George, Stewart, Caul, Gosselin, Bishop, Kowall, Clarke, Jacobs, Phillips and DeWeese offered the following resolution:

#### **House Resolution No. 322.**

A resolution honoring the American Road and Transportation Builders Association upon the occasion of its 100th anniversary as the United States transportation construction industry's primary advocate in Washington, D.C.

Whereas, It is with deep appreciation of the significance of this milestone that we commend the membership and staff of the American Road and Transportation Builders Association (ARTBA) as it marks the 100th anniversary of its founding. We are proud to recognize the important role that this organization has played in contributing to America's highway system and the road construction industry; and

Whereas, Mr. Horatio S. Earle was the first to articulate the need for an interstate system in 1901, calling for federal legislation to create a National Capital Connecting Highway System. ARTBA was founded by Mr. Earle in Dearborn, Michigan. It was his foresight of the automobile's impact on our society, along with his vision of a federally aided interstate highway system, which led him to form ARTBA in 1902. A pioneer of the "good roads movement", Mr. Earle served as Michigan's first highway commissioner from 1903-1909; and



The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, February 8:

**Senate Bill Nos. 1092 1093 1094**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Wednesday, February 13:

**House Bill Nos. 5608 5609 5610 5611 5612 5613 5614 5615 5616 5617 5618 5619 5620 5621  
5622 5623 5624 5625 5626 5627 5628 5629 5630 5631 5632 5633 5634 5635**

By unanimous consent the House returned to the order of

### **Reports of Standing Committees**

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

**House Bill No. 4275, entitled**

A bill to prohibit certain political subdivisions of this state from initiating or participating in certain civil actions.

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 4275** To Report Out:

Yeas: Reps. Howell, Hummel, Faunce, Koetje, Voorhees, Adamini, Lipsey, Waters,

Nays: None.

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 12, 2002, at 3:28 p.m.,

Present: Reps. Howell, Hummel, Faunce, Koetje, Voorhees, Adamini, Lipsey, Waters,

Absent: Reps. Bisbee, Richner, McConico,

Excused: Reps. Bisbee, Richner, McConico.

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

**House Bill No. 5545, entitled**

A bill to establish a Michigan marriage and fatherhood commission; and to prescribe the powers and duties of the commission.

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 5545** To Report Out:

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

Nays: None.

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

**Senate Bill No. 627, entitled**

A bill to amend 1997 PA 16, entitled "The playground equipment safety act," by amending section 4 (MCL 408.684), as amended by 1998 PA 137.

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

**SB 627** To Report Out:

Yeas: Reps. Hart, Vander Veen, DeWeese, Hager, Tabor, Murphy, Bernero, Garza, Rison,  
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, February 12, 2002, at 3:30 p.m.,

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

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

**House Bill No. 5591, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 471 (MCL 206.471), as amended by 1996 PA 484.

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 5591** To Report Out:

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

Nays: None.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 13, 2002, at 10:30 a.m.,

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

The Committee on House Oversight and Operations, by Rep. Patterson, Chair, reported

**House Bill No. 4602, entitled**

A bill to establish Holocaust remembrance week in the state of Michigan.

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 4602** To Report Out:

Yeas: Reps. Patterson, Julian, Kuipers, Jacobs, Lipsey,

Nays: None.

The Committee on House Oversight and Operations, by Rep. Patterson, Chair, reported

**House Bill No. 5611, entitled**

A bill to amend 1895 PA 16, entitled "An act requiring the secretary of state and the deputy secretary of state and the private secretary and executive clerk of the governor to give bonds for the faithful discharge of their official duties," by amending section 1 (MCL 15.51).

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 5611** To Report Out:

Yeas: Reps. Patterson, Julian, Kuipers, Jacobs, Lipsey,  
Nays: None.

The Committee on House Oversight and Operations, by Rep. Patterson, Chair, reported

**House Bill No. 5612, entitled**

A bill to amend 1958 PA 204, entitled "An act to fix the compensation and mileage of constitutional convention delegates," by amending section 3 (MCL 2.53).

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 5612** To Report Out:

Yeas: Reps. Patterson, Julian, Kuipers, Jacobs, Lipsey,  
Nays: None.

The Committee on House Oversight and Operations, by Rep. Patterson, Chair, reported

**House Bill No. 5613, entitled**

A bill to amend 1872 PA 62, entitled "An act regulating trials of impeachment and providing for the expenses thereof," by amending section 15 (MCL 6.15).

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 5613** To Report Out:

Yeas: Reps. Patterson, Julian, Kuipers, Jacobs, Lipsey,  
Nays: None.

The Committee on House Oversight and Operations, by Rep. Patterson, Chair, reported

**House Bill No. 5614, entitled**

A bill to amend 1901 PA 6, entitled "An act to provide for the employment of clerks or assistants in the executive office of this state," by amending section 1 (MCL 10.11).

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 5614** To Report Out:

Yeas: Reps. Patterson, Julian, Kuipers, Jacobs, Lipsey,  
Nays: None.

The Committee on House Oversight and Operations, by Rep. Patterson, Chair, reported

**House Bill No. 5615, entitled**

A bill to amend 1846 RS 12, entitled "Of certain state officers," by amending section 36 (MCL 15.36).

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 5615** To Report Out:

Yeas: Reps. Patterson, Julian, Kuipers, Jacobs, Lipsey,  
Nays: None.

The Committee on House Oversight and Operations, by Rep. Patterson, Chair, reported **Senate Bill No. 395, entitled**

A bill to establish the Michigan days of remembrance of the Armenian genocide.  
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

**SB 395** To Report Out:

Yeas: Reps. Patterson, Julian, Kuipers, Jacobs, Lipsey,  
Nays: None.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Patterson, Chair of the Committee on House Oversight and Operations, was received and read:

Meeting held on: Wednesday, February 13, 2002, at 10:30 a.m.,  
Present: Reps. Patterson, Julian, Kuipers, Jacobs, Lipsey.

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 13, 2002, at 10:30 a.m.,  
Present: Reps. Richner, Bisbee, Ehardt, Hummel, Julian, Middaugh, Scranton, Van Woerkom, Wojno, Anderson, Clark, Woodward,  
Absent: Reps. Hager, Daniels, Schermesser,  
Excused: Reps. Hager, Daniels, Schermesser.

#### Messages from the Senate

##### **House Bill No. 4487, entitled**

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 2201 (MCL 440.2201).  
The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

##### **House Bill No. 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.

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

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

##### **House Bill No. 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 Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 5118, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 502, 32503, and 33938 (MCL 324.502, 324.32503, and 324.33938), section 502 as amended by 1998 PA 114 and sections 32503 and 33938 as added by 1995 PA 59, and by adding sections 501a and 61505a.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Communications from State Officers**

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

February 12, 2002

Enclosed is a copy of the following audit report and/or executive digest:  
Performance Audit of the  
University of Michigan - Flint  
February 2002

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

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

**Introduction of Bills**

Reps. Mans, Patterson, O'Neil, Schermesser, Quarles, Wojno, Callahan, Murphy, Plakas, Spade, Lockwood, Birkholz, Vander Roest and Bovin introduced

**House Bill No. 5636, entitled**

A bill to amend 1937 PA 153, entitled "An act relative to printing for this state; to establish the requirements of responsible bidders; to provide exemptions from this act; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 24.61 to 24.62) by adding section 1b.

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

Rep. Pumford introduced

**House Bill No. 5637, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 85.

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

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Rep. Bovin moved that the House adjourn.  
The motion prevailed, the time being 4:20 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Thursday, February 14, at 12:00 Noon.

GARY L. RANDALL  
Clerk of the House of Representatives.

