

**No. 36**  
**STATE OF MICHIGAN**  
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**OF THE**  
**House of Representatives**  
**91st Legislature**  
**REGULAR SESSION OF 2001**

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House Chamber, Lansing, Thursday, May 3, 2001.

12:00 Noon.

The House was called to order by the Speaker Pro Tempore.

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

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

e/d/s = entered during session

Rev. Doug Schmidt, Pastor of Troy Baptist Church in Troy, offered the following invocation:

“Our Father and Our God, we’re just so thankful today to come before You on this day, The National Day of Prayer. Father, we remember Your words, ‘if my people were called by My name, shall humble themselves and pray and seek my face, then will I hear from Heaven or forgive their sins and will heal their land.’ So, Father, we come today and pray for our land that needs healing. Father, I pray for each one of these Representatives. Lord, I pray, that today You would give them a tremendous sense of fulfillment that what they’re doing is worthwhile and matters to their constituents, as well as to You. Father, I pray, that You would give each one extreme wisdom and discernment that, Father, they would make legislation that would be good and right. Father, I pray as well that You would give a sense of blessing to each one of these folks. May You give them the discernment to be the good husbands, wives, fathers and mothers that they need to be. Father, I pray as well that You would bless them as they travel. Bless them, Father, today in session and we’ll thank You for this. Father, for all that they do we ask, Lord, that in the process that each would be drawn closer to You. We’ll thank You and give You the glory in Jesus’ name, Amen.”

The Speaker Pro Tempore called Associate Speaker Pro Tempore Julian to the Chair.

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

Rep. Rich Brown moved that Rep. Williams be excused temporarily from today’s session.  
The motion prevailed.

Rep. Whitmer moved that Rep. Murphy be excused temporarily from today’s session.  
The motion prevailed.

### Third Reading of Bills

#### Senate Bill No. 67, entitled

A bill to amend 1846 RS 83, entitled “Of marriage and the solemnization thereof,” by repealing section 6 (MCL 551.6).  
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 132

#### Yeas—99

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

Ehardt  
Faunce

Kowall  
Kuipers

Rivet  
Rocca

Zelenko

**Nays—0**

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. DeWeese entered the House Chambers.

**Senate Bill No. 103, entitled**

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

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

**Roll Call No. 133**

**Yeas—102**

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

**Nays—0**

In The Chair: Julian

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws

relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The House agreed to the full title.

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

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

#### **Senate Bill No. 104, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2162 (MCL 600.2162), as amended by 2000 PA 182.

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

#### **Roll Call No. 134**

#### **Yeas—104**

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

#### **Nays—0**

In The Chair: Julian

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil

claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The House agreed to the full title.

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

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

The Speaker Pro Tempore resumed the Chair.

Rep. Stallworth entered the House Chambers.

### Senate Bill No. 38, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 80176, 80177, 80178, 81134, and 82127 (MCL 324.80176, 324.80177, 324.80178, 324.81134, and 324.82127), section 80176 as amended by 1996 PA 174, sections 80177 and 80178 as added by 1995 PA 58, section 81134 as amended by 1999 PA 22, and section 82127 as amended by 1996 PA 183.

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

### Roll Call No. 135

### Yeas—105

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

### Nays—0

In The Chair: Birkholz

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the

environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The House agreed to the full title.

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

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

### Senate Bill No. 150, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13 of chapter XVII (MCL 777.13), as amended by 2000 PA 412.

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

### Roll Call No. 136

### Yeas—102

Adamini	Frank	LaSata	Schauer
Allen	Garza	Lemmons	Schermesser
Basham	George	Lipsey	Scranton
Bernero	Gielegem	Lockwood	Shackleton
Birkholz	Gilbert	McConico	Sheltrown
Bisbee	Godchaux	Mead	Shulman
Bishop	Gosselin	Meyer	Spade
Bogardus	Hager	Middaugh	Stallworth
Bovin	Hale	Minore	Stamas
Bradstreet	Hansen	Mortimer	Stewart
Brown, B.	Hardman	Murphy	Switalski
Brown, C.	Hart	Neumann	Tabor
Brown, R.	Howell	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	Pumford	Voorhees
Daniels	Johnson, Ruth	Rackowski	Waters
Dennis	Julian	Reeves	Whitmer
DeRossett	Kilpatrick	Richardville	Williams
DeVuyst	Koetje	Richner	Wojno
DeWeese	Kolb	Rivet	Woodward
Drolet	Kooiman	Rocca	Woronchak
Ehardt	Kowall	Sanborn	Zelenko
Faunce	Kuipers		

### Nays—0

In The Chair: Birkholz

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to

provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The House agreed to the full title.

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. 4540, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 17 (MCL 205.67), as amended by 2000 PA 242.

The bill was read a second time.

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

The motion prevailed.

#### House Bill No. 4547, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

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

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

The motion prevailed.

#### House Bill No. 4630, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1294.

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

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

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

The motion prevailed.

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

Rep. Vear entered the House Chambers.

By unanimous consent the House returned to the order of

### Motions and Resolutions

Reps. Gosselin, Vander Roest, Schauer, Hansen, Hale, Richardville, Julian, Hager, Mead, Koetje, Wojno, McConico, Lipsey, Van Woerkom, Gielegem, Stewart, Zelenko, Adamini, Clark, Sheltroun, Rivet, Waters, Schermesser, Clarke, Rich Brown, Callahan, Bovin, Neumann, Spade, Cassis, Kilpatrick, Woodward, O’Neil, Lockwood, Phillips, Jamnick, Basham, Shackleton, Middaugh, Switalski, Lemmons, Jelinek, Jansen, DeVuyst, Voorhees, Vander Veen, Toy, Birkholz, Scranton, Pappageorge, Ehardt, Shulman, Kooiman, Allen, Raczkowski, Caul and Faunce offered the following resolution:

#### House Resolution No. 104.

A resolution in support of the celebration of the National Day of Prayer throughout the state of Michigan on May 3, 2001.

Whereas, The United States is founded on a tradition of religious tolerance which dates back to our earliest antecedents as colonies of religious dissidents seeking a place where they could worship without fear of persecution, and our history is characterized by social and political leaders who were uninhibited in their public expressions of faith, as typified by the following examples:

The Mayflower Compact, written in 1620, stated, “Having undertaken for the glory of God . . . we solemnly and mutually in the presence of God and one another, covenant ourselves together.”

At the Constitutional Convention in July of 1787, Benjamin Franklin said, "And the longer I live, the more convincing proofs I see of this truth: that God governs the affairs of men . . . And without his concurring aid we shall succeed in this political building no better than the builders of the Tower of Babel."

Our nation's first president, George Washington said in his Farewell Address of 1796, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports."

Thomas Jefferson, our nation's third president said, "Can the liberties of a nation be secure, when we have removed the conviction that these liberties are the gift of God?"

On April 30, 1863 during the Day of Humiliation, Fasting and Prayer, President Abraham Lincoln reminded Americans of their faith, "It is the duty of nations as well as men to own their dependence upon God; to confess their sins and transgressions in humble sorrow . . . Those nations only are blessed whose God is the Lord."

The fourth verse of our nation's national anthem, "The Star Spangled Banner," "Blessed with victory and peace, may the Heaven-rescued land. Praise the Power that hath made and preserved us a nation! Then conquer we must, when our cause is just; And this be our motto, "In God is our trust!"

At the swearing in of Calvin Coolidge as the 30th president of the United States, he said, "The foundations of our society and our government rest so much on the teachings of the Bible that it would be difficult to support them if faith in these teachings would ease to be practically universal in our country."

President Ronald Reagan said, "If we ever forget that we are One Nation Under God, then we will be a Nation gone under."

Article VIII, Section 1 of the Michigan Constitution of 1963 begins, "Religion, morality, and knowledge being necessary to good government and the happiness of mankind . . ."

; and

Whereas, The National Day of Prayer was established in 1952 by a Joint Resolution of Congress, which stated, "From its beginning the United States of America has been a nation fully cognizant of the value and power of prayer . . . Prayer has indeed been a vital force in the growth and development of this Nation"; now, therefore, be it

Resolved by the House of Representatives, That we support the celebration of the National Day of Prayer throughout the state of Michigan on May 3, 2001.

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. Gielegem, Woodward, Kolb, Schauer, Hansen, Hale, Dennis, Mead, Wojno, McConico, Lipsey, Stewart, Zelenko, Thomas, Adamini, Clark, Rivet, Waters, Schermesser, Clarke, Rich Brown, Bovin, Neumann, Kilpatrick, Pestka, Jamnick, Rison, Whitmer, Basham, Switalski, Bogardus, Hardman, Lemmons, Jelinek, Jansen, Murphy, Ehardt and Drolet offered the following resolution:

**House Resolution No. 105.**

A resolution to urge the United States Secretary of State to increase efforts to urge the People's Republic of China to halt its violation of the human rights of its citizens, specifically the persecution against practitioners of Falun Gong.

Whereas, Falun Gong, which is also known as Falun Dafa, is a discipline of personal beliefs that incorporates exercise, meditation, and principles based on truthfulness, compassion, and forbearance. Its millions of practitioners work to attain inner peace, good health, and better skills to deal with stress and conflict in life; and

Whereas, Over the past several years, authorities in the People's Republic of China have taken strong and brutal actions against practitioners of Falun Gong. Reports indicate that tens of thousands of people have been tortured and sent to labor camps, and property owned by those who follow this discipline has been destroyed or confiscated. The aggressive actions taken by the state reflect a systematic commitment to eliminate Falun Gong and those who pursue it; and

Whereas, The persecution of practitioners of Falun Gong is in apparent violation of the People's Republic of China's own constitution and a flagrant violation of standards of human rights recognized by the United Nations and most governments of the world; and

Whereas, Citizens of Michigan who practice Falun Gong and those who understand this discipline cannot fathom the reaction of the Chinese authorities. Indeed, those who value human rights seek an increase of efforts to urge the People's Republic of China to halt this persecution; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Secretary of State to increase efforts to urge the People's Republic of China to recognize and protect the human rights of its citizens and halt the persecution against practitioners of Falun Gong; and be it further

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

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



Reps. Schauer, Vander Roest, Hansen, Hale, Bernero, Richardville, Dennis, Julian, Hager, Mead, Koetje, Wojno, McConico, Lipsey, Van Woerkom, Gielegem, Stewart, Zelenko, Thomas, Adamini, Clark, Sheltroun, Rivet, Waters, Schermesser, Clarke, Rich Brown, Bovin, Neumann, Garza, Spade, Cassis, Kilpatrick, Woodward, O'Neil, Lockwood, Plakas, Phillips, Jammick, Kolb, Rison, Whitmer, Basham, Frank, Shackleton, Switalski, Bogardus, Hardman, Lemmons, Jelinek, Jansen, DeVuyst, Toy, Murphy, Birkholz, Scranton, Pappageorge, Ehardt, Shulman, Kooiman, Drolet, Raczkowski, Tabor, Caul and Faunce offered the following resolution:

**House Resolution No. 106.**

A resolution proclaiming May 19-25, 2001, as North American Safe Boating Week.

Whereas, A significant number of boaters who lose their lives by drowning each year would be alive today had they worn a life jacket or personal flotation device (PFD); and

Whereas, The people of our great state recognize the importance of safe, sober, courteous, and responsible boating by joining in the efforts of Boaters Against Drunk Driving, National BADD, located in the city of Battle Creek, Michigan; and

Whereas, National BADD has worked to increase public awareness of the importance of knowing and obeying navigational rules of the waterway by advocating boating safety training, abstaining from the use of alcohol or drugs while operating a water craft, and always wearing a life jacket or personal flotation device when on board a water craft; and

Whereas, It is imperative that greater awareness is generated in realizing the impact that adverse decisions such as boating under the influence or choosing not to wear a life jacket or personal flotation device can have in a community and in our nation. National BADD exists to teach individuals to practice proper boating safety and to influence others in its practice; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body proclaim the week of May 19-25, 2001, as North American Safe Boating Week. We urge all citizens who engage in recreational boating to "Boat Smart From The Start" by wearing a life jacket and to practice safe, sober, courteous, and responsible boating on our waterways; and be it further

Resolved, That a copy of this resolution be transmitted to Boaters Against Drunk Driving (BADD) as an expression of our support.

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. Gielegem, Woodward, Kolb, Schauer, Hansen, Hale, Bernero, Dennis, Mead, Wojno, McConico, Lipsey, Stewart, Zelenko, Thomas, Adamini, Clark, Rivet, Waters, Schermesser, Clarke, Rich Brown, Bovin, Neumann, Kilpatrick, Pestka, Jammick, Rison, Whitmer, Basham, Switalski, Bogardus, Hardman, Lemmons, Jelinek, Jansen, Murphy, Ehardt and Drolet offered the following concurrent resolution:

**House Concurrent Resolution No. 31.**

A concurrent resolution to urge the United States Secretary of State to increase efforts to urge the People's Republic of China to halt its violation of the human rights of its citizens, specifically the persecution against practitioners of Falun Gong.

Whereas, Falun Gong, which is also known as Falun Dafa, is a discipline of personal beliefs that incorporates exercise, meditation, and principles based on truthfulness, compassion, and forbearance. Its millions of practitioners work to attain inner peace, good health, and better skills to deal with stress and conflict in life; and

Whereas, Over the past several years, authorities in the People's Republic of China have taken strong and brutal actions against practitioners of Falun Gong. Reports indicate that tens of thousands of people have been tortured and sent to labor camps, and property owned by those who follow this discipline has been destroyed or confiscated. The aggressive actions taken by the state reflect a systematic commitment to eliminate Falun Gong and those who pursue it; and

Whereas, The persecution of practitioners of Falun Gong is in apparent violation of the People's Republic of China's own constitution and a flagrant violation of standards of human rights recognized by the United Nations and most governments of the world; and

Whereas, Citizens of Michigan who practice Falun Gong and those who understand this discipline cannot fathom the reaction of the Chinese authorities. Indeed, those who value human rights seek an increase of efforts to urge the People's Republic of China to halt this persecution; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Secretary of State to increase efforts to urge the People's Republic of China to recognize and protect the human rights of its citizens and halt the persecution against practitioners of Falun Gong; and be it further

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

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

### Reports of Standing Committees

The Committee on Education, by Rep. Kuipers, Chair, reported

**House Bill No. 4617, 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.

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 4617** To Report Out:

Yeas: Reps. Kuipers, Meyer, Allen, Bradstreet, DeWeese, Hager, Hart, Ruth Johnson, Van Woerkom, Voorhees, McConico,

Nays: None.

The Committee on Education, by Rep. Kuipers, Chair, reported

**House Bill No. 4619, 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.

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 4619** To Report Out:

Yeas: Reps. Kuipers, Meyer, Allen, Bradstreet, DeWeese, Hager, Hart, Ruth Johnson, Van Woerkom, Voorhees, McConico,

Nays: None.

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 3, 2001, at 9:00 a.m.,

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

The Committee on Conservation and Outdoor Recreation, by Rep. DeVuyst, Chair, reported

**House Resolution No. 85.**

A resolution to memorialize the Congress of the United States to enact legislation to give states the authority to ban out-of-state solid waste.

(For text of resolution, see House Journal No. 31, p. 463.)

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 85** To Report Out:

Yeas: Reps. DeVuyst, Tabor, Bradstreet, Kowall, Rocca, Voorhees, Callahan, Basham, Garza, Sheltroun,

Nays: Rep. Drolet.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeVuyst, Chair of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Thursday, May 3, 2001, at 10:00 a.m.,

Present: Reps. DeVuyst, Tabor, Bradstreet, Drolet, Kowall, Rocca, Voorhees, Callahan, Basham, Garza, Sheltroun.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Patterson, Chair of the Committee on Redistricting and Elections, was received and read:

Meeting held on: Thursday, May 3, 2001, at 10:30 a.m.,

Present: Reps. Patterson, Richner, Allen, Bishop, Cassis, Hart, Quarles, Jamnick,

Absent: Rep. Lemmons,

Excused: Rep. Lemmons.

**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, Tuesday, May 1:

**Senate Bill Nos. 433 446**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, May 3:

**House Bill Nos. 4677 4678 4679 4680 4681 4682 4683 4684 4685 4686 4687 4688 4689 4690  
4691 4692 4693 4694 4695 4696 4697**

The Clerk announced that the following Senate bills had been received on Thursday, May 3:

**Senate Bill Nos. 389 390 391 392 393 394**

By unanimous consent the House returned to the order of

**Messages from the Senate****Senate Bill No. 389, entitled**

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending sections 2 and 6 (MCL 28.172 and 28.176), section 2 as amended by 1996 PA 508 and section 6 as amended by 2000 PA 30, and by adding section 3a.

The Senate has passed the bill.

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

**Senate Bill No. 390, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 33d (MCL 791.233d), as amended by 1996 PA 509.

The Senate has passed the bill.

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

**Senate Bill No. 391, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520m (MCL 750.520m), as amended by 1996 PA 510.

The Senate has passed the bill.

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

**Senate Bill No. 392, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18k of chapter XIIA (MCL 712A.18k), as amended by 1998 PA 478.

The Senate has passed the bill.

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

**Senate Bill No. 393, entitled**

A bill to amend 1988 PA 73, entitled "The juvenile facilities act," by amending section 5a (MCL 803.225a), as amended by 1998 PA 521.

The Senate has passed the bill.

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

**Senate Bill No. 394, entitled**

A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending section 7a (MCL 803.307a), as amended by 1998 PA 517.

The Senate has passed the bill.

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

### Introduction of Bills

Reps. Gosselin, Bradstreet, Vander Veen, Voorhees, Vear, Hart, DeWeese, Julian, Kooiman and Drolet introduced

**House Bill No. 4705, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164.

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

Reps. DeVuyst, Wojno, Ehardt, Voorhees, Tabor, Godchaux, Gilbert, Bisbee and Jansen introduced

**House Bill No. 4706, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding section 16.

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

Rep. Birkholz introduced

**House Bill No. 4707, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7u (MCL 211.7u), as amended by 1994 PA 390.

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

Rep. Hardman introduced

**House Bill No. 4708, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78o (MCL 211.78o), as added by 1999 PA 123.

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

Rep. Richardville introduced

**House Bill No. 4709, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78f (MCL 211.78f), as added by 1999 PA 123.

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

Rep. Gosselin introduced

**House Bill No. 4710, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78g (MCL 211.78g), as added by 1999 PA 123.

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

Rep. Hager introduced

**House Bill No. 4711, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78h (MCL 211.78h), as added by 1999 PA 123.

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

Rep. Dennis introduced

**House Bill No. 4712, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 124 (MCL 211.124); and to repeal acts and parts of acts.

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

Rep. Sanborn introduced

**House Bill No. 4713, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 59 (MCL 211.59), as amended by 1999 PA 123.

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

Rep. Drolet introduced

**House Bill No. 4714, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78k (MCL 211.78k), as added by 1999 PA 123.

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

Rep. McConico introduced

**House Bill No. 4715, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 106 (MCL 211.106).

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

Rep. Birkholz introduced

**House Bill No. 4716, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78m (MCL 211.78m), as added by 1999 PA 123.

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

Rep. Gilbert introduced

**House Bill No. 4717, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 60 (MCL 211.60), as amended by 1999 PA 123.

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

Rep. Jamnick introduced

**House Bill No. 4718, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78i (MCL 211.78i), as added by 1999 PA 123.

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

Rep. Birkholz introduced

**House Bill No. 4719, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12541 (MCL 333.12541).

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

Reps. Gilbert, Sanborn, Jamnick, Tabor, DeVuyst, Middaugh, Vander Roest, George, Raczkowski, Hager, Pappageorge, Jelinek, Drolet, Voorhees, Rivet, Stewart, Jansen and Lemmons introduced

**House Bill No. 4720, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 6 of chapter XIV (MCL 74.6) and by adding section 6b to chapter XIV.

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

Reps. DeVuyst, Sanborn, Gilbert, Jamnick, Tabor, Vander Roest, George, Raczkowski, Hager, Pappageorge, Jelinek, Drolet, Voorhees, Rivet, Stewart, Jansen and Lemmons introduced

**House Bill No. 4721, entitled**

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 4 and 5 (MCL 78.4 and 78.5).

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

Reps. Jamnick, Tabor, Sanborn, Gilbert, Vander Roest, George, Raczkowski, Hager, Pappageorge, Jelinek, Drolet, Voorhees, Rivet, Stewart, Jansen and Lemmons introduced

**House Bill No. 4722, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 9 (MCL 117.9), as amended by 1984 PA 352.

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

Reps. Pumford, Jamnick, Tabor, DeVuyst, Sanborn, Vander Roest, George, Raczkowski, Hager, Pappageorge, Jelinek, Drolet, Voorhees, Rivet, Stewart, Jansen and Lemmons introduced

**House Bill No. 4723, entitled**

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," (MCL 41.1a to 41.110c) by adding section 104a.

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

Reps. Sanborn, DeVuyst, Gilbert, Jamnick, Tabor, Vander Roest, George, Raczkowski, Hager, Pappageorge, Jelinek, Drolet, Voorhees, Rivet, Stewart, Jansen and Lemmons introduced

**House Bill No. 4724, entitled**

A bill to amend 1968 PA 191, entitled "An act to create a state boundary commission; to prescribe its powers and duties; to provide for municipal incorporation, consolidation, and annexation; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11b (MCL 123.1011b), as added by 1982 PA 192.

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

Reps. Tabor, Jamnick, DeVuyst, Sanborn, Gilbert, Vander Roest, George, Raczkowski, Hager, Pappageorge, Jelinek, Drolet, Voorhees, Rivet, Stewart, Jansen and Lemmons introduced

**House Bill No. 4725, entitled**

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 34 (MCL 42.34), as amended by 1984 PA 353.

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

Rep. Jamnick introduced

**House Bill No. 4726, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5759 (MCL 600.5759). The bill was read a first time by its title and referred to the Committee on Civil Law and the Judiciary.

Reps. Shackleton, Bovin, Rich Brown, Jelinek, Stewart, Van Woerkom, Mead, Newell, Kowall, Spade, Neumann, Middaugh, Birkholz and Adamini introduced

**House Bill No. 4727, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2000 PA 297.

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

Rep. Bob Brown introduced

**House Bill No. 4728, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 59 (MCL 257.1859), as amended by 1996 PA 170.

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

Reps. Bob Brown, Raczkowski, Gielegem, Spade and Bovin introduced

**House Bill No. 4729, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 506 (MCL 206.506), as amended by 1996 PA 484.

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

Reps. Bob Brown, Raczkowski and Bovin introduced

**House Bill No. 4730, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 1993 PA 325.

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

Reps. Bob Brown, Woronchak, Raczkowski and Bovin introduced

**House Bill No. 4731, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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

Reps. Bob Brown and Raczkowski introduced

**House Bill No. 4732, 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.

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

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Rep. Pumford moved that the House adjourn.

The motion prevailed, the time being 1:45 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 8, at 2:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives.

