

No. 75
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House of Representatives
91st Legislature
REGULAR SESSION OF 2001

House Chamber, Lansing, Thursday, October 25, 2001.

12:00 Noon.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rev. Jerry Tallman, Pastor of Rochester Church of Christ in Rochester Hills, offered the following invocation:

“Our great God and Father, we bow before You today, praising You and thanking You for the gift of life. We ask, Father, especially that You would pour out Your wisdom upon these men and women who are here to make decisions that will matter in the lives of thousands of people. Father, would You put high on their priority list, at the top of their priority list—Your will. Because You, Father, know what is best in the lives of the people that they represent. Again, Father, we praise You and we thank You for Your love, Your care, and Your grace. We ask You to be with us. In Jesus’ name, Amen.”

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

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

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 247.

A resolution of tribute offered as a memorial for Charles J. Golden, former member of the House.

Whereas, With the passing of Charles J. Golden, the people of this state, Monroe County, and Michigan’s legal community have suffered a great loss. This hardworking gentleman gave of his talent, energy, and loyalty in numerous capacities throughout his life and left a legacy that will not soon be forgotten by all who knew and worked with him; and

Whereas, Charles J. Golden carried on a family tradition of law, leadership, and service throughout his entire life. Following in the footsteps of a grandfather who joined the bar in 1876 and a dad who practiced law in Monroe for more than 50 years, Charles J. Golden was clearly devoted to the highest standards of the legal profession and citizenship. A machine gunner with the 104th Division, Charles Golden saw extensive action during World War II in France, Italy, Belgium, and Germany, at one point serving in 256 straight days of combat. This measure of devotion and tenacity never left him; and

Whereas, A graduate of Notre Dame Law School, he distinguished himself throughout his long career in private practice and in numerous key elected and appointed posts. He served as a member of the Sixty-eighth Legislature, during 1955-56, prior to his election as Monroe County Prosecutor, where he served until 1964. He was also elected as a District Court Judge and served as an assistant Attorney General; and

Whereas, Charles Golden’s gifts to Michigan extended far beyond offices held and accomplishments in public policy. His leadership and friendship were invaluable to many Monroe County individuals, including many Monroe-area attorneys grateful for his kindnesses and guidance. Indeed, his influence will long be felt; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute as a memorial for Charles J. Golden, a member of this legislative body in 1955-56; and be it further

Resolved, That copies of this resolution be transmitted to Mr. Golden’s family as evidence of our condolences.

The question being on the adoption of the resolution,

The resolution was adopted by a unanimous standing vote.

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

Third Reading of Bills

Senate Bill No. 469, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 303, 307, 319, 617, and 904d (MCL 257.303, 257.307, 257.319, 257.617, and 257.904d), sections 303, 319, and 904d as amended by 2000 PA 460, section 307 as amended by 1999 PA 118, and section 617 as amended by 1989 PA 267, and by adding section 58c.

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

Roll Call No. 533**Yeas—104**

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

Nays—0

In The Chair: Ehardt

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

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 303, 307, 319, 322, 323, 324, 617, and 904d (MCL 257.303, 257.307, 257.319, 257.322, 257.323, 257.324, 257.617, and 257.904d), sections 303 and 319 as amended by 2001 PA 103, section 307 as amended by 1999 PA 118, section 322 as amended by 1998 PA 340, section 323 as amended by 1999 PA 73, section 324 as amended by 1985 PA 79, section 617 as amended by 1989 PA 267, and section 904d as amended by 2000 PA 460.

The motion prevailed.

The House agreed to the title as amended.

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

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

Senate Bill No. 470, entitled

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

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

Roll Call No. 534**Yeas—103**

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

Nays—0

In The Chair: Ehardt

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

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

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

The motion prevailed.

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

Second Reading of Bills

House Bill No. 4885, entitled

A bill to amend 1952 PA 175, entitled "An act to authorize incorporated cities and villages to borrow money and issue bonds in anticipation of future payments from the motor vehicle highway fund, for any purpose or purposes for which said funds may be used and for the purpose of refunding such bonds; authorizing the pledging of the faith and credit of the issuing city or village, upon proper resolution of its governing body, as additional security for the payment of said bonds; and to prescribe procedures and conditions relative to the issuance of such bonds," (MCL 247.701 to 247.707) by adding section 1a.

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

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

Rep. Pappageorge moved to amend the bill as follows:

1. Amend page 1, line 4, after the second "BOND," by striking out "OR".
2. Amend page 1, line 5, after "BOND," by inserting "OR A SHORT-TERM MUNICIPAL SECURITY DESCRIBED IN PART IV OF THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2401 TO 141.2415,".

The motion prevailed and the amendments were 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. 4886, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," (MCL 125.1651 to 125.1681) by adding section 16a.

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

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

Rep. Pappageorge moved to amend the bill as follows:

1. Amend page 1, line 4, after the second "BOND," by striking out "OR".
2. Amend page 2, line 1, after "BOND," by inserting "OR A SHORT-TERM MUNICIPAL SECURITY DESCRIBED IN PART IV OF THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2401 TO 141.2415,".

The motion prevailed and the amendments were 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. 4887, entitled

A bill to amend 1943 PA 143, entitled "An act to empower boards of county road commissioners to borrow money in anticipation and upon the faith and credit of future receipts of revenues, derived from certain state collected taxes, for the purpose of purchasing road machinery or equipment or for improvement of county highways or for general county road purposes," (MCL 141.251 to 141.254) by adding section 1a.

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

Rep. Patterson moved that consideration of the bill be postponed for the day.

The motion prevailed.

House Bill No. 4888, entitled

A bill to amend 1931 PA 246, entitled "An act to provide for the construction, repair, and maintenance of pavements, sidewalks, and elevated structures on or along public roads and highways; to provide for the levying of taxes and of special assessments; to authorize the borrowing of money and the issuance of bonds; to prescribe the powers and duties of certain state and local agencies and officers; to validate actions taken, special assessments levied, and bonds issued; and to provide for the lighting of certain roads, highways, and bridges," (MCL 41.271 to 41.290) by adding section 13b.

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

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

Rep. Pappageorge moved to amend the bill as follows:

1. Amend page 1, line 5, after the first "BOND," by striking out "OR".
2. Amend page 1, line 5, after the second "BOND," by inserting "OR A SHORT-TERM MUNICIPAL SECURITY DESCRIBED IN PART IV OF THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2401 TO 141.2415,".

The motion prevailed and the amendments were 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. 4890, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," (MCL 280.1 to 280.630) by adding section 274a.

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

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

Rep. Pappageorge moved to amend the bill as follows:

1. Amend page 1, line 5, after the first "BOND," by striking out "OR".
2. Amend page 1, line 5, after the second "BOND," by inserting "OR A SHORT-TERM MUNICIPAL SECURITY DESCRIBED IN PART IV OF THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2401 TO 141.2415,".

The motion prevailed and the amendments were 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. 5181, entitled

A bill to authorize the state administrative board to convey certain property in Grand Traverse 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 amendment previously recommended by the Committee on Regulatory Reform (for amendment, see House Journal No. 72, p. 2137),

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

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

The motion prevailed.

House Bill No. 5269, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2972.

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. 73, p. 2158),

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

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

The motion prevailed.

House Bill No. 5278, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against

individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2b (MCL 28.422b), as added by 1994 PA 338.

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. 73, p. 2158),

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

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

The motion prevailed.

House Bill No. 5281, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81 (MCL 750.81), as amended by 2000 PA 462.

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

The motion prevailed.

House Bill No. 4796, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2611 (MCL 333.2611), as amended by 1989 PA 264.

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

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

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

The motion prevailed.

Associate Speaker Pro Tempore Julian assumed the Chair.

House Bill No. 5256, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21766 (MCL 333.21766), as amended by 1994 PA 73.

The bill was read a second time.

Rep. Ehardt moved to substitute (H-1) the bill.

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

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

The motion prevailed.

House Bill No. 5259, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20201 (MCL 333.20201), as amended by 1998 PA 88.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5263, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16204a (MCL 333.16204a), as amended by 1998 PA 421.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5264, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2212a (MCL 500.2212a), as amended by 1998 PA 424.

The bill was read a second time.

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 4, following line 27, by inserting:

"Enacting section 1. The 2001 amendatory act that added section 2212a(4) to the insurance code of 1956, 1956 PA 218, MCL 500.2212a, shall not be construed as creating a new mandated benefit for any coverages issued under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302."

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

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

The motion prevailed.

House Bill No. 5265, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 402a (MCL 550.1402a), as amended by 1998 PA 426.

The bill was read a second time.

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 4, following line 23, by inserting:

"Enacting section 1. The 2001 amendatory act that added section 402a(4) to the nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1402a, shall not be construed as creating a new mandated benefit for any coverages issued under the nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1101 to 550.1704."

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

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

The motion prevailed.

House Bill No. 5038, entitled

A bill to amend 1959 PA 168, entitled "An act to provide for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies," by amending sections 6 and 9 (MCL 125.326 and 125.329), section 6 as amended by 1987 PA 73 and section 9 as amended by 1999 PA 197, and by adding section 7a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Land Use and Environment,

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

Rep. Gielegghem moved to amend the bill as follows:

1. Amend page 6, line 23, after "COMMENT." by inserting "THE PROCESS OF ADOPTING A PLAN SHALL NOT PROCEED FURTHER UNLESS THE TOWNSHIP BOARD APPROVES THE DISTRIBUTION OF THE PROPOSED PLAN."

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

Rep. Kolb moved to amend the bill as follows:

1. Amend page 2, following line 14, by inserting:

"(D) "JOINT PLANNING COMMISSION" MEANS A PLANNING COMMISSION ESTABLISHED UNDER SECTION 5A.

(E) "LOCAL UNIT OF GOVERNMENT" MEANS A CITY, VILLAGE, TOWNSHIP, OR COUNTY." and relettering the remaining subdivision.

2. Amend page 2, line 15, after "commission" by inserting a comma and "UNLESS THE CONTEXT INDICATES A DIFFERENT MEANING,".

3. Amend page 2, following line 16, by inserting:

"SEC. 5A. THE GOVERNING BODIES OF 2 OR MORE LOCAL UNITS OF GOVERNMENT WHOSE COMBINED TERRITORY IS CONTIGUOUS MAY BY RESOLUTION ADOPT AN AGREEMENT ESTABLISHING A JOINT PLANNING COMMISSION. THE JOINT PLANNING COMMISSION SHALL CONSIST OF THE FULL MEMBERSHIP OF THE PLANNING COMMISSION OF EACH PARTICIPATING LOCAL UNIT OF GOVERNMENT UNDER THIS ACT, 1931 PA 285, MCL 125.31 TO 125.45, OR 1945 PA 282, MCL 125.101 TO 125.115, AS APPLICABLE. THE JURISDICTIONAL AREA OF THE JOINT PLANNING COMMISSION SHALL CONSIST OF THE COMBINED TERRITORY OF THE PARTICIPATING LOCAL UNITS OF GOVERNMENT.

UNDER THE AGREEMENT, A LOCAL UNIT OF GOVERNMENT MAY TRANSFER TO THE JOINT PLANNING COMMISSION ALL OR PART OF THE POWERS AND DUTIES OF THAT LOCAL UNIT OF GOVERNMENT'S PLANNING COMMISSION UNDER THIS ACT, 1931 PA 285, MCL 125.31 TO 125.45, OR 1945 PA 282, MCL 125.101 TO 125.115, AS APPLICABLE. THE AGREEMENT SHALL INCLUDE A PROCEDURE BY WHICH A LOCAL UNIT OF GOVERNMENT MAY JOIN THE JOINT PLANNING COMMISSION AND A PROCEDURE BY WHICH A PARTICIPATING LOCAL UNIT OF GOVERNMENT MAY WITHDRAW FROM THE JOINT PLANNING COMMISSION.”.

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

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

The motion prevailed.

House Bill No. 5252, entitled

A bill to amend 1945 PA 282, entitled “An act to provide for county planning; the creation, organization, powers and duties of county planning commissions,” by amending sections 4 and 5 (MCL 125.104 and 125.105) and by adding section 4b.

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

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

Rep. Gielegem moved to amend the bill as follows:

1. Amend page 5, line 10, after “COMMENT.” by inserting “THE PROCESS OF ADOPTING A PLAN SHALL NOT PROCEED FURTHER UNLESS THE COUNTY BOARD OF COMMISSIONERS APPROVES THE DISTRIBUTION OF THE PROPOSED PLAN.”.

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

Rep. Kolb moved to amend the bill as follows:

1. Amend page 1, following “THE PEOPLE OF THE STATE OF MICHIGAN ENACT:” by inserting:

“SEC. 3A. THE GOVERNING BODIES OF 2 OR MORE LOCAL UNITS OF GOVERNMENT WHOSE COMBINED TERRITORY IS CONTIGUOUS MAY BY RESOLUTION ADOPT AN AGREEMENT ESTABLISHING A JOINT PLANNING COMMISSION. THE JOINT PLANNING COMMISSION SHALL CONSIST OF THE FULL MEMBERSHIP OF THE PLANNING COMMISSION OF EACH PARTICIPATING LOCAL UNIT OF GOVERNMENT UNDER THIS ACT, 1931 PA 285, MCL 125.31 TO 125.45, OR 1959 PA 168, MCL 125.321 TO 125.333, AS APPLICABLE. THE JURISDICTIONAL AREA OF THE JOINT PLANNING COMMISSION SHALL CONSIST OF THE COMBINED TERRITORY OF THE PARTICIPATING LOCAL UNITS OF GOVERNMENT. UNDER THE AGREEMENT, A LOCAL UNIT OF GOVERNMENT MAY TRANSFER TO THE JOINT PLANNING COMMISSION ALL OR PART OF THE POWERS AND DUTIES OF THAT LOCAL UNIT OF GOVERNMENT'S PLANNING COMMISSION UNDER THIS ACT, 1931 PA 285, MCL 125.31 TO 125.45, OR 1959 PA 168, MCL 125.321 TO 125.333, AS APPLICABLE. THE AGREEMENT SHALL INCLUDE A PROCEDURE BY WHICH A LOCAL UNIT OF GOVERNMENT MAY JOIN THE JOINT PLANNING COMMISSION AND A PROCEDURE BY WHICH A PARTICIPATING LOCAL UNIT OF GOVERNMENT MAY WITHDRAW FROM THE JOINT PLANNING COMMISSION.”.

2. Amend page 9, line 25, after the second “COMMISSION” by inserting a comma and “UNLESS THE CONTEXT INDICATES A DIFFERENT MEANING,”.

3. Amend page 9, following line 26, by inserting:

“(D) “JOINT PLANNING COMMISSION” MEANS A PLANNING COMMISSION ESTABLISHED UNDER SECTION 3A.

“(E) “LOCAL UNIT OF GOVERNMENT” MEANS A CITY, VILLAGE, TOWNSHIP, OR COUNTY.”.

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

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

The motion prevailed.

House Bill No. 5267, entitled

A bill to amend 1931 PA 285, entitled “An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act,” by amending sections 6, 7, and 8 (MCL 125.36, 125.37, and 125.38), section 8 as amended by 1999 PA 14, and by adding sections 7a and 8a.

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

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

Rep. Gielegem moved to amend the bill as follows:

1. Amend page 7, line 3, after "COMMENT." by inserting "THE PROCESS OF ADOPTING A PLAN SHALL NOT PROCEED FURTHER UNLESS THE LEGISLATIVE BODY OF THE MUNICIPALITY APPROVES THE DISTRIBUTION OF THE PROPOSED PLAN."

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

Rep. Kolb moved to amend the bill as follows:

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

"(C) "JOINT PLANNING COMMISSION" MEANS A PLANNING COMMISSION ESTABLISHED UNDER SECTION 5A.

(D) "LOCAL UNIT OF GOVERNMENT" MEANS A MUNICIPALITY OR COUNTY." and relettering the remaining subdivisions.

2. Amend page 2, line 12, after the second "COMMISSION" by inserting a comma and "UNLESS THE CONTEXT INDICATES A DIFFERENT MEANING,".

3. Amend page 2, following line 20, by inserting:

"SEC. 5A. THE GOVERNING BODIES OF 2 OR MORE LOCAL UNITS OF GOVERNMENT WHOSE COMBINED TERRITORY IS CONTIGUOUS MAY BY RESOLUTION ADOPT AN AGREEMENT ESTABLISHING A JOINT PLANNING COMMISSION. THE JOINT PLANNING COMMISSION SHALL CONSIST OF THE FULL MEMBERSHIP OF THE PLANNING COMMISSION OF EACH PARTICIPATING LOCAL UNIT OF GOVERNMENT UNDER THIS ACT, 1959 PA 168, MCL 125.321 TO 125.333, OR 1945 PA 282, MCL 125.101 TO 125.115, AS APPLICABLE. THE JURISDICTIONAL AREA OF THE JOINT PLANNING COMMISSION SHALL CONSIST OF THE COMBINED TERRITORY OF THE PARTICIPATING LOCAL UNITS OF GOVERNMENT. UNDER THE AGREEMENT, A LOCAL UNIT OF GOVERNMENT MAY TRANSFER TO THE JOINT PLANNING COMMISSION ALL OR PART OF THE POWERS AND DUTIES OF THAT LOCAL UNIT OF GOVERNMENT'S PLANNING COMMISSION UNDER THIS ACT, 1959 PA 168, MCL 125.321 TO 125.333, OR 1945 PA 282, MCL 125.101 TO 125.115, AS APPLICABLE. THE AGREEMENT SHALL INCLUDE A PROCEDURE BY WHICH A LOCAL UNIT OF GOVERNMENT MAY JOIN THE JOINT PLANNING COMMISSION AND A PROCEDURE BY WHICH A PARTICIPATING LOCAL UNIT OF GOVERNMENT MAY WITHDRAW FROM THE JOINT PLANNING COMMISSION."

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

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

The motion prevailed.

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

The motion prevailed.

Rep. Patterson moved that when the House adjourns today it stand adjourned until Monday, October 29, at 2:00 p.m.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Hale, Garza, Shulman, Rison, Ehardt, Thomas, Neumann, Schermesser, Hager, Pappageorge, Faunce, DeRossett, DeWeese, Woodward, Rivet, Bogardus, Kolb, Schauer, Jansen, Richner, Anderson, Hansen, Spade, Switalski, Lemmons, Reeves, Hardman, Phillips, Plakas, Minore, Dennis, Adamini, Gielegem, Bovin, Murphy, Zelenko, Bernero, Wojno, Waters, Clark, Jamnick, McConico, Lipsey, Rich Brown, Birkholz and Jacobs offered the following resolution:

House Resolution No. 248.

A resolution honoring Annette Rainwater upon her retirement.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Annette Rainwater has put forth on behalf of the people of the city of Detroit, that we offer this expression of our thanks and best wishes in

her retirement. As the people of the city of Detroit recognize her loyalty and devotion to human and civil rights activism, we add our sentiments of gratitude for a job well done; and

Whereas, In her 50 years of dedication to the people of the city of Detroit, Annette has devoted her life to empowering grassroots organizations and motivating others to follow her path of service. A native of Georgia, Annette attended Wayne State University, majoring in political science. She is married to Andrew Miller and they have a son, Julian. She derives spiritual comfort from St. John C.M.E. Church, where she has been a dedicated member for many years; and

Whereas, Annette has performed a multitude of public service roles including Chief of Staff to Detroit Councilman Clyde Cleveland, Fifteenth Democratic Congressional District Organization Board member, Michigan Democratic Party State Central member, Democratic Precinct delegate, Executive Director of the Detroit Chapter of Operation PUSH, and past President and national board member of the National Political Congress of Black Women. She has shared her talent and leadership ability with various social and civic organizations throughout the city, state, and nation including the State of Michigan Young Citizens Committee, the NAACP (life member), SCLC, SNCC, CORE, TULC, Gamma Phi Delta-Alpha Theta Chapter, National Council of Negro Women, and the Detroit Urban League. She has also worked effectively in the campaigns of numerous political leaders throughout the city of Detroit and across the state of Michigan; and

Whereas, Annette Rainwater has truly been an inspiration to the citizens of the city of Detroit and has proven to be an exceptional role model for us all. Her sincerity and loyalty have been deeply appreciated, both by citizens and organizations throughout the city of Detroit who have benefitted directly from Annette Rainwater's work, as well as other community activists who have witnessed this fine example. There can be little doubt that the record of Annette Rainwater over the past 50 years will continue to reap rewards for the people of the city of Detroit. We offer our thanks on this personal milestone and salute this living legend; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body join with the Annette Rainwater Retirement Committee in honoring Annette Rainwater for 50 outstanding years of community service. May she enjoy the happiest of retirements; and be it further

Resolved, That a copy of this resolution be transmitted to Annette Rainwater as a token of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Adamini, Rich Brown, Bovin, Frank, Hale, Van Woerkom, Shulman, Howell, Rison, Ehardt, Newell, Rocca, Thomas, Neumann, Schermesser, Voorhees, Hager, Pappageorge, Faunce, Meyer, DeRossett, DeWeese, Koetje, Bishop, Vander Roest, Mans, Woodward, Rivet, Bogardus, Kolb, Schauer, Jansen, Richner, Anderson, Hansen, Spade, Switalski, Lemmons, Reeves, Hardman, Phillips, Raczkowski, Plakas, Sheltrown, Minore, Dennis, Gielegem, Murphy, Zelenko, Bernero, Wojno, Waters, Clark, Jamnick, McConico, Lipsey, Birkholz and Jacobs offered the following resolution:

House Resolution No. 249.

A resolution honoring Joan Rundman on being selected as the 2001 Governor's Council on Physical Fitness Female Amateur Athlete of the Year.

Whereas, Joan Rundman was a successful gymnast in college and built on that background to become a top rated cross-country skier and runner. It is therefore fitting that she has received the 2001 Governor's Council on Physical Fitness Female Amateur Athlete Award. We can be sure of the proven talents and competitive spirit of amateur sports and we express our appreciation for Joan Rundman's valuable contributions to amateur athletics; and

Whereas, Joan Rundman now volunteers to help others become active in sports, especially the youth. She can be seen in the community running, skiing, snowshoeing, or coaching. We recognize Joan for her success in both athletics and motivating young people. With Joan's attitude and accomplishments, she is a model of the values that can be found in amateur athletics in this state. Joan is indeed a fine young woman who has become a source of great pride to our community; and

Whereas, Joan is a nurse in the cardiac rehab unit of Marquette General Hospital and is instrumental in getting patients to be more active and, thus, improving their lives. She also has volunteered as a nurse in a war-torn Bosnian children's refugee camp. There she provided the children with health services and promoted physical activity through organized games and movement activities; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Joan Rundman on being selected as the 2001 Governor's Council on Physical Fitness Female Amateur Athlete of the Year. May Joan Rundman know of our pride in her accomplishments; and be it further

Resolved, That a copy of this resolution be forwarded to her 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. Kilpatrick, Garza, Hale, Shulman, Rison, Ehardt, Thomas, Neumann, Schermesser, Hager, Faunce, DeRossett, DeWeese, Woodward, Rivet, Bogardus, Kolb, Schauer, Richner, Anderson, Hansen, Spade, Switalski, Lemmons, Reeves, Hardman, Phillips, Daniels, Raczkowski, Sheltroun, Minore, Dennis, Adamini, Gielegem, Bovin, Murphy, Zelenko, Bernero, Wojno, Waters, Clark, Jamnick, McConico, Lipsey, Rich Brown, Birkholz and Jacobs offered the following resolution:

House Resolution No. 250.

A resolution honoring John W. Barfield.

Whereas, John W. Barfield embraced entrepreneurship from early childhood on, but business has not been the sole definition of him. His legacy of generosity is equally awe-inspiring. Earlier this year, he received the Sapphire Award, a high honor created by the state of Michigan and Blue Cross/Blue Shield of Michigan. This award honors a leading volunteer who made a demonstrable commitment to Michigan's youth. Currently, he is Chairman Emeritus of the Bartech Group, Inc.; and

Whereas, In 1945, seventeen-year old John W. Barfield, the son of an Alabama sharecropper, dropped out of high school to enlist in the Army. The majority of his two-year tour was served in Germany and France. Upon his discharge, he worked as a custodian for \$1.75 per hour at the University of Michigan. Hard work and dedication eventually led him to form his own company, the Barfield Cleaning Company, located in Ypsilanti, Michigan. In 1974, Mr. Barfield incorporated Barfield Building Maintenance Company. This company was acquired by Unified Building Maintenance Services, Inc. of Washington, D.C., in 1986. In 1977, he incorporated John Barfield & Associates, which was later named Bartech, Inc. A year later, he founded Barfield Manufacturing Company, which was acquired by Mascotech Industries, an automotive supplier and public company, in 1991. During his 48 plus years in business, John's business acumen has been duly recognized by many organizations including Black Enterprise Magazine, Michigan Department of Commerce, DTE Energy, Daimler/Chrysler Corporation, General Motors, and Ford Motor Company; and

Whereas, Over the course of John W. Barfield's long and productive service with the Bartech Group Inc., he contributed to its growth and reputation. In this, John W. Barfield's personal sense of dedication, integrity, and thoroughness have proven invaluable. His superiors and colleagues depended upon his consistency meeting each task with a positive attitude. The people who rely upon this enterprise have benefitted enormously because of John W. Barfield's years of experience; and

Whereas, John attributes his accomplishments in life to the principles modeled by his parents. In addition, he readily gives 51% of the credit for his success to his wife, Betty, his life partner for more than 50 years. Together they created a loving family, a successful group of businesses, and a valued community presence. In passing the reigns of the company to his six children, John and Betty are confident that they understand and will live by John's words, "The best way to feel good about yourself is to do as much as you possibly can for others.". His parting advice upon his retirement from Bartech was, "Always remember that our company was built on three principles: quality of our services, being fair to our employees, and being good corporate citizens. Such foundations as these will ensure our continuing success."; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the many accomplishments of John W. Barfield, the Founder and Chairman of the Bartech Group, Inc. He is truly an inspiration, not only to his family and friends, but the entire state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to John W. Barfield 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.

Reports of Select Committees

Senate Bill No. 30, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16277.

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 30, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16277.

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House and to the following amendment:

1. Amend page 2, line 1, after "OF" by inserting "OR AS A RESULT OF A REFERRAL FROM".

Second: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 16277.

Dale Shugars
John J. H. Schwarz, M.D.
Conferees for the Senate

Jim Howell
Andrew Richner
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Reports of Standing Committees

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

House Bill No. 4141, entitled

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

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 4141 To Report Out:

Yeas: Reps. Rocca, Scranton, Faunce, Garza, Waters, Williams,

Nays: None.

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

House Bill No. 5119, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 525 (MCL 436.1525).

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 5119 To Report Out:

Yeas: Reps. Rocca, Scranton, Faunce, Raczkowski, Richner, Garza, Waters, Williams,
Nays: None.

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

Senate Bill No. 331, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 107, 525, 531, and 537 (MCL 436.1107, 436.1525, 436.1531, and 436.1537), section 531 as amended by 2000 PA 399, and by adding section 532.

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 331 To Report Out:

Yeas: Reps. Rocca, Faunce, Raczkowski, Richner, Garza, Waters, Williams,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair of the Committee on Regulatory Reform, was received and read:

Meeting held on: Thursday, October 25, 2001, at 9:00 a.m.,

Present: Reps. Rocca, Scranton, Faunce, Raczkowski, Richner, Garza, Waters, Williams,

Absent: Rep. Wojno.

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

House Bill No. 5083, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2217.

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 5083 To Report Out:

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

Nays: None.

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

House Bill No. 5085, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1180.

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

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

Favorable Roll Call

HB 5085 To Report Out:

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

Nays: None.

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

House Bill No. 5086, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9171. 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 5086 To Report Out:

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

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, October 25, 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 Appropriations, by Rep. Shulman, Chair, reported

Senate Bill No. 671, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 353c (MCL 18.1353c), as amended by 2001 PA 112.

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

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

Favorable Roll Call

SB 671 To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 25, 2001, at 10:30 a.m.,

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

Absent: Rep. Clarke,

Excused: Rep. Clarke.

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

House Bill No. 5026, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a).

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 5026 To Report Out:

Yeas: Reps. DeVuyst, Tabor, Bradstreet, Drolet, Kowall, Voorhees, Basham, Sheltroun,

Nays: None.

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, October 25, 2001, at 10:00 a.m.,

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

Absent: Rep. Callahan,

Excused: Rep. Callahan.

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, October 25, 2001, at 10:30 a.m.,

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

Absent: Reps. Quarles, Lemmons,

Excused: Reps. Quarles, 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, October 23:

Senate Bill Nos. 775 781 782

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, October 25:

House Bill Nos.	5307	5308	5309	5310	5311	5312	5313	5314	5315	5316	5317	5318	5319	5320
	5321	5322	5323	5324	5325	5326	5327	5328	5329	5330	5331	5332	5333	5334
	5335	5336	5337	5338	5339									

The Clerk announced that the following Senate bill had been received on Thursday, October 25:

Senate Bill No. 217

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4626, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11104, 11108, 11130, 11135, 12101, 12102, 12103, 12109, and 12112 (MCL 324.11104, 324.11108, 324.11130, 324.11135, 324.12101, 324.12102, 324.12103, 324.12109, and 324.12112), sections 11104 and 11130 as amended by 1998 PA 139 and sections 12101, 12102, 12103, and 12109 as amended by 1998 PA 140, and by adding sections 11108a, 11131, and 11153.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "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,” by amending sections 11104, 11108, 11130, 11135, 12101, 12102, 12103, 12109, and 12112 (MCL 324.11104, 324.11108, 324.11130, 324.11135, 324.12101, 324.12102, 324.12103, 324.12109, and 324.12112), sections 11104 and 11130 as amended by 1998 PA 139 and sections 12101, 12102, 12103, and 12109 as amended by 1998 PA 140, and by adding section 11153.

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

House Bill No. 4820, entitled

A bill to regulate the production, transportation, handling, processing, delivery, and sale of grade A milk and milk products; to define grade A milk and milk products and to establish standards and requirements for grade A milk and milk products; to provide for dairy food safety; to provide for the sampling, sampling analysis, and transportation of milk and milk products; to regulate the labeling, manufacture, distribution, and sale of milk and milk products for the protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of milk and milk products; to provide for enforcement; to provide for licenses and permits and revocation of licenses and permits; to impose certain fees; to require certain security arrangements of milk plants to ensure the prompt payment of producers; to prescribe powers and duties of certain state departments and officers; to provide for uniform standards and uniform inspection; to provide for promulgation of rules; to provide for certain remedies and penalties; and to repeal acts and parts of acts.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2) and ordered that it be given immediate effect.

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

House Bill No. 4829, entitled

A bill to define and regulate milk, cream, frozen desserts, and related foods and by-products of those foods under certain circumstances; to prescribe certain powers and duties of certain state agencies and officers; to prohibit the sale of unclean and unsanitary milk and manufactured dairy products and their use in the manufacture of food products; to prohibit unclean and unsanitary conditions of milk and milk processing establishments; to establish production and handling standards of sanitary milk and dairy products for manufacturing and manufactured dairy products; to regulate the sale and transportation of milk and dairy products for manufacturing purposes; to issue licenses and permits to certain persons and provide for the revocation or suspension of licenses and permits under certain circumstances; to impose certain fees; to require certain security devices under certain circumstances; to establish inspection requirements; to 9 2 promulgate rules; to set certain standards for milk and dairy products, processing, and pasteurization; to provide for penalties and remedies; and to repeal acts and parts of acts.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

Senate Bill No. 217, entitled

A bill to regulate the servicing, repair, and maintenance of certain appliances and the compensation received by certain persons for those activities; to provide for certain disclosures and warranties regarding those activities; to limit certain representations by service dealers; and to provide for certain remedies.

The Senate has passed the bill.

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

Communications from State Officers

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

October 19, 2001

Pursuant to Section 314 of P.A. 293 of 2000, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Licensing Report	Sequoyah Center		CS470201401
Special Investigation	Green Oak Center	SIR2001C0208034	CS470201159
Special Investigation	Green Oak Center	SIR2001C0208035	CS470201159

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

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

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

The communication was referred to the Clerk.

Introduction of Bills

Reps. Woodward, Dennis, Bovin, Whitmer, McConico, Kolb, Gielegem, Schauer, Jacobs, Bogardus, Neumann, Basham and Waters introduced

House Bill No. 5340, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1249. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Bradstreet, Julian, Drolet, Gosselin, Hummel, Richardville, Howell, Vander Veen, Ehardt, Vear, Newell, Birkholz, Pumford, Pappageorge, Raczkowski, Shulman and DeVuyst introduced

House Bill No. 5341, entitled

A bill to commission and confer certain police and arrest powers on certain sergeants at arms and assistant sergeants at arms in the legislative branch; and to prescribe certain duties and responsibilities of certain state employees.

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

Reps. Julian, Bradstreet, Ehardt, Caul, Pumford, Pappageorge, Vander Roest, Middaugh, Richardville, Van Woerkom, Gosselin, Voorhees, Hansen, Newell, Sheltroun, Bisbee, Koetje, George, Hummel, Howell, Vander Veen, Birkholz, Raczkowski, Drolet, DeVuyst, Shulman and Vear introduced

House Bill No. 5342, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 2 (MCL 28.602), as amended by 1998 PA 237.

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

Rep. Bernero moved that the House adjourn.
The motion prevailed, the time being 2:05 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Monday, October 29, at 2:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.