

No. 17
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House Chamber, Lansing, Tuesday, February 26, 2002.

2:00 p.m.

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

e/d/s = entered during session

Rep. Douglas Bovin, from the 108th District, offered the following invocation:

“Heavenly Father, guide us today in this legislative session, that we may be alert to the needs and concerns of the people of this great state of Michigan and compassionate in the resolve of those concerns. Thank You for Your daily vigilance over this body. Please continue to strengthen our commitment to all of the people of this great state through caring and compassionate legislation. Keep us cognizant that we are all created equal but that there are those who may be less fortunate and need our help. Keep us mindful that You are with us always and that all we need to do is ask for Your guidance. We ask this in the name of Your son, Jesus Christ, Amen.”

Rep. Jacobs moved that Reps. Hardman, McConico, Phillips, Rison and Schermesser be excused from today’s session.

The motion prevailed.

Rep. Jacobs moved that Rep. Minore be excused from this week’s session.

The motion prevailed.

Reports of Standing Committees

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

House Bill No. 5431, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43532 (MCL 324.43532), as amended by 1996 PA 585.

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 5431 To Report Out:

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

Nays: None.

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

House Bill No. 5556, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 48701 (MCL 324.48701), as added by 1995 PA 57.

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

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

Favorable Roll Call

HB 5556 To Report Out:

Yeas: Reps. DeVuyst, Tabor, Bradstreet, Drolet, Kowall, Rocca, Voorhees, Callahan, Garza, 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, February 21, 2002, at 10:00 a.m.,

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

Absent: Rep. Basham,

Excused: Rep. Basham.

Rep. Kolb moved that Rep. Thomas be excused temporarily from today’s session.
The motion prevailed.

Rep. Allen moved that Rep. Rick Johnson be excused temporarily from today’s session.
The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4325, entitled

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

(The bill was received from the Senate on February 14, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 19, see House Journal No. 13, p. 245.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 134

Yeas—98

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

Nays—1

Drolet

In The Chair: Birkholz

The House agreed to the full title of the bill.

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

The Speaker laid before the House

House Bill No. 5033, entitled

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

(The bill was received from the Senate on February 14, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 19, see House Journal No. 13, p. 246.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 135

Yeas—101

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

Nays—0

In The Chair: Birkholz

The House agreed to the full title of the bill.

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

Rep. Godchaux entered the House Chambers.

The Speaker laid before the House

House Bill No. 5449, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 145b, 448, 449, 450, and 462 (MCL 750.145b, 750.448, 750.449, 750.450, and 750.462).

(The bill was received from the Senate on February 14, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 19, see House Journal No. 13, p. 247.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 136**Yeas—101**

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

Nays—0

In The Chair: Birkholz

The House agreed to the title as amended.

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

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

Third Reading of Bills**Senate Bill No. 592, entitled**

A bill to amend 1984 PA 218, entitled "Third party administrator act," by amending sections 14 and 18 (MCL 550.914 and 550.918); and to repeal acts and parts of acts.

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

Roll Call No. 137**Yeas—101**

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

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 provide for the regulation of third party administrators; to provide for the licensure of administrative service managers; to provide for certain powers and duties for certain state agencies and officers; to provide for the confidentiality of certain personal data; and to prescribe penalties for a violation of this act.”.

The House agreed to the full title.

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

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

House Bill No. 5108, entitled

A bill to protect certain rights that public employees have in retirement benefits under certain circumstances; and to prescribe the powers and duties of certain retirement systems, state departments, courts, public officials, and public employees.

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

Roll Call No. 138**Yeas—102**

Adamini	Faunce	LaSata	Schauer
Allen	Frank	Lemmons	Scranton
Anderson	Garza	Lipsey	Shackleton

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

House Bill No. 5109, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 31, 40, and 69 (MCL 38.31, 38.40, and 38.69), section 31 as amended by 1998 PA 205, section 40 as amended by 1991 PA 48, and section 69 as added by 1996 PA 487.

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

Roll Call No. 139**Yeas—101**

Adamini	Faunce	Kuipers	Rocca
Allen	Frank	LaSata	Schauer
Anderson	Garza	Lemmons	Scranton
Basham	George	Lipsey	Shackleton
Bernero	Gielegem	Lockwood	Sheltrown
Birkholz	Gilbert	Mans	Shulman
Bisbee	Godchaux	Mead	Spade
Bishop	Gosselin	Meyer	Stallworth
Bogardus	Hager	Middaugh	Stamas
Bovin	Hale	Mortimer	Stewart
Bradstreet	Hansen	Murphy	Switalski
Brown, B.	Hart	Neumann	Tabor
Brown, C.	Howell	Newell	Toy

Brown, R.	Hummel	O'Neil	Van Woerkom
Callahan	Jacobs	Pappageorge	Vander Roest
Cassis	Jamnick	Patterson	Vander Veen
Caul	Jansen	Pestka	Vear
Clark, I.	Jelinek	Plakas	Voorhees
Clarke, H.	Johnson, Rick	Pumford	Waters
Daniels	Johnson, Ruth	Quarles	Whitmer
Dennis	Julian	Rackowski	Williams
DeRossett	Koetje	Reeves	Wojno
DeVuyst	Kolb	Richardville	Woodward
DeWeese	Kooiman	Richner	Woronchak
Drolet	Kowall	Rivet	Zelenko
Ehardt			

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Jacobs moved that Rep. Thomas be excused temporarily from today's session.

The motion prevailed.

House Bill No. 5110, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 46 and 85 (MCL 38.1346 and 38.1385), section 46 as amended by 1991 PA 47 and section 85 as amended by 1998 PA 213.

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

Roll Call No. 140

Yeas—101

Adamini	Faunce	Kuipers	Rocca
Allen	Frank	LaSata	Schauer
Anderson	Garza	Lemmons	Scranton
Basham	George	Lipsey	Shackleton
Bernero	Gielegem	Lockwood	Sheltrown
Birkholz	Gilbert	Mans	Shulman
Bisbee	Godchaux	Mead	Spade
Bishop	Gosselin	Meyer	Stallworth
Bogardus	Hager	Middaugh	Stamas
Bovin	Hale	Mortimer	Stewart
Bradstreet	Hansen	Murphy	Switalski
Brown, B.	Hart	Neumann	Tabor
Brown, C.	Howell	Newell	Toy
Brown, R.	Hummel	O'Neil	Van Woerkom
Callahan	Jacobs	Pappageorge	Vander Roest
Cassis	Jamnick	Patterson	Vander Veen
Caul	Jansen	Pestka	Vear

Clark, I.	Jelinek	Plakas	Voorhees
Clarke, H.	Johnson, Rick	Pumford	Waters
Daniels	Johnson, Ruth	Quarles	Whitmer
Dennis	Julian	Raczkowski	Williams
DeRossett	Koetje	Reeves	Wojno
DeVuyst	Kolb	Richardville	Woodward
DeWeese	Kooiman	Richner	Woronchak
Drolet	Kowall	Rivet	Zelenko
Ehardt			

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

House Bill No. 5111, entitled

A bill to amend 1937 PA 345, entitled “Fire fighters and police officers retirement act,” by amending sections 6 and 9 (MCL 38.556 and 38.559), as amended by 1991 PA 54.

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

Roll Call No. 141**Yeas—101**

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

Nays—0

In The Chair: Julian

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

House Bill No. 5112, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 308, 506, and 720 (MCL 38.2308, 38.2506, and 38.2670), section 506 as amended by 1999 PA 215 and section 720 as added by 1996 PA 523.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 142

Yeas—101

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

Nays—0

In The Chair: Julian

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

House Bill No. 5113, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 43 (MCL 38.1643), as amended by 1991 PA 53.

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

Roll Call No. 143

Yeas—102

Adamini	Faunce	LaSata	Schauer
Allen	Frank	Lemmons	Scranton
Anderson	Garza	Lipsey	Shackleton

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

House Bill No. 5114 , entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 57 and 80 (MCL 38.1057 and 38.1080), section 57 as amended by 1995 PA 258 and section 80 as added by 1996 PA 486.

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

Roll Call No. 144**Yeas—93**

Adamini	Faunce	Kuipers	Rocca
Allen	Frank	LaSata	Schauer
Anderson	Garza	Lemmons	Scranton
Basham	George	Lipsey	Shackleton
Bernero	Gielegem	Lockwood	Sheltrown
Birkholz	Gilbert	Mans	Shulman
Bisbee	Godchaux	Mead	Spade
Bogardus	Hager	Meyer	Stallworth
Bovin	Hale	Mortimer	Stamas
Bradstreet	Hansen	Murphy	Switalski
Brown, B.	Hart	Neumann	Tabor
Brown, C.	Howell	Newell	Thomas
Brown, R.	Hummel	O'Neil	Toy
Callahan	Jacobs	Pappageorge	Van Woerkom
Cassis	Jamnick	Pestka	Vander Roest
Caul	Jansen	Plakas	Vander Veen
Clark, I.	Jelinek	Pumford	Vear
Clarke, H.	Johnson, Rick	Quarles	Waters

Daniels	Julian	Raczkowski	Whitmer
Dennis	Koetje	Reeves	Williams
DeRossett	Kolb	Richardville	Woodward
DeVuyst	Kooiman	Richner	Woronchak
DeWeese	Kowall	Rivet	Zelenko
Ehardt			

Nays—7

Bishop	Gosselin	Middaugh	Voorhees
Drolet	Johnson, Ruth	Patterson	

In The Chair: Julian

The House agreed to the title of the bill.

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

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

House Bill No. 5021, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2000 PA 460.

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

Roll Call No. 145**Yeas—100**

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

Nays—0

In The Chair: Julian

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 "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2001 PA 103.

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.

House Bill No. 5591, entitled

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

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

Roll Call No. 146

Yeas—101

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

Senate Bill No. 451, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2006 (MCL 500.2006).

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

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

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 9, following line 11, by inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 91st legislature are enacted into law:

- (a) House Bill No. 4740.
- (b) House Bill No. 4741.
- (c) House Bill No. 4742.
- (d) House Bill No. 4743.
- (e) House Bill No. 4744.”.

The question being on the adoption of the amendment offered by Rep. Bogardus, Rep. Bogardus demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Bogardus,

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

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

House Bill No. 5556, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 48701 (MCL 324.48701), as added by 1995 PA 57.

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

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

Rep. Allen moved to substitute (H-5) the bill.

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Patterson moved to amend the bill as follows:

1. Amend page 4, line 14, after “streams.” by inserting “ANY TROUT STREAM IN A COUNTY THAT INCLUDES A CITY WITH A POPULATION OF 750,000 OR MORE SHALL BE SO DESIGNATED. IN ADDITION,”.

2. Amend page 4, line 16, after “WHICH” by inserting “OTHER”.

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

Rep. Callahan moved to reconsider the vote by which the House adopted the amendments offered by Rep. Patterson. The question being on the motion made by Rep. Callahan,

Rep. Callahan demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Callahan,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 147

Yeas—40

Adamini	Clarke, H.	Kolb	Reeves
Anderson	Daniels	Lemmons	Spade
Basham	Dennis	Lipsey	Stallworth
Bernero	Frank	Lockwood	Switalski
Bogardus	Garza	Mans	Thomas
Bovin	Gielegem	Murphy	Waters
Brown, B.	Hale	Neumann	Whitmer
Brown, R.	Hansen	O’Neil	Williams
Callahan	Jacobs	Plakas	Wojno
Clark, I.	Jamnick	Quarles	Zelenko

Nays—60

Allen	Gilbert	Kuipers	Schauer
Birkholz	Godchaux	LaSata	Scranton
Bisbee	Gosselin	Mead	Shackleton
Bishop	Hager	Meyer	Sheltrown
Bradstreet	Hart	Middaugh	Shulman

Brown, C.	Howell	Mortimer	Stamas
Cassis	Hummel	Newell	Stewart
Caul	Jansen	Pappageorge	Tabor
DeRossett	Jelinek	Patterson	Toy
DeVuyst	Johnson, Rick	Pumford	Van Woerkom
DeWeese	Johnson, Ruth	Rackowski	Vander Roest
Drolet	Julian	Richardville	Vander Veen
Ehardt	Koetje	Richner	Vear
Faunce	Kooiman	Rivet	Voorhees
George	Kowall	Rocca	Woronchak

In The Chair: Julian

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

House Bill No. 4848, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 486 (MCL 750.486).
The bill was read a second time.

Rep. Stamas 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.

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Ruth Johnson offered the following resolution:

House Resolution No. 341.

A resolution to memorialize the Congress of the United States to support federal assistance, through the Transportation Efficiency Act, for the Village of Holly/Rose Township Michigan Highway-Rail Life Safety Access Project.

Whereas, Blockage of the Cogshall Road crossing creates a life threatening danger to residents in Holly Shores, a mobile home subdivision, when emergency vehicles cannot gain access; and

Whereas, Proximity of wetland limits the areas that can be used to address the problem; and

Whereas, Local, state, and railroad matching contributions will be used in conjunction with the Transportation Efficiency Act (TEA-21) grant to extend a passing siding to ensure no extended blockage and thus access for emergency vehicles; and

Whereas, A permanent resolution is necessary to address this significant safety problem; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body memorialize the Congress of the United States to approve federal assistance, through the TEA-21 grant program, for the Village of Holly/Rose Township Michigan Highway-Rail Life Safety Access Project; and be it further

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

The resolution was referred to the Committee on Transportation.

Reps. Whitmer, Bernero, Vander Roest, Stewart, Julian, Ruth Johnson, Birkholz, DeRossett, Hummel, Scranton, Hager, Van Woerkom, Tabor, Woronchak, Ehardt, Richardville, Neumann, Wojno, Schauer, Hansen, Kooiman, Vear, Richner, Switalski, Kolb, Garza, Woodward, Callahan, Sheltroun, Koetje, Bradstreet, Adamini, Murphy, Zelenko, Rackowski, Lipsey, Rich Brown, Jamnick, Rivet, Plakas, Dennis, Quarles, Bogardus, George, Voorhees, DeVuyst, Shulman, Pappageorge, Lockwood, Jansen, Jacobs, Caul, Gielegem, Anderson and DeWeese offered the following resolution:

House Resolution No. 342.

A resolution to urge the United States Department of Energy and the National Science Foundation to develop the Rare Isotope Accelerator at Michigan State University.

Whereas, Basic scientific research provides a foundation of knowledge that makes possible advances in virtually all fields. Gaining new understanding of elements can lead to discoveries that can impact every activity, from agriculture to medicine to commerce. In an effort to spur our country to new achievements, the federal government is committed to developing the Rare Isotope Accelerator. This major project has significant implications for our country and our state; and

Whereas, Michigan's achievements in scientific research are well established. Our universities have spearheaded several breakthroughs that reap benefits for the world today. The establishment of the Life Sciences Corridor is an example of the commitment our state has made to advancing the frontiers of knowledge; and

Whereas, The Rare Isotope Accelerator will be dedicated to producing and exploring isotopes of elements that cannot be found in nature today. The work will, however, be similar to the kinds of research activity conducted at the National Superconducting Cyclotron Laboratory at Michigan State University. This highly regarded facility has demonstrated its value to the country with a proven record of accomplishment and cost effectiveness. While the new accelerator will be many times more powerful, the existing resources, infrastructure, and personnel at Michigan State University have made the National Superconducting Cyclotron Laboratory the leading rare isotope research facility in the country; and

Whereas, Locating the Rare Isotope Accelerator at Michigan State University is a logical extension of the commitment the nation has already made. The university has developed ambitious plans for this next generation of isotope research. Renewing the country's wise investment by locating the new Rare Isotope Accelerator at Michigan State University is a decision that is in the country's best interest for many reasons; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Department of Energy and the National Science Foundation to develop the Rare Isotope Accelerator at Michigan State University; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy and the National Science Foundation.

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

Reps. Bernero, Vander Roest, Birkholz, DeRossett, Hager, Van Woerkom, Gosselin, Ehardt, Richardville, Vander Veen, Neumann, Wojno, Schauer, Hansen, Spade, Richner, Switalski, Kolb, Garza, Woodward, Sheltroun, Koetje, Bradstreet, Whitmer, Adamini, Murphy, Zelenko, Raczkowski, Lipsey, Rich Brown, Jamnick, Rivet, Plakas, Dennis, Quarles, Bogardus, George, Voorhees, DeVuyst, Pappageorge, Jacobs, Gielegem, Anderson and DeWeese offered the following resolution:

House Resolution No. 343.

A resolution to honor Pastor James Pierce for his service with the Life Changers Christian Center.

Whereas, In observing the service of Pastor James Pierce, we signify the profound impact of his work with the Life Changers Christian Center in the community of Lansing. In his long and devoted efforts to offer spiritual and personal guidance to others through the ministry, this dedicated and unselfish man has striven to train the leaders that will positively influence our world. We give thanks for his commitment to strong leadership and integrity; and

Whereas, Ordained in 1992, Pastor Pierce founded the Life Changers Christian Center in 1996, using his knowledge of the ministry to inspire leadership in our community. As the Senior Pastor, he has pursued a mission of training ordinary men and women to help them become extraordinary leaders that impact our community and our world by following biblical principles; and

Whereas, Several annual events sponsored by the Life Changers Christian Center contribute to the betterment of Lansing. Among these events are Fun Fest, which serves as a safe alternative to trick-or-treating, youth outreach programs to teach leadership skills to our youths, and seminars and conferences to encourage business excellence and economic development in our community. Through his dedication, Life Changers has grown to over 2,000 members in only six years; and

Whereas, As the family, friends, and fellow members of the ministry can attest, Pastor James Pierce has helped thousands of people to develop themselves personally, raise their standard of living, and make substantial contributions to their churches, businesses, and community. With encouragement, prayer, and helpful instruction, he has introduced leadership skills to men and women in the city of Lansing. Through those who have been blessed by this hard work, the entire community has been enriched; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Pastor James Pierce for his service with the Life Changers Christian Center. Our great state is blessed that he chose Michigan for his heavenly mission; and be it further

Resolved, That a copy of this resolution be transmitted to Pastor James Pierce as a symbol 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. Bishop, Vander Roest, Stewart, Julian, Meyer, Stamas, Ruth Johnson, Birkholz, Howell, DeRossett, Hummel, Scranton, Hager, Van Woerkom, Gosselin, Mead, Middaugh, Woronchak, Ehardt, Richardville, Drolet, Vander Veen, Neumann, Wojno, Schauer, Cassis, Kooiman, Spade, Vear, Richner, Bovin, Callahan, Sheltroun, Koetje, Kowall, Bradstreet, Adamini, Murphy, Zelenko, Raczkowski, Lipsey, Cameron Brown, Rich Brown, Jammick, Rivet, Mans, Patterson, George, Voorhees, Kuipers, DeVuyst, Shulman, Pappageorge, Lockwood, Jansen, Jacobs, Caul and DeWeese offered the following resolution:

House Resolution No. 344.

A resolution commemorating May 2, 2002, as National Day of Prayer in Michigan.

Whereas, The Congress of the United States passed a law proclaiming the first Thursday of each May as National Day of Prayer; and

Whereas, America has a longstanding commitment to prayer. It originated with our forefathers. In 1775, as the Continental Congress met in the middle of the conflict that would forge our new nation, the authors of our liberty asked all colonists to pray for God's help in undertaking this enormous task. Then, in 1795, our first President, George Washington, issued a proclamation that united Americans in a day of public thanksgiving; and

Whereas, The annual celebration of National Day of Prayer did not come into existence until President Truman signed into law an Act of Congress in 1952. In 1988, Congress and President Reagan actually set the day for this commemoration on the first Thursday in May of every year; and

Whereas, On May 2, 2002, we gather together people of all faiths and backgrounds once more in a unity of the human spirit. This unity of the human spirit is what accomplishes great things; and

Whereas, The prayers of this nation are a part of the good that has come from the devastation of September 11. Millions of Americans have been led to prayer. They have prayed for comfort in time of grief, understanding in a time of anger, and for protection in a time of uncertainty. Tragedy has brought forth the courage and the generosity of the American people. No one would ever wish on anyone, the tragedy that happened on that day. Yet, as with each life, sorrows we would not choose can bring wisdom and strength gained in no other way; and

Whereas, Continuing in that tradition, many of the men and women who have served at the highest levels of our nation have also turned to prayer seeking wisdom from the Almighty. President Lincoln, who proclaimed a day of "humiliation, fasting and prayer" in 1863, once stated: "I have been driven many times to my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom and that of all about me, seemed insufficient for the day." Today, millions of Americans continue to hold dear that conviction President Lincoln so eloquently expressed. Gathering in churches, synagogues, mosques, temples, and homes, we ask for strength, direction, and compassion for our neighbors and ourselves; and

Whereas, On this National Day of Prayer, we ask that our country and its leaders continue to be blessed by God. We pray that this nation, founded on religious principles, continues to be guided and sustained by them. We ask that with God's help, we are able to solve our country's problems and make America a better nation through our contributions; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate May 2, 2002, as National Day of Prayer in Michigan. We encourage the citizens of our nation to pray each in his and her own manner, seeking God's blessings on our families and government officials and for personal renewal, moral awakening, and a new spirit of harmony across our land. We urge all Americans to join in observing this day with appropriate programs, ceremonies, and activities.

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. Bishop, Vander Roest, Stewart, Julian, Meyer, Ruth Johnson, Birkholz, Howell, DeRossett, Hummel, Scranton, Hager, Van Woerkom, Gosselin, Mead, Middaugh, Woronchak, Ehardt, Richardville, Drolet, Vander Veen, Neumann, Wojno, Schauer, Cassis, Hansen, Spade, Vear, Richner, Switalski, Kolb, Woodward, Sheltroun, Koetje, Kowall, Bradstreet, Adamini, Murphy, Zelenko, Raczkowski, Jammick, Rivet, Patterson, Quarles, Bogardus, George, Voorhees, Kuipers, DeVuyst, Shulman, Pappageorge, Lockwood, Jacobs, Caul, Gielegheem, Anderson and DeWeese offered the following resolution:

House Resolution No. 345.

A resolution to memorialize the Congress of the United States to enact legislation to provide for a means for victims of credit fraud to repair their credit records.

Whereas, With the increasing use of computer technology and the widespread availability of credit cards, the crime of identity theft is becoming a growing concern. Reports indicate that the pirating of personal information, including account numbers, has become a major problem for consumers, even among those who do all they can to minimize exposure; and

Whereas, For victims, credit card fraud and identity theft can be a financial nightmare from which there is no awakening. With the number of accounts that can be ruined in a brief time by a criminal, an individual's credit rating can suffer for many years, creating chaos long beyond the actual stealing of the information. The process of repairing credit can be a frustrating, time-consuming, and costly enterprise. On a larger scale, all consumers are hurt by credit card fraud; and

Whereas, For people victimized by identity fraud and left with a ruined credit rating, the current credit system effectively continues to punish them. There must be clear distinction in federal law and a mechanism of repairing credit that distinguishes between people whose poor credit is their own fault and the cases of those whose credit records are destroyed because of criminal activities. Federal laws and regulations need to address this problem and provide a reasonable and effective means of restoring a victimized consumer's credit; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to provide for a means for victims of credit fraud to repair their credit records; and be it further

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

The resolution was referred to the Committee on Commerce.

Reports of Standing Committees

The Committee on Senior Health, Security and Retirement, by Rep. Voorhees, Chair, reported

House Bill No. 5732, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1b, 1d, 5, 11, 13, 19, 20, 20d, 21, 24, 33, 38, 46, 48, 49, and 52 (MCL 38.1b, 38.1d, 38.5, 38.11, 38.13, 38.19, 38.20, 38.20d, 38.21, 38.24, 38.33, 38.38, 38.46, 38.48, 38.49, and 38.52), section 1b as amended by 1996 PA 33, sections 1d and 49 as added by 1995 PA 176, sections 11 and 13 as amended and section 52 as added by 1996 PA 487, section 19 as amended by 1998 PA 205, section 20 as amended by 1996 PA 521, section 20d as amended by 1996 PA 532, section 38 as amended by 1996 PA 279, and section 48 as added by 1990 PA 110, and by adding section 19g.

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 5732 To Report Out:

Yeas: Reps. Voorhees, Woronchak, Cassis, Kuipers, Vear,

Nays: Rep. Williams.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Voorhees, Chair of the Committee on Senior Health, Security and Retirement, was received and read:

Meeting held on: Tuesday, February 26, 2002, at 10:30 a.m.,

Present: Reps. Voorhees, Woronchak, Cassis, Kuipers, Vear, Williams, Bovin, Spade, Zelenko.

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported

House Bill No. 5522, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 21, 34a, 36, 37, 41, 42, 43, 57, 61, 62, 63, 85, 86, 87, and 88 (MCL 389.21, 389.34a, 389.36, 389.37, 389.41, 389.42, 389.43, 389.57, 389.61, 389.62, 389.63, 389.85, 389.86, 389.87, and 389.88), sections 21, 37, 41, 42, 43, 57, 61, 62, and 63 as amended and sections 85, 86, 87, and 88 as added by 2000 PA 488 and section 34a as amended by 1982 PA 381.

The committee recommended that the bill be referred to the Committee on Redistricting and Elections.

Favorable Roll Call

HB 5522 To Report Out:

Yeas: Reps. Birkholz, Hager, Drolet, Gilbert, Gosselin, Hummel, Jannick, Dennis,

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on Redistricting and Elections.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Birkholz, Chair of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Tuesday, February 26, 2002, at 12:00 Noon,

Present: Reps. Birkholz, Hager, Drolet, Gilbert, Gosselin, Hummel, Richardville, Jamnick, Dennis,

Absent: Reps. Hardman, Minore,

Excused: Reps. Hardman, Minore.

The Committee on Commerce, by Rep. Allen, Chair, reported

House Bill No. 4857, entitled

A bill to regulate and license certain individuals conducting certain transactions and acting as athlete agents in this state; to regulate certain student-athletes; to regulate certain contracts and agreements; to impose certain fees; to provide for certain powers and duties for certain state departments and agencies; to provide for adoption of rules; to create certain causes of action; and to provide for remedies and penalties.

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 4857 To Report Out:

Yeas: Reps. Allen, Bisbee, Gilbert, Koetje, Middaugh, Van Woerkom, Rivet, Kolb, Lemmons, Lipsey, Waters,

Nays: None.

The Committee on Commerce, by Rep. Allen, Chair, reported

Senate Bill No. 543, entitled

A bill to amend 1915 PA 312, entitled "Garage keeper's lien act," by amending sections 2, 3, 4, 5, and 6 (MCL 570.302, 570.303, 570.304, 570.305, and 570.306), sections 2 and 3 as amended and sections 4, 5, and 6 as added by 1998 PA 236, and by adding section 10.

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

SB 543 To Report Out:

Yeas: Reps. Allen, Bishop, Bisbee, Gilbert, Howell, Koetje, Middaugh, Van Woerkom, Vear, Rivet, Kolb, Lemmons, Lipsey, Waters, Zelenko,

Nays: None.

The Committee on Commerce, by Rep. Allen, Chair, reported

House Resolution No. 256.

A resolution to express support for the proposed aerial gondola spanning the Detroit River and to encourage Windsor and Ontario authorities to expedite the project's approval.

(For text of resolution, see House Journal No. 78 of 2001, p. 2277.)

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 256 To Report Out:

Yeas: Reps. Allen, Bishop, Bisbee, DeVuyst, Gilbert, Howell, Koetje, Middaugh, Van Woerkom, Vear, Rivet, Kolb, Waters, Zelenko,

Nays: None.

The Committee on Commerce, by Rep. Allen, Chair, reported

House Concurrent Resolution No. 57.

A concurrent resolution to express support for the proposed aerial gondola spanning the Detroit River and to encourage Windsor and Ontario authorities to expedite the project's approval.

(For text of resolution, see House Journal No. 12, p. 216.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

HCR 57 To Report Out:

Yeas: Reps. Allen, Bisbee, Gilbert, Koetje, Middaugh, Van Woerkom, Rivet, Kolb, Lemmons, Lipsey, Waters,
Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 26, 2002, at 9:00 a.m.,

Present: Reps. Allen, Bishop, Bisbee, DeVuyst, Gilbert, Howell, Koetje, Middaugh, Van Woerkom, Vear, Rivet,
Kolb, Lemmons, Lipsey, Waters, Zelenko,

Absent: Rep. McConico,

Excused: Rep. McConico.

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

House Bill No. 5495, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding chapter LXXXIII-A.

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 5495 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,

Nays: None.

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

House Bill No. 5520, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 22, 31, 33, 35, 37, and 49 of chapter XVII (MCL 777.22, 777.31, 777.33, 777.35, 777.37, and 777.49), sections 22, 33, and 35 as amended by 2000 PA 279, sections 31 and 49 as amended by 2001 PA 136, and section 37 as added by 1998 PA 317, and by adding section 49a.

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 5520 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,

Nays: None.

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

Senate Bill No. 730, entitled

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending sections 1, 4, and 5 (MCL 780.651, 780.654, and 780.655), section 1 as amended by 1990 PA 43.

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

SB 730 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,
Nays: None.

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

Senate Bill No. 803, entitled

A bill to authorize certain interceptions of communications and the use of interception devices for certain offenses; to provide for and regulate the application, issuance, and execution of interception orders; to prescribe the powers and duties of certain agencies, officers, and employees; to regulate the use and disclosure of communications and evidence intercepted or obtained under this act; to provide remedies and exemptions from liability; to prescribe penalties; and to repeal acts and parts of acts.

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

SB 803 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, O'Neil,
Nays: None.

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

Senate Bill No. 806, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as amended by 2001 PA 136.

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 806 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, O'Neil,
Nays: None.

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

Senate Bill No. 930, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding chapter LXXXIII-A.

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

SB 930 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,
Nays: None.

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

Senate Bill No. 936, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 19f of chapter VII (MCL 767.19f).

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

1. Amend page 2, following line 18, by inserting:

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

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

Favorable Roll Call

SB 936 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,
Nays: None.

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

Senate Bill No. 939, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 543r. With the recommendation that the following amendment be adopted and that the bill then pass.

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

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

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

Favorable Roll Call

SB 939 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,
Nays: None.

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

Senate Bill No. 940, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 212a (MCL 750.212a), as added by 1998 PA 207.

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

1. Amend page 2, following line 26, following sub-subparagraph (B), by inserting:

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

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

Favorable Roll Call

SB 940 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,
Nays: None.

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

Senate Bill No. 942, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 543p. 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

SB 942 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,
Nays: None.

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

Senate Bill No. 946, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 22, 31, 37, and 49 of chapter XVII (MCL 777.22, 777.31, 777.37, and 777.49), section 22 as amended by 2000 PA 279, sections 31 and 49 as amended by 2001 PA 136, and section 37 as added by 1998 PA 317, and by adding section 49a.

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

SB 946 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,
Nays: None.

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

Senate Bill No. 948, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2001 PA 6.

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

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

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

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

Favorable Roll Call

SB 948 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,
Nays: None.

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

Senate Bill No. 949, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1f of chapter IX (MCL 769.1f), as amended by 2001 PA 208.

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

1. Amend page 7, following line 11, by inserting:

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

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

Favorable Roll Call

SB 949 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,
Nays: None.

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

Senate Bill No. 995, entitled

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

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

1. Amend page 3, following line 12, by inserting:

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

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

Favorable Roll Call

SB 995 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,
Nays: None.

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

Senate Bill No. 996, entitled

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

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

SB 996 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,

Nays: None.

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

Senate Bill No. 997, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 1997 PA 75.

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

1. Amend page 5, following line 4, by inserting:

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

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

Favorable Roll Call

SB 997 To Report Out:

Yeas: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 26, 2002, at 10:30 a.m.,

Present: Reps. Faunce, Kowall, Bishop, DeWeese, George, Howell, Raczkowski, Callahan, O'Neil,

Absent: Reps. McConico, Rison,

Excused: Reps. McConico, Rison.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 26, 2002, at 10:30 a.m.,

Present: Reps. Ruth Johnson, Koetje, Birkholz, DeRossett, Ehardt, Kolb, Basham, Gielegem, Hale,

Absent: Reps. DeVuyst, Tabor,

Excused: Reps. DeVuyst, Tabor.

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, Wednesday, February 20:

Senate Bill Nos. 1099 1101 1102 1103 1104 1106 1107 1108 1109 1111 1112 1113 1114 1115
1116 1117 1122 1123 1124 1125

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, February 22:

House Bill Nos. 5732 5733 5734 5735 5736

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

House Bill Nos.	5686	5687	5688	5689	5690	5691	5692	5693	5694	5695	5696	5697	5698	5699
	5700	5701	5702	5703	5704	5705	5706	5707	5708	5709	5710	5711	5712	5713
	5714	5715	5716	5717	5718	5719	5720	5721	5722	5723	5724	5725	5726	5727
	5728	5729	5730	5731	5737	5738	5739	5740	5741					

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, February 26, for his approval of the following bills:

Enrolled House Bill No. 4028 at 1:47 p.m.

Enrolled House Bill No. 4690 at 1:49 p.m.

The Clerk announced that the following Senate bills had been received on Tuesday, February 26:

Senate Bill Nos. 1100 1105

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4859, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 1993 PA 169.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 1100, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The Senate has passed the bill.

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

Senate Bill No. 1105, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2003; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The Senate has passed the bill.

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

Messages from the Governor

The following message from the Governor, approving and signing the following bill at the time designated below, was received and read:

Date: February 21, 2002

Time: 8:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4487 (Public Act No. 15, I.E.), being

An act to amend 1962 PA 174, entitled "An act to enact the uniform commercial code, relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, leases, and secured transactions, including certain sales of accounts,

chattel paper and contract rights; to provide for public notice to third parties in certain circumstances; to regulate procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; to make an appropriation; to provide penalties; and to repeal certain acts and parts of acts," by amending section 2201 (MCL 440.2201).

(Filed with the Secretary of State February 21, 2002, at 3:50 p.m.)

The following message from the Governor was received February 22, 2002 and read:

**EXECUTIVE ORDER
No. 2002 - 2**

E-MICHIGAN OFFICE

E-MICHIGAN ADVISORY COUNCIL

NEW E-MICHIGAN OFFICE

NEW E-MICHIGAN ADVISORY COUNCIL

EXECUTIVE OFFICE OF THE GOVERNOR

DEPARTMENT OF INFORMATION TECHNOLOGY

EXECUTIVE REORGANIZATION

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the e-Michigan Office was created to lead all state agencies in electronic government initiatives and policy development, including the development of the award-winning Michigan.gov Internet portal; and

WHEREAS, Michigan.gov is recognized as a national leader among state government Internet service delivery portals; and

WHEREAS, Michigan.gov provides more convenient service to Michigan citizens 24-hours-a-day, seven-days-a-week, through an easy-to-understand web connection to government services and information; and

WHEREAS, it is vitally important that the state continuously build upon e-Michigan's successful advancements in the coordinated delivery of trusted electronic government services; and

WHEREAS, the continued development of electronic government services serves as a catalyst for reengineering the state's current business practices; and

WHEREAS, designing better ways of conducting the business of government yields efficiencies for taxpayers and enhances the quality of life for Michigan's citizens, customers and business partners.

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. DEFINITIONS

As used herein:

A. "Department of Information Technology" means the principal department of state government created by Executive Order 2001-3, being Section 18.41 of the Michigan Compiled Laws.

B. "e-Michigan Advisory Council" means the advisory body created within the e-Michigan Office by Executive Order 2000-6.

C. "e-Michigan Office" means the office created within the Executive Office of the Governor as a temporary agency pursuant to Article V, Section 4, of the Constitution of the state of Michigan of 1963, by Executive Order 2000-6.

D. "New e-Michigan Advisory Council" means the advisory body established by this order.

E. "New e-Michigan Office" means the Type I agency established within the Department of Information Technology by this order.

II. CREATION OF THE NEW E-MICHIGAN OFFICE

A. The new e-Michigan Office is hereby created as a Type I agency within the Department of Information Technology. The office shall exercise its prescribed powers, duties and functions independently of the head of the department. All budgeting, procurement and related management functions of the office shall be performed under the direction and supervision of the head of the department.

B. The new e-Michigan Office shall be headed by a Director who shall be appointed by the Governor. The Director shall be a member of the Executive Cabinet and shall regularly attend and fully participate in cabinet meetings and functions.

C. All of the authority, powers, functions, duties and responsibilities of the e-Michigan Office established by Executive Order 2000-6 are transferred to the new e-Michigan Office by Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

III. NEW E-MICHIGAN ADVISORY COUNCIL

A. The new e-Michigan Advisory Council is established as an advisory body within the new e-Michigan Office.

B. The new e-Michigan Advisory Council shall consist of five (5) members. Four (4) of the members shall be appointed by the Governor. The fifth member shall be the Governor, or the Governor's designee, and shall serve as chair of the advisory council.

C. The advisory council shall advise the director of the e-Michigan office on:

1. Best practices for implementation of e-commerce throughout Michigan state government.
2. Future trends in business, government and education relating to the integration of e-commerce in the support of providing services and products in an efficient manner.
3. Best opportunities for the use of e-commerce to offer the type of services desired in order to provide consistent levels of services, develop efficient, effective and secure operations, and attain the highest quality performance.

D. All of the authority, powers, functions, duties and responsibilities of the e-Michigan Advisory Council established by Executive Order 2000-6 are transferred to the new e-Michigan Advisory Council by Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

E. The advisory council may adopt bylaws, consistent with law and this order, to govern its organization and procedure.

F. A majority of the serving members of the advisory council constitutes a quorum for the transaction of business at a meeting, notwithstanding the existence of vacant member positions. Voting upon actions taken by the advisory council shall be conducted by a simple majority vote of the members present at a meeting, whether in person or by use of video-conferencing or tele-conferencing equipment. The advisory council shall meet at the call of the chair and as may be provided in its bylaws. Meetings of the advisory council may be held at any location within the state of Michigan.

IV. MISCELLANEOUS

A. The Director of the new e-Michigan Office shall provide executive direction and supervision for the implementation of the transfers made under this Order. The assigned functions shall be administered under the direction and supervision of the Director of the new e-Michigan Office.

B. The Director of the new e-Michigan Office shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. The Director of the Department of Information Technology shall immediately initiate coordination with the e-Michigan Office and the e-Michigan Advisory Council to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the new e-Michigan Office.

D. All records, personnel, property, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available for the activities, power, duties, functions and responsibilities transferred by this Order are hereby transferred to the new e-Michigan Office.

E. The Director of the new e-Michigan Office shall have the full cooperation of state agencies in re-engineering state business processes to allow services to be transacted through the Internet, or by other electronic means.

F. The Director of the new e-Michigan Office shall utilize the staff of other state agencies for advice and assistance to re-engineer business processes, develop specific electronic government objectives, and establish inter-agency and intra-agency data sharing requirements, policies, procedures and standards to guide the development of Michigan.gov services and transactions for customers of the state of Michigan. All executive branch agencies shall cooperate fully with the new e-Michigan Office in the performance of their respective responsibilities.

G. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the year.

H. The Director of the new e-Michigan Office may hire or retain such contractors, sub-contractors, advisors, consultants and agents as the director may deem advisable and necessary, in accordance with relevant procedures,

statutes, rules and regulations of the Civil Service Commission and the Department of Management and Budget, and may make and enter into contracts necessary or incidental to the exercise of the powers of and performance of the duties of the office and the director.

I. The new e-Michigan Office may accept grants of funds and donations of funds, property, labor or other things of value from any department or office of the state of Michigan and the United States and from any other public or private office or person for the purpose of furthering e-Michigan services.

K. The Director of the new e-Michigan Office may by written instrument delegate a duty or power conferred by law or this Order and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent such duty or power is delegated by the Director of the new e-Michigan Office.

L. All rules, orders, contracts and agreements relating to the functions transferred to the new e-Michigan Office by this Order by the responsible state agency shall continue to be effective until revised, amended or rescinded.

M. Any suit, action or other proceeding lawfully commenced by, against or before any entity effected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

N. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

O. The e-Michigan Office established by Executive Order 2000-6 and the e-Michigan Advisory Council established by Executive Order 2000-6 are hereby abolished.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days from the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 22nd day of February, in the Year of our Lord, Two Thousand Two.

John Engler
Governor
By the Governor:
Candice S. Miller
Secretary of State

The message was referred to the Clerk.

Communications from State Officers

The following communication from the Secretary of State was received and read:

Notice of Filing
Administrative Rules

February 13, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:15 P.M. this date, administrative rule (02-02-01) for the Department of Natural Resources, Law Enforcement Division, entitled "*Marine Collisions, Accidents, or Other Casualties*", effective 7 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Clerk.

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

February 15, 2002

Pursuant to Section 314 of P.A. 119 of 2001, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Adrian Training School	2002C0207009	CS460200931
Licensing Study Report	Arbor Heights Community Justice Center		CS810200952

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.

The following communications from the Auditor General were received and read:

February 20, 2002

Enclosed is a copy of the following audit report and/or executive digest:
Performance and Financial Audit of the
Bureau of Workers' Disability Compensation
Department of Consumer and Industry Services
October 1, 1998 through September 30, 2000

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

February 21, 2002

Enclosed is a copy of the annual financial statements, together with the Auditors' Report, for the Bureau of State Lottery for the six months and years ended September 30, 2001 and 2000. If you have questions regarding this report, please call me: Michael J. Mayhew, C.P.A., Deputy Auditor General for Audits; or Michael R. Becker, C.P.A., Audit Division Administrator for audits of the Bureau of State Lottery.

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Operations.

Introduction of Bills

Rep. Kuipers introduced

House Bill No. 5742, entitled

A bill to amend 1921 PA 302, entitled "An act to provide for the supervision of private, denominational and parochial schools; to provide the manner of securing funds in payment of the expense of such supervision; to provide the qualifications of the teachers in such schools; and to provide for the endorsement of the provisions hereof," by amending section 1 (MCL 388.551).

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

Reps. Cassis, Raczkowski, Vander Roest, Hummel, Pappageorge, Stamas, Lipsey, Middaugh and Drolet introduced
House Bill No. 5743, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 2000 PA 284, and by adding section 7gg.

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

Reps. Kowall, Raczkowski, Koetje, Bishop, Mortimer, Julian and Shulman introduced

House Bill No. 5744, entitled

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," (MCL 801.1 to 801.27) by adding section 4b.

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

Rep. DeWeese introduced

House Bill No. 5745, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 20105b.

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

Rep. DeWeese introduced

House Bill No. 5746, entitled

A bill to amend 1989 PA 292, entitled "Metropolitan councils act," by amending sections 43 and 45 (MCL 124.693 and 124.695), as added by 1998 PA 375.

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

Rep. DeWeese introduced

House Bill No. 5747, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 267 (MCL 18.1267), as amended by 1999 PA 8.

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

Rep. DeWeese introduced

House Bill No. 5748, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 495.

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

Rep. DeWeese introduced

House Bill No. 5749, entitled

A bill to amend 1961 PA 108, entitled "An act to provide for loans by the state of Michigan to school districts for the payment of principal and interest upon school bonds; to prescribe the terms and conditions of the loans and the conditions upon which levies for bond principal and interest shall be included in computing the amount to be so loaned by the state; to prescribe the powers and duties of the superintendent of public instruction and the state treasurer in relation to such loans; to provide for the repayment of such loans; to provide incentives for repayment of such loans; to provide for other matters in respect to such loans; and to make an appropriation," by amending section 4 (MCL 388.954), as amended by 1992 PA 228.

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

Rep. DeWeese introduced

House Joint Resolution U, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 4 of article XI, to provide that a person convicted of certain crimes is not eligible to hold certain state offices.

The joint resolution was read a first time by its title and referred to the Committee on Redistricting and Elections.

Rep. Callahan moved that the House adjourn.

The motion prevailed, the time being 4:40 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Wednesday, February 27, at 2:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.