

No. 19
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House of Representatives
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House Chamber, Lansing, Thursday, February 28, 2002.

12:00 Noon.

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

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

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

e/d/s = entered during session

Rev. Dena Cleaver-Bartholomew, Associate Rector of St. James Episcopal Church in Dexter, and Rev. Dr. David Cleaver-Bartholomew, Pastor of First Congregational Church of Chelsea, U.C.C., offered the following invocation:

“Holy God, holy and mighty, holy, immortal One—You alone are God. You have created all there is and have given us the responsibility of caring for Your creation. Give us, we pray, wisdom and discernment to be good stewards of all Your gifts. You are a God of justice and mercy. Grant us, we pray, the courage to follow Your example in our own relationships and in the work we do together. Loving God, You alone have the power to redeem us. Inspire us, we pray, to be instruments of Your clear vision and reconciling love in this broken world. Gracious God, You move in us and among us to sustain us with Your presence. Give to us an awareness of Your presence in each person that we might treat every human being with dignity and respect. Oh God, You are the source of all life, power, love and wisdom. In You we live, move and have our being. Help us to recognize Your spirit within us and to tune our hearts and minds to Your melody of life—life abundant for this world and all its inhabitants. Help us to use the various gifts and talents that You have entrusted to us for the benefit of all. Grant that we might rise above our own particular interests and perspectives to see things from Your interests and Your perspective. Give us wisdom and courage as we face the challenges before us. Finally, make us instruments of Your peace, justice, mercy, compassion, love and wisdom in the world—not just now but each and everyday of our life. Amen.”

Rep. Jacobs moved that Reps. Basham and O’Neil be excused from today’s session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

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.)

(The resolution was reported by the Committee on Commerce on February 26, consideration of which, under the rules, was postponed until February 27.)

The question being on the adoption of the resolution,
The resolution was adopted.

The Speaker laid before the House

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.)

(The concurrent resolution was reported by the Committee on Commerce on February 26, consideration of which, under the rules, was postponed until February 27.)

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

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

Rep. Jacobs moved that Reps. Hardman and Thomas be excused temporarily from today’s session.
The motion prevailed.

Rep. McConico moved that Rep. Phillips be excused temporarily from today’s session.
The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 5393, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 160, and by adding sections 12a, 12b, 12c, 12d, 12e, 12f, 12g, 12h, 12j, 12k, 12m, and 12n to chapter XVII.

(The bill was received from the Senate on February 21, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 26, see House Journal No. 16, p. 336.)

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. 154

Yeas—101

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

Nays—0

In The Chair: Ehardt

The House agreed to the title as amended.

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

Third Reading of Bills

House Bill No. 5270, 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 4 and 5 (MCL 780.654 and 780.655).

(The bill was read a third time and postponed for the day on November 1, 2001, see House Journal No. 79 of 2001, p. 2351.)

The question being on the passage of the bill,

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

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

The question being on the passage of the bill,

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

Roll Call No. 155

Yeas—102

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

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 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 section 1 (MCL 780.651), as amended by 1990 PA 43.

The motion prevailed.

The House agreed to the title as amended.

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

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

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 5026, entitled

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

(The bill was received from the Senate on January 30, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until January 31, see House Journal No. 6, p. 91.)

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

Rep. Vear moved to substitute (H-4) the Senate substitute (S-1).

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

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

The substitute (S-1) as substituted (H-4), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 156

Yeas—97

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

Nays—6

Bogardus	Jacobs	Phillips	Waters
Hardman	McConico		

In The Chair: Ehardt

The House agreed to the full title of the bill.

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

departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”.

The House agreed to the full title.

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

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

Rep. Drolet, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Many centuries of western legal tradition have established that contract disputes belong in courthouses, not statehouses. Those who crafted our form of government long ago determined that justice is best secured when judges, rather than legislators, are charged with dispensing fair and impartial rulings regarding business disputes between citizens. If the concept of separation of powers is to mean anything, then the enforcement of existing contracts between private parties belongs to the judicial branch of government. That concept should not be rendered invalid merely because the plaintiff is a doctor and the defendant is an insurance company.

Government should be kept limited to its proper place, and so should the component parts of government. These bills represent legislative over-reach into the judicial branch. Bills such as these have passed before, only to be vetoed by the Governor. I strongly encourage him to reject them again. The political process is a poor substitute for due process.”

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

The motion prevailed.

Senate Bill No. 452, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending section 403 (MCL 550.1403).

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

Roll Call No. 158

Yeas—102

Adamini	Garza	Lemmons	Schauer
Allen	George	Lipsey	Schermesser
Anderson	Gielegem	Lockwood	Shackleton
Bernero	Gilbert	Mans	Sheltrown
Birkholz	Godchaux	McConico	Shulman
Bisbee	Gosselin	Mead	Spade
Bishop	Hager	Meyer	Stallworth
Bogardus	Hale	Middaugh	Stamas
Bovin	Hansen	Mortimer	Stewart
Bradstreet	Hardman	Murphy	Switalski
Brown, B.	Hart	Neumann	Tabor
Brown, C.	Howell	Newell	Thomas

Rep. Williams moved to amend the bill as follows:

1. Amend page 6, line 12, by striking out all of section 11.
2. Amend page 33, line 1, by striking out all of section 20d.
3. Amend page 38, line 7, by striking out all of section 38.
4. Amend page 49, line 18, by striking out all of section 52.

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

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Williams,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 159

Yeas—48

Adamini	Frank	Lockwood	Schauer
Anderson	Garza	Mans	Sheltrown
Bernero	Gielegem	McConico	Spade
Bogardus	Godchaux	Murphy	Stallworth
Bovin	Hale	Neumann	Switalski
Brown, B.	Hansen	Pestka	Thomas
Brown, R.	Hardman	Phillips	Waters
Callahan	Jacobs	Plakas	Whitmer
Clark, I.	Jamnick	Quarles	Williams
Clarke, H.	Kolb	Reeves	Woodward
Daniels	Lemmons	Rison	Woronchak
Dennis	Lipsey	Rivet	Zelenko

Nays—53

Allen	George	Kooiman	Richardville
Birkholz	Gilbert	Kowall	Richner
Bisbee	Gosselin	Kuipers	Shackleton
Bishop	Hager	LaSata	Shulman
Bradstreet	Hart	Mead	Stamas
Brown, C.	Howell	Meyer	Stewart
Cassis	Hummel	Middaugh	Tabor
Caul	Jansen	Mortimer	Toy
DeRossett	Jelinek	Newell	Van Woerkom
DeVuyst	Johnson, Rick	Pappageorge	Vander Roest
DeWeese	Johnson, Ruth	Patterson	Vander Veen
Drolet	Julian	Pumford	Vear
Ehardt	Koetje	Rackowski	Voorhees
Faunce			

In The Chair: Ehardt

Rep. Bernero moved to amend the bill as follows:

1. Amend page 25, line 18, after "SHALL" by inserting "NOT".
2. Amend page 50, line 15, by striking out all of enacting section 1.

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

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Bernero,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 160**Yeas—44**

Adamini	DeWeese	Mans	Schauer
Bernero	Frank	McConico	Sheltrown
Bogardus	Garza	Murphy	Spade
Bovin	Hale	Neumann	Stallworth
Brown, B.	Hansen	Pestka	Switalski
Brown, R.	Hardman	Phillips	Thomas
Callahan	Jacobs	Plakas	Waters
Clark, I.	Kolb	Quarles	Whitmer
Clarke, H.	Lemmons	Reeves	Williams
Daniels	Lipsey	Rison	Woodward
Dennis	Lockwood	Rivet	Zelenko

Nays—57

Allen	Gilbert	Kowall	Rocca
Anderson	Godchaux	Kuipers	Scranton
Birkholz	Gosselin	LaSata	Shackleton
Bisbee	Hager	Mead	Shulman
Bishop	Hart	Meyer	Stamas
Bradstreet	Howell	Middaugh	Stewart
Brown, C.	Hummel	Mortimer	Tabor
Cassis	Jansen	Newell	Toy
Caul	Jelinek	Pappageorge	Van Woerkom
DeRossett	Johnson, Rick	Patterson	Vander Roest
DeVuyst	Johnson, Ruth	Pumford	Vander Veen
Drolet	Julian	Raczkowski	Vear
Ehardt	Koetje	Richardville	Voorhees
Faunce	Kooiman	Richner	Woronchak
George			

In The Chair: Ehardt

Rep. Bernero moved to amend the bill as follows:

1. Amend page 25, line 3, after "2002." by striking out "A WRITTEN APPLICATION SUBMITTED BY A MEMBER AND NOT WITHDRAWN ON OR BEFORE MAY 15, 2002 IS IRREVOCABLE." and inserting "A WRITTEN APPLICATION SUBMITTED BY A MEMBER AND NOT WITHDRAWN ON OR BEFORE MAY 15, 2002 IS ONLY REVOCABLE IF THE RETIREMENT BOARD DETERMINES THAT GOOD CAUSE FOR REVOCATION EXISTS AND THE WRITTEN APPLICATION IS WITHDRAWN BY THE MEMBER ON OR BEFORE THE RETIREMENT DATE."

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

Rep. Bernero demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 161**Yeas—45**

Adamini	Frank	Lockwood	Rivet
Anderson	Garza	Mans	Schauer
Bernero	Gielegem	McConico	Sheltrown

Bogardus	Hale	Murphy	Spade
Bovin	Hansen	Neumann	Switalski
Brown, B.	Hardman	Pestka	Thomas
Brown, R.	Jacobs	Phillips	Waters
Callahan	Jamnick	Plakas	Whitmer
Clark, I.	Kolb	Quarles	Williams
Clarke, H.	Lemmons	Reeves	Woodward
Daniels	Lipsey	Rison	Zelenko
Dennis			

Nays—57

Allen	Gilbert	Kowall	Rocca
Birkholz	Godchaux	Kuipers	Scranton
Bisbee	Gosselin	LaSata	Shackleton
Bishop	Hager	Mead	Shulman
Bradstreet	Hart	Meyer	Stamas
Brown, C.	Howell	Middaugh	Stewart
Cassis	Hummel	Mortimer	Tabor
Caul	Jansen	Newell	Toy
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeVuyst	Johnson, Rick	Patterson	Vander Roest
DeWeese	Johnson, Ruth	Pumford	Vander Veen
Drolet	Julian	Raczkowski	Vear
Ehardt	Koetje	Richardville	Voorhees
Faunce	Kooiman	Richner	Woronchak
George			

In The Chair: Ehardt

Rep. Bernero moved to amend the bill as follows:

1. Amend page 16, line 11, after “(5)” by inserting “OR BEGINNING OCTOBER 1, 2004, A MEMBER WHO IS 50 YEARS OF AGE OR OLDER AND WHOSE COMBINED AGE AND YEARS OF CREDITED SERVICE IS EQUAL TO OR GREATER THAN 80 YEARS”.

2. Amend page 16, line 17, after “20(1)” by inserting “WITHOUT REGARD TO THE REDUCTION IN SUBSECTION (2)”.

The question being on the adoption of the amendments offered by Rep. Bernero,

Rep. Bernero demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Bernero,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 162**Yeas—39**

Adamini	Frank	Lockwood	Schauer
Bernero	Garza	Mans	Sheltrown
Bogardus	Gielegem	McConico	Spade
Bovin	Hale	Murphy	Thomas
Brown, R.	Hansen	Neumann	Waters
Callahan	Hardman	Phillips	Whitmer
Clark, I.	Jacobs	Plakas	Williams
Clarke, H.	Jamnick	Quarles	Woodward
Daniels	Kolb	Reeves	Zelenko
Dennis	Lemmons	Rison	

Nays—62

Allen	George	Kuipers	Rocca
Anderson	Gilbert	LaSata	Scranton
Birkholz	Godchaux	Lipsey	Shackleton
Bisbee	Gosselin	Mead	Shulman
Bishop	Hager	Meyer	Stamas
Bradstreet	Hart	Middaugh	Stewart
Brown, B.	Howell	Mortimer	Switalski
Brown, C.	Hummel	Newell	Tabor
Cassis	Jansen	Pappageorge	Toy
Caul	Jelinek	Patterson	Van Woerkom
DeRossett	Johnson, Rick	Pumford	Vander Roest
DeVuyst	Johnson, Ruth	Raczkowski	Vander Veen
DeWeese	Julian	Richardville	Vear
Drolet	Koetje	Richner	Voorhees
Ehardt	Kooiman	Rivet	Woronchak
Faunce	Kowall		

In The Chair: Ehardt

Rep. Williams moved to amend the bill as follows:

1. Amend page 37, line 6, after "examination." by inserting "THE RETIREMENT BOARD SHALL NOT REQUIRE A DISABILITY RETIRANT TO UNDERGO MORE THAN 1 MEDICAL EXAMINATION IN ANY CALENDAR YEAR.".

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

Rep. Williams demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 163**Yeas—103**

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

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

Nays—0

In The Chair: Ehardt

Reps. Shackleton, Vear, Hummel and Ehardt moved to amend the bill as follows:

1. Amend page 24, line 5, by striking out all of subdivision (E) and inserting:

“(E) AS OF JULY 1, 2002, THE MEMBER IS NOT ELIGIBLE FOR A SUPPLEMENTAL EARLY RETIREMENT UNDER SECTION 46 AS A COVERED EMPLOYEE DEFINED IN SECTION 45.”.

2. Amend page 25, line 6, by striking out all of subdivision (E) and inserting:

“(E) AS OF JULY 1, 2002, THE MEMBER IS NOT ELIGIBLE FOR A SUPPLEMENTAL EARLY RETIREMENT UNDER SECTION 46 AS A COVERED EMPLOYEE DEFINED IN SECTION 45.”.

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

Rep. Bernero moved to amend the bill as follows:

1. Amend page 49, following line 17, by inserting:

“SEC. 49A. ANY FEDERALLY FUNDED POSITION THAT BECOMES VACANT AS A RESULT OF THIS ACT SHALL BE FILLED BY MEMBERS.”.

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

Rep. Bernero demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 164**Yeas—45**

Adamini	Frank	Lockwood	Rivet
Anderson	Garza	Mans	Schauer
Bernero	Gielegem	McConico	Spade
Bogardus	Hale	Murphy	Stallworth
Bovin	Hansen	Neumann	Switalski
Brown, B.	Hardman	Pestka	Thomas
Brown, R.	Jacobs	Phillips	Waters
Callahan	Jamnick	Plakas	Whitmer
Clark, I.	Kolb	Quarles	Williams
Clarke, H.	Lemmons	Reeves	Woodward
Daniels	Lipsey	Rison	Zelenko
Dennis			

Nays—57

Allen	Gilbert	Kowall	Rocca
Birkholz	Godchaux	Kuipers	Scranton
Bisbee	Gosselin	LaSata	Sheltrown
Bishop	Hager	Mead	Shulman
Bradstreet	Hart	Meyer	Stamas
Brown, C.	Howell	Middaugh	Stewart

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

In The Chair: Ehardt

Rep. DeWeese, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted against this amendment because it severely limits the pool of qualified candidates from which the state can select to fill a federally funded position that is vacant by an early retirant. Defined benefit members opted to switch to defined contribution system in 1997. In addition, all employees who are hired after March 31, 1997 are members of the defined contribution system. So not only will the state be prohibited from filling the positions with individuals who are not state employees, even among state employees the application pool will be limited. This limitation may jeopardize some of the funds we receive from the Federal government if we can't find eligible employees from the limited subset of employees this amendment would provide.”

Rep. Schauer moved to amend the bill as follows:

1. Amend page 24, following line 6, by inserting:

“(F) THE MEMBER IS EMPLOYED IN A COVERED POSITION AS DEFINED IN SECTION 45 AND MEETS THE CRITERIA FOR ELIGIBILITY FOR A SUPPLEMENTAL EARLY RETIREMENT ALLOWANCE UNDER SECTION 46.” and relettering the remaining subdivision.

2. Amend page 43, following line 3, by inserting:

“(4) A SUPPLEMENTAL MEMBER WHO IS ELIGIBLE TO RETIRE UNDER THIS SECTION AND RECEIVE A SUPPLEMENTAL RETIREMENT ALLOWANCE AS DETERMINED UNDER SECTION 47 MAY ALSO ELECT TO RETIRE AND RECEIVE A RETIREMENT ALLOWANCE UNDER SECTION 19G IF THE SUPPLEMENTAL MEMBER EXECUTES AND FILES A WRITTEN APPLICATION WITH THE RETIREMENT BOARD, ON OR AFTER APRIL 1, 2002, BUT NOT LATER THAN APRIL 30, 2002, STATING A DATE ON OR AFTER JULY 1, 2002, BUT NOT LATER THAN NOVEMBER 1, 2002, ON WHICH HE OR SHE WANTS TO RETIRE. A SUPPLEMENTAL MEMBER MAY WITHDRAW A WRITTEN APPLICATION ON OR BEFORE MAY 15, 2002. A WRITTEN APPLICATION SUBMITTED BY A MEMBER AND NOT WITHDRAWN ON OR BEFORE MAY 15, 2002 IS IRREVOCABLE. THE SUPPLEMENTAL MEMBER WHO IS ENTITLED TO A RETIREMENT ALLOWANCE CALCULATED UNDER SECTION 19G SHALL NOT RECEIVE THE RETIREMENT ALLOWANCE CALCULATED UNDER SECTION 19G UNTIL THE SUPPLEMENTAL MEMBER BECOMES 62 YEARS OF AGE.”.

The question being on the adoption of the amendments offered by Rep. Schauer,

Rep. Schauer demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Schauer,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 165

Yeas—49

Adamini	Garza	McConico	Shackleton
Allen	Gielegem	Mortimer	Sheltrown
Anderson	Hale	Murphy	Spade

Bernero	Hansen	Neumann	Stallworth
Bogardus	Hardman	Pestka	Switalski
Bovin	Jacobs	Phillips	Thomas
Brown, B.	Jamnack	Plakas	Vear
Brown, R.	Kolb	Quarles	Waters
Callahan	Lemmons	Reeves	Whitmer
Clark, I.	Lipsey	Rison	Williams
Clarke, H.	Lockwood	Rocca	Woodward
Dennis	Mans	Schauer	Zelenko
Frank			

Nays—52

Birkholz	George	Koetje	Richardville
Bisbee	Gilbert	Kooiman	Richner
Bishop	Godchaux	Kowall	Scranton
Bradstreet	Gosselin	Kuipers	Shulman
Brown, C.	Hager	LaSata	Stamas
Cassis	Hart	Mead	Stewart
Caul	Howell	Meyer	Tabor
DeRossett	Hummel	Middaugh	Toy
DeVuyst	Jansen	Newell	Van Woerkom
DeWeese	Jelinek	Pappageorge	Vander Roest
Drolet	Johnson, Rick	Patterson	Vander Veen
Ehardt	Johnson, Ruth	Pumford	Voorhees
Faunce	Julian	Rackowski	Woronchak

In The Chair: Ehardt

Rep. Daniels moved to amend the bill as follows:

1. Amend page 28, following line 2, by inserting:

“(9) A MEMBER MAY TRANSFER OR PURCHASE SERVICE CREDIT EARNED WHEN THE MEMBER WAS AN EMPLOYEE OF A CITY WITH A POPULATION OVER 750,000 IF ALL OF THE FOLLOWING APPLY:

(A) THE MEMBER BECAME A MEMBER ON SEPTEMBER 1, 1981.

(B) THE MEMBER WAS EMPLOYED BY A CITY WITH A POPULATION OVER 750,000 ON AUGUST 31, 1981.

(C) THE PENSION SYSTEM OF THE CITY WITH A POPULATION OVER 750,000 OR THE CITY WITH A POPULATION OVER 750,000 AGREES TO CONTRIBUTE THE ACTUARIAL COST OF THE SERVICE CREDIT TRANSFERRED OR PURCHASED TO THE RETIREMENT SYSTEM.

(10) THE COST OF SERVICE CREDIT THAT IS PURCHASED PURSUANT TO SUBSECTION (9) SHALL BE CALCULATED BY USING THE REFUND OF CONTRIBUTION PLUS INTEREST METHOD WITH NO LIMIT.”.

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

Rep. Bernero moved to amend the bill as follows:

1. Amend page 50, following line 14, by inserting:

“SEC. 69A. BEFORE PRIVATIZING ANY SERVICES OR ACTIVITIES CURRENTLY PROVIDED BY STATE EMPLOYEES BECAUSE OF VACANCIES CAUSED BY THE AMENDATORY ACT THAT ADDED THIS SECTION, THE STATE DEPARTMENT OR AGENCY WISHING TO PRIVATIZE, SHALL SUBMIT TO THE HOUSE OF REPRESENTATIVES AND SENATE APPROPRIATIONS COMMITTEES A DETAILED PRE-PRIVATIZATION COST-BENEFIT ANALYSIS. THIS ANALYSIS SHALL UTILIZE THE MOST ACCURATE, RELIABLE, AND OBJECTIVE DATA AVAILABLE AND USE THE MOST ACTUARIALLY SOUND TECHNIQUES AVAILABLE TO THE DEPARTMENT OR AGENCY. INCLUDED IN THIS ANALYSIS SHALL BE A DETAILED COMPARISON OF THE ANNUAL ESTIMATED COSTS THAT WILL BE INCURRED BY THE STATE OVER THE NEXT 5 YEARS IF:

(A) THE SERVICE OR ACTIVITY CONTINUES TO BE PROVIDED BY STATE EMPLOYEES.

(B) THE SERVICE OR ACTIVITY IS PRIVATIZED. THE COSTS OF PRIVATIZING THESE SERVICES SHALL INCLUDE THE COSTS OF ALL NECESSARY MONITORING AND OVERSIGHT OF THE PRIVATE ENTITY BY THE STATE. IT SHALL USE ONLY ACCURATE AND UP-TO-DATE BIDS FROM REPUTABLE COMPANIES THAT ARE PROPERLY BONDED SO AS NOT TO EXPOSE THE STATE TO ANY POTENTIAL FUTURE LIABILITY OR LEGAL CAUSES OF ACTION.

(2) THE DEPARTMENT OR AGENCY SHALL NOT COMMENCE ANY EFFORTS TO PRIVATIZE THE SERVICES OR ACTIVITIES CURRENTLY PROVIDED BY STATE EMPLOYEES UNTIL THE COST-BENEFIT ANALYSIS OUTLINED IN SUBSECTION (1) HAS BEEN REVIEWED AND APPROVED BY BOTH THE HOUSE OF REPRESENTATIVES AND SENATE APPROPRIATIONS COMMITTEES AND IT SHOWS A COST SAVINGS OF AT LEAST 5% OVER THE COSTS OF CONTINUING TO PROVIDE THE SERVICE OR ACTIVITY USING STATE EMPLOYEES.”.

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

Rep. Bernero demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 166

Yeas—49

Adamini	DeWeese	Lockwood	Schauer
Allen	Frank	Mans	Shackleton
Anderson	Garza	McConico	Sheltrown
Bernero	Gielegem	Murphy	Spade
Bogardus	Hale	Neumann	Stallworth
Bovin	Hansen	Pestka	Switalski
Brown, B.	Hardman	Phillips	Thomas
Brown, R.	Jacobs	Plakas	Waters
Callahan	Jamnick	Quarles	Whitmer
Clark, I.	Kolb	Reeves	Williams
Clarke, H.	Lemmons	Rison	Woodward
Daniels	Lipsey	Rivet	Zelenko
Dennis			

Nays—54

Birkholz	Godchaux	Kuipers	Rocca
Bisbee	Gosselin	LaSata	Scranton
Bishop	Hager	Mead	Shulman
Bradstreet	Hart	Meyer	Stamas
Brown, C.	Howell	Middaugh	Stewart
Cassis	Hummel	Mortimer	Tabor
Caul	Jansen	Newell	Toy
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeVuyst	Johnson, Rick	Patterson	Vander Roest
Drolet	Johnson, Ruth	Pumford	Vander Veen
Ehardt	Julian	Raczkowski	Vear
Faunce	Koetje	Richardville	Voorhees
George	Kooiman	Richner	Woronchak
Gilbert	Kowall		

In The Chair: Ehardt

Rep. Williams moved to amend the bill as follows:

1. Amend page 34, line 11, by striking out all of sections 21, 24, and 33.

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

Rep. Williams demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 167**Yeas—49**

Adamini	Garza	Mans	Schauer
Anderson	Gielegem	McConico	Sheltrown
Bernero	Godchaux	Murphy	Spade
Bogardus	Hale	Neumann	Stallworth
Bovin	Hansen	Pestka	Switalski
Brown, B.	Hardman	Phillips	Thomas
Brown, R.	Jacobs	Plakas	Waters
Callahan	Jamnick	Quarles	Whitmer
Clark, I.	Kolb	Reeves	Williams
Clarke, H.	Lemmons	Rison	Woodward
Daniels	Lipsey	Rivet	Woronchak
Dennis	Lockwood	Rocca	Zelenko
Frank			

Nays—54

Allen	George	Kowall	Richner
Birkholz	Gilbert	Kuipers	Scranton
Bisbee	Gosselin	LaSata	Shackleton
Bishop	Hager	Mead	Shulman
Bradstreet	Hart	Meyer	Stamas
Brown, C.	Howell	Middaugh	Stewart
Cassis	Hummel	Mortimer	Tabor
Caul	Jansen	Newell	Toy
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeVuyst	Johnson, Rick	Patterson	Vander Roest
DeWeese	Johnson, Ruth	Pumford	Vander Veen
Drolet	Julian	Rackowski	Vear
Ehardt	Koetje	Richardville	Voorhees
Faunce	Kooiman		

In The Chair: Ehardt

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills**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.

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

Roll Call No. 168**Yeas—94**

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

Nays—8

Adamini	Bovin	Dennis	Rivet
Bogardus	Callahan	Lipsey	Sheltrown

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

Reps. Rich Brown, Caul, Clarke, DeVuyst, Ehardt, Hardman, Jacobs, Jamnick, Kolb, Kuipers, McConico, Mortimer, Murphy, Phillips, Richardville, Richner, Schauer, Toy, Vander Veen and Woodward were named co-sponsors of the bill.

Rep. Scranton, under Rule 32(b), made the following statement:

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 168 because of a possible conflict of interest.”

Rep. Bogardus, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

This bill has been proposed as an answer to the massive deficit our state is facing due to the failed fiscal policies of the current administration. This bill is a short sighted proposal which will cost the state more money than it will save. It is bad public policy because it does not set any priorities as to staffing levels in any department. If for example FIA which is already understaffed loses a large number of employees and they are replaced on a one to four basis services will be negatively affected. HB 5732 is not even fair to employees because four experienced employees will be replaced by one inexperienced employee thereby increasing the work load for all remaining employees. It also erodes the size of the bargaining unit. If an 80 and out proposal makes sense for a few employees then it is only fair to offer it to all employees.”

Reps. Callahan and Dennis, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 5732 because this bill tries to do far too many things. It is being rushed through the legislative process under the guise that the legislature must enact the early retirement provisions quickly for the state to prepare. However, there is no reason that the health advance funding or disability changes must be on such a fast track. As it stands, HB 5732 picks winners and losers—the losers particularly being the corrections and conservation employees who cannot participate in the ‘early out’. State employees who are close to 80 years, but not quite there, also lose, since this bill simply establishes an eligible window, rather than creating a permanent 80-and-out option. Furthermore, although HB 5732 does not mention a replacement ration, the 1 to 4 replacement Governor Engler has mentioned will leave continuing state workers even more overworked and underpaid. Finally, House Bill 5732 proposes extremely punitive changes for disability retirees, despite the fact that the current system does not present problems. In particular, the state will actually be able to take away a retiree’s disability pension, without even attempting to return that individual to work. For all these reasons, I voted no on House Bill 5732.”

House Bill No. 5504, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 312f (MCL 257.312f), as amended by 1992 PA 180, and by adding section 312g.

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

Roll Call No. 169

Yeas—101

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

DeVuyst	Kolb	Richardville	Williams
DeWeese	Kooiman	Richner	Woodward
Drolet	Kowall	Rison	Woronchak
Ehardt	Kuipers	Rivet	Zelenko
Faunce			

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 "Michigan vehicle code," by amending sections 307, 312f, 319b, and 732 (MCL 257.307, 257.312f, 257.319b, and 257.732), section 307 as amended by 2001 PA 159, section 312f as amended by 1992 PA 180, section 319b as amended by 1998 PA 356, and section 732 as amended by 2001 PA 134.

The motion prevailed.

The House agreed to the title as amended.

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

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

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.

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

Roll Call No. 170**Yeas—102**

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

Nays—0

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

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

The motion prevailed.

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.

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

Roll Call No. 171**Yeas—100**

Adamini	Faunce	Kuipers	Rocca
Allen	Frank	LaSata	Schauer
Anderson	George	Lemmons	Scranton
Bernero	Gielegem	Lipsey	Shackleton
Birkholz	Gilbert	Lockwood	Sheltrown
Bisbee	Godchaux	Mans	Shulman
Bishop	Gosselin	McConico	Spade
Bogardus	Hager	Mead	Stallworth
Bovin	Hale	Meyer	Stamas
Bradstreet	Hansen	Middaugh	Stewart
Brown, B.	Hardman	Mortimer	Switalski
Brown, C.	Hart	Murphy	Tabor
Brown, R.	Howell	Neumann	Thomas
Callahan	Hummel	Newell	Toy
Cassis	Jacobs	Pappageorge	Van Woerkom
Caul	Jamnack	Patterson	Vander Roest
Clark, I.	Jansen	Pestka	Vander Veen
Clarke, H.	Jelinek	Phillips	Vear
Daniels	Johnson, Rick	Pumford	Voorhees
Dennis	Johnson, Ruth	Quarles	Waters
DeRossett	Julian	Rackowski	Whitmer
DeVuyst	Koetje	Reeves	Williams
DeWeese	Kolb	Richardville	Woodward
Drolet	Kooiman	Rison	Woronchak
Ehardt	Kowall	Rivet	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 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XVII (MCL 777.22), as amended by 2000 PA 279.

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

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

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

Reps. Hager, Waters, Bovin, Meyer, Vander Veen, Stewart, DeRossett, Vander Roest, Schermesser, Richardville, Raczkowski, Richner, Koetje, Toy, Bishop, Voorhees, Mead, Faunce, Rocca, Julian, Van Woerkom, Gosselin, Kuipers, Cassis, Jamnick, Newell, Neumann, Jacobs, Bernero, Phillips, Shulman, Howell, Pappageorge, Scranton, Quarles, DeWeese, Middaugh, Kooiman, Hansen, Murphy, Sheltrown, Spade, George, Wojno, Rich Brown, Gielegem, DeVuyst, Birkholz, Kolb, Thomas, Caul, McConico, Schauer, Hale, Kowall and Switalski offered the following resolution:

House Resolution No. 348.

A resolution designating the month of October 2002 as Children's Internet Safety Month.

Whereas, The Internet is one of the most effective tools available for purposes of education and research. It gives children the means to make friends and freely communicate with peers and family anywhere in the world; and

Whereas, It is vital to the well-being of children that the Internet offer them a wholesome environment to explore and that its capacity to deliver pornographic material to the innocent be responsibly monitored and effectively screened. Children are ill-equipped to cope with lurid Internet content or cyber predators and are at risk in their own home, school, and library. Parents, religious and government leaders, educators, and thinking people everywhere are concerned about children's Internet safety, web manipulation by the unscrupulous, and the rising tide of pornographic web sites; and

Whereas, Objectionable material, such as violent, obscene, or sexually explicit adult material may be received by a minor in an unsolicited form. It is imperative that Michigan parents, guardians, grandparents, teachers, family members, along with churches, business and community leaders, and organizations be alerted to the danger of pornography on the Internet and support this public service initiative to improve the Internet culture within their own spheres of influence; and

Whereas, This century of instant global communication holds great promise for achieving better understanding between all peoples of the world. There must be a broad resolve to protect the safety of children in order that the Internet not be perceived as an instrument of cunning pornographic invitation to the young, but as a tool of profound respect for human dignity, creative inquiry, and commitment to excellence; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body designate October 2002 as Children's Internet Safety Month and express our support for efforts to protect our children against harmful Internet material; and be it further

Resolved, That a copy of this resolution be transmitted to Governor Engler and Lieutenant Governor Posthumus.

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. Stallworth, Rison, Thomas, Hardman, Murphy, Waters, Williams, Lipsey, Daniels, Clark, Clarke, Hale, Quarles, Garza, Reeves, Phillips and Lemmons offered the following resolution:

House Resolution No. 349.

A resolution congratulating the members and coaches of the St. Martin Deporres Eagles Football Team upon the occasion of its Division 7 State Championship.

Whereas, It is a pleasure to join with the families, entire school, and all of Detroit in celebrating the achievements of the St. Martin Deporres Eagles Football Team on its wonderful success over the season. With the fine record of 10-3 that culminated in the Division 7 State Championship, this group of disciplined student-athletes has generated great pride throughout the southeast part of our state; and

Whereas, Much to the delight of their loyal fans, the St. Martin Deporres Eagles have also earned the respect of prep sports followers elsewhere in Michigan through their talent, teamwork, and determination. As their opponents have found all season long, this is a team that brings unity and a positive outlook to all levels of competition. In the face of challenge and pressure, this group of young people maintained their focus on making their dreams come true and accepting nothing less than their very best effort; and

Whereas, Winning their first Division 7 title in 1978, the Eagles have compiled an unparalleled record of outstanding seasons. Overall, the St. Martin Deporres Eagles Football Team have won 11 state championships, making them one of the state's premier and legendary programs. The Eagles have never lost a championship game. What may distinguish the team members best, however, is their sportsmanship and their character on and off the field. We admire the effort, team spirit, and preparation these talented young people have demonstrated; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate the members and coaches of the St. Martin Deporres Eagles Football Team upon the occasion of its Division 7 State Championship; and be it further

Resolved, That a copy of this resolution be transmitted to Principal Sunbeam Hughes and Head Coach Greg Carter 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. Bovin, Rich Brown, Waters, Lipsey, Meyer, Vander Veen, Drolet, Adamini, Anderson, Stewart, DeRossett, Vander Roest, Schermesser, Richardville, Raczkowski, Richner, Koetje, Bishop, Voorhees, Mead, Faunce, Julian, Van Woerkom, Gosselin, Kuipers, Cassis, Hager, Jamnick, Newell, Dennis, Neumann, Jacobs, Bernero, Phillips, Shulman, Howell, Pappageorge, Scranton, Quarles, DeWeese, Kooiman, Hansen, Murphy, Sheltroun, Woodward, Spade, George, Wojno, Gielegem, Rivet, DeVuyst, Birkholz, Kolb, Thomas, Caul, Reeves, McConico, Schauer, Hale, Kowall and Switalski offered the following resolution:

House Resolution No. 350.

A resolution honoring the 2002 All-Michigan Academic Team for Community Colleges.

Whereas, It is with great pleasure that we commend the students upon their selection to receive special honors as members of the 2002 All-Michigan Academic Team for Community Colleges; and

Whereas, This recognition is a well-earned milestone symbolic of the innovation, planning, and personal commitment of these students who share the belief that education is one of the greatest gifts; and

Whereas, As a member of the 2002 All-Michigan Academic Team for Community Colleges, these students have demonstrated their scholarly skills in many way through excellence in the classroom, intellectual curiosity in pursuit of academic, career, and cultural enrichment activities outside the traditional classroom, substantial development of their talents in academic and technical education, and their ability to share this development with other; and

Whereas, Members of the 2002 All-Michigan Academic Team for Community Colleges represent some of the best and brightest students from Michigan's 28 community colleges. We are proud of the achievements of Michigan's community colleges and their students. It is with pride that we offer our congratulations to the members of the 2002 All-Michigan Academic Team for Community Colleges; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the 2002 All-Michigan Academic Team for Community Colleges. We congratulate these students as they receive these honors and look forward to the continuation of this excellent record. We offer our best wishes for a bright and prosperous future.

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. Raczkowski, Kowall, Woronchak, Bishop, Koetje, Mortimer, Middaugh, Birkholz, Voorhees, Plakas, Tabor, Cassis, Gosselin, Meyer, Vander Veen, Drolet, Stewart, DeRossett, Vander Roest, Richner, Rocca, Julian, Hummel, Kuipers, Newell, Jacobs, Shulman, Howell, Pappageorge, Scranton, Kooiman, Sheltroun, George and DeVuyst offered the following concurrent resolution:

House Concurrent Resolution No. 58.

A concurrent resolution to memorialize the Congress of the United States not to raise the mileage per gallon standards under the Corporate Average Fuel Economy Program.

Whereas, In 1975, following the oil embargo of 1973, Congress enacted legislation that established the Corporate Average Fuel Economy (CAFE) Program. The program was an attempt to reduce American dependence on imported oil by reducing consumption of gasoline. The current standards of mileage per gallon are 27.5 miles per gallon for cars and 20.7 for vehicles categorized as light trucks; and

Whereas, There are proposals pending in Congress to increase the CAFE standards by significant amounts. One of the plans would raise the average mileage requirement to 35 miles per gallon. This would be a dramatic increase, one that some feel may be impossible to attain without jeopardizing the safety of millions of Americans. It would seriously hamper domestic manufacturers, artificially influence the market, and limit consumer choice; and

Whereas, Raising CAFE requirements would come with a damaging cost to the economy of our state and nation. There are estimates that as many as 100,000 jobs would be lost, with many of those in Michigan. In general, American manufacturers would be penalized severely for responding to the wishes of consumers who make decisions on the basis of many more valid considerations than fuel economy alone; and

Whereas, Raising CAFE requirements also perpetuates an approach to energy conservation that has not worked. Indeed, since the CAFE Program began, American dependence on foreign oil has increased and the overall volume of oil consumption has increased substantially; and

Whereas, The true costs of raising CAFE standards far exceed any possible benefits. There are far more productive avenues to pursue in the shaping of America's energy strategy; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States not to raise the mileage per gallon standards under the Corporate Average Fuel Economy Program; 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 concurrent resolution was referred to the Committee on Commerce.

Reports of Standing Committees

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

House Bill No. 4525, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82108 (MCL 324.82108), as added by 1995 PA 58.

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 4525 To Report Out:

Yeas: Reps. DeVuyst, Bradstreet, Drolet, Rocca, Voorhees, Sheltroun,

Nays: Rep. Tabor.

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

House Bill No. 4527, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82131 (MCL 324.82131), as added by 1995 PA 58.

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 4527 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. 4528, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 82123a.

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 4528 To Report Out:

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

Nays: Reps. Drolet, Voorhees.

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 28, 2002, at 10:30 a.m.,

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

Absent: Rep. Basham,

Excused: Rep. Basham.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Scranton, Chair of the Committee on Health Insurance, was received and read:

Meeting held on: Wednesday, February 27, 2002, at 12:00 p.m.,

Present: Reps. Scranton, Richner, George, Wojno, Neumann, Lockwood,

Absent: Reps. Ehardt, Raczkowski, Switalski,

Excused: Reps. Ehardt, Raczkowski, Switalski.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 28, 2002, at 8:30 a.m.,

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 28, 2002, at 9:00 a.m.,

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

Absent: Rep. McConico,

Excused: Rep. McConico.

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, February 28, 2002, at 10:30 a.m.,

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members, Thursday, February 28:

House Bill No. 5763

The Clerk announced that the following Senate bills had been received on Thursday, February 28:

**Senate Bill Nos. 809 835 860 861 865 868 974 977 978 987 1015 1059 1065 1075
1077 1078 1079 1082 1103 1107**

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4672, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1178a. The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5139, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1139. The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5482, entitled

A bill to provide for the formation, regulation, and registration of distance learning corporations; to prescribe their duties, rights, powers, immunities, and liabilities; and to provide for the powers and duties of certain state officers and entities.

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

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

House Bill No. 5483, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 124 (MCL 450.2124).

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

The House agreed to the full title.

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

House Bill No. 5083, entitled

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

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title 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 2217; and to repeal acts and parts of acts.

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

House Bill No. 5327, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1165. 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. 809, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231 (MCL 750.231), as amended by 1998 PA 510.

The Senate has passed the bill.

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

Senate Bill No. 835, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 15 (MCL 125.1815), as amended by 1996 PA 271.

The Senate has passed the bill.

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

Senate Bill No. 860, 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," by amending sections 12 and 16 (MCL 125.1662 and 125.1666), section 12 as amended by 1983 PA 86 and section 16 as amended by 1996 PA 269.

The Senate has passed the bill.

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

Senate Bill No. 861, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 14 (MCL 125.2164), as amended by 1996 PA 270.

The Senate has passed the bill.

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

Senate Bill No. 865, entitled

A bill to amend 1989 PA 186, entitled "County department of solid waste management act," by amending sections 7, 8, and 9 (MCL 45.587, 45.588, and 45.589).

The Senate has passed the bill.

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

Senate Bill No. 868, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending sections 7, 9, and 12c (MCL 124.287, 124.289, and 124.292c), section 7 as amended by 1981 PA 154, section 9 as amended by 1994 PA 36, and section 12c as amended by 1983 PA 30.

The Senate has passed the bill.

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

Senate Bill No. 974, entitled

A bill to amend 1939 PA 342, entitled "County public improvement act of 1939," by amending sections 5a and 5c (MCL 46.175a and 46.175c), section 5c as amended by 1983 PA 183.

The Senate has passed the bill.

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

Senate Bill No. 977, entitled

A bill to amend 1957 PA 185, entitled "An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation," by amending sections 11, 12, and 25 (MCL 123.741, 123.742, and 123.755).

The Senate has passed the bill.

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

Senate Bill No. 978, entitled

A bill to amend 1945 PA 344, entitled "An act to authorize counties, cities, villages and townships of this state to adopt plans to prevent blight and to adopt plans for the rehabilitation of blighted areas; to authorize assistance in carrying out such plans by the acquisition of real property, the improvement of such real property and the disposal of real property in such areas; to prescribe the methods of financing the exercise of these powers; and to declare the effect of this act," by amending sections 7a and 7b (MCL 125.77a and 125.77b), section 7a as amended by 1983 PA 32 and section 7b as amended by 1986 PA 320.

The Senate has passed the bill.

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

Senate Bill No. 987, entitled

A bill to amend 1957 PA 4, entitled "Charter water authority act," by amending sections 15 and 16 (MCL 121.15 and 121.16); and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 1015, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding section 13l.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Senate Bill No. 1059, entitled

A bill to amend 1963 PA 62, entitled "Industrial development revenue bond act of 1963," by amending sections 4 and 9 (MCL 125.1254 and 125.1259), section 9 as amended by 1980 PA 90.

The Senate has passed the bill.

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

Senate Bill No. 1065, entitled

A bill to amend 1957 PA 206, entitled "An act to authorize 2 or more counties, cities, townships and incorporated villages, or any combination thereof, to incorporate an airport authority for the planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining and operating the landing, navigational and building facilities necessary thereto of 1 or more community airports; to provide for changes in the membership therein; to authorize an authority or the counties, cities, townships and incorporated villages that form an authority to levy taxes for such purposes; to provide for the operation and maintenance and issuing notes therefor; to authorize condemnation proceedings; and to prescribe penalties and provide remedies," by amending section 9 (MCL 259.629), as amended by 1982 PA 312.

The Senate has passed the bill.

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

Senate Bill No. 1075, entitled

A bill to amend 1923 PA 150, entitled "An act to authorize and empower counties, cities, villages and townships or any combination of them, to singly or jointly acquire by gift, devise or public condemnation a site or sites and/or construct, erect, lease, sub-lease and maintain public buildings for the purpose of housing within the same building or buildings city, county, village or township offices, and/or for any other public uses and purposes, which may include a memorial hall for war veterans of the United States of America and for public assemblage," by amending section 5 (MCL 123.925).

The Senate has passed the bill.

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

Senate Bill No. 1077, entitled

A bill to amend 1974 PA 338, entitled "Economic development corporations act," by amending sections 6a, 7, 8, and 23 (MCL 125.1606a, 125.1607, 125.1608, and 125.1623), section 6a as added and sections 7, 8, and 23 as amended by 1980 PA 501.

The Senate has passed the bill.

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

Senate Bill No. 1078, entitled

A bill to amend 1978 PA 639, entitled "Hertel-Law-T. Stopczynski port authority act," by amending sections 14 and 18 (MCL 120.114 and 120.118), as amended by 1983 PA 23.

The Senate has passed the bill.

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

Senate Bill No. 1079, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 7, 12, and 17 (MCL 125.2657, 125.2662, and 125.2667), section 7 as amended by 2000 PA 145.

The Senate has passed the bill.

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

Senate Bill No. 1082, entitled

A bill to amend 1947 PA 235, entitled "An act to regulate the ownership, extension, improvement and operation of public water and sewage disposal systems lying within 2 or more public corporations; to authorize the acquisition, by any public corporation, of that part of a public water or sewage disposal system lying within its boundaries; and to provide for the payment and security of revenue bonds issued for the construction, acquisition, extension and improvement of such systems," by amending sections 6 and 10 (MCL 123.336 and 123.340).

The Senate has passed the bill.

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

Senate Bill No. 1103, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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. 1107, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11f, 11g, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32d, 37, 38, 39, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 96, 98, 99, 107, 108, and 147 (MCL 388.1611, 388.1611f, 388.1611g, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632d, 388.1637, 388.1638, 388.1639, 388.1641, 388.1651a, 388.1651c, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1667, 388.1668, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1696, 388.1698, 388.1699, 388.1707, 388.1708, and 388.1747), sections 11, 11f, 11g, 20, 22a, 22b, 24,

26a, 31a, 31d, 32d, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 98, 99, 107, and 147 as amended by 2001 PA 121 and sections 19, 37, 38, and 39 as amended and sections 96 and 108 as added by 2000 PA 297, and by adding sections 32i, 34, 39a, 51d, 55, 99a, and 121a; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

House Concurrent Resolution No. 50.

A concurrent resolution to approve certain designated open space land applications.

(For text of resolution, see House Journal No. 87 of 2001, p. 2717.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

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 27, 2002

Time: 4:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4009 (Public Act No. 16, I.E.), being

An act to amend 1855 PA 105, entitled “An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies,” by amending section 2a (MCL 21.142a), as amended by 1987 PA 27.

(Filed with the Secretary of State February 28, 2002, at 9:17 a.m.)

Communications from State Officers

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

February 27, 2002

Enclosed is a copy of the following audit report and/or executive digest:

Financial Related Audit of the

Use of Transportation-Related Funding

October 1, 1999 through September 30, 2000

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

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

Introduction of Bills

Reps. Ruth Johnson, Cassis, Howell, Gilbert, Hager, Meyer, DeRossett, Jamnick, Kolb, Hansen and Bishop introduced

House Bill No. 5758, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5419 (MCL 324.5419), as added by 2001 PA 165; and to repeal acts and parts of acts.

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

Reps. Faunce and Woronchak introduced

House Bill No. 5759, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. George introduced

House Bill No. 5760, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2000 PA 390.

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

Rep. George introduced

House Bill No. 5761, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20145 and 21523 (MCL 333.20145 and 333.21523), section 20145 as amended by 1993 PA 88.

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

Rep. Spade introduced

House Bill No. 5762, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 707e (MCL 257.707e).

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

Reps. Richardville, Hummel, Raczkowski, Pappageorge, Stewart, Caul, Vander Veen, Vear, Bradstreet, Hager, Kuipers, Gilbert, Meyer, Kooiman, Howell, Jelinek, Mortimer, Tabor, Cassis and Scranton introduced

House Bill No. 5763, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 27, 29, and 48 (MCL 421.27, 421.29, and 421.48), section 27 as amended by 1995 PA 181, section 29 as amended by 1995 PA 25, and section 48 as amended by 1983 PA 164, and by adding section 13l.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. Patterson, Richardville, Ruth Johnson, Pappageorge, Howell, Newell, Vander Veen, Drolet, Gosselin, Hager, Jelinek, DeRossett, Vander Roest, Bisbee, Stewart, Mortimer, Tabor, Hummel, Meyer, Julian, Gilbert, Toy, Voorhees, Birkholz and Scranton introduced

House Bill No. 5764, entitled

A bill to permit the establishment and maintenance of worker financial security accounts; to provide for certain tax credits and deductions; to prescribe the requirements of and restrictions on worker financial security accounts; and to provide penalties and remedies.

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

Reps. Mortimer, Richardville, Ruth Johnson, Pappageorge, Howell, Newell, Vander Veen, Drolet, Gosselin, Hager, Jelinek, DeRossett, Tabor, Hummel, Meyer, Julian, Gilbert, Voorhees, Toy, Birkholz and Scranton introduced

House Bill No. 5765, entitled

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

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

Reps. Woronchak, Richardville, Ruth Johnson, Pappageorge, Howell, Shackleton, Newell, Vander Veen, Drolet, Gosselin, Hager, Koetje, DeRossett, Tabor, Mortimer, Hummel, Meyer, Julian, Gilbert, Toy, Birkholz, Voorhees and Scranton introduced

House Bill No. 5766, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the

position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 24 (MCL 205.24), as amended by 2001 PA 168.

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

Reps. DeRossett, Patterson, Howell, Ehardt, Woronchak, Basham, O'Neil, Plakas, Sheltroun, Richardville, Ruth Johnson, Pappageorge, Shackleton, Newell, Vander Veen, Drolet, Gosselin, Hager, Koetje, Bisbee, Tabor, Mortimer, Hummel, Meyer, Julian, Gilbert, Voorhees, Toy, Birkholz and Scranton introduced

House Bill No. 5767, entitled

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

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

Reps. LaSata, Stewart, Richardville, Ruth Johnson, Pappageorge, Vander Veen, Hager, DeRossett, Tabor, Mortimer, Hummel, Meyer, Julian, Gilbert, Voorhees, Birkholz and Scranton introduced

House Bill No. 5768, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531d.

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

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

Associate Speaker Pro Tempore Ehardt declared the House adjourned until Tuesday, March 5, at 2:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.