

No. 60
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
90th Legislature
REGULAR SESSION OF 2000

House Chamber, Lansing, Thursday, September 28, 2000.

12:00 Noon

The House was called to order by the Speaker.

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

Allen—present	Frank—present	Kuipers—present	Rison—present
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—present	LaForge—present	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gielegem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—present
Bogardus—present	Godchaux—present	Lockwood—present	Scott—present
Bovin—present	Gosselin—present	Mans—absent	Scranton—present
Bradstreet—present	Green—present	Martinez—present	Shackleton—present
Brater—present	Hager—present	Mead—present	Sheltrown—present
Brewer—present	Hale—present	Middaugh—present	Shulman—present
Brown, Bob—present	Hanley—present	Minore—present	Spade—present
Brown, Cameron—present	Hansen—present	Mortimer—present	Stallworth—present
Byl—present	Hardman—present	Neumann—present	Stamas—present
Callahan—present	Hart—present	O’Neil—present	Switalski—present
Cassis—present	Howell—present	Pappageorge—present	Tabor—present
Caul—present	Jacobs—present	Patterson—present	Tesanovich—present
Cherry—excused	Jamnick—present	Perricone—present	Thomas—present
Clark—present	Jansen—present	Pestka—present	Toy—present
Clarke—present	Jelinek—present	Price—present	Vander Roest—present
Daniels—excused	Jellema—present	Prusi—present	Van Woerkom—present
DeHart—present	Johnson, Rick—present	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—present	Quarles—absent	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

e/d/s = entered during session

Rev. Jan Moore, Pastor of Goodnews Fellowship, in Owosso, offered the following invocation:

“Heavenly Father, we thank You for Your gracious mercy. You are a just judge. We thank You, Father, for Your wisdom today. Thank You for these that are called into this vocation and calling. We trust Your Holy Spirit to lead us in the way we should go all the days of our life. Father, we pray for the executive, judicial and legislative branches of our government. We give You thanks for them, Father. We pray that Your protection would be upon them, their families and loved ones. Guide them with Your wisdom. Guide them with the standard of Your uncompromising, unchangeable word. We pray all of this in the precious name of Jesus—that the goals that You have put in our hearts, our dreams and our destinies will be realized in our lifetime. In Jesus’ name we rejoice in this beautiful day You have given us. We thank You in advance for what You have done, what You are doing and what You are going to do. In the precious name of Jesus, Amen.”

Rep. Scott moved that Reps. Cherry and Daniels be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Representative Raczkowski moved that a special committee of four members be appointed to notify the Senate that the House was ready to meet the Senate in Joint Convention.

The motion prevailed.

The Speaker appointed as such committee Representatives DeRossett, Rocca, Minore and Reeves.

The special committee to notify the Senate that the House was ready to meet in Joint Convention returned to the House along with the members of the Senate.

The committee, through its Chairperson, reported that it had performed the duty assigned it. The report was accepted and the committee discharged.

The Sergeant at Arms announced the members of the Senate, who were admitted and conducted to seats.

Joint Convention

12:15 p.m.

The Joint convention was called to order by the President of the Joint Convention, Lieutenant Governor Posthumus.

Dr. Melvin T. Jones, Pastor of Union Mission Baptist Church in Lansing, offered the following invocation:

“Our Father, You have revealed Yourself as a God of mercy, faithfulness and justice. It is Your mercy that forgives us of our sins and gives us fresh mornings of opportunity. It is Your faithfulness that reminds of our need to be fair and equitable and to serve with integrity. It is Your justice that reminds us of our need for a fair and equitable system of justice for every man, woman boy and girl. We invite You to be present with us as we have assembled together—that Your mind might be our mind and that Your glory will be manifest in all that we do. Bless our assembling together in the wonderful and precious name of Jesus, Amen.”

The roll of the Senate was called by the Secretary, who announced that a quorum of the Senate was present.

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

The President of the Joint Convention announced that the two Houses had met in Joint Convention to receive the message of the Chief Justice of the Michigan Supreme Court.

The motion prevailed.

Senator DeGrow moved that a special committee, consisting of three Representatives and three Senators, be appointed to invite and escort the Judges of the Court of Appeals to the Joint Convention.

The motion prevailed.

The President of the Joint Convention named as such committee Representatives Byl, Scranton and Switalski, and Senators Goschka, Stille and DeBeaussaert.

The Sergeant at Arms announced the special committee appointed to invite the Judges of the Court of Appeals to be present at the Joint Convention.

The Judges of the Appeals Court, escorted by the committee, were conducted to seats.

Representative Raczkowski moved that a special committee, consisting of three Representatives and three Senators, be appointed to invite and escort the Justices of the Supreme Court to the Joint Convention.

The motion prevailed.

The President of the Joint Convention named as such committee Representatives Bradstreet, Sanborn and Lockwood, and Senators Schwarz, Sikkema and Alma Smith.

The Sergeant at Arms announced the special committee appointed to invite the Justices of the Supreme Court to be present at the Joint Convention.

The Justices of the Supreme Court, escorted by the committee, were conducted to seats.

Representative Raczkowski moved that a special committee, consisting of three Representatives and three Senators, be appointed to escort the Chief Justice of the Supreme Court to the Joint Convention.

The motion prevailed.

The President of the Joint Convention named as such committee Representatives Garcia, Howell and Clarke, and Senators Johnson, Hammerstrom and Virgil Smith.

The Sergeant at Arms announced the special committee appointed to wait on the Chief Justice of the Supreme Court. The Chief Justice of the Supreme Court, escorted by the committee, was conducted to the rostrum.

The President of the Joint Convention then introduced Chief Justice Weaver who gave the message to the Joint Convention as follows:

Chief Justice Weaver:

“Lieutenant Governor Posthumus, Speaker Perricone, Majority Leader DeGrow, ladies and gentlemen of the Legislature, my Justice colleagues, and Judges of the Court of Appeals, Reverend Jones, Reverend Jones, where are you—thank you for that most inspiring invocation, I did see it on television—thank you, distinguished guests, and friends.

Many Chief Justices have come into this beautiful chamber before me to deliver a State of the Judiciary message. Each in his or her own distinctive style has spoken of the Judiciary’s accomplishments and its heavy responsibilities, its pressing problems and its emerging needs. Each has spoken eloquently of its independence, and of our interdependence as co-equal branches of government.

My purpose today is to highlight what interdependence—that is, cooperation, working together for the public good—has made possible and can make possible in the future. I will report to you on the status of the Judiciary and its potential to continue to improve judicial services for Michigan’s citizens. For our families, children, and seniors. For plaintiffs, defendants, jurors, witnesses, crime victims, and taxpayers.

Let me begin by asking you to leave Michigan for a moment and come with me to another time many years ago, and another place, my native state of Louisiana. I grew up there as the only sister of two older, and to their minds much wiser, brothers.

The propensity for government must run in my family, because one Fall my older brother, Bob—fresh from an American Legion Boys State session and a summer job as a runner for a law firm—proclaimed within our household the ‘State of Tulane.’ He then proceeded to make my other brother and me its citizens. Now, Bob made the laws of the State of Tulane, he investigated offenses, he prosecuted the alleged offenders, and he presided over the trials.

That was how I found myself one day on trial, and I forget what the actual transgression was, struggling to give testimony on my own behalf. I, at most only 6 or 7 years old, quickly discovered that the rules of evidence in the State of Tulane did not allow for much of a defense. For every time I tried to answer, ‘Yes, I did it but I had a good reason,’ Bob said, ‘You can only answer ‘yes’ or ‘no.’

After several ‘You can only answer ‘yes’ or ‘no’ rulings, I was devastated, and so ran crying from the courtroom to what I intuitively knew was the Supreme Court—the highest authority—my mother!

Now, my Mother, ever caring and fair, came to my rescue and she immediately disbanded the state. In fact, she proclaimed that the State of Tulane would never to be even mentioned again, anytime, anywhere. And it wasn’t!

Now, I do not tell you this story to take public revenge on my brother, who has turned out to be caring and successful—and no, he is not a lawyer, he’s a chemical engineer. I tell you this story because it was my earliest lesson in the value of separation of powers, of due process, and of the rule of law. I was only a child, but my sense of outrage and injustice at the way things were run in the State of Tulane was immense, and obviously unforgettable.

Collectively you in this room represent a great wealth of public experience, knowledge, and talent, which you use to serve the people of Michigan. But each of you also have had experiences early in your life similar to mine, where something personally unfair happened, and there was no rule of law readily available to correct the injustice. I ask you to remember that time today to help make this State of the Judiciary message as real and urgent as my experience in the State of Tulane.

The foundation of our legal system is our love of justice, and Michigan has built wisely upon it. Early in our statehood, we secured the distinction of having the finest Supreme Court in the land with a succession of brilliant justices. Later, Michigan became a national leader in court management.

- It was first in the nation to designate in its constitution a State Court Administrator.
- It was first in the nation to establish a judicial training center, our Michigan Judicial Institute, a national leader in judicial and court-related education.

In fact, we have been first, or among the first, in almost every important court management improvement of the 20th century, including discipline, anti-bias initiatives, and caseload management. If there ever was a National Championship of Court Administration, an NCCA, the Michigan judiciary, like our great universities, would be a serious contender every year!

The goal has always been to provide fair, impartial, unbiased, efficient, and effective justice to all citizens of Michigan. In this arena, the Supreme Court must lead by example. Here is what we have done.

- We outpaced our caseload for the first eight months of this year, continuing a trend begun two years ago. In 1999, we disposed of nearly 2,600 cases or over 300 more than were filed. Our backlog now stands at only 270 cases, down from over 1,100 cases at this time in 1995.
- We decided our cases well within the time guidelines recommended for state supreme courts by the American Bar Association. The ABA standards call for 50 percent of cases to be decided within 290 days of the date they are filed. Last year we met this deadline in 81 percent of the cases, and this year our performance is even better, at 87 percent. And although much is sometimes made of the cases in which the Justices disagree, it is important to note how often we are in agreement: 87 percent of the dispositions this year were decided unanimously.
- We opened to citizens our administrative agenda through public hearings held across the state. Through these hearings, the Supreme Court is now listening, directly, to what people have to say about the management of the courts.
- We changed our court rules to encourage the use of mediation and other methods of settling cases short of trial. Evidence shows that under the right circumstances, parties can be quite successful in developing their own solutions. This creates the potential for greater satisfaction, and a reduction in the time and expense needed to reach a result.
- We established a Council of Chief Judges to provide valuable insight into the management of our trial courts and to strengthen all chief judges as managers. The Council members are with us today. You will see their names listed in the program and I will ask them to stand and be recognized.
- We expanded our Local Intergovernmental Advisory Council, which improved communication between branches of local government. Several members are here and you will also see their names listed in the program and I will ask them to please stand and be recognized.
- We implemented a freedom of information policy to improve access to Supreme Court records, aided by the creation of a national award-winning Supreme Court website.
- We reorganized the annual judicial conferences to emphasize judicial education.
- We are developing ways to promote the importance of jury service to make it easier and more affordable for citizens to serve, and make juries more inclusive.
- We codified standards for court records to make them more reliable statewide.
- We completed the design phase for the new Michigan Hall of Justice, and next month the erection of the steel framing should begin.

We are continually grateful to you all, and especially to Senator Harry Gast for his leadership, for this important building, which will not only symbolize the judicial branch of our democracy, but will provide for more efficiency, and a public learning center about the judicial branch for schoolchildren and all visitors, in person and on-line, to use and enjoy. Governor, let me recognize you, I didn't see you. Is that the ultimate faux pas? That is Governor Engler.

Finally, we completed four productive years with our trial court demonstration projects, seven experiments in serving the public better through innovation in local court management. These courts are proving that when the judges of all the benches work together cooperatively within a coordinated administrative structure, and when enough time is given for evaluation of what is best suited to the community, the public benefits in concrete ways.

Let me salute the chief judges of these courts, and through them their colleagues and staffs, for their difficult work as pioneers of court improvement.

- Judge Tom Davis of Crawford, Kalkaska, and Otsego counties. This multicounty court has cut costs by tens of thousands of dollars in witness fees and attorney reimbursements. It has reduced the time for jury service from 90 days to 15, and the time for completion of active felony cases by 75 percent. The court now offers citizens the convenience of on-line transactions and information. Judge Davis please stand and be recognized.
- Judge Jim Fisher of Barry County. The Barry County demonstration court has cut the time to take a criminal case to court in half, and last year saved taxpayers \$195,000. Fred Jacobs, a Barry County publisher, called the project 'a great example of how creative local cooperation can improve services to the public while reducing costs to the taxpayer.' And so it does. Judge Fisher, stand.

- Judges Mark Wickens of Lake County and Joe Schwedler of Iron County. These two judges now serve as the first and only full-time, full-service resident judges of their counties. Their local citizens are now getting faster service in all types of cases, especially children and family matters, and collections of court fines and costs are way up! Judges, please stand.
- Judge Paul Maloney of Berrien County. Here, reorganization has produced nearly \$600,000 in budget savings from improved court collections, and has given rise to a productive broad-based county initiative on juvenile justice issues, including a drug court, a sheriff's work alternative program, a truancy academy, and a day treatment program. Judge Maloney, please stand.
- Judge Paul Chamberlain of Isabella County. This county, too, has seen dramatic increases in revenues—49 percent since 1996, and has managed a 25 percent increase in caseload with no additional judges or staff. The alliances created by the demonstration project were the springboard for the development of a courthouse master plan. This month Isabella County citizens were welcomed into an efficient and user-friendly 21st century courthouse! Judge Chamberlain, please stand.

And finally,

- Judge Tim Connors of Washtenaw County, the largest of the demonstration courts.
Washtenaw's project has been something of a roller coaster ride. But we can now report that the ride has reached terra firma. Adjudgments are down, dispositions and collections are up, and the jury pool is improved. And just last October, their growing expertise in community cooperation was rewarded by \$2 million in federal funding for their promising specialized domestic violence court—one of only three such grants in the nation. Judge Connors, please stand.

Representative Andrew Richner and his Family and Civil Law Committee heard much of this story, and more, on the road last year at three of the demonstration court sites. They saw these communities rally around their projects as a matter of civic pride. I want to thank Representative Richner, Vice-chairs Shulman and Baird, and the entire committee for their keen interest in improving our justice system.

Now, these first demonstration courts have proved that when it comes to court improvement in 83 counties, ranging in size from approximately 1,000 people to 2 million, 'one size does not fit all.'

With that understanding, last month, thanks to your \$2.3 million appropriation, the Supreme Court launched the 'Next Generation Project.' Soon, as many as twelve additional jurisdictions will continue the experimental search for improvements of lasting value to our court system. And they'll do it their way to best suit their local needs.

What are some of the features you can expect to see?

- Consolidation of court functions to eliminate costly bureaucratic duplication.
- Better computer technology.
- More efficient use of judge and staff time.
- Improved collection of fines and costs.
- More predictable and efficient case scheduling.
- On-line transactions and information.
- 'One-stop shopping' for the public.

The Next Generation courts will reach at least a third of the state's population. They will help us determine what changes should be adopted in all our trial courts, what should be optional, and what improvements should be subject to local customizing.

Today, I have the pleasure of announcing the first three Next Generation courts in Oakland, Muskegon, and Cheboygan counties. Their judges will help Michigan better define 'what fits' for court improvement. We anticipate many valuable insights. I especially thank the chief judges of these first three counties for their forward-looking leadership.

Change is hard. But the vast majority of our judges are eager to embrace it in order to improve public service.

Improvements in the way courts operate don't always require organizational change. Michigan's 12 therapeutic drug courts are bringing a new focus and intensity to the fight against drug abuse, and bringing new hope. Drug courts are special dockets that combine tough enforcement techniques with individualized services to help non-violent offenders break the cycle of substance abuse and crime.

Listen to this statement from a drug court 'graduate.' I quote, 'The recovery program has been a miracle in my life and has helped me regain so many things I was losing. I do wish it was more readily available to many others.'

I am pleased to say that there are more drug courts on the way, thanks to your appropriation and federal funding.

I commend those who have the courage and strength to defeat the grip of addiction. We have two graduates with us today: Elizabeth Campbell and John Wagner. Please stand.

I thank you, the Legislature and the Governor, who have supported their efforts, and judges and staff who are proving that dedication, resolve, and compassion with firmness can transform lives.

Now, I must ask your help in meeting the needs of another at-risk population: citizens for whom guardians and conservators have been appointed. They include children whose parents cannot care for them or who need someone to manage their money. They also include adults (especially with our rapidly growing senior population), who are no longer able to care for themselves or manage their money on their own.

Now, those who are appointed by our probate courts as guardians and conservators should be wise, compassionate, and caring. They should possess excellent money management skills. They should at least be honest.

Fortunately, most fit this description and work hard, for little or no compensation. Some, however, abuse the trust we place in them. They neglect their wards. They mismanage, and sometimes even steal, their wards' money or property.

There is, of course, no foolproof way to protect against all abuses of trust. Our probate courts do an admirable job with the limited resources they have. But we can, and we must, do better. We must ensure three things: First, that quality services are available to all who need them. Second, that a guardianship or conservatorship is not imposed on any person who does not require it. Third, that abuses of trust will be swiftly corrected.

What can we do to better protect these vulnerable people? At the state level, there is much we can, and will, be doing.

- Training all probate judges on the needs of the elderly.
- Providing information to help people better understand the guardianship system, alternatives to it, and available community resources.
- Developing more user friendly forms.
- Revising court rules to improve the process.
- Cooperating with a bi-partisan group led by Senator Bev Hammerstrom and aided by Senator George Hart in developing necessary legislation.

We on the Supreme Court want to do everything possible to strengthen our courts' ability to meet and deal with these challenges. That is why I am announcing today the appointment of Michigan's first Guardianship Ombudsman. The Ombudsman will be charged with enabling our system to provide better protection for those who have guardians and conservators, and investigating complaints of suspected neglect or abuse, either physical or financial.

To accomplish the first goal, the Ombudsman, building on the work of the Court's Guardianship Task Force, will:

- Diagnose and advise on systemic problems.
- Explore the development of local volunteer services.
- Suggest further necessary legislative or court rule changes.
- Give guidance to local courts in how to detect and prevent abuses.

The key to protecting our elderly and incapacitated will be found at the local level, where the needs and resources of each community are best known and where the problems are faced daily.

To accomplish the second goal of enabling the Ombudsman to investigate complaints, your support will be needed. The Guardianship Ombudsman we appoint today—the right man for the job—can only serve for 12 months. His ability to respond to the individual concerns of your constituents will be limited. To give Michigan citizens the benefit of a permanent Ombudsman with the power to ferret out abuses, it will be necessary to fund the position and a small staff of investigators. In 1993, you established a precedent for such action by creating the Office of Children's Ombudsman. Adults with guardians and conservators deserve the same attention.

Fortunately, we have as our first Guardianship Ombudsman a widely recognized authority in the field with 25 years of experience as a Michigan probate judge. Nationally-known expert and Yale Law School professor John Langbein has called him, and I quote, 'the ablest probate judge in the United States ... a superstar.' I am grateful that he has agreed to accept the challenge of this appointment, especially because it will temporarily take him away from some of his duties on the Court of Appeals. It is with great pleasure that I announce Michigan's first Guardianship Ombudsman, Judge Donald Owens. Judge Owens, stand.

The Next Generation Project, the drug courts, and the Guardianship Ombudsman represent new frontiers of court service for Michigan citizens. We cannot forget, however, some business left undone that is equally vital to the well-being of the system. Indeed, expectations are already high. Now the needs must be met.

Primary among these items is an innovation of great promise that you enacted in 1996: the family division of circuit court. In some counties the family division has already registered significant improvement in service delivery and increased public satisfaction. But in others, the process of change has been slower, and harder. Much work remains to be done.

One major stumbling block everywhere is that the family division can only operate because the Supreme Court, pursuant to the 1996 legislation, is assigning probate judges to serve as circuit judges within the division. Ultimately, we must complete the family division by adopting a constitutional amendment assuring that the judges who serve in the family division belong to the circuit court and are not serving there simply by assignment. At the same time, we must take great care to protect the very specialized nature of probate, estates, and mental health code work, as well as the guarantee that each county's citizens can elect exclusively at least one resident judge. We must ensure that whatever other structural or operational changes might be made, enough judges and staff are dedicated to probate work, within their own separate division or court.

The second item has to do with a small but important issue: the part-time status of the probate judges in our smallest counties. These are part-time judges whose counties generate less than an average full-time caseload, and who are permitted to practice law. The statutory salaries of these judges are unjustly much lower than that of their full-time

counterparts, and the burden of paying their salaries falls mainly on county taxpayers rather than properly on the state. That is unfair to the judges, unfair to the county governments, and unfair to their taxpaying citizens. The advent of the family division has worsened this situation, making these probate judges effectively ineligible to serve in the family division and hear the juvenile cases they were elected to hear. Furthermore, counties cannot afford to pay for their assignments under the current statutory formula.

Now, fortunately, you have already done the hard part of solving this problem. Just before the summer recess you appropriated the money to fund a more practical salary schedule for these probate judges. What remains to be done is to amend the Revised Judicature Act to accomplish the change, including a prohibition on the practice of law before these judges take office in January for a new six-year term. Senator McManus has already introduced the required legislation. Representative Richner stands ready to move the legislation forward.

Together with the Michigan Association of Counties, I urge you to finish this job without delay.

The third item I wish to mention is equally urgent and long overdue. It can benefit our entire system of government and strengthen public safety. I am talking about the immediate creation of a statewide automated court information system, that is, fully computerizing and connecting the courts. We have already made this task easier by completing a statewide site survey that tells us how to link up all courts using the current technology of each local jurisdiction. The survey has been delivered to your offices.

In this new century, the nationally-admired phrase of our state constitution, 'one court of justice,' must mean that all the components of Michigan's 'one court of justice' are linked electronically. You have committed, as well you should, to making all of Michigan's K-12 public school classrooms technologically current. It is now the courts' turn.

Today, anyone with a personal computer can research the most complex topics and obtain the most exotic commodities from around the world. For example, a search taking less than one-tenth of a second turns up over 90,000 websites containing information about—wolverines. But a judge sentencing an offender for drunk driving in a Michigan trial court cannot find out if the driver has charges pending in another court of our 'one court of justice!' In all but a few jurisdictions, you cannot pay a traffic ticket on-line, or file or check on the status of your case.

For the court system to serve the people as they demand and expect, services and information must be available electronically. Every Chief Justice for the last 40 years has come before you and asked you to provide the judicial branch with the same level of automation commonly in use in the commercial sector and government agencies. I ask you, please, let me be the last Chief Justice who needs to make this plea.

Progress in the advancement of justice is the result of many individual efforts. People from all walks of life have contributed ideas and hard work to help those of us in the court system reach excellence in our work. We recognize that we, like everyone else, cannot always meet the standard of perfection. So we continue to welcome all suggestions, advice, diverse opinion, and criticism which is factual and constructive. Anything less is harmful to the institution of the judiciary.

Our branch of government, like yours, is blessed with many dedicated, caring individuals. I would like to acknowledge them, for they are the ones most responsible for recent progress, and it is upon their shoulders that the primary burden of further improvements rests.

First, let me recognize the six men and women who are my colleagues on the Michigan Supreme Court. As you have heard, together we have exceeded national standards for timely disposition of cases, while at the same time advancing an ambitious administrative agenda for serving the people of Michigan better. Please stand: Justices Michael Cavanagh, Marilyn Kelly, Clifford Taylor, Maura Corrigan, Robert Young, and Stephen Markman.

Next, on behalf of my colleagues, I would like to thank Chief Judge Bandstra and the judges of the Court of Appeals who have also substantially reduced their case backlog. I acknowledge and commend the trial court chief judges for the difficult and uncompensated extra administrative duties they perform.

All three branches of state government, working together, have been aided by the steadfast contributions to the improvement of justice by some key individuals and organizations. Let me recognize your local partners in funding the trials, the counties and municipalities, represented by Michigan Association of Counties President Ricardo Solomon and Michigan Municipal League President Ingrid Sheldon. County Clerks play an important role in the day-to-day operations of the circuit court, and I would like to recognize the County Clerk Association and its president, Peggy Haines. Also, let me acknowledge those who work in the legal system: the State Bar of Michigan and its president, Tom Ryan, and the Prosecuting Attorneys Association of Michigan and its new president, Jeffrey Sauter. Finally, within the judicial family, I acknowledge the many contributions of our three judges associations and their presidents, Judges Barry Howard, William Ervin, and James Collins.

In the end, it is simply about serving the people better. My colleague, Justice Cavanagh, reminded us in his State of the Judiciary address that when it comes right down to it, justice is about solving problems, one person at a time—judges listening to each individual, then offering 'a real answer to a real problem.'

Let me tell you of one such problem that touched my life as a probate judge. Years ago, the parents of 11-year-old Faith and her 10-year-old sister, Hope, were killed in a tragic auto accident. The sisters found themselves the subjects of a custody fight between their homespun grandparents living on a rural Leelanau County farm and their professional aunt, uncle, and cousins living in an upscale area in Florida. There were those who presumed the obvious choice was

the young Florida family. It became my responsibility to decide, and after the testimony, I chose the grandparents, who personified caring, commitment, and common sense, and who I believed would be the best parents for Faith and Hope.

Not long ago, Faith, now a successful Traverse City businesswoman, faxed me a newspaper article on proper parenting that she thought might be of interest to me, with this note.

Dear Justice Weaver:

Someone left this article at work and I thought you might enjoy it. It was 25 years ago that you decided Grandma and Grandpa knew best, and they sure did! Hope and I are doing well—both very busy with our lives. Thanks again for being such a positive influence in our lives. Have a wonderful day.

Faith

Too often, the hard, sad business of much of what takes place in court and the formal language of the law obscures the essential caring nature of judging. Perceptions persist among the public nationwide that courts are too slow, too expensive, too confusing, too impersonal. And these perceptions are still too often true. But throughout Michigan you will find judges who can tell you their own ‘Faith and Hope’ stories. These are the outcomes that nourish us in our work.

I come before you today with abundant hope and faith that we can continue to work together, to make the necessary improvements in our court system, in the name of justice, for the people of Michigan.

As human beings, our different experiences and perspectives sometimes cause us to disagree about what justice demands in a given situation. But these occasional disagreements cannot overcome our common commitment to the purposes of justice, for this commitment is what allows us to live together, in civilized society.

I am ever mindful that what we in the judiciary most need is patience, meekness, compassion, and courage to ‘Do Right and Fear Not.’

When faced with the responsibility of governing, Solomon made this appeal: ‘And now, O Lord my God give therefore thy servant an understanding heart to judge thy people’ (I Kings 3)

I believe our sense of fairness and justice is woven into the very fabric of our being by our Creator. It is fundamental. It is complete. It is compelling. It is nonpartisan.

Thank you very much.”

The business of the Joint Convention having been completed, the Chief Justice, the Governor, the Justices of the Supreme Court and the Judges of the Appeals Court withdrew.

Rep. Raczkowski moved that the Joint Convention adjourn.

The motion prevailed, the time being 1:30 p.m.

The Lieutenant Governor and members of the Senate retired.

The Speaker announced that the House of Representatives and Senate had met in Joint Convention and had listened to the message of Chief Justice Weaver.

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

The motion prevailed.

Motions and Resolutions

Reps. Scott, DeHart, Daniels, Vaughn, Schermesser, Quarles, Jacobs, Hale, Lemmons, Frank, Prusi, Hansen, Woodward, Godchaux, Birkholz, Scranton, Price, Howell, Raczkowski, Cherry, O’Neil, Schauer, Bogardus, Callahan, Wojno, Switalski, Spade, Gielegem, Garza, Bovin, Kelly, LaForge, Caul, Rocca, Richner, Jelinek, Jellema, Kuipers, Tesanovich, Kilpatrick and Hanley offered the following resolution:

House Resolution No. 402.

A resolution to urge the Department of Community Health to review the effects of obesity on public health and make recommendations for improvements to state prevention efforts.

Whereas, In recent years, obesity has emerged as a major problem in our country. A direct contributor to a host of life-threatening conditions, including heart diseases, Type II diabetes, and certain cancers, obesity is ranked second to tobacco as a preventable cause of death. The costs to our society are staggering, both in terms of medical expenses and lost productivity and the immeasurable emotional toll; and

Whereas, Rates of obesity are increasing dramatically throughout the United States. While some groups have higher rates of obesity, no region or segment of our population seems immune from this problem. Most importantly, the number of American young people who are severely overweight is alarmingly high. Diseases previously thought only to strike middle-aged adults, including Type II diabetes, now are found in children; and

Whereas, The links between obesity and health and the potential for damage to our citizens make it clear that this is an issue that demands much more attention. This is especially true in light of the fact that, for most people, being severely overweight, unlike many debilitating conditions, is entirely preventable. In addition to the impact of better nutrition habits, exercise, and lifestyle choices, there are drug therapies that may hold promise; and

Whereas, Whether public information campaigns, partnerships involving employers and the health community, or other ideas, much more needs to be done to reduce obesity and increase fitness or the future will see even greater human and monetary costs for our state and nation; now, therefore, be it

Resolved by the House of Representatives, That we urge the Department of Community Health to review the effects of obesity on public health and make recommendations for improvements to state prevention efforts; and be it further Resolved, That copies of this resolution be transmitted to the Department of Community Health.

The resolution was referred to the Committee on Health Policy.

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, Thursday, September 28:

House Bill Nos. 5952 5996 5998 6002 6003 6004 6005 6007 6008 6009 6010 6011 6013 6016 6017

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

Senate Bill Nos. 959 1313 1342

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

House Bill No. 5951, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 5 (MCL 38.1305), as amended by 2000 PA 150.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5951 To Report Out:

Yeas: Reps. Vander Roest, Voorhees, Cassis, Faunce, Rocca, Tabor, Woronchak, DeHart, Bovin, Hardman, Spade,
Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, September 28, 2000, at 8:30 a.m.,

Present: Reps. Vander Roest, Voorhees, Cassis, Faunce, Rocca, Tabor, Woronchak, DeHart, Bovin, Hardman, Spade.

The Committee on Great Lakes and Tourism, by Rep. Shackleton, Chair, reported

House Bill No. 6013, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 360.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6013 To Report Out:

Yeas: Reps. Shackleton, Van Woerkom, Bisbee, Hager, Gilbert, Kowall, Middaugh, Richardville, Woronchak, Neumann, Clark, Hale, Lockwood, Rivet, Sheltroun, Woodward,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Shackleton, Chair of the Committee on Great Lakes and Tourism, was received and read:

Meeting held on: Thursday, September 28, 2000, at 10:30 a.m.,

Present: Reps. Shackleton, Van Woerkom, Bisbee, Hager, Gilbert, Kowall, Middaugh, Richardville, Woronchak, Neumann, Clark, Hale, Lockwood, Rivet, Sheltroun, Woodward,

Absent: Rep. Birkholz,

Excused: Rep. Birkholz.

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

House Bill No. 5639, entitled

A bill to amend 1919 PA 339, entitled "Dog law of 1919," by amending sections 6, 8, 9, and 14 (MCL 287.266, 287.268, 287.269, and 287.274), as amended by 1998 PA 390.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5639 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Vander Roest, Lockwood, Jamnick, Minore, Reeves,

Nays: None.

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

House Bill No. 5952, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 3 (MCL 46.3), as amended by 1998 PA 97.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5952 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves,

Nays: None.

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

Senate Bill No. 806, entitled

A bill to authorize a county, city, village, or township law enforcement agency to enter into mutual aid agreements with law enforcement agencies of a physically adjacent state; to prescribe the minimum terms of the mutual aid agreements; and to provide immunity from civil and criminal actions to certain persons.

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 806 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Vander Roest, Lockwood, Jamnick, Minore,
Nays: Rep. Reeves.

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

Senate Bill No. 1276, entitled

A bill to provide for the establishment of recreational authorities; to provide powers and duties of an authority; to authorize the assessment of a fee, the levy of a property tax, and the issuance of bonds and notes by an authority; and to provide for the powers and duties of certain government officials.

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

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

Favorable Roll Call

SB 1276 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves,
Nays: None.

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: Thursday, September 28, 2000, at 9:00 a.m.,

Present: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves.

The Committee on Agriculture and Resource Management, by Rep. Green, Chair, reported

Senate Bill No. 1339, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act of 1987," by amending sections 1, 3, 4, 5, 6, 8, 9, 12, 14, 15, 16, 19, 20, 23, 26, 28, 29, 29a, 30, 30a, 30b, 30c, 31, 33, 35, 39, 40, 41, 42, 44, and 45 (MCL 287.701, 287.703, 287.704, 287.705, 287.706, 287.708, 287.709, 287.712, 287.714, 287.715, 287.716, 287.719, 287.720, 287.723, 287.726, 287.728, 287.729, 287.729a, 287.730, 287.730a, 287.730b, 287.730c, 287.731, 287.733, 287.735, 287.739, 287.740, 287.741, 287.742, 287.744, and 287.745), sections 3, 8, 9, 14, 30a, and 30b as amended and section 30c added by 1998 PA 552, sections 4, 5, 6, 12, 16, 19, 20, 23, 28, 29, 30, 33, 39, 40, 41, 42, and 44 as amended and section 29a as added by 1996 PA 369, section 15 as amended by 1990 PA 40, and sections 26, 31, and 35 as amended by 1994 PA 41, and by adding sections 11a, 11b, 13a, 26a, and 30d; 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 1339 To Report Out:

Yeas: Reps. Green, Julian, Bradstreet, DeVuyst, Ehardt, Howell, Rick Johnson, Vear, Brater, Bogardus, Hansen, Rivet, Sheltrown, Spade,

Nays: None.

The Committee on Agriculture and Resource Management, by Rep. Green, Chair, reported

Senate Bill No. 1340, entitled

A bill to create incentives to locate and maintain value-added agricultural processing and production ventures within this state; to create certain funds and advisory boards; to authorize expenditures and grants from the funds; to finance the development of certain programs; to provide for appropriations; and to prescribe the powers and duties of certain state officials.

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

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

Favorable Roll Call

SB 1340 To Report Out:

Yeas: Reps. Green, Julian, Bradstreet, DeVuyst, Ehardt, Howell, Rick Johnson, Vear, Brater, Bogardus, Hansen, Rivet, Sheltroun, Spade,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Green, Chair of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Wednesday, September 27, 2000, at 5:05 p.m.,

Present: Reps. Green, Julian, Bradstreet, DeVuyst, Ehardt, Howell, Rick Johnson, Vear, Brater, Bogardus, Hansen, LaForge, Rivet, Sheltroun, Spade.

Absent: Reps. DeRossett, Koetje,

Excused: Reps. DeRossett, Koetje.

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

House Bill No. 5843, entitled

A bill to amend 1965 PA 261, entitled "An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of supervisors with respect thereto," by amending the title and section 1 (MCL 46.351), section 1 as amended by 1990 PA 84.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5843 To Report Out:

Yeas: Reps. DeVuyst, DeRossett, Allen, Kowall, Middaugh, Basham, Brater, Sheltroun,

Nays: None.

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

Senate Bill No. 388, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40113 (MCL 324.40113), as added by 1995 PA 57.

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 388 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Allen, Middaugh, Patterson, Basham, Gielegem,

Nays: None.

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

Senate Bill No. 651, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9101, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9112, 9113, 9115, 9117, 9118, 9119, 9120, 9121, and 9123 (MCL 324.9101, 324.9104, 324.9105, 324.9106, 324.9107, 324.9108, 324.9109, 324.9110, 324.9112, 324.9113, 324.9115, 324.9117, 324.9118, 324.9119, 324.9120, 324.9121, and 324.9123), sections 9101, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9112, 9113, 9115, 9117, 9118, 9119, 9120, and 9123 as added by 1995 PA 60 and section 9121 as amended by 1996 PA 173, and by adding section 9123a; 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 651 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Allen, Green, Kowall, Middaugh, Sanborn, Basham, Brater, Gielegem, 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, September 28, 2000, at 8:00 a.m.,

Present: Reps. DeVuyst, Tabor, DeRossett, Allen, Green, Kowall, Middaugh, Patterson, Sanborn, Callahan, Basham, Brater, Gielegem, Sheltroun,

Absent: Rep. Mans,

Excused: Rep. Mans.

Messages from the Senate

House Bill No. 5556, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401a, 7410, 7410a, and 7521 (MCL 333.7401a, 333.7410, 333.7410a, and 333.7521), section 7401a as added by 1998 PA 319, section 7410 as amended by 1999 PA 188, section 7410a as added by 1998 PA 261, and section 7521 as amended by 1990 PA 30, and by adding section 7401b.

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. 4996, entitled

A bill to amend 1967 PA 119, entitled "An act regulating the use of chemical agents containing toxic chemicals or organic solvents or both, having the property of releasing toxic vapors; and providing for penalties," by amending the title and section 3 (MCL 752.273) and by adding section 2a; and to repeal acts and parts of acts.

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

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

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

House Bill No. 4997, 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 1999 PA 67.

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

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

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance

violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 17 of chapter XVII (MCL 777.17), as amended by 2000 PA 279.

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

House Bill No. 5557, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 13 and 18 of chapter XVII (MCL 777.13 and 777.18), section 13 as amended by 1999 PA 61 and section 18 as added by 1998 PA 317.

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 amended the title to read as follows:

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 13 and 18 of chapter XVII (MCL 777.13 and 777.18), as amended by 2000 PA 279.

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

Senate Bill No. 959, entitled

A bill to amend 1985 PA 227, entitled "Shared credit rating act," by amending the title and sections 1, 3, 5, 6, 7, 8, 16, and 20 (MCL 141.1051, 141.1053, 141.1055, 141.1056, 141.1057, 141.1058, 141.1066, and 141.1070), the title and sections 3 and 8 as amended by 1997 PA 27, section 7 as amended by 2000 PA 118, and section 20 as amended by 1988 PA 316; 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. 1313, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2512 and 2517 (MCL 339.2512 and 339.2517), section 2512 as amended by 1996 PA 430 and section 2517 as amended by 2000 PA 236.

The Senate has passed the bill.

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

Senate Bill No. 1342, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 309c; 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 Energy and Technology.

Introduction of Bills

Reps. Brewer and DeHart introduced

House Bill No. 6021, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 125A. The bill was read a first time by its title and referred to the Committee on Conservation and Outdoor Recreation.

Reps. Brewer, DeHart, Bovin and Sheltroun introduced

House Bill No. 6022, entitled

A bill to provide for a waiver of tuition at state public universities for veterans; and to provide for an appropriation. The bill was read a first time by its title and referred to the Committee on Appropriations.

Reps. Brewer, DeHart, Bovin and Sheltroun introduced

House Bill No. 6023, entitled

A bill to impose a tax on the sale of gasoline and diesel motor fuel; to determine who shall pay the tax; and to specify the collection process for the tax imposed.

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

Reps. Brewer and Bovin introduced

House Bill No. 6024, entitled

A bill to amend 1895 PA 3, entitled "General law village act," (MCL 61.1 to 74.25) by adding section 7a to chapter II. The bill was read a first time by its title and referred to the Committee on Local Government and Urban Policy.

Reps. Brewer and Bovin introduced

House Bill No. 6025, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 5j. The bill was read a first time by its title and referred to the Committee on Local Government and Urban Policy.

Reps. Brewer and Bovin introduced

House Bill No. 6026, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," (MCL 46.1 to 46.32) by adding section 13c.

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

Reps. Frank, Cherry, Neumann, Howell and Rivet introduced

House Bill No. 6027, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 6 (MCL 29.6). The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Reps. Richner and Van Woerkom introduced

House Bill No. 6028, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Rivet introduced

House Bill No. 6029, entitled

A bill to amend 1919 PA 71, entitled "An act to provide for the formulation and establishment of a uniform system of accounting and reporting in the several departments, offices, and institutions of the state government, and in all county offices; to provide for the examination of the books and accounts of each state department, office, and institution, and of each county office; to provide for financial reports from all such departments, institutions, and offices, and for the tabulation and publication of comparative financial statistics relating thereto; to provide for the administration of this act; to provide for the powers and duties of the department of treasury, the auditor general, the

library of Michigan and depository libraries, and other officers and entities; to provide penalties; and to provide for meeting the expense authorized by this act," (MCL 21.41 to 21.55) by adding section 6a.

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

Reps. Allen, Gilbert, DeRossett and Cassis introduced

House Bill No. 6030, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1258.

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

Reps. Allen, Bradstreet, Rick Johnson, Shackleton and Mead introduced

House Bill No. 6031, entitled

A bill to designate highway M-109 located in Leelanau county as the "D.H. Day Highway"; and to prescribe the duties of the state transportation department.

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

Reps. Patterson, Raczkowski and Koetje introduced

House Bill No. 6032, 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 section 1 (MCL 125.1651), as amended by 1997 PA 202.

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

Reps. Gosselin, Vear and Bradstreet introduced

House Bill No. 6033, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40113a (MCL 324.40113a), as amended by 1997 PA 19.

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

Reps. Koetje, Tabor, Pappageorge and Ehardt introduced

House Bill No. 6034, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5735 (MCL 600.5735).

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

Reps. Koetje and Tabor introduced

House Bill No. 6035, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 310b (MCL 750.310b), as added by 1996 PA 539.

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

Reps. Cassis, Birkholz, Gosselin, Toy, Kowall and Richardville introduced

House Bill No. 6036, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit

certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding section 10dd.

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

Reps. Cassis, Birkholz, Gosselin, Toy, Kowall and Richardville introduced

House Bill No. 6037, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding section 9.

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

Reps. Cassis, Birkholz, Gosselin, Toy, Kowall and Richardville introduced

House Bill No. 6038, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 309d.

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

Reps. Gosselin, Bradstreet and Bishop introduced

House Bill No. 6039, entitled

A bill to amend 1933 PA 167, entitled "General sales tax," (MCL 205.51 to 205.78) by adding section 4aa.

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

Reps. Gosselin, DeVuyst and DeHart introduced

House Bill No. 6040, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 21c to chapter VIII.

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

Reps. Gosselin, DeVuyst and DeHart introduced

House Bill No. 6041, entitled

A bill to amend 1846 RS 1, entitled "Of the statutes," (MCL 8.1 to 8.8) by adding section 3p.

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

Reps. Gosselin, Bradstreet, Pappageorge, Voorhees and Julian introduced

House Bill No. 6042, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 503 (MCL 436.1503).

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

Reps. Gosselin, Vear, Ehardt, Bradstreet and Bishop introduced

House Bill No. 6043, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 5 (MCL 117.5), as amended by 1988 PA 268.

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

Reps. Gosselin and Bradstreet introduced

House Bill No. 6044, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending section 307 (MCL 462.307).
The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Gosselin, DeHart, Ehardt, Bradstreet, Voorhees, Bishop, Woronchak, Middaugh, Ruth Johnson and DeVuyst introduced

House Bill No. 6045, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4aa.
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Gosselin and Bradstreet introduced

House Bill No. 6046, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 57 (MCL 169.257), as amended by 1996 PA 590.

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

Reps. Gosselin, Bradstreet and Bishop introduced

House Bill No. 6047, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4w.
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Gosselin, Cameron Brown, Bradstreet, Vear, Voorhees, Julian, Pappageorge, Ehardt, Bishop, Jansen, Green and Vander Roest introduced

House Bill No. 6048, entitled

A bill to allow the display of the Ten Commandments on public property under certain circumstances.
The bill was read a first time by its title and referred to the Committee on Constitutional Law and Ethics.

Reps. Gosselin and DeVuyst introduced

House Bill No. 6049, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 1998 PA 532.

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

Reps. Van Woerkom, Pappageorge, Mortimer, Ehardt and LaSata introduced

House Bill No. 6050, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 2 (MCL 52.202).

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

Reps. Shackleton, Cassis, Woronchak, Sheltroun, Gilbert, Sanborn, Shulman, Kowall, Bovin, Van Woerkom, DeHart, Howell and Patterson introduced

House Bill No. 6051, entitled

A bill to make, supplement, and adjust appropriations for the department of community health for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

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

Reps. Howell, Richardville, Caul, Woronchak, Hager, Shackleton, Shulman, Patterson, Julian and Faunce introduced **House Bill No. 6052, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411s. The bill was read a first time by its title and referred to the Committee on Criminal Law and Corrections.

Rep. LaSata moved that the House adjourn.
The motion prevailed, the time being 3:20 p.m.

The Speaker declared the House adjourned until Tuesday, October 3, at 2:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.

