

No. 27
STATE OF MICHIGAN
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House of Representatives
91st Legislature
REGULAR SESSION OF 2001

House Chamber, Lansing, Thursday, March 29, 2001.

10:00 a.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rev. Welton T. Smith, Pastor of Union Second Baptist Church in River Rouge, offered the following invocation:

“Dearest Father, we thank Thee for Thy goodness and Thy mercy. We thank Thee Lord, for Thy tender care. We thank Thee Lord, for Thy bountiful blessings. And as we come this day Father, we ask for Your presence. We ask, Lord, for Your direction. We ask, God, for Your peace. Bless us now as we stand in this most solemn place to do, Lord, the work that You would have us to do. Bless this House, our House Speaker, Rick Johnson, and our Democratic Leader, Kwame Kilpatrick. Bless Lord, my Representative from our 8th District and River Rouge, Michigan Sister, Belda Garza. We ask God, that You would bless every district, every province, every community represented here Lord that the work that goes on this day will be a work of Your choosing and pleasing in Your sight. Give us, Lord, not only peace in this House, but let there be peace that reigns in the houses of this land—that in the houses of the state of Michigan, the residential districts and business districts of this great land—that Your peace will resolve and will be known as a haven of rest and a place of Thy bold. We thank Thee now in Jesus’ name and for our sake. Amen.”

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

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

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

Second Reading of Bills

Senate Joint Resolution D, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to provide that the state officers compensation commission’s determination of certain salaries and expense allowances become effective only upon approval by the legislature for the following legislative session and for the amendment of those determinations.

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

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

Rep. Drolet moved to amend the bill as follows:

1. Amend page 3, line 11, after “DETERMINATION” by inserting “AND THE DETERMINATION IS SUBSEQUENTLY APPROVED BY THE QUALIFIED ELECTORS OF THIS STATE AT THE NEXT GENERAL ELECTION”.

2. Amend page 3, line 19, after “ADOPTED” by inserting “AND APPROVED BY THE QUALIFIED ELECTORS”.

3. Amend page 3, line 23, after “ADOPTED” by inserting “OR NOT APPROVED BY THE QUALIFIED ELECTORS”.

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

Rep. Patterson moved to substitute (H-3) the bill.

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

Reps. Rick Johnson and Kilpatrick moved to amend the bill as follows:

1. Amend page 4, line 2, after “at” by striking out “the next general election” and inserting “a special election to be held on August 6, 2002”.

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

Rep. Richardville 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

Senate Joint Resolution D, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to provide that the state officers compensation commission’s determination of certain salaries and expense allowances become effective only upon approval by the legislature for the following legislative session and for the amendment of those determinations.

Was read a third time and adopted, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 75

Yeas—100

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

Nays—3

Anderson	Brown, R.	Rivet
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In The Chair: Ehardt

The question being on agreeing to the title of the joint resolution,
 Rep. Patterson moved to amend the title to read as follows:

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to modify how the state officers compensation commission’s determination of certain salaries and expense allowances are made and how they become effective, for approval of certain determinations by the legislature for the following legislative session, and to expand who those determinations apply to.

The motion prevailed.

The House agreed to the title as amended.

Rep. Anderson, 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:

I voted no on SJR D, because SJR D would set in the constitution an automatic pay raise for the legislature if the SOCC makes a recommendation at or below a set level. This would take away the ability of the legislature to express itself on this issue. I believe the legislature should be held accountable and be made to vote on all recommendations made by the State Officers Compensation Commission.”

Rep. Rich Brown, 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:

I voted no on SJR D, because SJR D would allow for an automatic pay raise if the SOCC makes a recommendation at or below a set level. I believe the legislature should be held accountable and vote on all recommendations made by the State Officers Compensation Commission.”

House Bill No. 4257, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(The bill was read a third time and postponed for the day on March 28, see House Journal No. 26, p. 328.)

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. 76

Yeas—89

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

Nays—17

Bishop	DeVuyst	Johnson, Ruth	Patterson
Bogardus	Drolet	Kuipers	Phillips

Bradstreet
Cassis
Dennis

Gosselin
Hale

Lipsey
Mans

Raczkowski
Vear

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 make appropriations for the department of environmental quality for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The motion prevailed.

The House agreed to the title as amended.

Rep. Gosselin, 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:

I vote ‘no’ on this budget because in recent months I received citizen complaints of instances where department bureaucrats have apparently politicized the wetland permit process. It appears as if some district officials have substituted their own personal agendas for standards and timelines clearly specified in state law. Such behavior is unprofessional, unacceptable, and a disservice to the taxpayers who pay for this program.”

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:

Upper Peninsula conservationist Richard Delene has been forced to flee the state, and is facing fines of \$92 million, for creating an award-winning wetlands ecosystem supporting a diverse collection of native plants and animals. He has been forced to flee because the DNR—then under fire from the EPA for going easy on politically well-connected persons seeking wetlands permits—chose to ‘make an example’ out of an elderly private citizen who failed to show the proper respect to the department’s awesome power.

For this and many other reasons I will not support this department’s appropriation this year.”

Rep. Dennis, 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:

I voted no on this budget bill because of the Shackleton amendment passed on March 22, 2001 which without legislative oversight allows the DNR and the Natural Resources Commission to begin the process of permitting drilling into the bottomlands of the Great Lakes. Overwhelmingly, the people of this Great State do not want to put this natural resource at risk. The benefits from the drilling do not outweigh the risks. The Great Lakes are 20% of the world’s fresh water, and 35 million people depend upon them for their drinking water, business, and recreational value. It is a sad day here today that this legislature would allow them to be put at risk and give away their legislative obligation. Our legacy of not protecting our greatest natural resource will be duly noted by the people of Michigan. Therefore, I proudly cast my no vote!”

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:

I voted no on this budget bill because of the Shackleton amendment passed on March 22, 2001 which without legislative oversight allows the DNR and the Natural Resources Commission to begin the process of permitting drilling into the bottomlands of the Great Lakes. Overwhelmingly, the people of this Great State do not want to put this natural resource at risk. The benefits from the drilling do not outweigh the risks. The Great Lakes are 20% of the world’s fresh

water, and 35 million people depend upon them for their drinking water, business, and recreational value. It is a sad day here today that this legislature would allow them to be put at risk and give away their legislative obligation. Our legacy of not protecting our greatest natural resource will be duly noted by the people of Michigan. Therefore, I proudly cast my no vote!"

Rep. Phillips, 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:

I and my constituents have serious concerns regarding the DEQ's ineffective regulation of wetlands. The DEQ has not demonstrated adequate oversight of land developers who are draining and filling wetlands at a rapid rate in my district to the detriment of our water quality and ability to control flooding. Until the DEQ improves its permitting and enforcement program in this area I cannot support its operating budget."

Rep. Lipsey, 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:

I am extremely concerned that this Department has allowed a superfund site on the Kalamazoo River to remain contaminated for over ten years. While the river was identified as a cleanup site in the late 1980's, it appears that the DEQ has simply abrogated its responsibility by allowing the PRP's to formulate its remediation solution without any enforced time constraints. Despite continued public outcry, the DEQ still has not assumed its statutory responsibility. This raises substantial questions concerning the operation of this department. I believe that this budget should await a thorough review of department operations to determine why such a delay in enforcement was allowed to occur."

Rep. Vear, 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:

I vote no for

1. The many complaints I receive concerning department personal who substitute their own personal agendas for standards clearly specified in state statutes and use their position to harass the citizens of this state. This behavior is unacceptable, unprofessional, and should not be rewarded with an increase in their budget

2. Lack of proper tracking expense and filing of reports

3. Failed to follow auditor general recommendations (example: improper allocation of payroll expense has cost the state a loss of \$52,800 of federal funds since the auditor general recommended to change system of allocation which DEQ has failed to implement)."

Rep. Lemmons entered the House Chambers.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Concurrent Resolution No. 17.

A concurrent resolution to urge Michigan power providers to offer to their customers a program of charitable donations by rounding bills up to the nearest dollar and accepting contributions.

(For text of resolution, see House Journal No. 21, p. 243.)

(The concurrent resolution was reported by the Committee on Energy and Technology on March 21, consideration of which, under the rules, was postponed until March 22.)

The question being on the adoption of the concurrent resolution,

Rep. Callahan moved to amend the concurrent resolution as follows:

1. Amend the concurrent resolution, following the first Resolving clause, by inserting:

"Resolved, That power providers submit an annual report to the Public Service Commission regarding the success of such programs including information pertaining to monies received and disbursements made; and be it further".

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

The demand was supported.

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

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

Roll Call No. 77**Yeas—66**

Adamini	Gielegem	Middaugh	Schauer
Anderson	Hager	Minore	Schermesser
Basham	Hale	Murphy	Shackleton
Bernero	Hansen	Neumann	Sheltrown
Birkholz	Hardman	O'Neil	Spade
Bogardus	Jacobs	Pestka	Stallworth
Brown, B.	Jamnick	Phillips	Switalski
Brown, R.	Jelinek	Plakas	Thomas
Callahan	Julian	Pumford	Van Woerkom
Clark, I.	Kilpatrick	Raczkowski	Waters
Clarke, H.	Kolb	Reeves	Whitmer
Daniels	Kowall	Richner	Williams
Dennis	Lemmons	Rison	Wojno
DeWeese	Lipsey	Rivet	Woodward
Faunce	Lockwood	Rocca	Woronchak
Frank	Mans	Sanborn	Zelenko
Garza	McConico		

Nays—41

Allen	George	Kooiman	Scranton
Bisbee	Gilbert	Kuipers	Shulman
Bishop	Godchaux	LaSata	Stamas
Bradstreet	Gosselin	Mead	Stewart
Brown, C.	Hart	Meyer	Tabor
Cassis	Howell	Mortimer	Toy
Caul	Jansen	Newell	Vander Roest
DeRossett	Johnson, Rick	Pappageorge	Vander Veen
DeVuyst	Johnson, Ruth	Patterson	Vear
Drolet	Koetje	Richardville	Voorhees
Ehardt			

In The Chair: Ehardt

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

The Speaker laid before the House

House Resolution No. 60.

A resolution to urge the Department of Consumer and Industry Services to increase public awareness of its energy programs.

(For text of resolution, see House Journal No. 22, p. 260.)

(The resolution was reported by the Committee on Energy and Technology on March 21, consideration of which, under the rules, was postponed until March 22.)

The question being on the adoption of the resolution,

The resolution was adopted.

Second Reading of Bills**Senate Bill No. 67, entitled**

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by repealing section 6 (MCL 551.6). The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 103, entitled

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

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 104, entitled

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

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Justice (for amendment, see House Journal No. 16, p. 191),

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

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

The motion prevailed.

House Bill No. 4352, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as added by 2000 PA 77, and by adding section 811o.

The bill was read a second time.

Rep. Richner moved to substitute (H-2) the bill.

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate**Senate Concurrent Resolution No. 12.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, March 29, 2001, it stands adjourned until Tuesday, April 17, 2001, at 10:00 a.m. for the Senate and 2:00 p.m. for the House of Representatives.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

Rep. Richardville moved that when the House adjourns today it stand adjourned until Tuesday, April 17, at 2:00 p.m. The motion prevailed.

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

Reps. Minore, Jamnick, Kolb, Murphy, McConico, Neumann, Lockwood, Rison, O'Neil, Reeves, Anderson, Plakas, Pestka, Switalski, Gielegem, Bovin, Quarles, Sheltroun, Clark, Frank, Basham, Dennis, Bob Brown, Rich Brown, Lipsey, Williams, Wojno, Waters, Bernero, Callahan, Zelenko, Phillips, Hansen, Jacobs, Stallworth, Woodward, Adamini, Garza, Thomas, Whitmer, Schauer, Kilpatrick, Spade, Mans, Rivet, Lemmons, Ehardt, Faunce, Van Woerkom, Richardville, DeRossett, Howell, Rocca, Scranton, Hardman, Bogardus, Toy, Caul and Clarke offered the following resolution:

House Resolution No. 68.

A resolution commemorating Saturday, April 28, 2001, as Workers' Memorial Day in Michigan.

Whereas, April 28, 2001, has been selected for an observance to remember the working men and women who have been killed or injured as a result of their work. For this occasion, it is most appropriate to remember their outstanding contributions to their work, communities, and our state. As we remember those who made the ultimate sacrifice in their chosen professions, we offer our deepest sympathy to their families, friends, and coworkers; and

Whereas, The enactment of the Occupational Safety and Health Act has helped reduce the number of deaths in the workplace. It is important to remember that more must be done to ensure that all Americans have a safe workplace. The fact remains that far too many workers will be killed or injured this year. These deaths and injuries not only take a heavy personal toll on the families and coworkers left behind, but a heavy economic toll in lost wages and productivity. There are certainly many compelling reasons for all parties to come together to improve workers' safety; and

Whereas, On Labor Day we celebrate the contributions of the working men and women of this great country. It is fitting that on Workers' Memorial Day we take time to remember those who lost their lives as a result of their occupation. It is important that we never forget their contributions. It is just as important that we never stop working to improve workplace safety. If, through our efforts, we prevent at least one worker's death, then we will have truly honored those who have died or were injured as a result of a workplace accident; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate April 28, 2001, as Workers' Memorial Day; and be it further

Resolved, That a copy of this resolution be transmitted to the coordinators of this observance as evidence 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. Lemmons, Adamini, Hale, Clark, Minore, Quarles, Jamnick, Clarke, Garza, Jacobs, Kilpatrick, Schauer, Stallworth, Dennis, Kolb, Sheltroun, Neumann, Gielegem, Pestka, Anderson, Plakas, Rivet, Basham, Woodward, Bob Brown, Switalski, Phillips, McConico, Rich Brown, Lipsey, Wojno, Waters, Lockwood, O'Neil, Callahan, Whitmer, Murphy, Zelenko, Reeves, Hardman, Williams, Rison, Frank, Thomas, Spade, Mans, Bernero, Hansen, Daniels and Bogardus offered the following resolution:

House Resolution No. 69.

A resolution to memorialize the Congress of the United States to require, and the United States Secretary of Commerce to use, modern statistical methods to produce accurate figures for the 2000 Census.

Whereas, The Census Bureau itself estimates a national undercount of about 3.3 million people, many of them minorities who deserve to be represented in their respective states. President Bush, in his campaign slogan, vowed to "leave no child behind." This undercount represents a pervasive disenfranchisement of our country's children, minorities, and urban and rural poor; and

Whereas, This inaccurate Census count violates the democratic principle of equal representation and discriminates against minorities. It is estimated that the undercount will cost 26 states \$9.1 billion and that urban areas nationwide will lose \$11 billion, \$3,391 a person; and

Whereas, Minorities could lose representation in 44 state legislative districts and one congressional district nationwide. For Hispanics, the undercount could be as high as 3.5 percent, for African-Americans, it could be as high as 2.7 percent, and for whites, it could be 0.9 percent; and

Whereas, Such an undercount undercuts the representation of these vital members of our society, as well as reduces the amount of federal funding for badly needed services. A more accurate count is required in the interests of fairness and in following the tenets of our democratic government; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to require, and the United States Secretary of Commerce to use, modern statistical methods to produce accurate figures for the 2000 Census and to correct the undercount; 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, the members of the Michigan congressional delegation, and United States Secretary of Commerce Don Evans.

The resolution was referred to the Committee on Redistricting and Elections.

Reps. Bishop, George, Raczkowski, Pappageorge, Gosselin, Richardville, Kowall, Koetje, Shackleton, Kuipers, Cassis, Van Woerkom, Scranton, Toy, Voorhees, Allen, Hart, Vander Roest, Ehardt, Jacobs, Faunce, Vander Veen, Mead, Sheltroun, Gielegem, Adamini, DeRossett, Newell, Wojno, Rich Brown, Rivet, Kolb, Drolet, Kooiman, Birkholz, Callahan, Zelenko, Neumann, Stewart, Hager, Howell, Dennis, Thomas, Jamnick, Mans, Kilpatrick, Rocca, Schauer, Phillips, Bisbee, Lockwood, Lipsey, McConico, Richner, Frank, Minore, Hansen, Bogardus, Shulman, Caul and Clarke offered the following resolution:

House Resolution No. 70.

A resolution to commemorate the month of May as Michigan Rails-to-Trails Month.

Whereas, The Michigan Trailway System is a statewide system of land corridors passing through Michigan's communities and countryside, featuring board, smooth-surfaced trails perfect for many activities and accessible to everyone; and

Whereas, Trailways follow inactive railroad lines, shorelines, and other corridors. Linking together whenever possible, the statewide network of trailways will connect our communities, parks, public lands, and natural resources; and

Whereas, This network has potential to encompass hundreds of miles of trailways, creating a web of activity that stretches from Lake Huron to Lake Michigan, from the southern state line to the Mackinac Straits and across the Upper Peninsula; and

Whereas, Trailways are more than just a way from place to place, they open many modes of travel to which they take you through the entire range of Michigan environments including forests, wetlands, river and lake shorelines, farmlands, shopping areas, residential areas, and even industrial areas; and

Whereas, It offers an unlimited potential for year-round recreation. Often surrounded by attractive natural areas, they're great places for the people of your community to bicycle, walk, run, hike, ski, ride horses, and even snowmobile; and

Whereas, As the trailway system expands and becomes well-known, Michigan's image as a leader in great outdoor recreation will grow along with it. Visitors drawn to our state by the system will benefit the entire state's tourism economy. It is appropriate to commemorate and designate May as Michigan's Rails-to-Trails Month; and

Whereas, It is clear that many generations will come to enjoy the trailways and make it part of their lives and the memories of their best times with family and friends; now, therefore, be it

Resolved by the House of Representatives, That we commemorate May as Rails-to-Trails Month in Michigan, and encourage all citizens to support the efforts of these trailway resources in their communities.

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. Pumford, Vander Roest, Ehardt, Jacobs, Pappageorge, Julian, Van Woerkom, Mead, Koetje, Sheltroun, Cassis, Adamini, DeRossett, Newell, Kooiman, Birkholz, Stewart, Hager, Jelinek, Jansen, Howell, Dennis, Thomas, Jamnick, Plakas, Mans, Rocca, Gosselin, Phillips, Lipsey, Scranton, Hansen, Shulman, Toy, Caul and Clarke offered the following concurrent resolution:

House Concurrent Resolution No. 26.

A concurrent resolution to establish a special joint committee to evaluate the Michigan State Fairgrounds and the pending sale of adjacent property.

Whereas, In recent years, the facilities and lands of the Michigan State Fairgrounds have been the focus of public attention. There have been numerous proposals for the facilities and for development of the grounds and nearby property; and

Whereas, These proposals have included discussions of a cultural and economic center, an industrial park, horse and auto racing facilities, and other development ideas. Some proposals have centered around the Michigan State Fair; and

Whereas, A 36-acre parcel of land adjacent to the Michigan State Fairgrounds has generated considerable interest and speculation of late. This parcel was purchased by the state through a Department of Natural Resources trust fund, and was sold to a private entrepreneur for approximately \$6.1 million less than one year ago. Within several months, this party agreed to sell it to a developer for \$10.5 million. The latest reports indicate that the Detroit Public Schools may buy the property for \$17 million as part of a deal that may include selling part of the acreage to a major retailer; and

Whereas, With the whirl of activities and uncertainties surrounding the sale of this property, the public resources and money that may be involved, and long-term ramifications for the Michigan State Fair, it is imperative that this situation be monitored and evaluated; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That there be created a special joint committee to evaluate the Michigan State Fairgrounds and the pending sale of adjacent property. The special joint committee shall consist of three members of the House of Representatives appointed in the same manner as standing committees are appointed and three members from the Senate appointed in the same manner as standing committees are appointed. The special joint committee will report its findings and any recommendations by June 30, 2001.

The concurrent resolution was referred to the Committee on Appropriations.

Reps. Hardman, Hale, Quarles, Rison, Clark, Stallworth, Kilpatrick, Thomas, Murphy, Williams, Lipsey, McConico, Waters, Daniels, Phillips, Garza, Reeves, Lemmons, Bernero, Jacobs, Sheltroun, Gielegem, Adamini, Rich Brown, Rivet, Kolb, Neumann, Dennis, Jamnick, Schauer, Lockwood, Minore, Hansen, Bogardus and Clarke offered the following concurrent resolution:

House Concurrent Resolution No. 27.

A concurrent resolution to memorialize the Congress of the United States to keep D.C. General Hospital open as a public institution.

Whereas, Without swift action, D.C. General Hospital in our nation's capital will close as a public entity very soon. This move has generated opposition from many observers in Washington and elsewhere, including prominent medical organizations; and

Whereas, D.C. General Hospital is noted for providing life-saving services to the city's poor. The hospital stands as a symbol of the struggles and commitment of America's urban hospitals; and

Whereas, Concerns over the possible closing of D.C. General Hospital have been expressed across the country. Many city health officials and policymakers see this venerable institution, which was opened in 1806, as representing the nation's commitment to providing appropriate health care services to population groups that include many patients who are minorities and many who are poor and uninsured. The thought of this hospital—which serves as a safety net for thousands with nowhere else to turn—shutting its doors is most disturbing to those dedicated to America's inner cities; and

Whereas, How a country treats its disadvantaged people is a significant reflection on the country's character and priorities. This is why so many people in other parts of the nation, including Detroit and other cities in Michigan, feel Congress should take actions to halt the closing of D.C. General Hospital as a public entity; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to keep D.C. General Hospital open as a public institution; 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 Health Policy.

Reports of Standing Committees

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

House Bill No. 4409, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82118 (MCL 324.82118), as amended by 1996 PA 183.

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

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

Favorable Roll Call

HB 4409 To Report Out:

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

Nays: None.

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

House Bill No. 4538, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82110 (MCL 324.82110), 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 4538 To Report Out:

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

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, March 29, 2001, at 8:15 a.m.,

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

Absent: Rep. Garcia,

Excused: Rep. Garcia.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, March 27:

Senate Bill Nos. 360 361

The Clerk announced that the following Senate bills had been received on Thursday, March 29:

Senate Bill Nos. 30 257 341

By unanimous consent the House returned to the order of

Messages from the Senate**Senate Bill No. 30, entitled**

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

The Senate has passed the bill.

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

Senate Bill No. 257, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 36 to chapter IX.

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. 341, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," (MCL 211.901 to 211.906) by adding section 5a.

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 Concurrent Resolution No. 11.

A concurrent resolution to establish a special joint committee to evaluate the Michigan State Fairgrounds and the pending sale of adjacent property.

Whereas, In recent years, the facilities and lands of the Michigan State Fairgrounds have been the focus of public attention. There have been numerous proposals for the facilities and for development of the grounds and nearby property; and

Whereas, These proposals have included discussions of a cultural and economic center, an industrial park, horse and auto racing facilities, and other development ideas. Some proposals have centered around the Michigan State Fair; and

Whereas, A 36-acre parcel of land adjacent to the Michigan State Fairgrounds has generated considerable interest and speculation of late. This parcel was purchased by the state through a Department of Natural Resources trust fund, and was sold to a private entrepreneur for approximately \$6.1 million less than one year ago. Within several months, this party agreed to sell it to a developer for \$10.5 million. The latest reports indicate that the Detroit Public Schools may buy the property for \$17 million as part of a deal that may include selling part of the acreage to a major retailer; and

Whereas, With the whirl of activities and uncertainties surrounding the sale of this property, the public resources and money that may be involved, and long-term ramifications for the Michigan State Fair, it is imperative that this situation be monitored and evaluated; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there be created a special joint committee to evaluate the Michigan State Fairgrounds and the pending sale of adjacent property. The special joint committee shall consist of three members of the Senate appointed in the same manner as standing committees are appointed and three members from the House of Representatives appointed in the same manner as standing committees are appointed. The special joint committee will report its findings and any recommendations by June 30, 2001.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Communications from State Officers

The following communication from the Department of Environmental Quality was received and read:

March 21, 2001

Section 16908(3) of Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, requires the Department of Environmental Quality (DEQ) to report annually to the Legislature on the utilization of revenues of the Scrap Tire Regulatory Fund. Transmitted is a breakdown of Fiscal Year (FY) 2000 expenditures for the regulatory program and the grant program.

If you have any questions, please contact Mr. Jim Sygo, Chief, Waste Management Division, at 517-373-2730, or you may contact me.

Sincerely,
Russell J. Harding
Director

The communication was referred to the Clerk.

Introduction of Bills

Rep. Sanborn introduced

House Bill No. 4547, entitled

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

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

Reps. Cassis, Raczkowski, Bovin, Scranton, Van Woerkom, Ehardt, Gosselin, Pappageorge, Richner, Jansen, Birkholz and Lemmons introduced

House Bill No. 4548, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 10 (MCL 207.780).

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

Reps. Patterson, Richardville, Cassis, Howell, Vander Veen, Rocca, Hager, Sanborn, Neumann, Raczkowski, Gielegghem, Tabor, Middaugh, Mortimer, Shackleton, Birkholz, Spade, Pappageorge, Koetje and Van Woerkom introduced

House Bill No. 4549, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 227b (MCL 750.227b), as amended by 1990 PA 321.

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

Reps. DeRossett, Gilbert, Ehardt and George introduced

House Bill No. 4550, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 1999 PA 34.

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

Rep. Sanborn moved that the House adjourn.

The motion prevailed, the time being 12:45 p.m.

Associate Speaker Pro Tempore Ehardt declared the House adjourned until Tuesday, April 17, at 2:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.