

**No. 25**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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House Chamber, Lansing, Thursday, March 14, 2002.

12:00 Noon.

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

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

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

e/d/s = entered during session

Rev. Herbert Gilbert, from Beacon Baptist Church in Taylor, offered the following invocation:

“Our Father, we thank You for Your blessings. We know that You are a God of law and order and a God of love, so we pray that You will bless this House and bless the decisions that they will be making. We know the Bible says that You are interested in government, power and authority, so we pray that You will bless each decision, bless every person here today and bless every thought. We thank You so much for being a God of love, loving us and sending Your son to die for us on the old rugged cross. We thank You for Your blessings. We thank You for the people who work here. We pray that You will bless each one of them and bless their decisions and their lives. We thank You for this in Christ’s name. Amen.”

Rep. Jacobs moved that Reps. Stallworth and Zelenko be excused from today’s session.  
The motion prevailed.

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

### Messages from the Senate

#### Senate Bill No. 881, entitled

A bill to create the Michigan broadband development authority; to create funds and accounts; to authorize the issuing of bonds and notes; to prescribe the powers and duties of the authority; and to provide incentives for the development of broadband services.

The Senate has amended the House substitute (H-4) as follows:

1. Amend page 5, line 8, after “company” by inserting “or a governmental entity, including state authorities, municipalities, counties, and townships, police, fire and other public safety organizations, judicial entities, medical entities, schools, colleges, universities, hospitals, libraries, community centers, and local economic development entities.”.

2. Amend page 13, line 9, after “(1)” by striking out “(n)” and inserting “(m)”.

The Senate has concurred in the House substitute (H-4) as amended and ordered that the bill be given immediate effect.

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

Rep. Patterson moved that Rule 45 be suspended.

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

The question being on concurring in the amendments made to the House substitute (H-4) by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 264

#### Yeas—94

Adamini	Frank	Lemmons	Richner
Allen	Garza	Lipsey	Rivet
Anderson	George	Lockwood	Rocca
Basham	Gielegem	Mans	Schauer
Bernero	Gilbert	McConico	Schermesser
Birkholz	Godchaux	Mead	Shackleton
Bisbee	Hager	Meyer	Sheltrown
Bishop	Hale	Middaugh	Shulman
Bogardus	Hansen	Minore	Spade
Bovin	Hardman	Mortimer	Stewart
Bradstreet	Howell	Murphy	Switalski
Brown, B.	Hummel	Neumann	Tabor
Brown, C.	Jacobs	Newell	Thomas

Brown, R.	Jamnick	O'Neil	Van Woerkom
Cassis	Jelinek	Pappageorge	Vander Roest
Clark, I.	Johnson, Rick	Pestka	Vander Veen
Clarke, H.	Johnson, Ruth	Phillips	Vear
Daniels	Julian	Plakas	Voorhees
Dennis	Koetje	Pumford	Waters
DeRossett	Kolb	Quarles	Whitmer
DeVuyst	Kooiman	Rackowski	Williams
DeWeese	Kowall	Reeves	Wojno
Ehardt	Kuipers	Richardville	Woodward
Faunce	LaSata		

### Nays—10

Caul	Hart	Scranton	Toy
Drolet	Palmer	Stamas	Woronchak
Gosselin	Patterson		

In The Chair: Julian

By unanimous consent the House returned to the order of

### Reports of Standing Committees

The Committee on Appropriations, by Rep. Shulman, Chair, reported

#### House Bill No. 5646, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal years ending September 30, 2002 and September 30, 2003; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2003; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

### Favorable Roll Call

#### HB 5646 To Report Out:

Yeas: Reps. Shulman, LaSata, Cameron Brown, Caul, Godchaux, Jelinek, Kooiman, Mead, Newell, Pappageorge, Pumford, Shackleton, Stamas, Stewart, Toy, Vander Roest,

Nays: Reps. Frank, Rich Brown, Clarke, Lockwood, Pestka, Phillips, Plakas, Reeves, Stallworth, Switalski, Whitmer.

The Committee on Appropriations, by Rep. Shulman, Chair, reported

#### House Bill No. 5651, entitled

A bill to make appropriations for the department of transportation and certain transportation purposes for the fiscal year ending September 30, 2003; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

**HB 5651** To Report Out:

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

Nays: Rep. Vander Roest.

The Committee on Appropriations, by Rep. Shulman, Chair, reported

**Senate Bill No. 1107, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11f, 11g, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32d, 37, 38, 39, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 96, 98, 99, 107, 108, and 147 (MCL 388.1611, 388.1611f, 388.1611g, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632d, 388.1637, 388.1638, 388.1639, 388.1641, 388.1651a, 388.1651c, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1667, 388.1668, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1696, 388.1698, 388.1699, 388.1707, 388.1708, and 388.1747), sections 11, 11f, 11g, 20, 22a, 22b, 24, 26a, 31a, 31d, 32d, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 98, 99, 107, and 147 as amended by 2001 PA 121 and sections 19, 37, 38, and 39 as amended and sections 96 and 108 as added by 2000 PA 297, and by adding sections 32i, 34, 39a, 51d, 55, 99a, and 121a; and to repeal acts and parts of acts.

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 1107** To Report Out:

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

Nays: Rep. Stallworth.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 13, 2002, at 9:00 a.m.,

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

Absent: Rep. Jansen,

Excused: Rep. Jansen.

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

**House Bill No. 5768, entitled**

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

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

**HB 5768** To Report Out:

Yeas: Reps. Kuipers, Meyer, Allen, Bradstreet, Hager, Hart, Ruth Johnson, Palmer, Van Woerkom, Voorhees, Hansen, Gielegem, McConico,

Nays: Reps. Bogardus, Clark.

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

**Senate Bill No. 213, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1231 and 1236 (MCL 380.1231 and 380.1236), section 1236 as amended by 1995 PA 289, and by adding section 1236a.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

**SB 213** To Report Out:

Yeas: Reps. Kuipers, Meyer, Allen, Bradstreet, Hager, Hart, Ruth Johnson, Palmer, Van Woerkom, Voorhees,

Nays: Reps. Hansen, Bogardus, Clark, Gielegem, McConico, Spade.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 14, 2002, at 9:00 a.m.,

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

Absent: Rep. Zelenko,

Excused: Rep. Zelenko.

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

**Senate Bill No. 989, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8302, 8303, 8304, 8305, 8306, 8309, 8310, 8311, 8312, 8313, 8314, 8317, 8318, 8319, 8322, 8327, 8329, 8330, and 8333 (MCL 324.8302, 324.8303, 324.8304, 324.8305, 324.8306, 324.8309, 324.8310, 324.8311, 324.8312, 324.8313, 324.8314, 324.8317, 324.8318, 324.8319, 324.8322, 324.8327, 324.8329, 324.8330, and 324.8333), section 8319 as amended by 1996 PA 312, and by adding sections 8307a, 8307b, 8307c, 8307d, 8307e, and 8307f; 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 989** To Report Out:

Yeas: Reps. DeRossett, Julian, Ehardt, Gilbert, Meyer, Van Woerkom, Hansen, Spade,

Nays: Rep. Sheltroun.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 14, 2002, at 8:00 a.m.,

Present: Reps. DeRossett, Julian, Ehardt, Gilbert, Meyer, Van Woerkom, Sheltroun, Bogardus, Hansen, Spade,

Absent: Rep. Vear,

Excused: Rep. Vear.

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

**House Bill No. 4682, entitled**

A bill to establish the Michigan affordable housing fund in the department of treasury; to provide for the administration of the fund; to provide for the deposit of certain money in that fund; to provide for the distribution of the money in that fund and to limit the use of the money in that fund; and to prescribe the powers and duties of certain state officials.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

**HB 4682** To Report Out:

Yeas: Reps. Birkholz, Hager, Drolet, Gilbert, Gosselin, Hummel, Jamnick, Hardman,  
Nays: None.

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

**House Bill No. 4684, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by amending the title, as amended by 1984 PA 215, and by adding chapter 3A.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

**HB 4684** To Report Out:

Yeas: Reps. Birkholz, Hager, Drolet, Gilbert, Gosselin, Hummel, Richardville, Jamnick, Hardman,  
Nays: None.

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

**House Bill No. 5680, entitled**

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending sections 5, 6, and 7 (MCL 331.5, 331.6, and 331.7), section 5 as amended by 1984 PA 17 and section 7 as amended by 1983 PA 78.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

**HB 5680** To Report Out:

Yeas: Reps. Birkholz, Hager, Drolet, Gilbert, Gosselin, Hummel, Richardville, Jamnick, Hardman,  
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, March 14, 2002, at 11:30 a.m.,

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

Absent: Reps. Dennis, Minore,

Excused: Reps. Dennis, Minore.

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

**House Bill No. 4657, entitled**

A bill to require food service establishments to give notice of certain charges; and to prescribe penalties for a violation of this act.

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

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

## Favorable Roll Call

**HB 4657** To Report Out:

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

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

**House Bill No. 5747, entitled**

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

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 5747** To Report Out:

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

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

**Senate Bill No. 1096, entitled**

A bill to amend 1937 PA 10, entitled "An act to define the use of travel aids by blind persons; to provide protection against accidents to such persons; to require instruction and examination in certain circumstances; and to provide penalties for violation hereof," by amending sections 1a and 2 (MCL 752.51a and 752.52), section 1a as added and section 2 as amended by 1986 PA 62.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

**SB 1096** To Report Out:

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 14, 2002, at 11:00 a.m.,

Present: Reps. Rocca, Scranton, Faunce, Garza, Waters, Williams, Wojno,

Absent: Reps. Raczkowski, Richner,

Excused: Reps. Raczkowski, Richner.

The Committee on Employment Relations, Training and Safety, by Rep. Bisbee, Chair, reported

**House Bill No. 5763, entitled**

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

With the recommendation that the substitute (H-8) 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 5763** To Report Out:

Yeas: Reps. Bisbee, Palmer, Kuipers, Meyer,  
Nays: Reps. Minore, Bernero, Dennis.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bisbee, Chair of the Committee on Employment Relations, Training and Safety, was received and read:

Meeting held on: Thursday, March 14, 2002, at 8:30 a.m.,

Present: Reps. Bisbee, Palmer, Kuipers, Meyer, Minore, Bernero, Dennis.

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Howell, Chair of the Committee on Civil Law and the Judiciary, was received and read:

Meeting held on: Thursday, March 14, 2002, at 10:30 a.m.,

Present: Reps. Howell, Hummel, Koetje, Palmer, Voorhees, Adamini, Lipsey, McConico, Waters,

Absent: Reps. Faunce, Richner,

Excused: Reps. Faunce, Richner.

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Patterson, Chair of the Committee on Redistricting and Elections, was received and read:

Meeting held on: Thursday, March 14, 2002, at 10:30 a.m.,

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

Absent: Rep. Lemmons,

Excused: Rep. Lemmons.

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, March 14:

**House Bill Nos. 5793 5794 5795 5796**

The Clerk announced that the following Senate bills had been received on Thursday, March 14:

**Senate Bill Nos. 883 965 1000 1165 1166**

### Messages from the Governor

The following messages from the Governor, approving and signing the following bills at the times designated below, were received and read:

Date: March 13, 2002

Time: 7:50 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4325 (Public Act No. 44, I.E.), being**

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 451 (MCL 750.451).

(Filed with the Secretary of State March 14, 2002, at 9:32 a.m.)

Date: March 13, 2002

Time: 7:52 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5449 (Public Act No. 45, I.E.), being**

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 145a, 145b, and 448 (MCL 750.145a, 750.145b, and 750.448).

(Filed with the Secretary of State March 14, 2002, at 9:34 a.m.)

Date: March 13, 2002

Time: 8:00 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5033 (Public Act No. 47, I.E.), being**

An act 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 16g of chapter XVII (MCL 777.16g), as amended by 2000 PA 279. (Filed with the Secretary of State March 14, 2002, at 9:38 a.m.)

### Introduction of Bills

Rep. Richner introduced

**House Bill No. 5797, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2080 (MCL 500.2080), as amended by 1986 PA 318.

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

Reps. Schauer, Jacobs, Kolb, Woodward, Minore, Rison, Clark, Garza, Gielegem, Callahan, Lockwood, O'Neil, Frank, Bogardus, Jamnick, Neumann, Sheltroun, Switalski, Hale, Rivet, Anderson, Waters, Quarles, Wojno, Williams, Lipsey, Whitmer, Adamini, Plakas, Phillips, Rich Brown, Bob Brown, Reeves, Hardman, Schermesser, Basham, Zelenko, Spade, Mans, Thomas, Daniels, Bovin, Murphy and McConico introduced

**House Bill No. 5798, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 134 and 3104 (MCL 500.134 and 500.3104), section 134 as amended by 1990 PA 256 and section 3104 as amended by 2001 PA 3.

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

Reps. Bernero, Jacobs, Schauer, Mans, Spade, Wojno, Waters, Plakas, Anderson, Woodward, Minore, Rison, Clark, Garza, Gielegem, Callahan, Lockwood, O'Neil, Frank, Bogardus, Jamnick, Neumann, Sheltroun, Switalski, Pestka, Hale, Rivet, Quarles, Williams, Lipsey, Whitmer, Adamini, Phillips, Rich Brown, Bob Brown, Reeves, Hardman, Schermesser, Basham, Daniels, Thomas, Bovin, Zelenko, Murphy and McConico introduced

**House Bill No. 5799, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2001 PA 3.

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

Reps. Woodward, Jacobs, Schauer, Minore, Rison, Clark, Garza, Gielegem, Callahan, Lockwood, O'Neil, Frank, Bogardus, Jamnick, Neumann, Sheltroun, Switalski, Pestka, Hale, Rivet, Anderson, Waters, Quarles, Wojno, Williams, Lipsey, Whitmer, Adamini, Plakas, Phillips, Rich Brown, Bob Brown, Reeves, Hardman, Schermesser, Basham, Zelenko, Spade, Mans, Thomas, Daniels, Bovin, Murphy and McConico introduced

**House Bill No. 5800, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 2 and 3 (MCL 15.262 and 15.263), section 2 as amended by 2001 PA 38 and section 3 as amended by 1988 PA 278.

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

Reps. Anderson, Jacobs, Schauer, Basham, O'Neil, Bovin, Plakas, Woodward, Minore, Rison, Clark, Garza, Gielegem, Callahan, Lockwood, Frank, Bogardus, Jamnick, Neumann, Sheltroun, Switalski, Spade, Mans, Pestka, Hale, Rivet, Quarles, Wojno, Williams, Lipsey, Whitmer, Adamini, Phillips, Rich Brown, Bob Brown, Reeves, Hardman, Schermesser, Zelenko, Waters, Daniels, Thomas, Murphy and McConico introduced

**House Bill No. 5801, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2001 PA 3.

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

Reps. Kolb, Hale, Spade, Zelenko, Schauer, Murphy, Bernero, Minore, Jacobs, DeWeese and Lockwood introduced **House Bill No. 5802, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Howell, Phillips, Allen and Gilbert introduced

**House Bill No. 5803, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217c, 248, and 251 (MCL 257.217c, 257.248, and 257.251), section 217c as amended by 1993 PA 300, section 248 as amended by 1999 PA 172, and section 251 as amended by 2000 PA 397.

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

Reps. Phillips, Raczkowski, Rivet, Kowall, Ruth Johnson, Thomas, Schermesser, Kolb, Jacobs, Whitmer, Quarles, Anderson, Plakas, Woodward, Rocca, Godchaux, Lipsey, Bogardus, Hale, Jamnick, Williams, Mans, Lockwood, Callahan, Murphy, Zelenko, Schauer, Newell, Pumford, Jelinek, Pappageorge, Rison, Clark, Stallworth, Dennis, Clarke, Stewart, Rich Brown, Reeves, Meyer, Stamas and Daniels introduced

**House Bill No. 5804, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 222, and 251 (MCL 257.217, 257.222, and 257.251), as amended by 2000 PA 397, and by adding section 17c.

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

Rep. Vander Roest moved that Rep. Kuipers be excused temporarily from today's session. The motion prevailed.

Rep. Rison entered the House Chambers.

By unanimous consent the House returned to the order of  
**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 5125, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 360a. (The bill was received from the Senate on March 7, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until March 12, see House Journal No. 22, p. 521.)

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

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

**Roll Call No. 265**

**Yeas—103**

Adamini	Garza	Lockwood	Rocca
Allen	George	Mans	Schauer
Anderson	Gielegem	McConico	Schermesser
Basham	Gilbert	Mead	Scranton
Bernero	Godchaux	Meyer	Shackleton
Birkholz	Gosselin	Middaugh	Sheltrown
Bisbee	Hager	Minore	Shulman
Bishop	Hale	Mortimer	Spade
Bogardus	Hansen	Murphy	Stamas

Bovin	Hardman	Neumann	Stewart
Bradstreet	Hart	Newell	Switalski
Brown, B.	Howell	O'Neil	Tabor
Brown, C.	Hummel	Palmer	Thomas
Brown, R.	Jacobs	Pappageorge	Toy
Cassis	Jamnick	Patterson	Van Woerkom
Caul	Jelinek	Pestka	Vander Roest
Clark, I.	Johnson, Rick	Phillips	Vander Veen
Daniels	Johnson, Ruth	Plakas	Vear
Dennis	Julian	Pumford	Voorhees
DeRossett	Koetje	Quarles	Waters
DeVuyst	Kolb	Raczkowski	Whitmer
DeWeese	Kooiman	Reeves	Williams
Drolet	Kowall	Richardville	Wojno
Ehardt	LaSata	Richner	Woodward
Fauce	Lemmons	Rison	Woronchak
Frank	Lipsey	Rivet	

### Nays—0

In The Chair: Julian

The House agreed to the full title of the bill.

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

The Speaker laid before the House

#### House Bill No. 5126, entitled

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

(The bill was received from the Senate on March 7, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until March 12, see House Journal No. 22, p. 521.)

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

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

#### Roll Call No. 266

#### Yeas—105

Adamini	Garza	Lipsey	Rivet
Allen	George	Lockwood	Rocca
Anderson	Gielegem	Mans	Schauer
Basham	Gilbert	McConico	Schermesser
Bernero	Godchaux	Mead	Scranton
Birkholz	Gosselin	Meyer	Shackleton
Bisbee	Hager	Middaugh	Sheltrown
Bishop	Hale	Minore	Shulman
Bogardus	Hansen	Mortimer	Spade
Bovin	Hardman	Murphy	Stamas
Bradstreet	Hart	Neumann	Stewart
Brown, B.	Howell	Newell	Switalski
Brown, C.	Hummel	O'Neil	Tabor
Brown, R.	Jacobs	Palmer	Thomas
Cassis	Jamnick	Pappageorge	Toy

Caul	Jelinek	Patterson	Van Woerkom
Clark, I.	Johnson, Rick	Pestka	Vander Roest
Clarke, H.	Johnson, Ruth	Phillips	Vander Veen
Daniels	Julian	Plakas	Vear
Dennis	Koetje	Pumford	Voorhees
DeRossett	Kolb	Quarles	Waters
DeVuyst	Kooiman	Raczkowski	Whitmer
DeWeese	Kowall	Reeves	Williams
Drolet	Kuipers	Richardville	Wojno
Ehardt	LaSata	Richner	Woodward
Faunce	Lemmons	Rison	Woronchak
Frank			

### Nays—0

In The Chair: Julian

The House agreed to the full title of the bill.

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

#### House Concurrent Resolution No. 48.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

(The concurrent resolution was returned by the Senate on March 13, with substitute (S-2), and postponed for the day, see House Journal No. 24, p. 617.)

The question being on the concurring in the substitute (S-2) made to the concurrent resolution by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor.

The concurrent resolution was referred to the Clerk for record.

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Rep. Switalski moved that Rep. Rivet be excused temporarily from today's session.

The motion prevailed.

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

The motion prevailed.

### Second Reading of Bills

#### House Bill No. 5648, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2003; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

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

Rep. Frank moved to amend the bill as follows:

1. Amend page 16, line 18, by striking out all of subsection (3).

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

Rep. Frank demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 267****Yeas—45**

Adamini	Frank	Lockwood	Rison
Anderson	Garza	Mans	Schauer
Basham	Gielegem	Minore	Schermesser
Bernero	Hale	Murphy	Sheltrown
Bogardus	Hansen	Neumann	Spade
Bovin	Hardman	O'Neil	Thomas
Brown, B.	Jacobs	Pestka	Waters
Brown, R.	Jamnick	Phillips	Whitmer
Clark, I.	Kolb	Plakas	Williams
Clarke, H.	Lemmons	Quarles	Wojno
Daniels	Lipsey	Reeves	Woodward
DeWeese			

**Nays—55**

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

In The Chair: Julian

Rep. Frank moved to amend the bill as follows:

1. Amend page 19, following line 23, by inserting:

“Sec. 321. Budgets for the attorney grievance board and attorney discipline board shall be included as a part of the presentation of the judicial budget to the legislature.”.

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

Rep. Frank demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 268****Yeas—46**

Adamini	Frank	Mans	Schauer
Anderson	Garza	Minore	Schermesser
Basham	Gielegem	Murphy	Sheltrown

Bernero	Hale	Neumann	Spade
Bogardus	Hansen	O'Neil	Switalski
Bovin	Hardman	Pestka	Thomas
Brown, B.	Jacobs	Phillips	Waters
Brown, R.	Jamnack	Plakas	Whitmer
Clark, I.	Kolb	Quarles	Williams
Clarke, H.	Lemmons	Reeves	Wojno
Daniels	Lipsey	Rison	Woodward
Dennis	Lockwood		

**Nays—57**

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

In The Chair: Julian

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Rep. Vander Roest moved that Rep. Koetje be excused from the balance of today's session.  
The motion prevailed.

Rep. Frank moved to amend the bill as follows:

1. Amend page 12, following line 6, by inserting:

“Sec. 213. The judicial branch shall prohibit the expenditure of funds for administrative costs above the state average for administrative costs or 7%, whichever is less.”.

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

Rep. Frank demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 269****Yeas—49**

Adamini	DeWeese	Lipsey	Reeves
Anderson	Drolet	Lockwood	Rison
Basham	Frank	Mans	Schauer
Bernero	Garza	Minore	Schermesser
Bishop	Gielegem	Murphy	Sheltrown

Bogardus	Gosselin	Neumann	Spade
Bovin	Hale	O'Neil	Thomas
Brown, B.	Hansen	Pestka	Waters
Brown, R.	Hardman	Phillips	Whitmer
Clark, I.	Jacobs	Plakas	Williams
Clarke, H.	Jamnick	Quarles	Wojno
Daniels	Kolb	Raczkowski	Woodward
Dennis			

**Nays—50**

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

In The Chair: Julian

Rep. Vander Roest moved to amend the bill as follows:

1. Amend page 2, line 26, by striking out "1,293,700" and inserting "1,543,700".
2. Amend page 3, following line 20, by inserting:  
"State services fee fund..... 250,000".
3. Amend page 6, line 12, by striking out "7,587,000" and inserting "7,337,000".
4. Amend page 6, line 16, by striking out all of line 16 and adjusting the subtotals, totals, and section 201 accordingly.
5. Amend page 17, line 23, by striking out all of section 319.

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

Rep. Vander Roest demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 270**

**Yeas—14**

Bishop	Gilbert	Julian	Schauer
Bradstreet	Gosselin	Mortimer	Vander Roest
Ehardt	Hager	Patterson	Vear
George	Hardman		

**Nays—87**

Adamini	Faunce	Lockwood	Schermesser
Allen	Frank	Mans	Scranton
Anderson	Garza	McConico	Shackleton

Basham	Gielegem	Mead	Sheltrown
Bernero	Godchaux	Meyer	Shulman
Birkholz	Hale	Middaugh	Spade
Bisbee	Hansen	Minore	Stamas
Bogardus	Hart	Murphy	Stewart
Bovin	Howell	Neumann	Switalski
Brown, B.	Hummel	Newell	Tabor
Brown, C.	Jacobs	O'Neil	Thomas
Brown, R.	Jamnick	Palmer	Toy
Cassis	Jelinek	Pappageorge	Van Woerkom
Caul	Johnson, Rick	Pestka	Vander Veen
Clark, I.	Johnson, Ruth	Phillips	Voorhees
Clarke, H.	Kolb	Plakas	Waters
Daniels	Kooiman	Pumford	Whitmer
Dennis	Kowall	Raczkowski	Williams
DeRossett	Kuipers	Reeves	Wojno
DeVuyst	LaSata	Richardville	Woodward
DeWeese	Lemmons	Richner	Woronchak
Drolet	Lipsey	Rocca	

In The Chair: Julian

Rep. Switalski moved to amend the bill as follows:

1. Amend page 16, line 23, after "(2)." by striking out the balance of the line through "any" on line 26 and inserting "Any".

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

Rep. Switalski demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 271

#### Yeas—46

Adamini	Frank	Mans	Schauer
Anderson	Garza	Minore	Schermesser
Basham	Gielegem	Murphy	Sheltrown
Bernero	Hale	Neumann	Spade
Bogardus	Hansen	O'Neil	Switalski
Bovin	Hardman	Pestka	Thomas
Brown, B.	Jacobs	Phillips	Waters
Brown, R.	Jamnick	Plakas	Whitmer
Clark, I.	Kolb	Quarles	Williams
Clarke, H.	Lemmons	Reeves	Wojno
Daniels	Lipsey	Rison	Woodward
Dennis	Lockwood		

#### Nays—56

Allen	George	Kuipers	Rocca
Birkholz	Gilbert	LaSata	Scranton
Bisbee	Godchaux	Mead	Shackleton
Bishop	Gosselin	Meyer	Shulman



Bradstreet	Hager	Middaugh	Stamas
Brown, C.	Hart	Mortimer	Stewart
Cassis	Howell	Newell	Tabor
Caul	Hummel	Palmer	Toy
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeVuyst	Johnson, Rick	Patterson	Vander Roest
DeWeese	Johnson, Ruth	Pumford	Vander Veen
Drolet	Julian	Raczkowski	Vear
Ehardt	Kooiman	Richardville	Voorhees
Faunce	Kowall	Richner	Woronchak

In The Chair: Julian

Rep. Frank moved to amend the bill as follows:

1. Amend page 19, following line 23, by inserting:

“Sec. 321. The judicial branch shall communicate regarding information technology activities with the department of information technology.”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5648, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2003; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

#### Roll Call No. 272

#### Yeas—95

Adamini	George	Lockwood	Rocca
Allen	Gieleghem	Mans	Schauer
Anderson	Gilbert	McConico	Schermesser
Basham	Godchaux	Mead	Scranton
Bernero	Gosselin	Meyer	Shackleton
Birkholz	Hager	Middaugh	Sheltrown
Bisbee	Hansen	Minore	Shulman
Bishop	Hardman	Mortimer	Spade
Bovin	Hart	Murphy	Stamas
Bradstreet	Howell	Neumann	Stewart
Brown, B.	Hummel	Newell	Switalski
Brown, C.	Jacobs	O’Neil	Tabor
Brown, R.	Jamnick	Palmer	Toy
Cassis	Jelinek	Pappageorge	Van Woerkom
Caul	Johnson, Rick	Patterson	Vander Roest
Clark, I.	Johnson, Ruth	Pestka	Vander Veen
Clarke, H.	Julian	Phillips	Vear
Daniels	Kolb	Plakas	Voorhees
DeRossett	Kooiman	Pumford	Whitmer

DeVuyst	Kowall	Quarles	Williams
DeWeese	Kuipers	Raczkowski	Wojno
Ehardt	LaSata	Reeves	Woodward
Faunce	Lemmons	Richardville	Woronchak
Garza	Lipsev	Richner	

**Nays—7**

Bogardus	Frank	Rison	Waters
Drolet	Hale	Thomas	

In The Chair: Julian

The House agreed to the title of the bill.

**House Bill No. 5717, entitled**

A bill to amend 1883 PA 197, entitled “An act to provide for the disposition of certain lands granted to the state of Michigan for railroad purposes by acts of congress of June 3, 1856, and March 4, 1879, upon the route from Grand Haven to Flint and thence to Port Huron, in the state of Michigan; to secure the title thereto to bona fide settlers and purchasers; to provide for the further sale thereof, and to provide for the adjustment of certain taxes heretofore assessed thereon,” by amending section 10 (MCL 322.460).

The bill was read a third time.

The question being on the passage of the bill,

Rep. Vear moved that consideration of the bill be postponed temporarily.

The motion prevailed.

**House Bill No. 5718, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 33934, 42506, 47104, and 52706 (MCL 324.33934, 324.42506, 324.47104, and 324.52706), section 33934 as added by 1995 PA 59 and sections 42506, 47104, and 52706 as added by 1995 PA 57.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

**Senate Bill No. 385, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 614, 617, and 1066 (MCL 380.614, 380.617, and 380.1066), section 614 as amended by 1992 PA 263, section 617 as amended by 1989 PA 268, and section 1066 as amended by 1995 PA 289.

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

**Roll Call No. 273****Yeas—91**

Adamini	Frank	Lockwood	Schauer
Allen	George	Mans	Schermesser
Anderson	Gielegem	Mead	Scranton
Basham	Gilbert	Meyer	Shackleton
Bernero	Godchaux	Middaugh	Sheltrown

Birkholz	Gosselin	Minore	Shulman
Bisbee	Hager	Mortimer	Spade
Bishop	Hansen	Murphy	Stamas
Bogardus	Hart	Neumann	Stewart
Bovin	Howell	Newell	Switalski
Bradstreet	Hummel	O'Neil	Tabor
Brown, B.	Jacobs	Pappageorge	Toy
Brown, C.	Jamnick	Patterson	Van Woerkom
Brown, R.	Jelinek	Pestka	Vander Roest
Cassis	Johnson, Rick	Phillips	Vander Veen
Caul	Johnson, Ruth	Plakas	Vear
Dennis	Julian	Pumford	Voorhees
DeRossett	Kolb	Quarles	Whitmer
DeVuyst	Kooiman	Raczkowski	Williams
DeWeese	Kowall	Richardville	Wojno
Drolet	Kuipers	Richner	Woodward
Ehardt	LaSata	Rison	Woronchak
Faunce	Lipsey	Rocca	

#### Nays—12

Clark, I.	Garza	Lemmons	Reeves
Clarke, H.	Hale	McConico	Thomas
Daniels	Hardman	Palmer	Waters

In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The House agreed to the full title.

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

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

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Reps. Garza, McConico, Clarke, Lemmons, Clark, Waters, Daniels, Reeves and Hardman having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on final passage of SB 385 because passage of this bill today simply underscores the unfairness that this Legislature has previously wrought on the citizens of the City of Detroit with regard to our School Board. Senate Bill 385 ostensibly sets forth the number of signatures that candidates who wish to serve on a school board would need to collect for their nominating petitions. This provision would not apply with regard to the City of Detroit, however, because we, the citizens of the City of Detroit, are alone in this state as having been stripped by this legislative body here in Lansing of our right to elect a school board of our choice.”

**Senate Bill No. 386, entitled**

A bill to amend 1966 PA 261, entitled “An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 11 (MCL 46.411), as amended by 1982 PA 504.

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

**Roll Call No. 274****Yeas—103**

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

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Senate Bill No. 387, entitled**

A bill to amend 1989 PA 24, entitled “The district library establishment act,” by amending section 11 (MCL 397.181); and to repeal acts and parts of acts.

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

**Roll Call No. 275****Yeas—102**

Adamini	Frank	Lockwood	Rocca
Allen	George	Mans	Schauer
Anderson	Gielegem	McConico	Schermesser

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

**Nays—0**

In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the establishment and maintenance of district libraries; to provide for district library boards; to define the powers and duties of certain state and local governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The House agreed to the full title.

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

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

**Senate Bill No. 388, entitled**

A bill to amend 1877 PA 164, entitled “An act to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms; and to prescribe penalties and provide remedies,” by amending section 11 (MCL 397.211), as amended by 1988 PA 432.

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

**Roll Call No. 276****Yeas—102**

Adamini	Frank	Lipsey	Rocca
Allen	Garza	Lockwood	Schauer
Anderson	George	Mans	Schermesser
Basham	Gielegem	McConico	Scranton
Bernero	Gilbert	Mead	Shackleton
Birkholz	Godchaux	Meyer	Sheltrown
Bisbee	Gosselin	Middaugh	Shulman
Bishop	Hager	Minore	Spade
Bogardus	Hale	Mortimer	Stamas

Bovin	Hansen	Murphy	Stewart
Bradstreet	Hardman	Neumann	Switalski
Brown, B.	Hart	Newell	Tabor
Brown, C.	Howell	O'Neil	Thomas
Brown, R.	Hummel	Palmer	Toy
Cassis	Jacobs	Pappageorge	Van Woerkom
Caul	Jamnick	Patterson	Vander Roest
Clark, I.	Jelinek	Pestka	Vander Veen
Clarke, H.	Johnson, Rick	Phillips	Vear
Daniels	Johnson, Ruth	Plakas	Voorhees
Dennis	Julian	Pumford	Waters
DeRossett	Kolb	Raczkowski	Whitmer
DeVuyst	Kooiman	Reeves	Williams
DeWeese	Kowall	Richardville	Wojno
Drolet	Kuipers	Richner	Woodward
Ehardt	LaSata	Rison	Woronchak
Faunce	Lemmons		

### Nays—0

In The Chair: Julian

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

### Second Reading of Bills

#### Senate Bill No. 1100, entitled

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

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

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

Rep. Caul moved to amend the bill as follows:

1. Amend page 17, following line 24, by inserting:

“Sec. 235. It is the intent of the legislature that a workgroup be formed to evaluate, discuss, and make recommendations for future action regarding state university admission and enrollment policies that specifically address the acceptance and application of college credits earned by students through the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524. The workgroup shall be bipartisan and shall include the chairs of the house and senate appropriations subcommittees on higher education, community colleges, and school aid.”

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

Rep. Schauer moved to amend the bill as follows:

1. Amend page 26, following line 17, by inserting:

“Sec. 2202. It is the intent of the legislature that capital outlay projects for which any state funds are used be competitively bid. As used in this section, “capital outlay projects” means capital outlay as defined in section 113 of the management and budget act, 1984 PA 431, MCL 18.1113.”

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 Bill No. 1100, entitled**

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

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

**Roll Call No. 277**

**Yeas—100**

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

**Nays—1**

Drolet

In The Chair: Julian

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

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2003; to make certain supplemental appropriations for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### Senate Bill No. 1105, entitled

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

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

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

Rep. Schauer moved to amend the bill as follows:

1. Amend page 9, following line 25, by inserting:

“Sec. 218. It is the intent of the legislature that capital outlay projects for which any state funds are used be competitively bid. As used in this section, “capital outlay projects” means capital outlay as defined in section 113 of the management and budget act, 1984 PA 431, MCL 18.1113.”.

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

Reps. Caul and Stallworth moved to amend the bill as follows:

1. Amend page 20, line 11, after “for” by striking out “research and treatment for” and inserting “treatment of”.

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

Rep. Frank moved to amend the bill as follows:

1. Amend page 26, line 8, after “elements.” by inserting “It is the intent of the legislature that Michigan State University will collaborate with the Michigan economic development corporation to develop the program statement and preliminary design documents.”.

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

Rep. Frank moved to amend the bill as follows:

1. Amend page 25, line 8, after “is” by striking out the balance of the line through “greater,” on line 10 and inserting “4% or less over the prior year.”.

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

Rep. Frank demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 278

#### Yeas—38

Basham	Frank	Mortimer	Schauer
Bishop	Gielegem	Neumann	Schermesser
Bogardus	Gosselin	O’Neil	Sheltrown
Bradstreet	Hager	Palmer	Spade
Brown, B.	Hummel	Phillips	Stewart
Clark, I.	Jacobs	Rackowski	Thomas
Clarke, H.	Johnson, Ruth	Richardville	Vear
Dennis	Kowall	Rison	Wojno
Drolet	LaSata	Rocca	Woodward
Faunce	Mans		

#### Nays—58

Adamini	George	Lockwood	Scranton
Allen	Gilbert	Mead	Shackleton
Anderson	Godchaux	Meyer	Shulman



Bernero	Hansen	Middaugh	Stamas
Birkholz	Hardman	Minore	Switalski
Bisbee	Hart	Murphy	Tabor
Bovin	Howell	Newell	Toy
Brown, C.	Jamnick	Pappageorge	Van Woerkom
Brown, R.	Jelinek	Patterson	Vander Roest
Cassis	Johnson, Rick	Pestka	Vander Veen
Caul	Julian	Plakas	Voorhees
DeRossett	Kolb	Pumford	Whitmer
DeVuyst	Kooiman	Reeves	Williams
DeWeese	Kuipers	Richner	Woronchak
Ehardt	Lipsey		

In The Chair: Julian

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**

Rep. Patterson moved that Rule 49 be suspended.  
The motion prevailed, 3/5 of the members present voting therefor.

**Senate Bill No. 1105, entitled**

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

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

**Roll Call No. 279**

**Yeas—97**

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

**Nays—3**

Bogardus

Frank

Minore

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Minore, 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 SB 1105 because of grave dissatisfaction with the direction this and previous legislatures have taken regarding higher education funding. Year after year, for several years, state funding has played a smaller role in the higher ed budgets, while colleges and universities have had to consistently rely increasingly on tuition.

The result is that higher education is less and less affordable. The state appropriation, in my opinion, should comprise 2/3 or 3/4 of the budgets of higher education budgets—instead of the approximately 1/2 it currently provides.”

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 Senate Bill 1105 because the universities of this state have been unwilling to control their costs or their tuition. During testimony on this bill, Dr. Stevens of the President’s Council admitted that university president’s can cut their budget without cutting services to faculty or students. Yet this budget allows universities to raise their tuition by up to ten percent! I chose to stand with the tuition paying parents and students of this state and vote no on this budget.”

Rep. Frank, 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:

While I support certain items within this budget, I voted no because I believe that the budget is a license to increase tuition over 10% on the working families of Michigan. In the limited testimony that was given on the budget, even the council that represents universities agreed that universities could trim their budgets and the waste within their budgets.”

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Faunce, Kuipers, Rivet, Anderson, Bernero, Julian, Van Woerkom, Bradstreet, Koetje, Hansen, Mead, Vander Roest, Neumann, Raczkowski, Basham, Newell, Toy, Howell, Richardville, Mans, LaSata, Middaugh, DeRossett, Murphy, Vander Veen, Gosselin, Hager, Richner, Cassis, Shulman, Bishop, Caul, DeVuyst, Voorhees, Ehardt, George, Spade, Sheltrown, Lockwood, Minore, Kooiman, Stewart, Pappageorge, Shackleton, Meyer, DeWeese, Drolet, Bogardus, Gielegheem, Bovin, Scranton, Birkholz, Phillips, McConico, Rich Brown, Wojno, Clarke and Rocca offered the following resolution:

**House Resolution No. 366.**

A resolution honoring the profession of landscape architects for their contributions to the community and recognizing April 20-28, 2002, as National Landscape Architecture Week.

Whereas, National Landscape Architecture Week was created to increase the public awareness of the contributions of landscape architects. The activities of National Landscape Architecture Week, April 20-28, 2002, are sponsored by members and chapters of the American Society of Landscape Architects to celebrate the role of landscape architects in creating special places for all to enjoy; and

Whereas, Local chapters undertake at least one project in the promotion of National Landscape Architecture Week in three different categories. These categories are Education, In the Community, and Recognition; and

Whereas, The Education category focuses on raising awareness about the profession. The focus is on students and helping them understand more about the impact of landscape architects on their lives, as well as the career opportunities within the profession. Previous activities have included organizing classroom presentations, staging children's design charrettes, constructing an outdoor classroom, and learning about schoolyard ecosystems and play environments; and

Whereas, When working on the In the Community category, landscape architects work directly with the community and organizations to raise awareness about the profession. Activities include continuing the chapters' volunteer work with national community action programs such as NPS's Rivers, Trails and Conservation Assistance, U.S. Soccer Foundation urban parks, Rails to Trails, Habitat for Humanity, and other. They also help local Boy and Girl Scouts with their landscape architecture badges; and

Whereas, The Recognition category focuses on recognizing landscape architects for their contributions to the built and natural environment. These contributions surround us, from the location of buildings to the design of parkland and public space. These works include Central Park in New York City and the "Emerald Necklace" of green spaces and parks in Boston. We are all appreciative of the work of landscape architects and grateful for the surrounding beauty they have created; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor landscape architects for their contributions to the community and recognize April 20-28, 2002, as National Landscape Architecture Week; and be it further

Resolved, That a copy of this resolution be transmitted to the American Society of Landscape Architects as evidence of our respect and heartfelt thanks.

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. Hardman, Rivet, Anderson, Bernero, Bradstreet, Hansen, Mead, Vander Roest, Neumann, Raczkowski, Basham, Newell, Toy, Howell, Richardville, DeRossett, Murphy, Vander Veen, Hager, Richner, Cassis, Shulman, Bishop, DeVuyst, Voorhees, Ehardt, George, Spade, Hale, Clark, Sheltrown, Lockwood, Minore, Stewart, Pappageorge, Faunce, DeWeese, Drolet, Dennis, Garza, Bogardus, Gielegem, Bovin, Birkholz, Phillips, McConico, Rich Brown, Waters, Wojno and Clarke offered the following resolution:

**House Resolution No. 367.**

A resolution honoring Pastor Michael G. Cunningham upon the occasion of his 50th birthday.

Whereas, We join with the many friends and family of Pastor Michael G. Cunningham in celebrating his 50th birthday. He is an individual who truly understands the beauty of life in its challenges and triumphs; and

Whereas, Born on March 13, 1952, Mr. Cunningham was raised in Central City, Kentucky. Upon the death of his parents, Pastor Cunningham was orphaned along with his eight siblings. His maternal grandmother was credited with the training he received during the formative years of his life; and

Whereas, Pastor Cunningham began his academic studies at Boston College majoring in psychology and history. During his undergraduate years, Pastor Cunningham was honored by the Scholastic Magazine for outstanding publications linking the contributions of African-Americans to the larger development of American history; and

Whereas, Pastor Cunningham acknowledged his call to preach at an early age at the First Virginia Avenue Baptist Church of Louisville. Later, he completed his graduate training in the area of church history at Louisville Presbyterian Theological Seminary. Dr. Harold Nebelsick and Timothy George greatly influenced his theological positions, both in the past and present; and

Whereas, In May of 1984, Pastor Cunningham received and accepted the call to pastor at the historic East Lake Missionary Baptist Church in Detroit, Michigan. East Lake is one of the oldest congregations on Detroit's eastside and has grown from 500 members in 1984 to nearly 3000 today. East Lake has become one of the fastest growing ministries in the city of Detroit. In February of 1997, the congregation completed a \$1.8 million Family Life Center. In that same year, Pastor Cunningham was honored as "Pastor of the Year" by the Council of Baptist Pastors and East Lake launched the "Daily Walk Radio Series" which has become the #1 program in Christian Radio in Detroit and Lower Canada. Surely, Pastor Cunningham breathes great meaning into every thought, word, and deed that he has provided to his listening audience; and

Whereas, Pastor Cunningham serves as the President and CEO of CreativeCititesCollaborative.com, L.L.C of Detroit, a developing firm specializing in building custom-designed premium homes and Chairman of the Board of Projects Redemption, Inc. a faith-based nonprofit that will build apartments for senior citizens and low to moderate income house; and

Whereas, Pastor Cunningham is the proud husband of Vera Kaye Cunningham, a dynamic first lady and the proud father of Brandon, Jessica, Zachary and Jesse; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Pastor Michael G. Cunningham upon the occasion of his 50th birthday. We extend best wishes to him as he begins a new journey in this life; and be it further

Resolved, That a copy of this resolution be transmitted to Pastor Michael G. Cunningham as a token of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Vander Veen, Julian, Rivet, Anderson, Bernero, Van Woerkom, Bradstreet, Koetje, Hansen, Mead, Vander Roest, Neumann, Raczkowski, Basham, Newell, Toy, Howell, Richardville, Mans, LaSata, Middaugh, DeRossett, Murphy, Gosselin, Hager, Richner, Cassis, Shulman, Bishop, Caul, DeVuyst, Voorhees, Ehardt, George, Spade, Hale, Clark, Sheltroun, Lockwood, Minore, Kooiman, Stewart, Pappageorge, Shackleton, Meyer, Faunce, DeWeese, Drolet, Dennis, Bogardus, Gielegem, Scranton, Birkholz, McConico, Rich Brown, Wojno, Clarke and Rocca offered the following resolution:

**House Resolution No. 368.**

A resolution commemorating March 2002 as Red Cross Month in Michigan.

Whereas, The American Red Cross was founded in 1881 by Clara Barton, a woman selflessly devoted to the needs of humanity. Compassion, courage, character, and civic duty are inherent in the Red Cross' mission, which is to prevent and relieve human suffering. The Michigan chapters share these grand ideals; and

Whereas, The Red Cross, chartered and authorized by Congress to act in times of need, provides compassionate assistance to people afflicted by personal, local, or national disasters. Red Cross volunteers from all across Michigan responded to hundreds of disasters last year providing food, clothing, shelter, and mental health support; and

Whereas, Many people have counted on the Red Cross for the information and skills they need to be safe at home, work, school, and at play. Each year, the Michigan chapters of the Red Cross train thousands of people in lifesaving CPR, first aid, life guarding, water safety, babysitting, HIV/AIDS education, automated external defibrillation, ergonomics, and emergency response; and

Whereas, Red Cross staff deploy with the U.S. military to provide emergency communications and a caring presence to the service men and women separated from their families. In 1943, President Franklin Delano Roosevelt called upon the American people with this request: "...that during this month our people rededicate themselves to the splendid aims and activities of the Red Cross"; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate March 2002 as Red Cross Month in Michigan. We recognize its outstanding service to the people of the state of Michigan.

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.

Rep. Pumford offered the following resolution:

**House Resolution No. 369.**

A resolution honoring the memory of Raymond Alvin Ebel, Newaygo's Fire Chief.

Whereas, It is with deep regret that we unite with the citizens of the city of Newaygo to mourn the tragic death of Raymond Ebel, dedicated Newaygo firefighter and devoted father to Barbara and Allison. We extend our sincerest condolences to the family of this loyal firefighter; and

Whereas, Fire Chief Ebel's death, in the line of duty, reminds us of how fragile life can be. On life's highway, there is no compass that tells us what direction to take and no road map to guide our decision making. We face the unforeseen every day in our world of demands and deadlines. However, Ray Ebel lived life with purpose and optimism. He felt strongly that with care and hard work, individual men and women could make a difference; and

Whereas, The job of Newaygo's Fire Chief is to ensure that his neighbors and residents are safe. The perilous nature of a firefighter's profession exposes its members to potential hazards and harm at any time or in any place. Ray Ebel accepted the risks of his profession and responded to duty with courage and commitment. He brought energy and enthusiasm to the Newaygo Fire Department and will be deeply missed by his fellow firefighters. Truly, our state has lost a fine man; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the memory of Raymond Alvin Ebel, Newaygo's Fire Chief; and be it further

Resolved, That a copy of this resolution be transmitted to his family as a token of our deepest condolences.

The question being on the adoption of the resolution,

The resolution was adopted.

### Second Reading of Bills

#### House Bill No. 5763, entitled

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

Was read a second time, and the question being on the adoption of the proposed substitute (H-8) previously recommended by the Committee on Employment Relations, Training and Safety,

The substitute (H-8) was adopted, a majority of the members serving voting therefor.

Rep. Minore moved to substitute (H-9) the bill.

The question being on the adoption of the substitute (H-9) offered by Rep. Minore,

Rep. Minore demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-9) offered by Rep. Minore,

The substitute (H-9) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

#### Roll Call No. 280

#### Yeas—47

Adamini	Frank	Mans	Schauer
Anderson	Garza	McConico	Schermesser
Basham	Gielegthem	Minore	Sheltrown
Bernero	Hale	Murphy	Spade
Bogardus	Hansen	Neumann	Switalski
Bovin	Hardman	O'Neil	Thomas
Brown, B.	Jacobs	Pestka	Waters
Brown, R.	Jamnick	Phillips	Whitmer
Clark, I.	Kolb	Plakas	Williams
Clarke, H.	Lemmons	Quarles	Wojno
Daniels	Lipsey	Reeves	Woodward
Dennis	Lockwood	Rison	

#### Nays—56

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

In The Chair: Julian

Rep. Bogardus moved to amend the bill as follows:

1. Amend page 33, line 16, by striking out "\$375.00" and inserting "\$415.00".
2. Amend page 33, line 25, by striking out "\$375.00" and inserting "\$415.00".

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

The demand was supported.

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

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

**Roll Call No. 281****Yeas—49**

Adamini	Frank	Mans	Schauer
Anderson	Garza	McConico	Schermesser
Basham	Gielegem	Minore	Sheltrown
Bernero	Hale	Murphy	Spade
Bogardus	Hansen	Neumann	Switalski
Bovin	Hardman	O'Neil	Thomas
Brown, B.	Jacobs	Pestka	Waters
Brown, R.	Jamnick	Phillips	Whitmer
Clark, I.	Kolb	Plakas	Williams
Clarke, H.	Lemmons	Quarles	Wojno
Daniels	Lipsey	Reeves	Woodward
Dennis	Lockwood	Rison	Woronchak
DeWeese			

**Nays—54**

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

In The Chair: Julian

Rep. Bernero moved to amend the bill as follows:

1. Amend page 85, line 4, by striking out all of section 48.

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

Rep. Bernero demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 282****Yeas—51**

Adamini	Frank	McConico	Rocca
Anderson	Garza	Meyer	Schauer
Basham	Gielegem	Minore	Schermesser

Bernero	Hale	Mortimer	Sheltrown
Bogardus	Hansen	Murphy	Spade
Bovin	Hardman	Neumann	Switalski
Brown, B.	Jacobs	O'Neil	Thomas
Brown, R.	Jamnack	Pestka	Waters
Clark, I.	Kolb	Phillips	Whitmer
Clarke, H.	Lemmons	Plakas	Williams
Daniels	Lipsey	Quarles	Wojno
Dennis	Lockwood	Reeves	Woodward
Faunce	Mans	Rison	

**Nays—51**

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

In The Chair: Julian

Rep. O'Neil moved to amend the bill as follows:

1. Amend page 33, line 18, after "be" by striking out "4.1%" and inserting "4.3%".

The question being on the adoption of the amendment offered by Rep. O'Neil,

Rep. O'Neil demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. O'Neil,

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

**Roll Call No. 283****Yeas—50**

Adamini	Frank	McConico	Schauer
Anderson	Garza	Minore	Schermesser
Basham	Gielegem	Murphy	Sheltrown
Bernero	Hale	Neumann	Spade
Bogardus	Hansen	O'Neil	Switalski
Bovin	Hardman	Pestka	Thomas
Brown, B.	Jacobs	Phillips	Waters
Brown, R.	Jamnack	Plakas	Whitmer
Clark, I.	Kolb	Quarles	Williams
Clarke, H.	Lemmons	Reeves	Wojno
Daniels	Lipsey	Rison	Woodward
Dennis	Lockwood	Rocca	Woronchak
DeWeese	Mans		

**Nays—52**

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

In The Chair: Julian

Reps. Dennis and Richardville moved to amend the bill as follows:

1. Amend page 40, line 19, after “taking” by striking out “40%” and inserting “43%”.

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

Reps. Woodward and Kowall moved to amend the bill as follows:

1. Amend page 61, line 1, after “if” by striking out “the” and inserting “EITHER OF THE FOLLOWING CONDITIONS IS MET:

(i) THE”.

2. Amend page 61, line 4, after “work” by striking out the balance of the sentence and inserting a period and:

“(ii) THE INDIVIDUAL IS A VICTIM OF DOMESTIC VIOLENCE AND LEFT WORK BECAUSE HE OR SHE HAD A REASONABLE FEAR FOR HIS OR HER SAFETY. WEEKLY BENEFITS PAID TO AN ELIGIBLE INDIVIDUAL PURSUANT TO THIS SUBPARAGRAPH SHALL BE CHARGED AGAINST THE NONCHARGABLE BENEFITS ACCOUNT. AS USED IN THIS SUBPARAGRAPH, “DOMESTIC VIOLENCE” MEANS THAT TERM AS DEFINED IN SECTION 1501, 1978 PA 389, MCL 400.1501. AN INDIVIDUAL MAY DEMONSTRATE THE EXISTENCE OF DOMESTIC VIOLENCE BY PROVIDING 1 OR MORE OF THE FOLLOWING:

(A) A RESTRAINING ORDER OR OTHER DOCUMENTATION OF EQUITABLE RELIEF ISSUED BY A COURT OF COMPETENT JURISDICTION.

(B) A POLICE RECORD DOCUMENTING THE ABUSE.

(C) DOCUMENTATION THAT THE PERPETRATOR OF THE ABUSE HAS BEEN CONVICTED OF 1 OR MORE OF THE OFFENSES ENUMERATED IN SECTIONS 81 AND 81A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81 AND 750.81A.

(D) MEDICAL DOCUMENTATION OF THE ABUSE.

(E) A STATEMENT PROVIDED BY A COUNSELOR, SOCIAL WORKER, HEALTH WORKER, MEMBER OF THE CLERGY, SHELTER WORKER, LEGAL ADVOCATE, OR OTHER PROFESSIONAL WHO HAS ASSISTED THE INDIVIDUAL IN ADDRESSING THE EFFECTS OF THE ABUSE ON THE INDIVIDUAL OR THE INDIVIDUAL’S FAMILY.

(F) A SWORN STATEMENT FROM THE INDIVIDUAL ATTESTING TO THE ABUSE.”.

The question being on the adoption of the amendments offered by Reps. Woodward and Kowall,

Rep. Woodward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Woodward and Kowall,

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

**Roll Call No. 284****Yeas—48**

Adamini	Frank	Lockwood	Rison
Anderson	Garza	Mans	Schauer
Basham	Gielegem	McConico	Schermesser



Bernero	Hale	Minore	Sheltrown
Bogardus	Hansen	Murphy	Spade
Bovin	Hardman	Neumann	Switalski
Brown, B.	Jacobs	O'Neil	Thomas
Brown, R.	Jamnack	Pestka	Waters
Clark, I.	Kolb	Phillips	Whitmer
Clarke, H.	Kowall	Plakas	Williams
Daniels	Lemmons	Quarles	Wojno
Dennis	Lipsey	Reeves	Woodward

### Nays—48

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

In The Chair: Julian

Rep. Woodward moved to amend the bill as follows:

1. Amend page 32, following line 22, by inserting:

“Sec. 28. (1) An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that:

(a) For benefit years established before the conversion date prescribed in section 75, the individual has registered for work at and thereafter has continued to report at an employment office in accordance with ~~such~~ THE rules as the commission may prescribe and is seeking work. The requirements that the individual must report at an employment office, must register for work, must be available to perform suitable full-time work, and must seek work may be waived by the commission if the individual is laid off and the employer who laid the individual off notifies the commission in writing or by computerized data exchange that the layoff is temporary and that work is expected to be available for the individual within a declared number of days, not to exceed 45 calendar days following the last day the individual worked. This waiver shall not be effective unless the notification from the employer has been received by the commission before the individual has completed his or her first compensable week following layoff. If the individual is not recalled within the specified period, the waiver shall cease to be operative with respect to that layoff. Except for a period of disqualification, the requirement that the individual shall seek work may be waived by the commission where it finds that suitable work is unavailable both in the locality where the individual resides and in those localities in which the individual has earned base period credit weeks. This waiver shall not apply, for weeks of unemployment beginning on or after March 1, 1981, to a claimant enrolled and attending classes as a full-time student. An individual shall have satisfied the requirement of personal reporting at an employment office, as applied to a week in a period during which the requirements of registration and seeking work have been waived by the commission ~~pursuant to~~ UNDER this subdivision, if the individual has satisfied the personal reporting requirement with respect to a preceding week in that period and the individual has reported with respect to the week by mail in accordance with the rules promulgated by the commission. For benefit years established after the conversion date prescribed in section 75, the individual has registered for work and has continued to report in accordance with ~~such~~ THE rules as the commission may prescribe and is seeking work. The requirements that the individual must report, must register for work, must be available to perform suitable full-time work, and must seek work may be waived by the commission if the individual is laid off and the employer who laid the individual off notifies the commission in writing or by computerized data exchange that the layoff is temporary and that work is expected to be available for the individual within a declared

number of days, not to exceed 45 calendar days following the last day the individual worked. This waiver shall not be effective unless the notification from the employer has been received by the commission before the individual has completed his or her first compensable week following layoff. If the individual is not recalled within the specified period, the waiver shall cease to be operative with respect to that layoff. Except for a period of disqualification, the requirement that the individual shall seek work may be waived by the commission where it finds that suitable work is unavailable both in the locality where the individual resides and in those localities in which the individual has earned wages during or after the base period. This waiver shall not apply to a claimant enrolled and attending classes as a full-time student. An individual shall be considered to have satisfied the requirement of personal reporting at an employment office, as applied to a week in a period during which the requirements of registration and seeking work have been waived by the commission pursuant to UNDER this subdivision, if the individual has satisfied the personal reporting requirement with respect to a preceding week in that period and the individual has reported with respect to the week by mail in accordance with the rules promulgated by the commission.

(b) The individual has made a claim for benefits in accordance with section 32 and has provided the commission with his or her social security number.

(c) The individual is able and available to perform suitable full-time OR PART-TIME work of a character which the individual is qualified to perform by past experience or training, which is of a character generally similar to work for which the individual has previously received wages, and for which the individual is available, ~~full-time~~, either at a locality at which the individual earned wages for insured work during his or her base period or at a locality where it is found by the commission that such work is available.

(d) In the event of the death of an individual's immediate family member, the eligibility requirements of availability and reporting shall be waived for the day of the death and for 4 consecutive calendar days thereafter. As used in this subdivision, "immediate family member" means a spouse, child, stepchild, adopted child, grandchild, parent, grandparent, brother, or sister of the individual or his or her spouse. ~~It shall~~ "IMMEDIATE FAMILY MEMBER" also ~~include~~ INCLUDES the spouse of any of the persons specified in the previous sentence.

(e) The individual participates in reemployment services, such as job search assistance services, if the individual has been determined or redetermined by the commission to be likely to exhaust regular benefits and need reemployment services pursuant to a profiling system established by the commission.

(2) The commission may authorize an individual with an unexpired benefit year to pursue vocational training or retraining only if the commission finds that:

(a) Reasonable opportunities for employment in occupations for which the individual is fitted by training and experience do not exist in the locality in which the individual is claiming benefits.

(b) The vocational training course relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities.

(c) The training course has been approved by a local advisory council on which both management and labor are represented, or if there is no local advisory council, by the commission.

(d) The individual has the required qualifications and aptitudes to complete the course successfully.

(e) The vocational training course has been approved by the state board of education and is maintained by a public or private school or by the commission.

(3) Notwithstanding any other provision of this act, an otherwise eligible individual shall not be ineligible for benefits because he or she is participating in training with the approval of the commission. For each week that the commission finds that an individual who is claiming benefits under this act and who is participating in training with the approval of the commission, is satisfactorily pursuing an approved course of vocational training, it shall waive the requirements that he or she be available for work and be seeking work as prescribed in subsection (1)(a) and (c), and it shall find good cause for his or her failure to apply for suitable work, report to a former employer for an interview concerning suitable work, or accept suitable work as required in section 29(1)(c), (d), and (e).

(4) The waiver of the requirement that a claimant seek work, as provided in subsection (1)(a), shall not be applicable to weeks of unemployment for which the claimant is claiming extended benefits if section 64(8)(a)(i) is in effect, unless the individual is participating in training approved by the commission.

(5) Notwithstanding any other provisions of this act, an otherwise eligible individual shall not be denied benefits for any week beginning after October 30, 1982 solely because the individual is in training approved under section 236(a)(1) of the trade act of 1974, as amended, 19 U.S.C. 2296, nor shall the individual be denied benefits by reason of leaving work to enter such training if the work left is not suitable employment. Furthermore, an otherwise eligible individual shall not be denied benefits because of the application to any such week in training of provisions of this act, or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work. For purposes of this subsection, "suitable employment" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the trade act of 1974, 19 U.S.C. 2101 to 2495, and wages for that work at not less than 80% of the individual's average weekly wage as determined for the purposes of the trade act of 1974."

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

The demand was supported.

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

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

**Roll Call No. 285****Yeas—46**

Adamini	Frank	Mans	Schauer
Anderson	Garza	McConico	Schermesser
Basham	Gielegem	Minore	Sheltrown
Bernero	Hale	Murphy	Spade
Bogardus	Hansen	Neumann	Switalski
Bovin	Hardman	O'Neil	Thomas
Brown, B.	Jacobs	Pestka	Waters
Brown, R.	Jamnick	Phillips	Whitmer
Clark, I.	Kolb	Plakas	Williams
Clarke, H.	Lemmons	Reeves	Wojno
Daniels	Lipsey	Rison	Woodward
Dennis	Lockwood		

**Nays—54**

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

In The Chair: Julian

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills****House Bill No. 5763, entitled**

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

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

**Roll Call No. 286****Yeas—92**

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

**Nays—11**

Bogardus	Garza	Lipsey	Plakas
Daniels	Gosselin	McConico	Rison
Drolet	Hale	Phillips	

In The Chair: Julian

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

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

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 19, 20, 27, 29, 32, and 48 (MCL 421.19, 421.20, 421.27, 421.29, 421.32, and 421.48), section 19 as amended by 1996 PA 535, section 20 as amended by 1994 PA 162, section 27 as amended by 1995 PA 181, section 29 as amended by 1995 PA 25, section 32 as amended by 1996 PA 503, and section 48 as amended by 1983 PA 164, and by adding sections 13l and 32b.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

Rep. Patterson moved that when the House adjourns today it stand adjourned until Tuesday, March 19, at 12:00 Noon.

The motion prevailed.

By unanimous consent the House returned to the order of  
**Messages from the Senate**

**House Bill No. 5145, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9307 (MCL 324.9307), as amended by 1998 PA 463.

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. 5021, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2001 PA 103.

The Senate has amended the bill as follows:

1. Amend page 5, following line 20, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2002."

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

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

**Senate Bill No. 883, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 16. The Senate has passed the bill.

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

**Senate Bill No. 965, entitled**

A bill to amend 1933 PA 94, entitled "The revenue bond act of 1933," by amending sections 3, 12, 16, 22, 24, 26, 27, 28, and 30 (MCL 141.103, 141.112, 141.116, 141.122, 141.124, 141.126, 141.127, 141.128, and 141.130), section 3 as amended by 1992 PA 305, sections 12 and 27 as amended by 1985 PA 26, sections 16, 28, and 30 as amended by 1983 PA 76, and section 24 as amended by 1988 PA 228, and by adding section 12a.

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. 1000, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 252a (MCL 257.252a), as amended by 2000 PA 306.

The Senate has passed the bill.

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

**Senate Bill No. 1165, entitled**

A bill to amend 1993 PA 331, entitled "State education tax act," by amending the title and sections 3 and 5 (MCL 211.903 and 211.905), as amended by 1994 PA 187, and by adding section 5b.

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. 1166, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 44d.

The Senate has passed the bill.

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

Rep. DeVuyst moved that the House adjourn.  
The motion prevailed, the time being 7:05 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Tuesday, March 19, at 12:00 Noon.

GARY L. RANDALL  
Clerk of the House of Representatives.