

**No. 72**  
**STATE OF MICHIGAN**  
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**OF THE**  
**House of Representatives**  
**91st Legislature**  
**REGULAR SESSION OF 2001**

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House Chamber, Lansing, Thursday, October 18, 2001.

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

e/d/s = entered during session

Rep. Barbara Vander Veen, from the 89th District, offered the following invocation:

“Father, we thank You for the opportunity to work for You and for the state of Michigan. As we do our business everyday, we ask Your guidance, Your direction and Your wisdom. We thank You for safety for all of those that work here and the other buildings around the Capitol. We thank You for this beautiful fall day that You have given us, Lord. In Your name we pray. Amen.”

Rep. Kolb moved that Reps. Daniels, Kilpatrick, Rison and Sheltroun be excused from today’s session.  
The motion prevailed.

### Third Reading of Bills

#### House Bill No. 4090, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1344 (MCL 600.1344), as amended by 1982 PA 226.

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

#### Roll Call No. 511

#### Yeas—104

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

#### 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.

Reps. Anderson, Basham, Bogardus, Bovin, Callahan, Caul, Clarke, Howell, Jacobs, Jamnick, Julian, Kowall, Lemmons, Lipsey, Mans, McConico, Mead, Middaugh, Newell, Patterson, Pestka, Phillips, Richardville, Toy, Vander Veen, Voorhees, Waters, Williams and Wojno were named co-sponsors of the bill.

### House Bill No. 4551, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 151c.

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

### Roll Call No. 512

### Yeas—99

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

### Nays—0

In The Chair: Julian

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

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

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 151d.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Raczkowski entered the House Chambers.

**House Bill No. 4552, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 1999 PA 73.

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

**Roll Call No. 513**

**Yeas—104**

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

**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.

**House Bill No. 4553, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 151d.

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

**Roll Call No. 514**

**Yeas—102**

Adamini	Garza	Lockwood	Sanborn
Allen	George	Mans	Schauer

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

**Nays—0**

In The Chair: Julian

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

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

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 151e.

The motion prevailed.

The House agreed to the title as amended.

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

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

**House Bill No. 4798, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529 and 8371 (MCL 600.2529 and 600.8371), section 2529 as amended by 1999 PA 268 and section 8371 as amended by 1996 PA 388.

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

**Roll Call No. 515****Yeas—102**

Adamini	George	Lipsey	Schauer
Allen	Gielegem	Lockwood	Schermesser
Anderson	Gilbert	Mans	Scranton
Basham	Godchaux	McConico	Shackleton
Bernero	Gosselin	Mead	Shulman
Birkholz	Hager	Meyer	Spade
Bisbee	Hale	Middaugh	Stallworth
Bishop	Hansen	Mortimer	Stamas

Bogardus	Hardman	Murphy	Stewart
Bovin	Hart	Neumann	Switalski
Bradstreet	Howell	Newell	Tabor
Brown, B.	Hummel	O'Neil	Thomas
Brown, C.	Jacobs	Pappageorge	Toy
Brown, R.	Jamnack	Patterson	Van Woerkom
Callahan	Jansen	Pestka	Vander Roest
Cassis	Jelinek	Phillips	Vander Veen
Caul	Johnson, Rick	Plakas	Vear
Clark, I.	Johnson, Ruth	Pumford	Voorhees
Clarke, H.	Julian	Rackowski	Waters
Dennis	Koetje	Reeves	Whitmer
DeRossett	Kolb	Richardville	Williams
DeVuyst	Kooiman	Richner	Wojno
DeWeese	Kowall	Rivet	Woodward
Ehardt	Kuipers	Rocca	Woronchak
Faunce	LaSata	Sanborn	Zelenko
Garza	Lemmons		

### Nays—2

Drolet Frank

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.

### House Bill No. 5189, entitled

A bill to enter into the interstate emergency management assistance compact.

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

### Roll Call No. 516

### Yeas—105

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

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

### 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

#### House Bill No. 5013, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 82.

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

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

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

The motion prevailed.

#### House Bill No. 5139, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1139.

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

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

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

The motion prevailed.

#### House Bill No. 4753, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 2131 (MCL 324.2131), as added by 1995 PA 60.

The bill was read a second time.

Rep. Callahan moved to amend the bill as follows:

1. Amend page 2, line 10, by striking out “\$5,000,000.00” and inserting “\$2,000,000.00”.

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

Rep. Callahan demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 517****Yeas—50**

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

**Nays—52**

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

In The Chair: Julian

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

**Senate Bill No. 498, entitled**

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

The bill was read a second time.

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. 498, entitled**

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

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

### Second Reading of Bills

#### House Bill No. 5090, entitled

A bill to name a certain portion of highway US-27 the “Veterans Memorial Highway”; and to prescribe certain duties of the state transportation department.

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

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

Rep. DeVuyst 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. 5090, entitled

A bill to name a certain portion of highway US-27 the “Veterans Memorial Highway”; and to prescribe certain duties of the state transportation department.

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

#### Roll Call No. 518

#### Yeas—103

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

#### 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

#### House Bill No. 5027, entitled

A bill to name a certain portion of highway M-69 the “Oscar G. Johnson Memorial Highway”; and to prescribe certain duties of the state transportation department.

The bill was read a second time.

Rep. Bovin moved to amend the bill as follows:

1. Amend page 1, line 9, after “erecting” by inserting “and maintaining”.

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

Rep. Bovin 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. 5027, entitled

A bill to name a certain portion of highway M-69 the “Oscar G. Johnson Memorial Highway”; and to prescribe certain duties of the state transportation department.

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

#### Roll Call No. 519

#### Yeas—102

Adamini	Garza	Lipsey	Schauer
Allen	George	Lockwood	Schermesser
Anderson	Gielegem	Mans	Scranton
Basham	Gilbert	McConico	Shackleton
Bernero	Godchaux	Mead	Shulman
Birkholz	Gosselin	Meyer	Spade
Bisbee	Hager	Middaugh	Stallworth
Bishop	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
Callahan	Jacobs	Pappageorge	Van Woerkom
Cassis	Jansen	Patterson	Vander Roest
Caul	Jelinek	Pestka	Vander Veen
Clark, I.	Johnson, Rick	Phillips	Vear
Clarke, H.	Johnson, Ruth	Plakas	Voorhees
Dennis	Julian	Pumford	Waters
DeRossett	Koetje	Raczkowski	Whitmer
DeVuyst	Kolb	Richardville	Williams
DeWeese	Kooiman	Richner	Wojno
Drolet	Kowall	Rivet	Woodward
Ehardt	Kuipers	Rocca	Woronchak
Faunce	LaSata	Sanborn	Zelenko
Frank	Lemmons		

#### Nays—0

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.

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The Speaker Pro Tempore assumed the Chair.

### Second Reading of Bills

#### Senate Bill No. 497, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 222 and 237 (MCL 750.222 and 750.237), section 222 as amended by 1992 PA 217.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Justice (for amendment, see House Journal No. 64, p. 1962),

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

Rep. Faunce moved to amend the bill as follows:

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

"(7) THE FAILURE OF A PEACE OFFICER TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (6) DOES NOT RENDER THE RESULTS OF A CHEMICAL ANALYSIS INADMISSIBLE AS EVIDENCE IN A CRIMINAL PROSECUTION FOR VIOLATING THIS SECTION, IN A CIVIL ACTION ARISING OUT OF A VIOLATION OF THIS SECTION, OR IN ANY ADMINISTRATIVE PROCEEDING ARISING OUT OF A VIOLATION OF THIS SECTION." and renumbering the remaining subsections.

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

Rep. Bishop moved to amend the bill as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"Sec. 200h. As used in this section and sections 200i to ~~200k~~ 200l:

(a) "Chemical irritant" means solid, liquid, or gas that through its chemical or physical properties, alone or in combination with 1 or more other substances, can be used to produce an irritant effect in humans, animals, or plants.

(b) "Chemical irritant device" means a device designed or intended to release a chemical irritant.

(c) "Deliver" means the actual or constructive transfer of a substance or device from 1 person to another regardless of any agency relationship.

(d) "For an unlawful purpose" includes, but is not limited to, having the intent to do any of the following:

(i) Frighten, terrorize, intimidate, threaten, harass, injure, or kill any person.

(ii) Damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over the property.

(e) "Harmful biological device" means a device designed or intended to release a harmful biological substance.

(f) "Harmful biological substance" means a bacteria, virus, or other microorganism or a toxic substance derived from or produced by an organism that can be used to cause death, injury, or disease in humans, animals, or plants.

(g) "Harmful chemical device" means a device that is designed or intended to release a harmful chemical substance.

(h) "Harmful chemical substance" means a solid, liquid, or gas that through its chemical or physical properties, alone or in combination with 1 or more other chemical substances, can be used to cause death, injury, or disease in humans, animals, or plants.

(i) "Harmful radioactive material" means material that is radioactive and that can be used to cause death, injury, or disease in humans, animals, or growing plants by its radioactivity.

(j) "Harmful radioactive device" means a device that is designed or intended to release a harmful radioactive material.

(k) "Imitation harmful substance or device" means a substance or device that is designed or intended to represent 1 or more of the following or that is alleged to be 1 of the following but that is not any of the following:

(i) A harmful biological device.

(ii) A harmful biological substance.

- (iii) A harmful chemical device.
- (iv) A harmful chemical substance.
- (v) A harmful radioactive material.
- (vi) A radioactive device.

(l) "Serious impairment of a body function" means that term as defined in section 58C OR 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

Sec. 200j. (1) A person shall not manufacture, deliver, possess, transport, place, use, or release for an unlawful purpose any of the following:

- (a) A chemical irritant or a chemical irritant device.
- (b) A smoke device.
- (c) An imitation harmful substance or device.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) to (e), the person is guilty of a ~~misdemeanor~~ FELONY punishable by imprisonment for not more than ~~1 year~~ 5 YEARS or a fine of not more than ~~\$1,000.00~~ \$5,000.00, or both.

(b) If the violation results in property damage, the person is guilty of a felony punishable by imprisonment for not more than ~~4~~ 7 years or a fine of not more than ~~\$5,000.00~~ \$10,000.00, or both.

(c) If the violation results in personal injury to another individual other than serious impairment of a body function or death, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than ~~\$10,000.00~~ \$15,000.00, or both.

(d) If the violation results in serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than \$25,000.00, or both.

(e) If the violation results in the death of another individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than \$40,000.00, or both.

SEC. 200l. (1) A PERSON SHALL NOT COMMIT AN ACT WITH THE INTENT TO CAUSE AN INDIVIDUAL TO FALSELY BELIEVE THAT THE INDIVIDUAL HAS BEEN EXPOSED TO A HARMFUL BIOLOGICAL SUBSTANCE, HARMFUL BIOLOGICAL DEVICE, HARMFUL CHEMICAL SUBSTANCE, HARMFUL CHEMICAL DEVICE, HARMFUL RADIOACTIVE MATERIAL, OR HARMFUL RADIOACTIVE DEVICE.

(2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

(3) THE COURT ALSO SHALL IMPOSE COSTS ON A PERSON WHO VIOLATES SUBSECTION (1) TO REIMBURSE ANY GOVERNMENTAL AGENCY FOR ITS EXPENSES INCURRED AS A RESULT OF THE VIOLATION, IN THE MANNER PROVIDED IN SECTION 1F OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1F."

2. Amend page 6, following line 5, by inserting:

"Enacting section 1. Sections 222 and 237 of the Michigan penal code, 1931 PA 328, as amended by this amendatory act, take effect February 1, 2002."

The motion prevailed and the amendments were 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. 497, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 222 and 237 (MCL 750.222 and 750.237), section 222 as amended by 1992 PA 217.

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

#### Roll Call No. 520

#### Yeas—106

Adamini  
Allen  
Anderson

Garza  
George  
Gielegem

Lipsey  
Lockwood  
Mans

Sanborn  
Schauer  
Schermesser

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

### Nays—0

In The Chair: Birkholz

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 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 200h, 200j, 222, and 237 (MCL 750.200h, 750.200j, 750.222, and 750.237), sections 200h and 200j as added by 1998 PA 207 and section 222 as amended by 1992 PA 217, and by adding section 200l.

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. 675, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 12 and 17 of chapter XVII (MCL 777.12 and 777.17), section 12 as amended by 2001 PA 104 and section 17 as amended by 2000 PA 300.

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

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

Rep. Rocca moved to amend the bill as follows:

1. Amend page 7, following line 37, by inserting:

“Sec. 16k. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled

Laws:

<b>M.C.L.</b>	<b>Category</b>	<b>Class</b>	<b>Description</b>	<b>Stat Max</b>
750.200	Pub saf	E	Transporting an explosive by common carrier	5
750.200i(2)(a)	Pub saf	C	Manufacturing or using a harmful device	15
750.200i(2)(b)	Property	B	Harmful device causing property damage	20
750.200i(2)(c)	Person	A	Harmful device causing personal injury	25
750.200i(2)(d)	Person	A	Harmful device causing serious impairment	Life
750.200J(2)(A)	PERSON	E	IRRITANT OR IRRITANT DEVICE	5
750.200j(2)(b)	Property	<del>F</del> E	Irritant or irritant device causing property damage	4 7
750.200j(2)(c)	Person	D	Irritant or irritant device causing personal injury	10
750.200j(2)(d)	Person	A	Irritant or irritant device causing serious impairment	25
750.200j(2)(e)	Person	A	Irritant or irritant device causing death	Life
750.200l	PERSON	E	FALSELY EXPOSING PERSON TO HARMFUL SUBSTANCE OR DEVICE	5
750.201	Pub saf	E	Transporting certain types of explosives	5
750.202	Pub saf	F	Shipping an explosive with false markings or invoice	4
750.204(2)(a)	Pub saf	C	Sending an explosive with malicious intent	15
750.204(2)(b)	Property	B	Sending an explosive causing property damage	20
750.204(2)(c)	Person	A	Sending an explosive causing physical injury	25
750.204(2)(d)	Person	A	Sending an explosive causing serious impairment	Life
750.204a	Pub saf	E	Sending or transporting an imitation explosive device with malicious intent	5
750.207(2)(a)	Pub saf	C	Placing an explosive with malicious intent	15
750.207(2)(b)	Property	B	Placing an explosive causing property damage	20
750.207(2)(c)	Person	A	Placing an explosive causing physical injury	25
750.207(2)(d)	Person	A	Placing an explosive causing serious impairment	Life
750.209(1)(a)	Pub saf	C	Placing an offensive or injurious substance with intent to injure	15
750.209(1)(b)	Property	B	Placing an offensive or injurious substance causing property damage	20
750.209(1)(c)	Person	A	Placing an offensive or injurious substance causing physical injury	25
750.209(1)(d)	Person	A	Placing an offensive or injurious stance causing serious impairment	Life
750.209(2)	Pub saf	E	Placing an offensive or injurious substance with intent to alarm or annoy	5
750.209a	Pub saf	D	Possessing an explosive device in public place	10
750.210(2)(a)	Pub saf	C	Possessing or carrying an explosive or combustible substance with malicious intent	15
750.210(2)(b)	Property	B	Possessing or carrying an explosive or combustible substance causing property damage	20

750.210(2)(c)	Person	A	Possessing or carrying an explosive or combustible substance causing physical injury	25
750.210(2)(d)	Person	A	Possessing or carrying an explosive or combustible substance causing serious impairment	Life
750.210a	Pub saf	H	Sale of valerium	5
750.211a(2)(a)	Pub saf	C	Manufacturing or possessing an explosive or incendiary device with malicious intent	15
750.211a(2)(b)	Property	B	Manufacturing or possessing an explosive or incendiary device causing property damage	20
750.211a(2)(c)	Person	A	Manufacturing or possessing an explosive or incendiary device causing physical injury	25
750.211a(2)(d)	Person	A	Manufacturing or possessing an explosive or incendiary device causing serious impairment	Life
750.212a	Person	B	Explosives violation involving a vulnerable target causing death or injury	20".

2. Amend page 11, following line 8, by inserting:

“Sec. 31. (1) Offense variable 1 is aggravated use of a weapon. Score offense variable 1 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) A firearm was discharged at or toward a human being or a victim was cut or stabbed with a knife or other cutting or stabbing weapon ..... 25 points
- (b) A firearm was pointed at or toward a victim or the victim had a reasonable apprehension of an immediate battery when threatened with a knife or other cutting or stabbing weapon ..... 15 points
- (c) The victim was touched by any other type of weapon..... 10 points
- (d) A weapon was displayed or implied..... 5 points
- (e) No aggravated use of a weapon occurred..... 0 points

(2) All of the following apply to scoring offense variable 1:

- (a) Count each person who was placed in danger of injury or loss of life as a victim.
- (b) In multiple offender cases, if 1 offender is assessed points for the presence or use of a weapon, all offenders shall be assessed the same number of points.

(c) Score 5 points if an offender used an object to suggest the presence of a weapon.

(D) SCORE 5 POINTS IF THE OFFENDER USED A CHEMICAL IRRITANT, CHEMICAL IRRITANT DEVICE, SMOKE DEVICE, OR IMITATION HARMFUL SUBSTANCE OR DEVICE.

(E) ~~(E)~~ Do not score 5 points if the conviction offense is a violation of section 82 or 529 of the Michigan penal code, 1931 PA 328, MCL 750.82 and 750.529.

(3) AS USED IN THIS SECTION, “CHEMICAL IRRITANT”, “CHEMICAL IRRITANT DEVICE”, AND “IMITATION HARMFUL SUBSTANCE OR DEVICE” MEAN THOSE TERMS AS DEFINED IN SECTION 200H OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.200H.

Sec. 32. (1) Offense variable 2 is lethal potential of the weapon possessed OR USED. Score offense variable 2 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (A) THE OFFENDER POSSESSED OR USED A HARMFUL BIOLOGICAL SUBSTANCE, HARMFUL BIOLOGICAL DEVICE, HARMFUL CHEMICAL SUBSTANCE, HARMFUL CHEMICAL DEVICE, HARMFUL RADIOACTIVE MATERIAL, OR HARMFUL RADIOACTIVE DEVICE..... 15 POINTS
- (B) ~~(B)~~ The offender possessed OR USED an incendiary device, an explosive device, or a fully automatic weapon..... 15 points
- (C) ~~(C)~~ The offender possessed OR USED a short-barreled rifle or a short-barreled shotgun..... 10 points
- (D) ~~(D)~~ The offender possessed OR USED a pistol, rifle, shotgun, or knife or other cutting or stabbing weapon..... 5 points
- (E) ~~(E)~~ The offender possessed OR USED any other potentially lethal weapon..... 1 point
- (F) ~~(F)~~ The offender possessed OR USED no weapon..... 0 points

(2) In multiple offender cases, if 1 offender is assessed points for possessing a weapon, all offenders shall be assessed the same number of points.

(3) As used in this section:

(A) "HARMFUL BIOLOGICAL SUBSTANCE", "HARMFUL BIOLOGICAL DEVICE", "HARMFUL CHEMICAL SUBSTANCE", "HARMFUL CHEMICAL DEVICE", "HARMFUL RADIOACTIVE MATERIAL", AND "HARMFUL RADIOACTIVE DEVICE" MEAN THOSE TERMS AS DEFINED IN SECTION 200H OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.200H.

(B) ~~(a)~~ "Fully automatic weapon" means a firearm employing gas pressure or force of recoil or other means to eject an empty cartridge from the firearm after a shot, and to load and fire the next cartridge from the magazine, without renewed pressure on the trigger for each successive shot.

(C) ~~(b)~~ "Pistol", "rifle", or "shotgun" includes a revolver, semi-automatic pistol, rifle, shotgun, combination rifle and shotgun, or other firearm manufactured in or after 1898 that fires fixed ammunition, but does not include a fully automatic weapon or short-barreled shotgun or short-barreled rifle.

(D) ~~(c)~~ "Incendiary device" includes gasoline or any other flammable substance, a blowtorch, fire bomb, Molotov cocktail, or other similar device.

Sec. 49. Offense variable 19 is threat to the security of a penal institution or court or interference with the administration of justice. Score offense variable 19 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) The offender by his or her conduct threatened the security of a penal institution or court..... 25 points
- (b) The offender used force or the threat of force against another person or the property of another person to interfere with, ~~or~~ attempt to interfere with, OR THAT RESULTS IN THE INTERFERENCE WITH the administration of justice OR THE RENDERING OF EMERGENCY SERVICES ..... 15 points
- (c) The offender otherwise interfered with or attempted to interfere with the administration of justice..... 10 points
- (d) The offender did not threaten the security of a penal institution or court or interfere with or attempt to interfere with the administration of justice ..... 0 points".

3. Amend page 11, line 9, by striking out all of enacting sections 1 and 2 and inserting:

"Enacting section 1. Sections 12 and 17 of chapter XVII of 1927 PA 175, as amended by this amendatory act, take effect February 1, 2002.

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

- (a) Senate Bill No. 497.
- (b) House Bill No. 4813."

The motion prevailed and the amendments were 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.



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

Rep. Vander Roest moved that Reps. DeRossett and Bishop be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**Senate Bill No. 675, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 12 and 17 of chapter XVII (MCL 777.12 and 777.17), section 12 as amended by 2001 PA 104 and section 17 as amended by 2000 PA 300.

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

**Roll Call No. 521**

**Yeas—98**

Adamini  
Allen

Gielegem  
Gilbert

Lockwood  
Mans

Schauer  
Schermesser

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

### Nays—0

In The Chair: Julian

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

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

A bill to amend 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,” sections 12, 16k, 17, 31, 32, and 49 of chapter XVII (MCL 777.12, 777.16k, 777.17, 777.31, 777.32, and 777.49), section 12 as amended by 2001 PA 104, section 16k as amended by 2000 PA 279, section 17 as amended by 2000 PA 300, section 31 as amended by 1999 PA 227, and sections 32 and 49 as added by 1998 PA 317.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Bogardus asked and obtained a temporary excuse from today's session.

The House returned to the consideration of

**Senate Bill No. 498, entitled**

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

(The bill was considered earlier today, see today's Journal, p. 2122.)

The question being on the passage of the bill,

Rep. Faunce moved to amend the bill as follows:

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

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

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

The question being on the passage of the bill,

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

**Roll Call No. 522**

**Yeas—104**

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

**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 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.”.

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

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

Reps. Phillips, Kilpatrick, Rick Johnson, Kowall, Bishop, Plakas, Anderson, Quarles, Rison, Jamnick, Minore, Hardman, Kolb, Williams, Wojno, Lipsey, Rich Brown, Adamini, Zelenko, Whitmer, Callahan, Frank, Gielegem, Garza, Schauer, Hale, Basham, Clark, Pumford, Jelinek, Godchaux, Gosselin, Stamas, Neumann, Pestka, Rivet, Bogardus, Bovin, Dennis, Thomas, Waters and Lemmons offered the following resolution:

**House Resolution No. 236.**

A resolution honoring Reverend Dr. Amos G. Johnson for forty-four years of pastoral service at New Bethel Missionary Baptist Church in Pontiac, Michigan.

Whereas, Reverend Dr. Amos G. Johnson was born and raised in Mississippi by loving Christian parents. He was greatly influenced by his father, Reverend Robert Johnson; and

Whereas, In 1945, Reverend Johnson started his seminary training at the American Baptist Theological Seminary in Nashville, Tennessee. He earned a Bachelor of Arts Degree from Jackson State College in Mississippi in 1946 and later received a Bachelor of Theology Degree in 1948 from the American Baptist Theological Seminary; and

Whereas, Proverbs 18:22 says, “he who finds a wife finds a good thing”. While Reverend Johnson was studying at the Seminary, a young lady named Marjorie Shea from Nassau, Bahamas was attending the Seminary in the Women’s Department, known as the Missionary Baptist Training School. She was set to return to the Bahamas as a missionary for her church, Salem Baptist of Nassau. Instead of returning, she married Reverend Johnson. New Bethel is doubly blessed through the leadership of Pastor and Mrs. Johnson, especially in the Missions Ministry; and

Whereas, Shortly after their marriage, they went to Mississippi to do the work that God called them to do. They settled down, started their family, and had two children. When Mrs. Johnson speaks of that time, she remembers those early days fondly. She says that since her husband has been in the ministry, he has kept his covenant with God, which is, that if God would make him a soul-winning minister, he would live true to Him; and

Whereas, Pastor Johnson ministered at Champion Hill Baptist Church in Bolton, Mississippi and organized, built, and ministered at St. Mark Baptist Church in Clinton, Mississippi. He was the pastor at both churches for seven years. In rural areas in those days, it was not uncommon to be a pastor at two churches. He gave each church two Sundays a month and taught Bible classes at both on alternate Wednesday nights. During that time, he was also teaching school; and

Whereas, In June of 1957, Reverend Johnson felt that God led him away from Mississippi to Michigan. Shortly after his arrival, Reverend Wright, the pastor at Mt. Zion Baptist Church, mentioned to Reverend Johnson that New Bethel Baptist Church of Pontiac was looking to replace the Pastor who had recently resigned. He wondered if Reverend Johnson was interested in seeking the position. Reverend Amos G. Johnson became the pastor of New Bethel Baptist

Church later that year. Pastor Johnson is still serving as pastor, this year marking his 44th year. In addition, Pastor Johnson serves the community with active participation in many organizations, boards, committees, and religious affiliations. He is fondly referred to as "A Pastor for the People"; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Reverend Dr. Amos G. Johnson for forty-four years of devoted pastoral service to New Bethel Baptist Church of Pontiac, Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to him as evidence of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Richardville, Howell, Julian, Koetje, Hansen, Vander Roest, Adamini, Hardman, Lipsey, Jelinek, Spade, Stewart, Mead, Vear, Vander Veen, Faunce, Meyer, Rivet, DeVuyst, Kuipers, Neumann, Wojno, McConico, Toy, Ehardt, Pappageorge, Bogardus, Newell, DeRossett, Cassis, Rich Brown, Birkholz, Hale, Anderson, Quarles, Gielegem, Woronchak, Raczkowski, Lemmons, Jamnick, Murphy, Switalski, Jacobs, Kooiman, DeWeese, Jansen, Richner, Voorhees, Shackleton, Gosselin, Kowall, Clarke and Sanborn offered the following resolution:

**House Resolution No. 237.**

A resolution honoring Shirley Cox, recipient of the Michigan Wal-Mart Teacher of the Year Award.

Whereas, It is a pleasure to offer our congratulations to Shirley Cox upon her being selected as the Michigan Wal-Mart Teacher of the Year. With the record that this talented and energetic teacher has compiled over the years, this is a most fitting symbol of excellence in an endeavor of great importance to every citizen, business, and institution in this state, which is the education of our young people; and

Whereas, Michigan has a long tradition of belief in the value of education. Our state was the first to provide, in its constitution, for an officer with statewide duties in public education. In the settlements in all parts of the state, hiring a schoolteacher and finding a place to hold classes were always among the first tasks marking a sense of community for the pioneers; and

Whereas, In receiving the Michigan Wal-Mart Teacher of the Year Award, Shirley Cox is being singled out for her efforts in several areas. In addition to specific innovations in the classroom, study units, and programs, she is being honored for her success in the most fundamental component of learning, motivating young people. We applaud the dedication she has consistently displayed and offer our thanks for the manner in which both students and other educators benefit from all of this hard work; now, therefore, be it

Resolved by the House of Representatives, That the members of the this legislative body join in honoring Shirley Cox, recipient of the Michigan Wal-Mart Teacher of the Year Award; and be it further

Resolved, That a copy of this resolution be transmitted to Shirley Cox as a token of our respect for her fine work.

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 Roest, Spade, Raczkowski, Kuipers, Patterson, Mans, Birkholz, Howell, Julian, Lipsey, Jelinek, Stewart, Mead, Vear, Vander Veen, Faunce, Meyer, DeVuyst, Neumann, Wojno, Rocca, Toy, Ehardt, Bogardus, Newell, DeRossett, Richardville, Cassis, Rich Brown, Scranton, Hale, Woronchak, Switalski, DeWeese, Voorhees, Shackleton, Kowall, Clarke and Sanborn offered the following resolution:

**House Resolution No. 238.**

A resolution to urge the Governor to establish a director of homeland security for Michigan.

Whereas, With the terrorist attacks of September 11, 2001, it has become clear that our nation faces difficult new challenges as we work to ensure domestic tranquility and provide for the common defense of our people. Subsequent threats and spreading reports of anthrax infections only amplify the need for new strategies of communication, vigilance, and protection; and

Whereas, President Bush has taken swift actions to address the complex issues before us. His creation of a cabinet-level post of the Office of Homeland Security is an important step and a most appropriate recognition of the new realities facing our nation. Several states have established offices to coordinate emergency plans and strengthen public health and safety resources; and

Whereas, The idea of a state director of homeland security may be an appropriate response in Michigan as well. While we have every confidence in the professionalism and dedication of the men and women in local and state public health and safety agencies, it is clear that our state faces unique challenges. As a border state that includes some of the busiest crossing points between the United States and Canada and as a state with expansive natural and man-made resources and facilities, Michigan faces strategic challenges that are particularly important. At the least, all options need to be thoroughly considered; now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor to establish a director of homeland security for Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.

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

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

**House Resolution No. 239.**

A resolution to commemorate the 25th anniversary of the National Black Caucus of State Legislators and to express appreciation for their valuable contributions to the state of Michigan.

Whereas, We are proud to join with the members, officers, and friends of the National Black Caucus of State Legislators as they gather to mark the 25th anniversary of this outstanding group. This milestone is a reflection of the unselfishness and commitment to the common good that is most commendable. While the members of this distinguished organization celebrate 25 years of service, we offer our thanks for the gifts they have shared within Michigan and throughout the United States; and

Whereas, The National Black Caucus of State Legislators can trace its origin back to 1976 and the aspirations of its founders. In the years that have followed since they first came together, this organization has adapted to changes in society, membership, and expectations. This ability to grow and change has helped maintain the members' belief in their mission of service and the unity of the membership; and

Whereas, With ceremonies to celebrate its history, the members and officers of the National Black Caucus of State Legislators will remember the vision of many people and the hours and years of commitment it has taken to bring this dedicated group to their 25th year of service to our nation. Fittingly, as they remember the past, they will also continue to focus on the future and the many ways in which the National Black Caucus of State Legislators will continue to reach out in our state and the entire nation; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the 25th anniversary of the National Black Caucus of State Legislators and express appreciation for their valuable contributions to the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the National Black Caucus of State Legislators as evidence of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

### Reports of Standing Committees

The Committee on Family and Children Services, by Rep. Hart, Chair, reported

**House Bill No. 5087, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 2 (MCL 722.622), as amended by 2000 PA 45.

With the recommendation that the substitute (H-4) 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 5087 To Report Out:**

Yeas: Reps. Hart, Hager, Tabor, Murphy, Bernero, Garza,

Nays: None.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hart, Chair of the Committee on Family and Children Services, was received and read:

Meeting held on: Tuesday, October 16, 2001, at 3:50 p.m.,

Present: Reps. Hart, Vander Veen, DeWeese, Hager, Tabor, Murphy, Bernero, Garza, Rison.

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

**House Bill No. 5136, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2972.

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 5136** To Report Out:

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

Nays: None.

## 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, October 18, 2001, at 8:00 a.m.,

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

Absent: Reps. Sheltroun, Spade,

Excused: Reps. Sheltroun, Spade.

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

**House Bill No. 5088, entitled**

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

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

1. Amend page 3, line 14, after "for" by inserting "the purpose of".

2. Amend page 3, line 15, after "ational" by striking out "purposes" and inserting "and boating and fishing accesses,".

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

## Favorable Roll Call

**HB 5088** 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. 5140, entitled**

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

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 5140** 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. 5181, entitled**

A bill to authorize the state administrative board to convey certain property in Grand Traverse county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

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

“And:

The rectangle of land consisting of that portion of vacated Wadsworth Street adjacent to Lot 1, Block 12, Hannah’s 5th Addition and Lot 21, Block 7, Perry Hannah’s 4th Addition, and the Southerly part of the intersection of Griffin and Wadsworth Streets.”.

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

## Favorable Roll Call

**HB 5181** 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. 468, entitled**

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

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 468** To Report Out:

Yeas: Reps. Rocca, 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, October 18, 2001, 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 Appropriations, by Rep. Shulman, Chair, reported

**Senate Bill No. 371, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 274 (MCL 206.274), as amended by 1997 PA 82; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-11) 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 371 To Report Out:**

Yeas: Reps. Shulman, LaSata, Jelinek, Kooiman, Mead, Mortimer, Pappageorge, Pumford, Stewart, Toy, Rich Brown, Clarke, Pestka, Phillips, Plakas, Stallworth, Switalski, Whitmer,

Nays: Reps. Cameron Brown, Caul, Godchaux, Jansen, Newell, Shackleton, Stamas, Vander Roest, Frank, Lockwood, Reeves.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 18, 2001, at 10:00 a.m.,

Present: Reps. Shulman, LaSata, Cameron Brown, Caul, Godchaux, Jansen, 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.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 18, 2001, at 9:00 a.m.,

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

Absent: Rep. Spade,

Excused: Rep. Spade.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeVuyst, Chair of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Thursday, October 18, 2001, at 10:00 a.m.,

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

Absent: Rep. Sheltroun,

Excused: Rep. Sheltroun.

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, October 18, 2001, at 10:30 a.m.,

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

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bill had been printed and placed upon the files of the members, Tuesday, October 16:

**Senate Bill No. 715**

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Thursday, October 18:

<b>House Bill Nos.</b>	<b>5206</b>	<b>5207</b>	<b>5208</b>	<b>5209</b>	<b>5210</b>	<b>5211</b>	<b>5212</b>	<b>5213</b>	<b>5214</b>	<b>5215</b>	<b>5216</b>	<b>5217</b>	<b>5218</b>	<b>5219</b>
	<b>5220</b>	<b>5221</b>	<b>5222</b>	<b>5223</b>	<b>5224</b>	<b>5225</b>	<b>5226</b>	<b>5227</b>	<b>5228</b>	<b>5229</b>	<b>5230</b>	<b>5231</b>	<b>5232</b>	<b>5233</b>
	<b>5234</b>	<b>5235</b>	<b>5236</b>	<b>5237</b>	<b>5238</b>	<b>5239</b>	<b>5240</b>	<b>5241</b>	<b>5242</b>	<b>5243</b>	<b>5244</b>	<b>5245</b>	<b>5246</b>	<b>5247</b>
	<b>5248</b>	<b>5249</b>												

**House Joint Resolution R**

The Clerk announced that the following Senate bills had been received on Thursday, October 18:  
**Senate Bill Nos. 682 683 684**

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

**Senate Bill No. 682, entitled**

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 17a (MCL 552.17a), as amended by 1990 PA 243.

The Senate has passed the bill.

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

**Senate Bill No. 683, entitled**

A bill to amend 1966 PA 138, entitled "The family support act," by amending sections 1, 1a, and 5 (MCL 552.451, 552.451a, and 552.455), sections 1 and 1a as amended by 1990 PA 237 and section 5 as amended by 1996 PA 5.

The Senate has passed the bill.

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

**Senate Bill No. 684, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 2 (MCL 722.22), as amended by 1999 PA 156.

The Senate has passed the bill.

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

**Introduction of Bills**

Reps. Scranton, Toy, Bisbee, Julian, O'Neil, Frank, Bovin, Switalski, Pumford, Ehardt, Stewart, Kowall, Godchaux, Plakas, Neumann, Quarles, Schauer, Sheltroun, Woodward and Anderson introduced

**House Bill No. 5284, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending the title and sections 8 and 16 (MCL 431.308 and 431.316) and by adding sections 19b and 19c.

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

Reps. Scranton, Toy, Bisbee, Julian, Pumford, O'Neil, Frank, Bovin, Switalski, Ehardt, Stewart, Kowall, Godchaux, Plakas, Neumann, Schauer, Sheltroun, Woodward and Anderson introduced

**House Bill No. 5285, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14 of chapter XVII (MCL 777.14), as amended by 2000 PA 363.

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

Reps. Scranton, O'Neil and Woodward introduced

**House Bill No. 5286, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending the title and section 17 (MCL 431.317), section 17 as amended by 1998 PA 408, and by adding part 2.

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

Reps. Scranton, Toy, Bisbee, Julian, Anderson, O'Neil, Pumford, Bovin, Frank, Switalski, Ehardt, Stewart, Kowall, Godchaux, Plakas, Neumann, Schauer and Sheltroun introduced

**House Bill No. 5287, entitled**

A bill to permit the creation of a racing corporation for the purpose of conducting certain forms of site-only simulcasting on certain horse races; to permit and regulate site-only simulcasting; to impose payment of certain portion of revenue received from site-only simulcasting; and to provide for certain powers and duties for certain state officers and departments.

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

Reps. Scranton, Toy, Bisbee, Julian, Pumford, O'Neil, Frank, Bovin, Switalski, Ehardt, Stewart, Kowall, Godchaux, Plakas, Neumann, Schauer, Sheltroun and Anderson introduced

**House Bill No. 5288, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending sections 2, 3, 6, 7, 17, 20, and 21 (MCL 431.302, 431.303, 431.306, 431.307, 431.317, 431.320, and 431.321), section 7 as amended by 2000 PA 164, section 17 as amended by 1998 PA 408, and section 20 as amended by 2000 PA 471.

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

Reps. Scranton, Toy, Bisbee, Julian, O'Neil, Frank, Bovin, Switalski, Pumford, Ehardt, Stewart, Kowall, Godchaux, Plakas, Neumann, Schauer, Sheltroun, Woodward and Anderson introduced

**House Bill No. 5289, entitled**

A bill to amend the Initiated Law of 1996, entitled "An act to provide for the licensing, regulation, and control of casino gaming operations, manufacturers and distributors of gaming devices and gaming related equipment and supplies, and persons who participate in gaming; to provide the distribution of revenue for public education, public safety and economic development; authorizing limited casino operations within the state of Michigan; to vest authority for the licensing, regulation, and control of casino gaming in the Michigan gaming control board; to restrict certain political contributions; to establish a code of ethics for certain persons involved in gaming; to create certain funds; to impose and authorize certain taxes and fees; to impose penalties; to authorize conservators under certain circumstances; and to make an appropriation," by amending section 3 (MCL 432.203), as amended by 1997 PA 69.

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

Rep. Bovin introduced

**House Bill No. 5290, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74103a.

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

Reps. Vander Veen, Voorhees, Hager, Van Woerkom, Bernero, Pestka and Newell introduced

**House Bill No. 5291, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1, 22, and 35 of chapter XVII (MCL 777.1, 777.22, and 777.35), as amended by 2000 PA 279.

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

Reps. Clark, Vander Veen, Voorhees, McConico, Dennis, Hale, Plakas, Jacobs, Rison, Quarles, Minore, Bogardus, Basham, Stallworth, Garza, Reeves, Williams, Hardman, Thomas, Schermesser, Bovin, Clarke, Wojno, Callahan, Gielegem, Whitmer, Murphy, Zelenko, O'Neil, Mans, Waters, Lipsey, Rich Brown, Ruth Johnson, Scranton, DeRossett, Howell, Adamini, Rivet, Daniels, Godchaux, Phillips and Lemmons introduced

**House Bill No. 5292, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 18c, 55, and 115b (MCL 400.18c, 400.55, and 400.115b), sections 55 and 115b as amended by 1998 PA 516, and by adding section 18b.

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

Rep. Jamnick introduced

**House Bill No. 5293, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2000 PA 14.

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

Reps. Woodward, Sanborn, Schauer, Wojno, Hale, Lipsey, Schermesser, Clark, Kowall, Hager, Van Woerkom, Ehardt, Daniels, Anderson, Neumann, Bogardus, Middaugh, Scranton, Garza, Julian and Lemmons introduced

**House Bill No. 5294, entitled**

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding section 1135.

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

Rep. DeRossett introduced

**House Bill No. 5295, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 2 to chapter II.

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

Rep. DeRossett introduced

**House Bill No. 5296, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145c (MCL 750.145c), as amended by 1994 PA 444.

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

Rep. Bishop introduced

**House Bill No. 5297, entitled**

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

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

Reps. Koetje, Raczkowski, Kooiman, Bishop, Ruth Johnson, Julian, Faunce, Shulman, Newell, Patterson, Vander Roest, Kuipers and Drolet introduced

**House Bill No. 5298, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 36 of chapter VIII (MCL 768.36).

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

Rep. Bovin introduced

**House Bill No. 5299, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950 (MCL 600.2950), as amended by 1999 PA 268.

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

Rep. Ruth Johnson introduced

**House Bill No. 5300, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950a (MCL 600.2950a), as amended by 1999 PA 268.

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

Rep. Kowall introduced

**House Bill No. 5301, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15b of chapter IV (MCL 764.15b), as amended by 1999 PA 269.

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

Rep. Anderson introduced

**House Bill No. 5302, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15c of chapter IV (MCL 764.15c), as amended by 1999 PA 269.

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

Rep. Mortimer introduced

**House Bill No. 5303, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2529 (MCL 600.2529), as amended by 1999 PA 268.

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

Rep. Kooiman introduced

**House Bill No. 5304, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XVI (MCL 776.22), as amended by 1994 PA 418.

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

Rep. Howell introduced

**House Bill No. 5305, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 1, 2, 2c, and 14 of chapter XIIA (MCL 712A.1, 712A.2, 712A.2c, and 712A.14), section 1 as amended by 2000 PA 46, section 2 as amended by 2000 PA 55, and sections 2c and 14 as amended by 1998 PA 474.

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

Rep. Waters introduced

**House Bill No. 5306, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15 of chapter IV (MCL 764.15), as amended by 2000 PA 208.

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

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Rep. Allen moved that the House adjourn.

The motion prevailed, the time being 2:05 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Tuesday, October 23, at 2:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives.