

**No. 5**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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House Chamber, Lansing, Tuesday, January 29, 2002.

2:00 p.m.

The House was called to order by the Speaker Pro Tempore.

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

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

e/d/s = entered during session

V. Rev. Fr. Paul Jannakas, Pastor of St. Nicolas Orthodox Church in Burton, offered the following invocation:

“O Lord, Our God, receive this prayer which we offer to You on this day that You have given to us for the glorification of Your holy name. Lord, teach us how to pray. Pray You Yourself in us. Remember O Lord, Our God, all of our civil authorities—the President of this nation, our Congress and Judiciary. Loom in their hearts with the spirit of Your wisdom that they may guide this nation in all righteousness, holiness and justice. Remember O Lord, Our God, all of the state representatives of this sacred House who have convened for this session. Bless them and guide them unto every good work. Remember O Lord, Our God, all the armed forces of this land who are serving around the world for the cause of peace. Send Your holy angels to protect them and strengthen the hearts of their parents, spouses and children who long for their safe return. Remember O Lord, Our God, the people that live in this great state of Michigan—especially for our elderly, our poor, our mentally ill, our unemployed, and those who are in any kind of affliction, necessity or distress. Hear us, O God, and Savior the hope of all the ends of the earth and of those who are far off and show mercy upon us and save our souls in Your never-ending love. To You we send up glory, thanksgiving, honor and worship. Always, now, and until the endless ages, Amen.”

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

### Reports of Standing Committees

The Speaker laid before the House

#### **House Resolution No. 83.**

A resolution establishing the month of April as Michigan Minority Health Month.

(For text of resolution, see House Journal No. 30 of 2001, p. 423.)

(The resolution was reported by the Committee on Health Policy on October 23, 2001, with substitute (H-1), consideration of which, under the rules, was postponed until October 24, 2001.)

(For substitute, see House Journal No. 73 of 2001, p. 2162.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

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

The question being on the adoption of the resolution,

The resolution was adopted.

### Third Reading of Bills

#### **House Bill No. 4460, entitled**

A bill to amend 1978 PA 90, entitled “Youth employment standards act,” by amending section 19 (MCL 409.119).

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

#### **Roll Call No. 19**

#### **Yeas—104**

Adamini	Frank	LaSata	Rocca
Allen	Garza	Lemmons	Schauer
Anderson	George	Lipsey	Schermesser
Basham	Gielegghem	Lockwood	Scranton
Bernero	Gilbert	Mans	Shackleton
Birkholz	Godchaux	McConico	Sheltrown
Bisbee	Gosselin	Mead	Shulman
Bishop	Hager	Meyer	Spade
Bovin	Hale	Middaugh	Stamas
Bradstreet	Hansen	Minore	Stewart
Brown, B.	Hardman	Mortimer	Switalski



DeVuyst  
DeWeese  
Drolet  
Ehardt  
Faunce

Kolb  
Kooiman  
Kowall  
Kuipers  
LaSata

Reeves  
Richardville  
Richner  
Rivet

Wojno  
Woodward  
Woronchak  
Zelenko

**Nays—0**

In The Chair: Birkholz

The House agreed to the title of the bill.

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

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

Reps. Basham, Birkholz, Callahan, Clarke, DeRossett, DeVuyst, Ehardt, Faunce, George, Howell, Jelinek, Julian, Kuipers, Lockwood, Mans, Mead, Middaugh, Pappageorge, Patterson, Pumford, Rocca, Vander Roest and Voorhees were named co-sponsors of the bill.

**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.

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

**Roll Call No. 21**

**Yeas—106**

Adamini  
Allen  
Anderson  
Basham  
Bernero  
Birkholz  
Bisbee  
Bishop  
Bogardus  
Bovin  
Bradstreet  
Brown, B.  
Brown, C.  
Brown, R.  
Callahan  
Cassis  
Caul  
Clark, I.  
Clarke, H.  
Daniels  
Dennis  
DeRossett  
DeVuyst  
DeWeese  
Drolet  
Ehardt  
Faunce

Frank  
Garza  
George  
Gielegem  
Gilbert  
Gosselin  
Hager  
Hale  
Hansen  
Hardman  
Hart  
Howell  
Hummel  
Jacobs  
Jannick  
Jansen  
Jelinek  
Johnson, Rick  
Johnson, Ruth  
Julian  
Koetje  
Kolb  
Kooiman  
Kowall  
Kuipers  
LaSata  
Lemmons

Lipsey  
Lockwood  
Mans  
McConico  
Mead  
Meyer  
Middaugh  
Minore  
Mortimer  
Murphy  
Neumann  
Newell  
O'Neil  
Pappageorge  
Patterson  
Pestka  
Phillips  
Plakas  
Pumford  
Quarles  
Rackowski  
Reeves  
Richardville  
Richner  
Rison  
Rivet

Rocca  
Schauer  
Schermesser  
Scranton  
Shackleton  
Sheltrown  
Shulman  
Spade  
Stamas  
Stewart  
Switalski  
Tabor  
Thomas  
Toy  
Van Woerkom  
Vander Roest  
Vander Veen  
Vear  
Voorhees  
Waters  
Whitmer  
Williams  
Wojno  
Woodward  
Woronchak  
Zelenko

**Nays—0**

In The Chair: Birkholz

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

**House Bill No. 4732, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 471 (MCL 206.471), as amended by 1996 PA 484.

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

**Roll Call No. 22**

**Yeas—105**

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	Pappageorge	Toy
Callahan	Jacobs	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
Daniels	Julian	Quarles	Waters
Dennis	Koetje	Rackowski	Whitmer
DeRossett	Kolb	Reeves	Williams
DeVuyst	Kooiman	Richardville	Wojno
DeWeese	Kowall	Richner	Woodward
Drolet	LaSata	Rison	Woronchak
Ehardt	Lemmons	Rivet	Zelenko
Faunce			

**Nays—0**

In The Chair: Birkholz

The House agreed to the title of the bill.  
Rep. Patterson 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. 5434, entitled**

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, and 22 (MCL 285.62, 285.63, 285.64, 285.65, 285.66, 285.67, 285.68, 285.69, 285.70, 285.71, 285.72, 285.73, 285.74, 285.75, 285.76, 285.78, 285.79, 285.80, 285.81, and 285.82), the title as amended by 1984 PA 169, sections 2, 3, 5, 6, and 18 as amended and section 21 as added by 1996 PA 311, and section 7 as amended by 1982 PA 33, and by adding sections 17, 23, 24, 25, 26, and 27; and to repeal acts and parts of acts.

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

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

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

The motion prevailed.

### **House Bill No. 5205, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2000 PA 306.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Transportation (for amendments, see House Journal No. 71 of 2001, p. 2096),

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

Rep. Gilbert moved to amend the bill as follows:

1. Amend page 3, line 6, after "of" by inserting "37.5 TO".

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

Rep. Gilbert 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. 5205, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2000 PA 306.

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

### **Roll Call No. 23**

### **Yeas—105**

Adamini	Garza	Lemmons	Rivet
Allen	George	Lipsey	Rocca
Anderson	Gielegem	Lockwood	Schauer
Basham	Gilbert	Mans	Schermesser
Bernero	Godchaux	McConico	Scranton
Birkholz	Gosselin	Mead	Shackleton
Bisbee	Hager	Meyer	Sheltrown
Bishop	Hale	Middaugh	Shulman
Bogardus	Hansen	Minore	Spade
Bovin	Hardman	Mortimer	Stamas
Bradstreet	Hart	Murphy	Stewart
Brown, B.	Howell	Neumann	Switalski
Brown, C.	Hummel	Newell	Tabor
Brown, R.	Jacobs	O'Neil	Thomas
Callahan	Jamnack	Pappageorge	Toy
Cassis	Jansen	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	Koetje	Quarles	Waters
DeRossett	Kolb	Rackowski	Whitmer
DeWeese	Kooiman	Reeves	Wojno
Drolet	Kowall	Richardville	Woodward
Ehardt	Kuipers	Richner	Woronchak
Faunce	LaSata	Rison	Zelenko
Frank			

**Nays—0**

In The Chair: Birkholz

The House agreed to the title of the bill.

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.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Bishop, DeWeese, Julian, Koetje, Faunce, Hansen, Richardville, Stewart, Gosselin, Meyer, Voorhees, Shulman, Vander Roest, Hager, Toy, Vander Veen, Raczkowski, Mead, Howell, Kowall, Birkholz, Van Woerkom, George, Pappageorge, Jelinek, Scranton, Woronchak, Woodward, Sheltroun, Lockwood, Wojno, Minore, Thomas, Zelenko, Spade, Rivet, Switalski, Phillips, Vear, Richner, Jacobs, Kolb, Gielegem, Quarles, Jamnick, Lemmons, Murphy, Ehardt, Clarke, Caul, Kuipers and Cassis offered the following resolution:

**House Resolution No. 302.**

A resolution honoring the Rochester Downtown Development Authority.

Whereas, It is with great pleasure that we honor and commend the Rochester Downtown Development Authority for its outstanding support of the Rochester downtown business district. We applaud the Rochester Downtown Development Authority for the part it has played in the economic and physical revitalization of the downtown business district; and

Whereas, Established in 1983, the Rochester Downtown Development Authority is an organization that is devoted to the enhancement of the downtown business district. The Rochester Downtown Development Authority follows the philosophy set forth by the National Truth for Historic Preservation entitled "The Main Street Approach". This approach is based on four basic elements which are: organization, design, promotion, and economic restructuring. The goal of this approach is to create a marketable identity for the business district. Through the assimilation of these elements, the Rochester Downtown Development Authority has been highly successful in enhancing the lives of the residents of the Greater Rochester area and the economic vitality of the downtown businesses; and

Whereas, The Rochester Downtown Development Authority established the Downtown Promotions and Marketing Partnership in 1989. It has been fundamental in bringing the leaders of the downtown businesses together to effectively advertise, promote, and market the Rochester downtown business district. Through the efforts of both organizations and all those who have been active in the revitalization efforts, the downtown business district has flourished and will continue to be a long-term asset of the city of Rochester; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the Rochester Downtown Development Authority for their many efforts on behalf of the downtown business district; and be it further

Resolved, That a copy of this resolution be transmitted to the Rochester Downtown Development Authority 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. DeWeese, Julian, Ruth Johnson, Koetje, Bishop, Faunce, Patterson, DeVuyst, Basham, Hansen, Richardville, Stewart, Gosselin, Tabor, Meyer, Middaugh, Voorhees, Shulman, Vander Roest, Hager, Toy, Bradstreet, Vander Veen, Raczkowski, Mead, Howell, Kowall, Birkholz, Drolet, Van Woerkom, George, Rocca, Pappageorge, Jelinek, Godchaux, Scranton, Woronchak, Neumann, Mans, Frank, Callahan, Lipsey, McConico, Dennis, Woodward,

Sheltrown, Newell, Adamini, Bovin, Lockwood, Anderson, Plakas, Wojno, Minore, Thomas, Schauer, Zelenko, Spade, Rivet, Bernero, Rich Brown, Switalski, Phillips, Whitmer, Vear, Richner, Jacobs, Bogardus, Kolb, Hardman, Gielegem, Quarles, Jamnick, Lemmons, Murphy, Ehardt, Clarke, Caul, Kuipers, Cassis and Clark offered the following resolution:

**House Resolution No. 303.**

A resolution honoring Jim Sudhoff, Sergeant at Arms, upon his retirement.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Jim Sudhoff has put forth on behalf of the people of the state of Michigan, and especially those at the State Capitol, that we offer this expression of our thanks and best wishes in his retirement.

Whereas, Born on March 16, 1941, in Saginaw, Michigan, Jim has been a lifelong resident of Michigan and has demonstrated his dedication to our state on a daily basis. As the people of the state of Michigan recognize the loyalty and devotion to public service of this conscientious individual, we add our sentiments of gratitude for a job well done; and

Whereas, In twelve and a half years of service to the State Legislature, Jim has worked in the public arena during an era of great change. Starting as a technician and a legislative aide, Jim became a Sergeant at Arms in 1994. With the personal sense of duty that Jim brings to work each day, he has been able to meet continual challenges with enthusiasm and a genuine interest in efficiency in public service. This has been deeply appreciated, both by state officials and other public servants who have benefited directly from Jim's work and his fine example; and

Whereas, There can be little doubt that Jim's record in his responsibilities as a Sergeant at Arms over the past years will continue to reap rewards for the State Legislature. May Jim enjoy his retirement with his, wife Carla, his children, Steve, Pat, Karen, Tracy, Kelly, and Mike, and his dog Penny. We offer our thanks on this personal milestone; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Jim Sudhoff upon his retirement after twelve and a half outstanding years in public service. May he enjoy the happiest of retirements; and be it further

Resolved, That a copy of this resolution be transmitted to Jim Sudhoff as a token of our appreciation.

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, DeWeese, Julian, Koetje, Bishop, Faunce, Patterson, DeVuyst, Basham, Hansen, Stewart, Gosselin, Tabor, Meyer, Voorhees, Shulman, Vander Roest, Hager, Toy, Vander Veen, Raczkowski, Mead, Howell, Kowall, Birkholz, Van Woerkom, George, Rocca, Pappageorge, Jelinek, Scranton, Woronchak, Neumann, Mans, Frank, Callahan, Lipsey, McConico, Woodward, Sheltrown, Newell, Bovin, Lockwood, Anderson, Wojno, Minore, Thomas, Schauer, Zelenko, Spade, Rivet, Bernero, Rich Brown, Switalski, Phillips, Whitmer, Vear, Richner, Jacobs, Bogardus, Kolb, Gielegem, Jamnick, Lemmons, Murphy, Ehardt, Clarke, Caul, Kuipers and Cassis offered the following resolution:

**House Resolution No. 304.**

A resolution honoring Brigadier General Michael J. Rice as he completes an outstanding tenure of service with the Michigan National Guard and the Department of Military and Veterans Affairs.

Whereas, It is with gratitude for the sacrifices, hard work, and diligence Brigadier General Michael J. Rice has put forth for the protection of our state and nation that we salute him. As this loyal and devoted individual brings to a close an outstanding career with the Michigan National Guard and Department of Military and Veterans Affairs, we join with his friends and colleagues in expressing our heartfelt gratitude for a job well done; and

Whereas, A graduate of the United States Army War College, General Rice has held numerous command and staff assignments throughout his more than thirty-four years of military service. His colleagues rely upon the respect he brings to each assignment and his personal commitment that has been vital to the completion of any mission. All of Michigan has benefited from his dedication; and

Whereas, In every endeavor, General Rice displayed the traits we hope to find in the members of the military. He has willingly made the sacrifices necessary to keep our country strong and free. Clearly, this talented and patriotic soldier has earned our appreciation and respect; and

Whereas, General Rice's long and distinguished years with the military reflect a true sense of patriotism. His twenty-nine years in state government have culminated in his promotion to his current assignments as Assistant Adjutant General for Veterans Affairs, Deputy Director for the Department of Military & Veterans Affairs, and Michigan State Director for the Selective Service System; and

Whereas, His dedication to our state's veteran population is most notably recognized in his work on behalf of the Grand Rapids Home for Veterans, D.J. Jacobetti Home for Veterans, Michigan Veterans Trust Fund, and the Michigan Veterans Service Organizations; and

Whereas, The work of the Michigan Army National Guard in maintaining preparedness for our nation's defense and providing emergency services in time of need provides a sense of security for all our citizens. This security and peace of mind is the result of great personal sacrifices. Without people like General Rice willing to shoulder this burden, this vital element of our lives would not exist; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body salute Brigadier General Michael J. Rice as he completes an outstanding tenure of service with the Michigan National Guard and Department of Military and Veterans Affairs. We deeply appreciate all of his efforts on our behalf and on behalf of Michigan's veteran population; and be it further

Resolved, That a copy of this resolution be transmitted to Brigadier General Michael J. Rice 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. Bishop, Kowall, DeWeese, Julian, Koetje, Faunce, DeVuyst, Basham, Hansen, Richardville, Stewart, Gosselin, Tabor, Meyer, Middaugh, Voorhees, Shulman, Vander Roest, Hager, Toy, Vander Veen, Raczkowski, Mead, Howell, Birkholz, Drolet, Van Woerkom, George, Rocca, Pappageorge, Jelinek, Godchaux, Scranton, Neumann, Mans, Frank, Callahan, McConico, Dennis, Woodward, Sheltroun, Bovin, Lockwood, Anderson, Wojno, Minore, Thomas, Schauer, Zelenko, Spade, Rivet, Rich Brown, Switalski, Phillips, Whitmer, Vear, Richner, Jacobs, Bogardus, Kolb, Gielegghem, Jamnick, Lemmons, Murphy, Ehardt, Clarke, Caul, Kuipers and Cassis offered the following resolution:

**House Resolution No. 305.**

A resolution commemorating June 2002 as Michigan Rails-to-Trails Month and June 1, 2002, as Rails-to-Trails Day in Michigan.

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

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

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

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

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

Whereas, As the trailway system expands and becomes well-known, Michigan's image as a leader in great outdoor recreation will grow along with it. Visitors drawn to our state by the system will benefit the entire state's tourism economy. It is appropriate to commemorate and designate June 2002 as Michigan's Rails-to-Trails Month; and

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

Resolved by the House of Representatives, That the members of this legislative body commemorate June 2002 as Michigan Rails-to-Trails Month and June 1, 2002, as Rails-to-Trails Day in Michigan, and encourage all citizens to support the efforts of these trailway resources in their communities.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Shackleton, Allen, DeWeese, Julian, Koetje, Bishop, Faunce, Basham, Hansen, Richardville, Stewart, Gosselin, Meyer, Middaugh, Voorhees, Shulman, Vander Roest, Hager, Toy, Vander Veen, Raczkowski, Mead, Howell, Kowall, Birkholz, Van Woerkom, George, Pappageorge, Jelinek, Godchaux, Scranton, Woronchak, Neumann,

Callahan, Woodward, Sheltroun, Adamini, Bovin, Lockwood, Wojno, Schauer, Zelenko, Rich Brown, Switalski, Phillips, Vear, Richner, Bogardus, Kolb, Jamnick, Lemmons, Murphy, Ehardt, Clarke, Caul, Kuipers and Cassis offered the following concurrent resolution:

**House Concurrent Resolution No. 55.**

A concurrent resolution to urge the United States Forest Service to conduct or authorize an on-site excavation and testing to determine if illegal dumping of hazardous material took place at the former Raco missile site in the Hiawatha National Forest in Chippewa County.

Whereas, In the late 1970s, the Raco missile site in the Hiawatha National Forest in Chippewa County was decommissioned; and

Whereas, This site, which housed conventional ground-to-air missiles, runways, and other facilities, was the scene of several cleanups in the years following the decommissioning. Area residents, however, have long questioned the thoroughness of cleanup efforts. Of particular concern is what happened to nearly 44,000 gallons of highly toxic, lead-contaminated fuel sludge discovered in fuel tanks by one of the companies contracted to help clean up the area. One of the individuals who worked on the cleanup, who is a local official in the area now, claims firsthand knowledge of an incident that indicates that the waste may have been dumped illegally; and

Whereas, Township boards in the area have asked the United States Forest Service to permit an exploratory examination of the site where the materials may have been dumped. A private group has agreed to pay for the excavation in order to see if the 44,000 gallons of fuel sludge were dumped and have damaged the soil and water at the site; and

Whereas, The people of the Chippewa County area clearly have the right to know if harmful materials are buried in the community. An excavation of the specific site can be undertaken quickly and can provide information of great value. Clearly, this is a reasonable request when measured against the potential damage that may have been done to the site; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Forest Service to conduct or authorize an on-site excavation and testing to determine if illegal dumping of hazardous material took place at the former Raco missile site in the Hiawatha National Forest in Chippewa County; and be it further

Resolved, That copies of this resolution be transmitted to the United States Forest Service.

Pending the reference of the concurrent resolution to a committee,

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

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

### Reports of Standing Committees

The Committee on Land Use and Environment, by Rep. Ruth Johnson, Chair, reported

**House Concurrent Resolution No. 50.**

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

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

With the recommendation that the resolution be adopted.

The Speaker announced that under Rule 77 the resolution would lie over one day.

### Favorable Roll Call

**HCR 50** To Report Out:

Yeas: Reps. Ruth Johnson, Birkholz, DeVuyst, Ehardt, Tabor, Kolb, Gielegem,

Nays: None.

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ruth Johnson, Chair of the Committee on Land Use and Environment, was received and read:

Meeting held on: Tuesday, January 29, 2002, at 10:30 a.m.,

Present: Reps. Ruth Johnson, Birkholz, DeVuyst, Ehardt, Tabor, Kolb, Basham, Gielegem, Hale,

Absent: Reps. Koetje, DeRossett,

Excused: Reps. Koetje, DeRossett.

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

**House Bill No. 4827, entitled**

A bill to amend 1937 PA 345, entitled "Fire fighters and police officers retirement act," by amending sections 6, 6a, and 6b (MCL 38.556, 38.556a, and 38.556b), section 6 as amended by 1991 PA 54, section 6a as amended by 1982 PA 145, and section 6b as added by 1986 PA 30.

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 4827** To Report Out:

Yeas: Reps. Voorhees, Woronchak, Cassis, Kuipers, Vear, Williams, Bovin, Spade, Zelenko,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 29, 2002, at 10:30 a.m.,

Present: Reps. Voorhees, Woronchak, Cassis, Kuipers, Vear, Williams, Bovin, Spade, Zelenko.

The Committee on Commerce, by Rep. Allen, Chair, reported

**House Bill No. 4599, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 172.

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 4599** To Report Out:

Yeas: Reps. Allen, Bishop, Gilbert, Middaugh, Van Woerkom, Vear, Rivet, Kolb, Lipsey, McConico, Waters,

Nays: Rep. Bisbee.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 29, 2002, at 9:00 a.m.,

Present: Reps. Allen, Bishop, Bisbee, Gilbert, Middaugh, Van Woerkom, Vear, Rivet, Kolb, Lipsey, McConico, Waters,

Absent: Reps. DeVuyst, Howell, Koetje, Lemmons, Zelenko,

Excused: Reps. DeVuyst, Howell, Koetje, Lemmons, Zelenko.

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: Tuesday, January 29, 2002, at 12:00 Noon,

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

**Messages from the Senate**

**Senate Bill No. 505, entitled**

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations;

to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 160.

The Senate has amended the House substitute (H-3) as follows:

1. Amend page 6, line 3, by striking out all of lines 3 through 17.

2. Amend page 7, line 28, by striking out all of enacting section 1 and renumbering the remaining enacting section.

The Senate has concurred in the House substitute (H-3) as amended, ordered that the bill be given immediate effect and agreed to the title as amended.

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

### 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, Friday, January 25:

**House Bill No. 5574**

### Communications from State Officers

The following communication from the Department of Consumer and Industry Services was received and read:

January 22, 2002

Pursuant to Section 314 of P.A. 119 of 2001, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Adrian Training School	2002C0207006	CS460200931

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our web site at the following address: [http://www.cis.state.mi.us/fast/leg\\_rep.htm](http://www.cis.state.mi.us/fast/leg_rep.htm).

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,  
John R. Suckow, C.P.A.  
Director, Finance and  
Administrative Services

The communication was referred to the Clerk.

The following communication from the Office of the Great Lakes was received and read:

January 22, 2002

Attached is a list of thirteen research projects approved for funding under the Michigan Great Lakes Protection Fund in compliance with Public Act 156 of 1989. Section 10(1) of P.A. 156 requires that this list be submitted annually to the legislature.

If you have any questions, please contact Ms. Emily Finnell of my staff at 517-241-7927, or you may contact me.

Sincerely,  
David K. Ladd, Director  
Office of the Great Lakes  
517-335-4056

The communication was referred to the Clerk.

The following communication from the Department of Community Health was received and read:

January 23, 2002

I am pleased to transmit the Byrne Memorial Formula Grant application, together with the Michigan Drug Strategy, from the Office of Drug Control Policy to the U.S. Department of Justice, Bureau of Justice Assistance for the drug enforcement grant program. This application is being forwarded to your office for information and review pursuant to Section 1304(a)(2) of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula grant program.

Should you have questions please contact Betsy Pash at (517) 373-4700.

Sincerely,  
Craig J. Yaldao  
Director

The communication was referred to the Clerk.

The following communication from the Office of the State Budget was received and read:

January 25, 2002

I am pleased to transmit to you the enclosed unaudited financial statements of the General Fund and School Aid Fund for the fiscal year ended September 30, 2001, as required by Section 18.1493 of the Michigan Compiled Laws.

Sincerely,  
Don Gilmer  
State Budget Director

The communication was referred to the Clerk.

### Introduction of Bills

Rep. Spade introduced

**House Bill No. 5575, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2, 3, 5, 6a, 7, 7a, and 7b (MCL 722.22, 722.23, 722.25, 722.26a, 722.27, 722.27a, and 722.27b), sections 2 and 7 as amended by 1999 PA 156, sections 3 and 5 as amended by 1993 PA 259, section 6a as added by 1980 PA 434, and sections 7a and 7b as amended by 1996 PA 19, and by adding section 5a.

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

Rep. Faunce introduced

**House Bill No. 5576, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15 of chapter XVII (MCL 777.15), as amended by 2001 PA 152, and by adding sections 15a, 15b, 15d, 15f, and 15g.

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

Reps. Whitmer, Neumann, Murphy, Kolb, McConico, Zelenko, Bernero, Bogardus, Jacobs, Minore, Plakas, Dennis, Gielegem, Anderson, Rich Brown, Frank, Lipsey and Basham introduced

**House Bill No. 5577, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 2001 PA 169.

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

Reps. Cameron Brown, Patterson, Kuipers, Hummel, Vear, Julian, Van Woerkom, Drolet, Gilbert, Vander Roest, Vander Veen, Birkholz, DeVuyst, Spade, Sheltroun, Mans, Middaugh, Neumann, Meyer, Jelinek, Callahan, DeWeese, Tabor, Ehardt, Rocca, Kooiman and Jansen introduced

**House Bill No. 5578, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2685 and 2688 (MCL 333.2685 and 333.2688).

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

Reps. DeWeese, Richner, Allen, Bradstreet, Hummel, Birkholz, Meyer, LaSata and DeVuyst introduced **House Bill No. 5579, entitled**

A bill to make, supplement, and adjust appropriations for certain institutions of higher education for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

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

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Rep. Basham moved that the House adjourn.  
The motion prevailed, the time being 3:50 p.m.

The Speaker Pro Tempore declared the House adjourned until January 30, 2002, at 2:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives.