

No. 30
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
91st Legislature
REGULAR SESSION OF 2002

House Chamber, Lansing, Wednesday, April 10, 2002.

2:00 p.m.

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

e/d/s = entered during session

Evangelist Mike Pemberton, from Coe Church of Christ in St. Louis, offered the invocation.

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

Rep. Jacobs moved that Reps. Garza, Murphy and Whitmer be excused from today's session.
The motion prevailed.

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 394.

A resolution of tribute offered as a memorial for Raymond W. Hood.

Whereas, The members of this legislative body were deeply saddened to learn of the untimely passing of Raymond W. Hood, a true gentleman who served this state and his beloved hometown of Detroit in numerous capacities. The many people in government in Michigan who worked with him during his nine terms as a lawmaker and his twelve years in Lansing in other key posts will long value the lessons of service and commitment he imparted over the years. We join them in extending our condolences to his entire family; and

Whereas, A proud native of Detroit and graduate of Central High School, Ray Hood came to Lansing after college studies in California and work at Ford Motor Company. For 18 years, he was a strong and effective advocate for the people of his district. During his tenure, he earned a place of great respect among colleagues on both sides of the political aisle. While he held numerous leadership posts and contributed to several committees, his most lasting legislative accomplishments came through his outstanding leadership in the effort to create the landmark public health code that was enacted in 1978; and

Whereas, Following his departure from the Michigan House of Representatives in 1982, Ray Hood brought his talents and insights to the executive branch of state government, where he served as a deputy director of the Department of Public Health and director of the Department of Licensing and Regulation. He also remained active in civic and community affairs in Detroit. The loss of Ray Hood has taken from Michigan not only an outstanding leader and policymaker, but also an exemplary citizen who loved his family and was well known to the kids in his neighborhood; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Raymond W. Hood, a member of this legislative body from 1965 to 1982; and be it further

Resolved, That copies of this resolution be transmitted to the Hood family as evidence of our lasting esteem for his memory.

The question being on the adoption of the resolution,
The resolution was adopted by unanimous standing vote.

Reports of Select Committees

The Speaker laid before the House the conference report relative to
House Bill No. 5763, entitled

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

(The conference report was reported by the conference committee on April 9, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 29, p. 901.)

The question being on the adoption of the conference report,

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

Roll Call No. 447**Yeas—49**

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

Nays—55

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

In The Chair: Julian

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Rick Johnson, Bisbee and Thomas.

Reps. Wojno, Plakas, Hale, Lemmons, Reeves, Waters, Bogardus, Kolb, Hardman, Callahan and Hansen, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on the conference report for HB 5763 because, while the bill provides a much-needed increase in the maximum benefit, the increase only applies to workers who are laid off and establish a new benefit year after the effective date of the act. Those currently collecting maximum benefits would not get an increase. Further, there is not a benefit increase for the 40 percent of laid off workers who are not at the maximum benefit rate. In fact, benefits for nearly 75 percent of these workers would be cut because of the penalty week that is in the bill. The penalty week would steal a week of unemployment benefits from laid off workers that are out of work between 4 and 26 weeks. It's a shame that we are refusing to give the state's unemployed workers a hand up at the time that the Unemployment Trust Fund has a cash balance of nearly \$2.6 billion.”

Rep. Schauer, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on the conference report for HB 5763 because, while the bill provides a much-needed increase in the maximum benefit, the increase only applies to workers who are laid off and establish a new benefit year after the effective date of the act. Those currently collecting maximum benefits would not get an increase. This is unfortunate at this time of high unemployment, when these increased benefits would provide a boost to families of laid off workers and a much-needed boost to Michigan’s economy. Further, there is not a benefit increase for the 40 percent of laid off workers who are not at the maximum benefit rate. In fact, under this conference report benefits for nearly 75 percent of these workers would be cut because of the penalty week, or so-called ‘waiting week,’ that is in the bill. The penalty week would steal a week of unemployment benefits from laid off workers that are out of work between four and 26 weeks. It is a shame that we are refusing to give the state’s unemployed workers a hand up at the time that the Unemployment Trust Fund has a cash balance of nearly \$2.6 billion.”

Rep. Anderson, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on the conference report for HB 5763 because, while the bill provides a much-needed increase in the maximum benefit, the increase only applies to workers who are laid off and establish a new benefit year after the effective date of the act. Those currently collecting maximum benefits would not get an increase. Further, there is not a benefit increase for the 40 percent of laid off workers who are not at the maximum benefit rate. In fact, benefits for nearly 75 percent of these workers would be cut because of the penalty week that is in the bill. The penalty week would steal a week of unemployment benefits from laid off workers that are out of work between 4 and 26 weeks. It’s a shame that we are refusing to give the state’s unemployed workers a hand up at the time that the Unemployment Trust Fund has a cash balance of nearly \$2.6 billion. Our states workers deserve better.”

Rep. Spade, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on the first conference report for HB 5763 because, while the bill provides a much-needed increase in the maximum benefit, the increase only applies to workers who are laid off and establish a new benefit year after the effective date of the act. Those currently collecting maximum benefits would not get an increase. Further, there is not a benefit increase for the 40 percent of laid off workers who are not at the maximum benefit rate. In fact, benefits for nearly 75 percent of these workers would be cut because of the penalty week that is in the bill. The penalty week would steal a week of unemployment benefits from laid off workers that are out of work between 4 and 26 weeks. It’s a shame that we are refusing to give the state’s unemployed workers a hand up at the time that the Unemployment Trust Fund has a cash balance of nearly \$2.6 billion.”

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. Minore, Howell, Rison, Bogardus, Lockwood, Stewart, Raczkowski, DeRossett, Richardville, Cassis, Mans, Toy, Kuipers, Hager, Zelenko, Clark, Hansen, Hale, Woodward, Lemmons, Kolb, Spade, Switalski, Williams, Gielegghem, Adamini, Anderson, Neumann, Vander Roest, Pappageorge, Ehardt, Julian, Shulman, DeVuyst, McConico, Lipsey, Rich Brown, Waters, Wojno, Bernero, Sheltroun, Meyer, Van Woerkom, Faunce, Gosselin, Vander Veen, Drolet, Dennis, Schauer, Jamnick, Bishop, Daniels, DeWeese, Koetje, Richner, Schermesser, Frank, Bovin, Hummel, Clarke, Reeves, Hardman, Plakas, Phillips and Rivet offered the following resolution:

House Resolution No. 395.

A resolution honoring the exemplary accomplishments and successes at Kettering University of Flint, Michigan.

Whereas, Kettering University was founded as the School of Automotive Trades in 1919 and became the Flint Institute of Technology in 1923. It was joined to General Motors Corporation in 1926 and the name changed to General Motors Institute (GMI). In 1982, General Motors transformed the school and GMI Engineering & Management Institute became an independent operation. GMI Engineering & Management Institute became Kettering University on January 1, 1998. The new name honored a man important in America’s heritage of industrial innovation, Charles F. “Boss” Kettering; and

Whereas, Today, Kettering University continues to build on the heritage of General Motors Institute and its professional cooperative education. They have 2,500 undergraduate students, who choose from 10 academic majors. The most popular majors are mechanical engineering, electrical engineering, and computer engineering. Approximately 600 undergraduate students each year are from other states and a dozen different countries. Kettering University also has 800 graduate students majoring in engineering, management, manufacturing management, and operations management; and

Whereas, Kettering University is one of the top producers of undergraduate mechanical engineers in the United States. They also produces leaders in applied mathematics, applied physics, computer science, environmental chemistry, industrial engineering, management, and manufacturing engineering. Kettering University students are among the best science and math students in the country. There are almost 30,000 alumni, including CEOs and top executives in some of the most prestigious businesses in the country; and

Whereas, Kettering University's brand of cooperative education continues to receive recognition through a number of grants and contributions that enhance academic programming. It is considered among the top specialty schools in the nation; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the exemplary accomplishments and successes at Kettering University of Flint, Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Kettering University of Flint, Michigan as a token of our admiration.

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 Insurance and Financial Services, by Rep. Richner, Chair, reported

Senate Bill No. 1007, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 514.

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 1007 To Report Out:

Yeas: Reps. Richner, Bisbee, Ehardt, Hager, Hummel, Middaugh, Van Woerkom, Anderson, Clark, Woodward,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Richner, Chair of the Committee on Insurance and Financial Services, was received and read:

Meeting held on: Wednesday, April 10, 2002, at 10:30 a.m.,

Present: Reps. Richner, Bisbee, Ehardt, Hager, Hummel, Middaugh, Van Woerkom, Anderson, Clark, Woodward,

Absent: Reps. DeWeese, Scranton, Wojno, Daniels, Schermesser,

Excused: Reps. DeWeese, Scranton, Wojno, Daniels, Schermesser.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

House Bill No. 4072, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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 4072 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Bob Brown, Minore,

Nays: Reps. Quarles, Basham.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 860, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 12 and 16 (MCL 125.1662 and 125.1666), section 12 as amended by 1983 PA 86 and section 16 as amended by 1996 PA 269.

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 860 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 861, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 14 (MCL 125.2164), as amended by 1996 PA 270.

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 861 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 862, entitled

A bill to amend 1986 PA 59, entitled "Resort district rehabilitation act," by amending sections 8 and 14 (MCL 125.2208 and 125.2214), section 8 as amended by 1996 PA 209.

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 862 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 864, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 11 and 12 (MCL 207.631 and 207.632), as amended by 1993 PA 58.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

SB 864 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 865, entitled

A bill to amend 1989 PA 186, entitled "County department of solid waste management act," by amending sections 7, 8, and 9 (MCL 45.587, 45.588, and 45.589).

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 865 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 866, entitled

A bill to amend 1917 PA 298, entitled "An act to authorize cities and villages to levy a tax for the purpose of collecting and disposing of garbage; and providing for the issuance of bonds therefor," by amending section 1 (MCL 123.261).

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 866 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 867, entitled

A bill to amend 1951 PA 266, entitled "The garbage disposal act," by amending sections 4 and 7 (MCL 123.364 and 123.367), section 7 as amended by 1983 PA 28.

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 867 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 868, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending sections 7, 9, and 12c (MCL 124.287, 124.289, and 124.292c), section 7 as amended by 1981 PA 154, section 9 as amended by 1994 PA 36, and section 12c as amended by 1983 PA 30.

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 868 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 869, entitled

A bill to amend 1992 PA 173, entitled "Land reclamation and improvement authority act," by amending section 32 (MCL 125.2482).

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 869 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 966, entitled

A bill to amend 1937 PA 79, entitled "An act to authorize any municipality, as herein defined, to borrow money and issue notes in anticipation of the collection of revenues other than taxes and special assessments; and to prescribe the powers and duties of certain state departments, commissions, and officials," by amending sections 2, 3, and 4 (MCL 141.222, 141.223, and 141.224), section 3 as amended by 1983 PA 50; and to repeal acts and parts of acts.

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 966 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 967, entitled

A bill to amend 1943 PA 143, entitled "An act to empower boards of county road commissioners to borrow money in anticipation and upon the faith and credit of future receipts of revenues, derived from certain state collected taxes, for the purpose of purchasing road machinery or equipment or for improvement of county highways or for general county road purposes," by amending sections 1 and 2 (MCL 141.251 and 141.252), section 1 as amended by 1983 PA 51; and to repeal acts and parts of acts.

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 967 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 968, entitled

A bill to amend 1969 PA 121, entitled "An act to authorize counties, cities, townships and villages to issue bonds or notes, and pledge deferred income from sale of capital assets, due and payable but which has not been received, for the payment of principal and interest thereon; and to authorize the county, city, township or village to pledge its full faith and credit for the payment of the bonds or notes," by amending sections 2 and 3 (MCL 141.382 and 141.383), section 3 as amended by 1983 PA 52.

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 968 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 969, entitled

A bill to amend 1985 PA 217, entitled "An act to establish an employee-owned corporation revolving loan fund; to prescribe the powers and duties of certain state departments and employee-owned corporations; and to make an appropriation," (MCL 450.801 to 450.815).

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 969 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 970, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24e (MCL 211.24e), as amended by 1995 PA 42.

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 970 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 972, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 87b (MCL 211.87b), as amended by 1994 PA 189.

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 972 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 974, entitled

A bill to amend 1939 PA 342, entitled "County public improvement act of 1939," by amending sections 5a and 5c (MCL 46.175a and 46.175c), section 5c as amended by 1983 PA 183.

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 974 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 975, entitled

A bill to amend 1965 PA 261, entitled "An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions," by amending section 17 (MCL 46.367), as amended by 1983 PA 177.

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 975 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 976, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 3, 4a, 5, and 5f (MCL 117.3, 117.4a, 117.5, and 117.5f), section 3 as amended by 1999 PA 260, section 4a as amended by 1994 PA 324, section 5 as amended by 1988 PA 268, and section 5f as amended by 1990 PA 231.

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 976 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 978, entitled

A bill to amend 1945 PA 344, entitled "An act to authorize counties, cities, villages and townships of this state to adopt plans to prevent blight and to adopt plans for the rehabilitation of blighted areas; to authorize assistance in carrying out such plans by the acquisition of real property, the improvement of such real property and the disposal of real property in such areas; to prescribe the methods of financing the exercise of these powers; and to declare the effect of this act," by amending sections 7a and 7b (MCL 125.77a and 125.77b), section 7a as amended by 1983 PA 32 and section 7b as amended by 1986 PA 320.

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 978 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 979, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 33 (MCL 125.233), as added by 1996 PA 569.

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 979 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

Senate Bill No. 980, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 33 (MCL 125.303), as added by 1996 PA 570.

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 980 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Cassis, Chair of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, April 10, 2002, at 10:30 a.m.,

Present: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, O'Neil,

Absent: Rep. Wojno,

Excused: Rep. Wojno.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, March 21:

Senate Bill Nos. 1208 1209 1210

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, March 22:

Senate Bill Nos. 1211 1212 1213 1214 1215 1216

The Clerk announced that the following Senate bill had been received on Wednesday, April 10:

Senate Bill No. 1206

By unanimous consent the House returned to the order of

Messages from the Senate

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 2973.

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

The House agreed to the full title.

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

House Bill No. 5480, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 297f.

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

The House agreed to the full title.

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

House Bill No. 5525, entitled

A bill to amend 1964 PA 283, entitled "Weights and measures act of 1964," by amending sections 1, 2, 8, 10a, 10b, and 31 (MCL 290.601, 290.602, 290.608, 290.610a, 290.610b, and 290.631), sections 2 and 8 as amended by 1982 PA 260 and section 31 as amended by 1986 PA 194, and by adding sections 9a, 9b, 28c, and 31a; and to repeal acts and parts of acts.

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

The House agreed to the full title.

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

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

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

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 Senate has amended the bill as follows:

1. Amend page 7, following line 18, enacting section 1, after "effect" by striking out "April" and inserting "May".

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

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

Senate Bill No. 1206, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 76116 (MCL 324.76116), as added by 1995 PA 58.

The Senate has passed the bill.

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

House Bill No. 5763, entitled

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

The Senate has appointed Senators DeGrow, Emmons and Cherry as conferees to join with Reps. Rick Johnson, Bisbee and Thomas.

The bill was referred to the second Conference Committee on April 10, 2002.

Messages from the Governor

The following message from the Governor was received March 27, 2002 and read:

**EXECUTIVE ORDER
No. 2002 - 5**

GOVERNOR'S WORKFORCE COMMISSION

MICHIGAN WORKFORCE INVESTMENT BOARD

DEPARTMENT OF CAREER DEVELOPMENT

EXECUTIVE REORGANIZATION

WHEREAS, Article V, Section 1 of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for effective administration; and

WHEREAS, the current Governor's Workforce Commission was established by Executive Order 1994-26, being Section 408.48 of the Michigan Compiled Laws; to advise the Governor and the then Chief Executive Officer of the Michigan Jobs Commission on matters regarding workforce development with all the authority, powers, duties, functions, and responsibilities of the Governor's Workforce Commission created under Executive Order 1993-3; and

WHEREAS, Executive Order 1999-1, being Section 408.40 of the Michigan Compiled Laws; transferred all of the authority, powers, duties, functions and responsibilities of the Governor's Workforce Commission to the Department of Career Development by a Type II transfer as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws; and

WHEREAS, the federal Workforce Investment Act of 1998, 29 USC 2801 et seq., was enacted “to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation” (29 USC 2811); and

WHEREAS, as a condition of receiving federal funds, the Workforce Investment Act of 1998 requires each state to establish a state workforce investment board or designate an alternative entity for carrying out duties related to statewide workforce investment activities (29 USC 2821); and

WHEREAS, prior to this Order, the Governor’s Workforce Commission served as the alternative entity required under Section 111 of the Workforce Investment Act of 1998 (29 USC 2821); and

WHEREAS, changes in the structure of the Governor’s Workforce Commission are needed to reflect the current organization of state government; and

WHEREAS, federal law requires the state to adopt a prescribed state workforce investment board model in order to effect these changes; and

WHEREAS, the federally prescribed state workforce investment board model dictates the number of and types of members of the state workforce investment board; and

WHEREAS, it is necessary to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. DEFINITIONS

As used herein:

A. “Board” means the Michigan Workforce Investment Board established by this Executive Order.

B. “Department of Career Development” means the principal department of state government created by Executive Order 1999-1, being Section 408.40 of the Michigan Compiled Laws, or any act of the legislature enacted subsequent to the issuance of this order.

C. “Department of Community Health” means the principal department of state government created by Executive Order 1996-1, being Section 330.3101 of the Michigan Compiled Laws.

D. “Department of Consumer and Industry Services” means the principal department of state government created by Executive Order 1996-2, being Section 445.2001 of the Michigan Compiled Laws.

E. “Family Independence Agency” means the principal department of state government created by Act No. 280 of the Public Acts of 1939, being Section 400.1 of the Michigan Compiled Laws.

F. “Governor’s Workforce Commission” means the entity established by Executive Order 1994-26, being Section 408.48 of the Michigan Compiled Laws.

G. “Local units of government” means counties, townships, cities, villages or federally-recognized Indian tribes.

H. “Member” means a member of the Board appointed by the Governor, the Speaker of the House, or the Senate Majority Leader, as required by federal statute and regulation. “Member” also means the Governor and other state officials listed in Section II.C.4.h. of this order who also serve as board members as required by federal statute and regulation.

I. “One-Stop Partner” means the lead state agency with responsibility for the following programs and activities described in Section 121(b) of the federal Workforce Investment Act of 1998 (29 USC 2841(b)) and any federal regulations issued pursuant to the Act. Where no state agency has responsibility for such a program or service, a one-stop partner means an entity in the state with expertise relating to such a program. Those programs and activities include:

1. Programs authorized under Title I of the federal Workforce Investment Act of 1998, being 29 USC 2801 et seq., which provide the framework for state and local workforce investment systems and funding streams for services to youths, adults and dislocated workers.

2. Programs authorized under the Wagner-Peyser Act, 29 USC 49 et seq., which establish and maintain a national system of public employment offices, for which the Department of Career Development is the lead state agency.

3. Programs authorized under the Adult Education and Family Literacy Act, 20 USC 9201 et seq., which establish partnerships among the federal government, states and localities to provide adult education and literacy services, for which the Department of Career Development is the lead state agency.

4. Programs authorized under Title I of the Rehabilitation Act of 1973, 29 USC 720 et seq., which assist states in operating statewide comprehensive programs of vocational rehabilitation, for which the Department of Career Development is the lead state agency.

5. Programs authorized under section 403(a)(5) of the Social Security Act, 42 USC 603(a)(5), which establish block grants to states for temporary assistance for needy families, for which the Department of Career Development is the lead state agency.

6. Programs authorized under Title V of the Older Americans Act of 1965, 42 USC 3056 et seq., which promote useful part-time opportunities in community service activities for unemployed low-income persons age 55 or older in order to foster economic self-sufficiency, for which the Department of Community Health is the lead state agency.

7. Programs authorized under the Carl D. Perkins Vocational and Applied Technology Education Act, 20 USC 2301 et seq., which develop the academic, vocational and technical skills of secondary students and post-secondary students enrolled in vocational and technical education programs, for which the Department of Career Development is the lead state agency.
8. Programs authorized under chapter 2 of Title II of the Trade Act of 1974, 19 USC 2271 et seq., which assist and retrain workers unemployed as a result of foreign competition, for which the Department of Career Development is the lead state agency.
9. Activities authorized under Chapter 41 of Title 38 of the United States Code, 38 USC 4100 et seq., which provide job counseling, training and placement service for veterans, for which the Department of Career Development is the lead state agency.
10. Programs authorized under the Community Services Block Grant Act, 42 USC 9901 et seq., which provide assistance to states and local communities, community action agencies and other neighborhood-based organizations, to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-sufficient, for which the Family Independence Agency is the lead state agency.
11. Employment and training activities of the Department of Housing and Urban Development, which provide services and resources to families eligible for public housing to achieve economic independence and self-sufficiency.
12. Programs authorized under state unemployment compensations laws, for which the Department of Consumer and Industry Services is the lead state agency.

II. CREATION OF THE MICHIGAN WORKFORCE INVESTMENT BOARD

A. Consistent with the provisions of the federal Workforce Investment Act of 1998 and regulations issued pursuant to the Act, the Michigan Workforce Investment Board is hereby created within the Michigan Department of Career Development as a Type II entity as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. The Board shall have fifty-three (53) members.

C. The membership of the Board shall be as provided in Section 111(b) of the Workforce Investment Act (29 USC 2821(b)) and regulations issued pursuant to the Act as follows:

1. The Governor.

2. Two (2) members of the Michigan Senate appointed by the Senate Majority Leader.

3. Two (2) members of the Michigan House of Representatives appointed by the Speaker of the House of Representatives.

4. Appointees of the Governor as follows:

a. Twenty-seven (27) members from lists of nominees submitted by state business organizations and business trade associations, who shall be business owners, chief executive or operating officers, or other business executives with optimum policy-making or hiring authority within their respective business including members of local boards described in Section 2832 (b)(2)(A)(i) of Title 29 of the United States Code.

b. Two (2) chief elected officials of local units of government.

c. Two (2) members representing state labor organizations from a list of six (6) individuals who have been nominated by state labor federations.

d. Two (2) members who have experience with respect to youth activities.

e. Two (2) members who have expertise in the delivery of workforce investment activities, who may include the chief executive officers of community colleges or community-based organizations.

f. One (1) member to represent K-12 school districts or public school academies as defined by the Revised School Code, Act No. 451 of the Public Acts of 1976, as amended, being Section 380.1 et seq. of the Michigan Compiled Laws.

g. One (1) member to represent intermediate school districts as defined by the Revised School Code, Act No. 451 of the Public Acts of 1976, as amended, being Section 380.1 et seq. of the Michigan Compiled Laws.

h. Four (4) members representing the lead state agencies, or their successor agencies, with responsibility for one-stop programs, as follows:

i. the Director of the Department of Career Development,

ii. the Director of the Department of Community Health,

iii. the Director of the Department of Consumer and Industry Services, and

iv. the Director of the Family Independence Agency.

i. Five (5) members appointed by the Governor to represent other one-stop partners as required by the federal Workforce Investment Act, including representatives of the Department of Housing and Urban Development, the Workforce Investment Act Job Corps program, the Workforce Investment Act Native American Programs, the Workforce Investment Act Migrant and Seasonal Farmworker Programs, and Workforce Investment Act Youth Opportunity Grant Program.

j. Two (2) members of the general public appointed by the Governor.

D. An individual appointed to serve as a Board member shall serve only while serving in the office of the respective organization, agency or entity in subparagraphs C.2. through C.4. that qualifies him or her for membership on the Board.

E. All members of the Board shall be individuals with optimum policymaking authority within the organizations, agencies or entities that they represent as required by federal statute and regulation.

F. The Board shall represent geographically diverse regions of Michigan to the extent required by federal statute and regulation.

G. Except as otherwise provided in this subsection, members of the Board shall hold office for a term of three (3) years.

1. Members appointed from Michigan House of Representatives and the Michigan State Senate shall serve a term during the term of the legislature in which they were appointed.

2. Of the members initially appointed to represent Michigan business entities, nine (9) members shall be appointed for a term of three (3) years, nine (9) members shall be appointed for a term of two (2) years, and nine (9) members shall be appointed for a term of one (1) year.

3. The members initially appointed as chief elected officials of local units of government shall be appointed for a term of two (2) years.

4. The members initially appointed to represent youth activities shall be appointed for a term of two (2) years.

5. The members initially appointed to represent workforce investment activities shall be appointed for a term of one (1) year.

6. The member initially appointed to represent K-12 school districts shall be appointed for a term of one (1) year.

7. The member initially appointed to represent intermediate school districts shall be appointed for a term of one (1) year.

8. The members initially appointed to represent other one-stop partners shall be appointed for a term of one (1) year.

H. A vacancy on the commission caused by the expiration of a term or other cause of termination of membership on the commission shall be filled in the same manner as the original appointment.

I. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she is to succeed in the same manner as the original appointment. A member may be reappointed for additional terms.

III. CHARGE TO THE MICHIGAN WORKFORCE INVESTMENT BOARD

A. The Board shall be advisory in nature and shall assist the Governor with the following functions as described in Section 111(d) of the federal Workforce Investment Act of 1998 (29 USC 2821(d)) and any regulations issued pursuant to the Act:

1. Development of the state Workforce Investment Act plan.

2. Development and continuous improvement of a statewide workforce investment system involving:

a. Formation of linkages to assure coordination of effort and to prevent duplicative activity among programs and services available through the one-stop delivery system; and

b. Review of local Workforce Investment Act plans.

3. Provide comments on the state performance measures taken pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act, 20 USC 2323(b.)

4. Designation of local workforce investment areas.

5. Development of allocation formulas for the distribution of funds to local workforce investment areas for adult employment and training activities and youth activities.

6. Development and continuous improvement of comprehensive state performance measures to assess the effectiveness of state workforce investment activities, including state adjusted levels of performance.

7. Preparation of the state's Workforce Investment Act annual report.

8. Development of the statewide employment statistics system.

9. Development of a Workforce Investment Act incentive grant application and application process.

B. The Board shall also advise the Director of the Department of Career Development on the operation of the following programs:

1. The Work First Program, authorized by Section 57f of the Social Welfare Act, Act No. 280 of the Public Acts of 1939, as amended, being Section 400.57f of the Michigan Compiled Laws.

2. The Food Stamp Employment and Training Program, authorized under the federal Food Stamp Act of 1977, as amended by the Balanced Budget Act of 1997, 7 USC 2015 (d)(4).

3. The Career Preparation System, authorized under Sections 67 and 68 of the School Aid Act, Act No. 94 of the Public Acts of 1979, as amended, being Sections 388.1667 and 388.1668 of the Michigan Compiled Laws.

4. The North American Free Trade Agreement Transitional Adjustment Assistance Program, authorized under chapter 2 of Title II of the Trade Act of 1974, 19 USC 2271 et seq.

5. The Adult Education Programs, authorized under Sections 107 and 108 of the School Aid Act, Act No. 94 of the Public Acts of 1979, as amended, being Sections 388.1707 and 388.1708 of the Michigan Compiled Laws.

IV. OPERATIONS OF THE MICHIGAN WORKFORCE INVESTMENT BOARD

A. A majority of the members of the Board shall be representatives of Michigan business entities as required by federal statute and regulation.

B. As required by federal statute and regulation, the Governor shall designate as chairperson of the Board a member representing state business entities who shall serve at the pleasure of the Governor.

C. The Board may promulgate bylaws, not inconsistent with law and with this Order, governing its organization, operation and procedure.

D. A majority of the serving members consisting of a majority of members representing state business entities constitutes a quorum for the transaction of business at a meeting. Members participating in a meeting by the use of telephonic or video equipment shall be deemed present at the meeting. The Board shall act by a majority vote of its members. Voting shall be conducted in person or by use of telephonic or video equipment.

E. The Board shall meet at the call of the chairperson and as may be provided in the bylaws of the Board. Meetings of the Board may be held at any location within the state of Michigan. Gubernatorial appointees unable to comply with attendance requirements specified in the Board's bylaws, upon request of the chair, shall resign from the board.

F. The Board may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public.

G. The Board may establish one or more subcommittees consisting of Board members to investigate and analyze specific issues, consistent with the charge to the Board contained in Section III of this order. The chair of the Board shall designate the members of each subcommittee established by the Board. Subcommittees shall recommend proposed actions, plans, comments, formulas, measures, reports or policies to the Board, consistent with the Board's charge. The Board may adopt, reject or modify recommendations proposed by subcommittees.

H. Members of the Board shall serve without compensation. Members of the Board may receive reimbursement for necessary travel and expenses according to the relevant procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Board may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Board and the performance of its duties as the Director of the Department of Career Development may deem advisable and necessary, in accordance with the relevant statutes, rules and procedures of the Civil Service Commission and the Department of Management and Budget.

J. Subject to appropriations and other applicable law, the Board may apply for, receive and expend monies from any source, public or private, including but not limited to, gifts, grants, donations of monies and government appropriations. The Board may also accept donations of labor, services or other things of value from any public or private agency or person.

K. Members of the Board shall refer all legal, legislative and media contacts to the Department of Career Development.

L. The Board shall be staffed by personnel within the Department of Career Development, as designated by the Director.

M. The Auditor General, or a certified public accountant appointed by the Auditor General, may annually conduct and remit to the Governor and the Legislature an audit of the Board and, in the conduct of the audit, shall have access to records of the Board at any time.

V. MISCELLANEOUS

A. All departments, boards, commissioners, or officers of the state or of any political subdivision thereof shall give to the Board, or to any member or representative thereof, any necessary assistance required by the Board, or any member of representative thereof, in the performance of the duties of the Board so far as is compatible with its, his or her duties; free access shall also be given to any books, records or documents in its, his or her custody, relating to matters within the scope of inquiry, study or investigation of the Board.

B. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

D. The Governor's Workforce Commission, established by Executive Order 1994-26, is hereby abolished.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days after filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 27th day of March, in the Year of our Lord, Two Thousand Two.

John Engler

Governor

By the Governor:

Candice S. Miller

Secretary of State

The following message from the Governor was received March 27, 2002 and read:

EXECUTIVE ORDER
No. 2002 - 6

MICHIGAN STATE SAFETY COMMISSION

GOVERNOR'S TRAFFIC SAFETY ADVISORY COMMISSION

DEPARTMENT OF STATE POLICE

EXECUTIVE REORGANIZATION

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, certain functions, duties and responsibilities currently assigned to the Michigan State Safety Commission can be more effectively carried out by a new Governor's Traffic Safety Advisory Commission; and

WHEREAS, it is necessary in the interests of efficient administration and the effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. DEFINITIONS

As used herein:

A. The "Department of State Police" means the principal department created by Section 2 of Act No. 59 of the Public Acts of 1935, as amended, being Section 28.2 of the Michigan Compiled Laws; and by Section 150 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.250 of the Michigan Compiled Laws.

B. The "Michigan State Safety Commission" means the entity created by Section 1 of Act No. 188 of the Public Acts of 1941, as amended, being Section 256.561 et seq. of the Michigan Compiled Laws; that was subsequently transferred to the Department of State Police pursuant to a Type II transfer by Section 155 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.255 of the Michigan Compiled Laws.

II. CREATION OF THE GOVERNOR'S TRAFFIC SAFETY ADVISORY COMMISSION

A. The Governor's Traffic Safety Advisory Commission is hereby created as a Type II entity within the Department of State Police, Office of Highway Safety Planning.

B. All the authority, powers, duties, functions and responsibilities of the Michigan State Safety Commission, including, but not limited to, the statutory authority, powers, duties, functions and responsibilities set forth in Act No. 188 of the Public Acts of 1941, as amended, being Section 256.561 et seq. of the Michigan Compiled Laws, are hereby transferred to the Governor's Traffic Safety Advisory Commission by a Type III transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws. The Michigan State Safety Commission is hereby abolished.

C. The Governor's Traffic Safety Advisory Commission shall consist of eleven (11) members as follows:

1. The Governor, or the designee of the Governor;
2. The Director of the Department of Community Health, or the designee of the Director of the Department of Community Health;
3. The Director of the Department of Education, or the designee of the Director of the Department of Education;
4. The Secretary of State, or the designee of the Secretary of State;
5. The Director of the Department of State Police, or the designee of the Director of the Department of State Police;
6. The Director of the Department of Transportation, or the designee of the Director of the Department of Transportation;
7. The Director of the Office of Services to the Aging, or the designee of the Director of the Office of Services to the Aging;
8. The Executive Director of the Office of Highway Safety Planning; and
9. Three (3) representatives of local units of government, appointed by the Governor, with the advice and consent of the Senate, as follows:
 - a. An individual selected under this provision shall serve as a commission member only while serving as an elected official or employee of a local unit of government.

- b. Except as otherwise provided, members of the Commission appointed under this provision shall hold office for a term of three (3) years. Of the members initially appointed, one (1) member shall be appointed for a term of three (3) years, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year.
 - c. A vacancy in a position on the commission created by this provision and caused by the expiration of a term or termination of the member's position as an elected official or employee of a local unit of government shall be filled in the same manner as the original appointment.
 - d. A member appointed under this provision to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she is to succeed in the same manner as the original appointment. A member may be reappointed for additional terms.
10. The Governor shall designate one (1) member of the Commission to serve as chairperson. This member shall serve as Chair at the pleasure of the Governor.
- D. The Commission shall identify traffic safety challenges, and develop, promote and implement strategies to address those challenges. Specifically, the Commission shall:
- 1. Develop comprehensive solutions to traffic safety challenges through partnerships with all levels of government and the private sector;
 - 2. Maximize and coordinate the use of existing financial resources, including federal highway safety planning funds administered by the Office of Highway Safety Planning;
 - 3. Manage resources devoted to traffic safety research, ensure that research programs are effective, and identify additional needs for traffic safety research;
 - 4. Develop and implement a communications plan that increases public awareness regarding traffic safety issues and the Commission's activities addressing traffic safety issues;
 - 5. Promote traffic safety education through programs developed in cooperation with the Michigan Department of Education; and
 - 6. Encourage the use of collaborative activities in addressing traffic safety issues by identifying and recognizing best practices used by traffic safety organizations in the state.
- E. The Commission shall meet at least once annually and more frequently as the Chair of the Commission deems necessary.
- F. The Commission may adopt rules of procedure, not inconsistent with Michigan law and with this Executive Order, governing its organization and operations. A majority of the serving members constitutes a quorum for the transaction of business at a meeting, notwithstanding the existence of one (1) or more vacancies. Voting upon actions taken by the Commission shall be conducted by a majority vote.
- G. Members of the Commission shall not receive compensation, but may receive reimbursement for necessary travel and expenses for the performance of Commission functions, based on existing state rates.
- III. MISCELLANEOUS**
- A. The Director of the Department of State Police shall provide executive direction and supervision for the implementation of all transfers of authority made under this Order.
- B. The Director of the Department of State Police shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.
- C. The Director of the Department of State Police shall immediately initiate coordination with the Michigan State Safety Commission to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.
- D. All records, personnel, property, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan State Safety Commission for the activities, powers, duties, functions and responsibilities transferred to the Governor's Traffic Safety Advisory Commission by this Order are hereby transferred to the Governor's Traffic Safety Advisory Commission.
- E. The Director of the Department of State Police, may by written instrument delegate a duty or power conferred by this Order, and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Department of State Police.
- F. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.
- G. All rules, orders, contracts, grants and agreements relating to the functions transferred to the Governor's Traffic Safety Advisory Commission by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended or rescinded.
- H. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.
- I. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days from the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 27th day of March, in the Year of our Lord, Two Thousand Two.

John Engler
Governor
By the Governor:
Candice S. Miller
Secretary of State

The message was referred to the Clerk.

The following message from the Governor, approving and signing the following bill at the time designated below, was received and read:

Date: April 9, 2002
Time: 4:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5335 (Public Act No. 163, I.E.), being

An act to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 2, 558, 561, 590f, 691, 696, and 971 (MCL 168.2, 168.558, 168.561, 168.590f, 168.691, 168.696, and 168.971), section 2 as amended by 1999 PA 216, section 558 as amended by 1999 PA 217, section 590f as added by 1988 PA 116, and section 971 as amended by 2002 PA 91, and by adding section 560b; and to repeal acts and parts of acts.

(Filed with the Secretary of State April 9, 2002, at 4:40 p.m.)

Communications from State Officers

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

Notice of Filing
Administrative Rules

March 27, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:46 A.M. this date, administrative rule (02-03-08) for the Department of Agriculture, Fairs, Exhibitions and Racing Division, entitled “*Regulation 852, Upper Peninsula State Fair*”, effective 7 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Clerk.

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

April 8, 2002

I am pleased to transmit the annual report regarding brownfield plans and work plans submitted to the Department of Environmental Quality (DEQ) pursuant to the reporting requirements of Section 15 (12) of the Brownfield

Redevelopment Financing Act, 1996 PA 381, as amended. The report summarizes information provided by local Brownfield Redevelopment Authorities from January 1, 2001 through December 31, 2001.

Sincerely,
Russell J. Harding
Director
(517) 373-7917

The communication was referred to the Clerk.

Introduction of Bills

Rep. Gosselin introduced

House Bill No. 5871, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2612, 20101, 20145, 20161, 20164, 20165, 20166, 21420, 21551, and 21563 (MCL 333.2612, 333.20101, 333.20145, 333.20161, 333.20164, 333.20165, 333.20166, 333.21420, 333.21551, and 333.21563), section 2612 as added by 1990 PA 138, sections 20101 and 20166 as amended by 1988 PA 332, section 20145 as amended by 1993 PA 88, section 20161 as amended by 2000 PA 253, section 20164 as amended by 1990 PA 179, section 20165 as amended by 1998 PA 108, section 21420 as amended by 1982 PA 245, section 21551 as amended by 1990 PA 331, and section 21563 as added by 1990 PA 252; and to repeal acts and parts of acts.

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

Rep. Gosselin introduced

House Bill No. 5872, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 401 and 414a (MCL 550.1401 and 550.1414a), section 401 as amended by 2000 PA 26 and section 414a as amended by 1988 PA 345.

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

Rep. Gosselin introduced

House Bill No. 5873, entitled

A bill to amend 1969 PA 38, entitled "Hospital finance authority act," by repealing section 47 (MCL 331.77).

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

Rep. Gosselin introduced

House Bill No. 5874, entitled

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by repealing section 8t (MCL 331.8t).

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

Rep. Gosselin introduced

House Bill No. 5875, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 7 and 8 (MCL 24.207 and 24.208), section 7 as amended by 2000 PA 216 and section 8 as amended by 1999 PA 262.

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

Rep. Gosselin introduced

House Bill No. 5876, entitled

A bill to amend 1978 PA 323, entitled "Michigan health planning and health policy development act," by amending section 4 (MCL 325.2004).

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

Rep. Howell introduced

House Bill No. 5877, entitled

A bill to repeal 1905 LA 653, entitled "An act to provide the manner of voting by the members of the board of supervisors of Saginaw county."

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

Rep. Howell introduced

House Bill No. 5878, entitled

A bill to repeal 1903 LA 540, entitled "An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties."

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

Rep. Kuipers introduced

House Bill No. 5879, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 627, 1204a, 1277a, 1279, 1280, and 1280b (MCL 380.627, 380.1204a, 380.1277a, 380.1279, 380.1280, and 380.1280b), section 627 as amended by 1995 PA 289, section 1204a as amended by 1996 PA 159, section 1277a as added by 1993 PA 335, section 1279 as amended by 1997 PA 175, section 1280 as amended by 1997 PA 180, and section 1280b as added by 2000 PA 230, and by adding part 20c; and to repeal acts and parts of acts.

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

Rep. Palmer introduced

House Bill No. 5880, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending sections 4 and 9 (MCL 390.1454 and 390.1459).

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

Rep. LaSata introduced

House Bill No. 5881, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 22b, 96, and 104a (MCL 388.1622b, 388.1696, and 388.1704a), section 22b as amended by 2001 PA 121, section 96 as added by 2000 PA 297, and section 104a as amended by 1999 PA 119.

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

Announcements by the Clerk

April 5, 2002

The Honorable Candice S. Miller
Secretary of State
Lansing, Michigan 48918

Dear Madam:

Attached is a copy of Enrolled House Bill No. 5118, which was presented to the Governor at 3:44 p.m. on March 22, 2002.

The time for approval or veto of this enrolled bill having expired at 3:44 p.m. on April 5, 2002 and no message from the Governor having been received by the House, the bill has, pursuant to the Constitution, become law without his signature.

Respectfully yours,
Gary L. Randall, Clerk
House of Representatives

(Filed with the Secretary of State April 5, 2002 at 3:51 p.m.)
This enrolled act was assigned Public Act No. 148, I.E.

Quorum Call

Rep. Patterson questioned the presence of a quorum and moved that the roll be called and printed in the Journal. The motion prevailed.
The roll was called and the Clerk announced that a quorum was present.
The following is the roll call:

Roll Call No. 448

Yeas—92

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

In The Chair: Julian

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

Pending the Second Reading of
House Bill No. 4800, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 501, 502, 503, 504, 504a, 506, 507, 1701a, and 1711 (MCL 380.501, 380.502, 380.503, 380.504, 380.504a, 380.506, 380.507, 380.1701a, and 380.1711), sections 501, 502, 503, 504a, and 507 as amended by 1995 PA 289, sections 504 and 1701a as amended by 1994 PA 416, and section 506 as added by 1993 PA 362, and by adding sections 503b, 1320, and 1814.

Rep. Patterson moved that the bill be re-referred to the Committee on Education.
The motion prevailed.

Rep. Patterson moved that when the House adjourns today it stand adjourned until Thursday, April 11, at 12:01 a.m.
The motion prevailed.

Rep. Frank moved that the House adjourn.
The motion prevailed, the time being 11:59 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Thursday, April 11, at 12:01 a.m.

GARY L. RANDALL
Clerk of the House of Representatives.