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House Chamber, Lansing, Thursday, March 3, 2005.

10:30 a.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.

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—present	Rocca—present
Adamini—present	Farhat—present	Lemmons, Jr.—present	Sak—present
Amos—present	Farrah—present	Lipsey—present	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—excused	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—excused
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—excused	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—excused	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—excused	Kehrl—present	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—present	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—present
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—present		

e/d/s = entered during session

Rep. Brenda Clack, from the 34th District, offered the following invocation:

“Our heavenly Father, as we gather here in this place today, let us feel Your power, the power that is ever present. The power that is almighty and omnipotent. Give us the knowledge to make the best decisions for the people in this state. We, in this house are Your servants and we ask You to help us do Your will. As we sit on two sides of the aisle, open our hearts and minds as we make decisions for the children of Michigan. Guide our hearts and minds as we make tough decisions about the lives of those in our prisons. Allow us to think of ourselves in the future as we currently make decisions for our seniors, for they affect us later. And lastly, give us the spirit to not only respect, but love each other as brothers and sisters in these hallowed halls. Amen.”

Rep. Sak moved that Reps. Cushingberry, Hood, Hunter, McConico and Virgil Smith be excused from today’s session.

The motion prevailed.

Second Reading of Bills

House Bill No. 4100, entitled

A bill to amend 1846 RS 2, entitled “Of the legislature,” by amending section 4 (MCL 4.84).
The bill was read a second time.

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

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

Rep. Cushingberry moved to amend the bill as follows:

1. Amend page 1, line 4, after “court,” by inserting “**JUDGE OF THE COURT OF APPEALS,**”.

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

Rep. Cushingberry moved to amend the bill as follows:

1. Amend page 1, line 5, after “**COURT,**” by inserting “**JUDGE OF THE PROBATE COURT,**”.

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

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

The motion prevailed.

House Bill No. 4413, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16 (MCL 770.16), as added by 2000 PA 402.

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

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

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

The motion prevailed.

Rep. Stakoe moved that House Committees be given leave to meet during the balance of today’s session.

The motion prevailed.

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 on Wednesday, March 2:

Senate Bill Nos. 257 258 259 260 261 262

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, March 3:

House Bill Nos. 4434 4435 4436 4437 4438 4439 4440 4441 4442

Introduction of Bills

Rep. Pavlov introduced

House Bill No. 4443, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9105 (MCL 324.9105), as amended by 2000 PA 504.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Rep. Pavlov introduced

House Bill No. 4444, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9105 and 9106 (MCL 324.9105 and 324.9106), as amended by 2000 PA 504, and by adding sections 9106a and 9115a.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Reps. Gaffney, Whitmer, Gosselin, Hune, Stahl, Taub, Stakoe, Rocca, Gleason, Emmons, Farrah, Plakas, Ward and Lemmons, III introduced

House Bill No. 4445, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 675e.

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

Reps. Robertson, Garfield, Palmer, Hoogendyk, Drolet, Gosselin, Schuitmaker, Acciavatti, Sheltroun, Baxter, Jones, LaJoy, Stahl, Hummel, Hildenbrand, Taub, Elsenheimer, Stakoe, Vander Veen, Brandenburg, Huizenga, Shaffer, Green and Pastor introduced

House Bill No. 4446, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17015 (MCL 333.17015), as amended by 2002 PA 685.

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

Reps. Robertson, Baxter, Garfield, Gosselin, Taub, LaJoy, Marleau, Shaffer, Gleason, Sak, Nitz, Ball, Stahl and Lemmons, III introduced

House Bill No. 4447, entitled

A bill to amend 2004 PA 403, entitled "Michigan boxing regulatory act," by amending sections 11, 31, 33, 34, 47, 48, and 54 (MCL 338.3611, 338.3631, 338.3633, 338.3634, 338.3647, 338.3648, and 338.3654).

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

Reps. Gosselin, Garfield, Robertson, Shaffer, Drolet, Marleau, Caswell, Stahl, LaJoy, Baxter, Green and Hoogendyk introduced

House Bill No. 4448, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30305 (MCL 324.30305), as amended by 2003 PA 14.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Reps. Lemmons, III, Sheltroun, Cheeks, Murphy, McConico, Gleason, Anderson, Bieda, Accavitti, Condino, Wojno, Hunter, Gillard, Farrah, Donigan, Alma Smith, Lipsey, Plakas, Clack, Gaffney, Hune, McDowell, Cushingberry, Stewart, Vander Veen, Lemmons, Jr., Virgil Smith and Espinoza introduced

House Bill No. 4449, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2004 PA 462.

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

Rep. Robertson introduced

House Bill No. 4450, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 217 (MCL 257.217), as amended by 2002 PA 652.

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

Rep. Green introduced

House Bill No. 4451, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80320 (MCL 324.80320), as added by 1995 PA 58.

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

Rep. Hunter introduced

House Bill No. 4452, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 30d (MCL 125.2330d).

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

Rep. Dillon introduced

House Bill No. 4453, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81108 (MCL 324.81108), as added by 1995 PA 58.

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

Rep. Hune introduced

House Bill No. 4454, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9311 (MCL 440.9311), as amended by 2001 PA 145.

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

Reps. Murphy, Gonzales, Zelenko, Williams, Whitmer, McConico, Leland, Clemente, Condino, Tobocman, Farrah, Lipsey, Alma Smith, Clack, Cushingberry, Plakas and Hopgood introduced

House Bill No. 4455, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2227.

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

Reps. Baxter, Vagnozzi, Moore, Gosselin, Ward, Stahl, Green, Kahn and Huizenga introduced

House Bill No. 4456, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," (MCL 32.501 to 32.851) by adding section 234.

The bill was read a first time by its title and referred to the Committee on Veterans Affairs and Homeland Security.

Reps. LaJoy, Marleau, Stakoe, Palmer, Nofs, Stewart, Hansen, Robertson, Drolet, Ball, Pavlov and Gosselin introduced

House Bill No. 4457, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each

classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 9a (MCL 247.659a), as amended by 2002 PA 499.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Walker, Accavitti, Angerer, Booher, Casperson, Caul, Clack, Clemente, Emmons, Gleason, Gonzales, Gosselin, Hansen, Huizenga, Jones, Kahn, Kooiman, Lemmons, Jr., Meyer, Miller, Mortimer, Murphy, Newell, Nofs, Pearce, Proos, Sak, Sheen, Sheltroun, Spade, Taub, Vander Veen, Waters and Zelenko offered the following resolution:

House Resolution No. 30.

A resolution to memorialize Congress to enact legislation allowing the Department of Commerce (DOC) to help shield children by establishing and requiring the .xxx domain name for adult-only web sites.

Whereas, From 1983 to 1998, the federal government managed the Internet, including the Domain Name System (DNS), a central coordinating body that assigns unique e-mail and web site addresses so that the network runs smoothly. As the Internet evolved from a small-scale system of links among American academic institutions into a mainstream international communications, educational, and electronic commerce medium, the federal government concluded that it should no longer manage its development. In 1998, the United States Department of Commerce (DOC), in an effort to establish global standards and consensus-based policies, agreed to a Memorandum of Understanding (MOU) with the California-based private sector, nonprofit corporation called the Internet Corporation of Assigned Names and Numbers (ICANN). In part, the MOU calls for the joint development of the DNS in order to facilitate its future transfer to the private sector; and

Whereas, While the DOC continues to serve as the steward of the DNS during its transition to private sector management, it does not regulate ICANN, play a vital role in ICANN's internal governance or day-to-day operations, or intervene in ICANN activities unless the corporation's actions are inconsistent with the MOU. The only way that the department can influence ICANN decisions is either to not renew the MOU, which expires September 30, 2006, or through informal discussion with corporation officials; and

Whereas, In 2001, ICANN approved seven new top-level domain names, but refused to approve the .xxx domain name, which would have provided a cyber sanctuary to protect children from the corrupting influences of on-line pornography. To protect children, Congress has the authority to direct the DOC to establish and operate the second-level .xxx domain name within the United States. The .xxx domain name will safeguard children by allowing parents and libraries to employ filtering or blocking software technologies; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact legislation allowing the Department of Commerce (DOC) to help shield children by establishing and requiring the .xxx domain name for adult-only web sites; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Commerce, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Commerce.

Reps. LaJoy, Baxter, Pavlov, Caul, Pearce, Acciavatti, Newell, David Law, Moore, Walker, Nofs, Pastor, Robertson, Taub, Brandenburg, Vander Veen, Casperson, Stewart, Stahl, Steil, Gaffney, Jones, Amos, Proos, Drolet, Mortimer, Marleau, Rocca, Ball and Kooiman offered the following resolution:

House Resolution No. 31.

A resolution to memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs.

Whereas, The sixth short-term extension of the federal road and transit funding authorization act known as the Transportation Equity Act for the 21st Century, or TEA 21, expires on May 31, 2005. The uncertainty regarding long-term federal funding hampers Michigan's ability to effectively plan investments in infrastructure and may contribute to delays in critical highway and transit projects; and

Whereas, Michigan has long been a "donor state," contributing a greater share to the Federal Highway Trust Fund and Mass Transit Account than the share of federal transportation funds returned for use in Michigan; and

Whereas, Last session, the United States Senate passed highway reauthorization legislation that would have provided \$318 billion for highways and transit systems nationwide over six years and increased Michigan's rate of return on our federal transportation taxes from 90.5 percent to 95 percent. In addition, the bill would have provided up to \$300 million more for Michigan transportation systems each year, and could have created several thousand new jobs. The House passed reauthorizing legislation that would have provided \$284 billion for highways and transit systems and would have reduced Michigan's rate of return below the current level of 90.5 percent. The Conference Committee narrowed the funding difference to between \$284 and \$299 billion, but left unresolved the question of funding equity for donor states such as Michigan; now, therefore, be it

Resolved by the House, That we memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Transportation.

Reps. LaJoy, Baxter, Pavlov, Caul, Pearce, Acciavatti, Newell, David Law, Moore, Walker, Nofs, Pastor, Robertson, Taub, Brandenburg, Vander Veen, Casperson, Stewart, Stahl, Steil, Gaffney, Jones, Amos, Proos, Drolet, Mortimer, Rocca, Marleau, Ball and Kooiman offered the following concurrent resolution:

House Concurrent Resolution No. 4.

A concurrent resolution to memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs.

Whereas, The sixth short-term extension of the federal road and transit funding authorization act known as the Transportation Equity Act for the 21st Century, or TEA 21, expires on May 31, 2005. The uncertainty regarding long-term federal funding hampers Michigan's ability to effectively plan investments in infrastructure and may contribute to delays in critical highway and transit projects; and

Whereas, Michigan has long been a "donor state," contributing a greater share to the Federal Highway Trust Fund and Mass Transit Account than the share of federal transportation funds returned for use in Michigan; and

Whereas, Last session, the United States Senate passed highway reauthorization legislation that would have provided \$318 billion for highways and transit systems nationwide over six years and increased Michigan's rate of return on our federal transportation taxes from 90.5 percent to 95 percent. In addition, the bill would have provided up to \$300 million more for Michigan transportation systems each year, and could have created several thousand new jobs. The House passed reauthorizing legislation that would have provided \$284 billion for highways and transit systems and would have reduced Michigan's rate of return below the current level of 90.5 percent. The Conference Committee narrowed the funding difference to between \$284 and \$299 billion, but left unresolved the question of funding equity for donor states such as Michigan; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Transportation.

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 2, 2005

Present: Reps. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stakoe, Chair, of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Wednesday, March 2, 2005

Present: Reps. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Accavitti, Donigan and Vagnozzi

Absent: Rep. Van Regenmorter

Excused: Rep. Van Regenmorter

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 3, 2005

Present: Reps. Casperson, Hildenbrand, Garfield, Nitz, Stakoe, Baxter, Rocca, McDowell, Sheltroun and Gillard

Absent: Rep. Espinoza

Excused: Rep. Espinoza

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, March 3, 2005

Present: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Rep. Stahl moved that the House adjourn.

The motion prevailed, the time being 11:40 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 8, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

