

No. 4
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House of Representatives
92nd Legislature
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House Chamber, Lansing, Thursday, January 30, 2003.

10:00 a.m.

The House was called to order by the Speaker.

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

Accavitti—present	Garfield—present	Meisner—present	Sheen—present
Acciavatti—present	Gieleghem—present	Meyer—present	Sheltrown—present
Adamini—present	Gillard—present	Middaugh—present	Shulman—present
Amos—present	Gleason—present	Milosch—present	Smith—present
Anderson—present	Hager—present	Minore—present	Spade—present
Bieda—present	Hardman—excused	Moolenaar—present	Stahl—present
Bisbee—present	Hart—present	Murphy—present	Stakoe—present
Bradstreet—present	Hood—present	Newell—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Nitz—present	Steil—present
Brown—present	Hopgood—present	Nofs—present	Stewart—present
Byrum—present	Howell—present	O’Neil—present	Tabor—present
Casperson—present	Huizenga—present	Paletko—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—excused	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—excused
DeRoche—excused	Koetje—present	Reeves—excused	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—excused
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present

e/d/s = entered during session

Rep. Stephen Adamini, from the 109th District, offered the following invocation:

“Dear God, Creator of us all, we thank You for the privilege of serving the citizens of our state in this body. We ask for the strength, humility, generosity, kindness and resources so that we may feed the hungry, provide drink for those who thirst, clothe those who lack for garments, comfort those who are sick and provide companionship for those who are outcasts. For if we do that for the least of those amongst us, we do it for You. God bless the United States of America. Amen.”

Rep. Palmer moved that Reps. DeRoche and Ward be excused from today’s session.
The motion prevailed.

Rep. Waters moved that Reps. Hardman, Jamnick, Reeves and Woodward 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. 11.

A resolution offered as a memorial for Jerry Kratz, State Representative from the Sixty-fifth District.

Whereas, The members and staff of the Michigan Legislature join with the people of his Jackson County community in expressing our shock at the passing of Representative Jerry Kratz. In our grief over the loss of this talented and energetic educator and public servant, we offer our heartfelt sympathies to his family; and

Whereas, Jerry Kratz devoted his entire life to others. He was first and foremost a teacher, whose passion for encouraging the next generations never waned. From his first job as an art teacher right out of college to his most recent efforts in sponsoring the House’s first bills this session—bills on education issues—Jerry Kratz stood up for children and families like the dad that he was. A graduate of Wayne State University with bachelor’s, master’s, and doctoral degrees, Jerry Kratz also distinguished himself as an able administrator, with service as a superintendent of the Novi Community School District from 1972 to 1980 and the Jackson Intermediate School District from 1980 to 2001; and

Whereas, Taking his energies and talents to the Michigan House of Representatives was a natural progression for Jerry Kratz. His innate enthusiasm and unselfishness became apparent to his new colleagues in short order. Indeed, with the character and warmth he had shared in early meetings at the Capitol, it is clear that Michigan has lost a most remarkable man. As we mourn the passing of one taken from us far too soon, however, we are deeply grateful for his gifts to our state over his lifetime as an educator; now, therefore, be it

Resolved by the House of Representatives, That we offer this standing accolade of tribute to honor the memory of our friend and colleague, Representative Jerry Kratz. May his family find some measure of comfort and peace in the realization that his unselfish life will long continue to touch others; and be it further

Resolved, That copies of this resolution be transmitted to the Kratz 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.

The Speaker called the Speaker Pro Tempore to the Chair.

Reps. Richardville and Waters offered the following concurrent resolution:
House Concurrent Resolution No. 4.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Wednesday, February 5, 2003, at 6:30 p.m., to receive the message of Governor Jennifer M. Granholm.

Pending the reference of the concurrent resolution to a committee, Rep. Richardville moved that Rule 77 be suspended and the concurrent resolution be considered at this time. The motion prevailed, 3/5 of the members present voting therefor. The question being on the adoption of the concurrent resolution, The concurrent resolution was adopted.

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

Rep. Howell offered the following resolution:

House Resolution No. 12.

A resolution to request the opinion of the Michigan Supreme Court on the constitutionality of certain questions of law pertaining to provisions of 2002 PA 678.

Whereas, Article III, Section 8 of the *Michigan Constitution of 1963* provides that either house of the legislature may request the opinion of the Supreme Court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted but before its effective date; and

Whereas, On December 25, 2002, Enrolled House Bill No. 6260, having been duly enacted by the Michigan Legislature, was signed by the Governor and became 2002 PA 678. This act, which amends the Revised Judicature Act of 1961, 1961 PA 236, being MCL §§ 600.101 to 600.9948, becomes effective April 1, 2003; and

Whereas, 2002 PA 678 provides for the adoption of plans for concurrent jurisdiction in trial courts under certain conditions, which include the approval of the Michigan Supreme Court. The act also specifies areas of exclusive jurisdiction within the circuit, probate, and district courts; and

Whereas, The Michigan House of Representatives has determined that important questions of law exist with respect to the constitutionality of 2002 PA 678, being MCL §§ 600.401 to 600.425 and MCL §§ 600.601, 600.841 and 600.8304; now, therefore, be it

Resolved by the House of Representatives, That, pursuant to Article III, Section 8 of the *Michigan Constitution of 1963*, we respectfully request the Michigan Supreme Court to issue an advisory opinion on the following questions of law:

1. Does 2002 PA 678 violate the provisions of Article VI, Section 1 of the *Michigan Constitution of 1963*?

The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

2. Does 2002 PA 678 violate the provisions of Article VI, Section 13 of the *Michigan Constitution of 1963*?

The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

3. Does 2002 PA 678 violate the provisions of Article VI, Section 15 of the *Michigan Constitution of 1963*?

In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

4. Does the grant of concurrent jurisdiction to the probate, circuit, and district courts as set forth in 2002 PA 678 violate any of the provisions of Article VI, Sections 1, 13, or 15 of the *Michigan Constitution of 1963* as cited above?

The questions involved are of great importance and solemn concern to the people of the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Supreme Court.

The resolution was referred to the Committee on Judiciary.

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, January 30, 2003, at 9:30 a.m.

Present: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Whitmer, Brown, Kolb, Phillips, Reeves, Williams, Cheeks, Hunter, Paletko and Sak

Absent: Rep. Plakas

Excused: Rep. Plakas

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, Tuesday, January 28:

Senate Bill Nos. 60 61 62 63 64

The Clerk announced that the following joint resolution had been printed and placed upon the files of the members, Wednesday, January 29:

House Joint Resolution A

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, January 30:

**House Bill Nos. 4079 4080 4081 4082 4083 4084 4085 4086 4087 4088 4089 4090 4091 4092
 4093 4094 4095 4096 4097 4098 4099 4100 4101 4102 4103 4104 4105 4106
 4107 4108 4109 4110 4111 4112 4113 4114 4115 4116 4117**

Introduction of Bills

Rep. Ward introduced

House Bill No. 4118, entitled

A bill to amend 2000 PA 321, entitled "Recreational authorities act," by amending section 25 (MCL 123.1155).

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

Rep. Koetje introduced

House Bill No. 4119, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 281, 282, 289, and 294 (MCL 168.281, 168.282, 168.289, and 168.294), section 281 as amended by 1999 PA 218, and by adding section 281a; and to repeal acts and parts of acts.

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

Rep. Koetje introduced

House Bill No. 4120, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," (MCL 552.601 to 552.650) by adding section 5e.

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

Rep. Jamnick introduced

House Bill No. 4121, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 16, 16a, 17, 18, 21, 22, 23, 24, 25, 27, 28, 28a, 28b, 28c, 29, 30, 30a, 30b, 30c, 30d, 30e,

30f, 30g, 30h, 31, 38, 43, and 45 (MCL 125.2301, 125.2302, 125.2303, 125.2304, 125.2305, 125.2306, 125.2307, 125.2311, 125.2312, 125.2313, 125.2314, 125.2316, 125.2316a, 125.2317, 125.2318, 125.2321, 125.2322, 125.2323, 125.2324, 125.2325, 125.2327, 125.2328, 125.2328a, 125.2328b, 125.2328c, 125.2329, 125.2330, 125.2330a, 125.2330b, 125.2330c, 125.2330d, 125.2330e, 125.2330f, 125.2330g, 125.2330h, 125.2331, 125.2338, 125.2343, and 125.2345), section 28 as amended by 1993 PA 241 and sections 28a, 28b, 28c, and 43 as added and section 38 as amended by 1988 PA 337; and to repeal acts and parts of acts.

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

Reps. Sak, Dennis, Clack, Plakas, Farrah, Byrum, Vagnozzi, O'Neil, Waters, Brown, Gleason and Paletko introduced **House Bill No. 4122, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 931 (MCL 168.931), as amended by 1996 PA 583.

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

Reps. Sak, Spade, Vagnozzi, Gleason, O'Neil and Paletko introduced **House Bill No. 4123, entitled**

A bill to amend 1976 PA 225, entitled "An act to defer the collection of special assessments on homestead properties; to provide for conditions of eligibility for such a deferment; to prescribe the powers and duties of the department of treasury, local assessing officers, and local collecting officers; to provide for the advancement of moneys by the state to indemnify special assessment districts for losses from deferment of collections; to provide for the advancement of money by the state to an owner for the repayment of loans used by the owner to pay special assessments; to provide for the collection of deferred special assessments and interest thereon, and the disposition of these collections; to make an appropriation; and to prescribe penalties," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 8a, 9, and 10 (MCL 211.761, 211.762, 211.763, 211.764, 211.765, 211.766, 211.767, 211.768, 211.768a, 211.769, and 211.770), the title and sections 2, 3, 4, and 10 as amended by 1980 PA 403 and section 8a as amended by 1981 PA 59, and by adding section 4a.

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

Rep. Waters introduced

House Bill No. 4124, entitled

A bill to create the Detroit area regional transportation authority; to transfer certain powers of authorities to the Detroit area regional transportation authority; to provide regional transportation for senior citizens, citizens with disabilities, citizens without the economic means to provide their own personal transportation, and all other citizens; to continue the suburban mobility authority for regional transportation; to prescribe certain powers and duties of the authorities; to provide for the addition and withdrawal of certain local entities from the authority; to provide for the powers and duties of certain state agencies with respect to the authority; to provide for the issuance of bonds and notes; to provide for the state to guarantee payment of certain claims against the authority and give the state a lien in satisfaction of payment; to protect the rights of employees of existing public transportation systems; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond and note payments; to authorize certain local entities to levy property taxes and make special assessments to fulfill their obligations under certain contracts with the authority; and to repeal acts and parts of acts.

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

Reps. Murphy, Condino, McConico, Paletko, Dennis, Kolb, Williams, Plakas, Minore, Clack, Jammick and Hunter introduced

House Bill No. 4125, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 10102 and 10104 (MCL 333.10102 and 333.10104).

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

Reps. Murphy, Condino, McConico, Paletko, Dennis, Kolb, Williams, Plakas, Minore, Clack, Jammick and Hunter introduced

House Bill No. 4126, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1106, 5506, 5507, and 5510 (MCL 700.1106, 700.5506, 700.5507, and 700.5510), section 1106 as amended by 2000 PA 463.

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

Reps. Daniels, Smith, Woodward, Pumford and Anderson introduced

House Bill No. 4127, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2110b.

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

Reps. Daniels, Woodward, Hager, Cheeks and Smith introduced

House Bill No. 4128, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1561 and 1596 (MCL 380.1561 and 380.1596), section 1561 as amended by 1996 PA 339.

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

Reps. Daniels and Woodward introduced

House Bill No. 4129, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1312 (MCL 380.1312), as amended by 2000 PA 461.

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

Reps. Daniels, Woodward, Pumford, Cheeks, Phillips and Kolb introduced

House Bill No. 4130, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 915a (MCL 339.915a), as amended by 1996 PA 151.

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

Reps. Daniels, Pumford and Phillips introduced

House Bill No. 4131, entitled

A bill to abolish the right of dower.

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

Reps. LaJoy and Brandenburg introduced

House Bill No. 4132, 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, critical 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 12 (MCL 247.662), as amended by 2002 PA 498, and by adding section 20b.

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

Reps. LaJoy, Pastor, Ward, Stakoe, Drolet, Acciavatti, Milosch, Steil, Brandenburg, Hager, Caswell, Robertson and DeRossett introduced

House Bill No. 4133, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

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

Rep. Amos moved that the House adjourn.
The motion prevailed, the time being 10:50 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, February 4, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

