

**No. 40**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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House Chamber, Lansing, Thursday, May 15, 2003.

10:00 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	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—e/d/s	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—excused	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—excused	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	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—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—excused

e/d/s = entered during session

Rep. Tupac A. Hunter, from the 9th District, offered the following invocation:

“O Eternal God, we thank You for the gift of life this morning, for Your benevolence and Your grace. We ask You to bless every soul gathered here this morning in this chamber. Please bless our families, our friends and our loved ones. Forgive us for our sins and our transgressions. I know that You are omniscient, omnipotent and omnipresent and I thank You, Lord. You are the alpha and the omega—the beginning and the end; the one from whom all blessings flow. Remind us everyday that we are not here to play, to dream or to drift, but that we are here to do Your will and serve the people of this great state. Give us the knowledge, the discernment and the wisdom to make decisions that have a positive impact on the lives of our constituents. Lord, please make us steadfast, honest, true to this great state and our country—to our ideals of democracy, and we shall give You all the praise, the honor and the glory. Amen.”

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Rep. Hummel moved that Rep. Palsrok be excused from today’s session.  
The motion prevailed.

Rep. Waters moved that Rep. Daniels be excused from today’s session.  
The motion prevailed.

### **Second Reading of Bills**

#### **House Bill No. 4391, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

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

Rep. Moolenaar moved to amend the bill as follows:

1. Amend page 16, following line 13, by inserting:

“Sec. 221. From the funds appropriated in part 1 for school excellence operations, the department shall allocate \$100.00 to develop an on-line assessment system to supplement the Michigan education assessment program test and provide immediate feedback on student achievement. The assessment system shall include high quality tests aligned to the Michigan curriculum framework and tests that can be customized by teachers and integrated with on-line instructional resources. The department shall work in partnership with the department of treasury to implement the assessment program. The department shall give first priority in implementing the assessment systems to districts not meeting adequate yearly progress requirements as established by the no child left behind act of 2001, Public Law 107-110, 115 Stat. 1425 and to schools participating in one-to-one wireless learning environments.”

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

### **Third Reading of Bills**

#### **House Bill No. 4391, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

**Roll Call No. 149****Yeas—103**

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

**Nays—2**

Bradstreet

Drolet

In The Chair: Julian

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

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

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

Rep. Hardman entered the House Chambers.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL § 4.101 AND MCL § 4.541 AND REQUIRES A RECORD ROLL CALL VOTE UNDER THE PROVISIONS OF RULE 39 OF THE STANDING RULES OF THE HOUSE OF REPRESENTATIVES.

Reps. Ruth Johnson, Voorhees, Palmer, Howell and Woodward offered the following resolution:

**House Resolution No. 60.**

A resolution to extend subpoena power to the House Education Committee's Subcommittee on Intermediate School District Review.

Whereas, Full access to accurate information is essential for sound decision making by any public or private body. Section 1 of 1931 PA 118, being MCL § 4.101, provides, in part, that

Committees and commissions of or appointed by the legislature may by resolution of the legislature be authorized to administer oaths, subpoena witnesses and/or to examine the books and records of any persons, partnerships or corporations involved in a matter properly before any of such committees or commissions.

Section 1 of 1952 PA 46, being MCL § 4.541, provides, in part, that

. . . any standing or select committee of the senate or the house of representatives, and any joint select committee of the senate and house of representatives, shall be authorized to subpoena and have produced before any such committee, or inspect the records and files of any state department, board, institution or agency; and it shall be the duty of any state department, board, institution or agency to produce before the committee as required by the subpoena, or permit the members of any such committee to inspect its records and files.

Pursuant to Rule 39 of the Standing Rules of the House of Representatives, the authority for a committee to issue subpoenas shall be granted by resolution, with the vote for adoption by record roll call and a majority of members elected and serving required for adoption; now, therefore, be it

Resolved by the House of Representatives, That, pursuant to MCL § 4.101 and MCL § 4.541 and Rule 39 of the Standing Rules of the House of Representatives, we hereby grant subpoena power to the House Education Committee's Subcommittee on Intermediate School District Review; and be it further

Resolved, That copies of this resolution be transmitted to the House Education Committee.

The resolution was referred to the Committee on Government Operations.

**Reports of Standing Committees**

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Wednesday, May 14, 2003, at 4:30 p.m.

Present: Reps. Hager, Stahl, Vander Veen, Voorhees, Sheen, Hardman, Clack and Elkins

Absent: Rep. Hart

Excused: Rep. Hart

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Thursday, May 15, 2003, at 9:00 a.m.

Present: Reps. Voorhees, Hart, LaSata, Stakoe, Dennis and Hood

Absent: Rep. Smith

Excused: Rep. Smith

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 15, 2003, at 9:00 a.m.

Present: Reps. Woronchak, Brandenburg, Pappageorge, Rocca and Stallworth

Absent: Reps. Tabor, Vander Veen, Vagnozzi and Zelenko

Excused: Reps. Tabor, Vander Veen, Vagnozzi and Zelenko

**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 May 15, 2003:

**House Bill Nos. 4681 4682 4683 4684**

The Clerk announced that the following Senate bills had been received on Thursday, May 15:

**Senate Bill Nos. 22 246**

By unanimous consent the House returned to the order of

**Messages from the Senate****Senate Bill No. 22, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 106 (MCL 400.106), as amended by 1990 PA 145, and by adding section 106a.

The Senate has passed the bill.

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

**Senate Bill No. 246, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 11 (MCL 257.11), as amended by 2002 PA 652.

The Senate has passed the bill.

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

**Notices**

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 4032**, Reps. Shulman, Emmons and Whitmer.

**Introduction of Bills**

Reps. Stewart, Pumford, Palsrok, Emmons and LaJoy introduced

**House Bill No. 4685, entitled**

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 27 (MCL 42.27), as amended by 1988 PA 82.

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

Reps. Ruth Johnson, LaJoy, DeRossett, Brandenburg, Ward, Farrah, Kooiman, Voorhees, Amos, Acciavatti, Stahl, Palmer, Meyer, Rocca, Caul, Vander Veen and Gielegem introduced

**House Bill No. 4686, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11507a (MCL 324.11507a), as added by 1996 PA 359, and by adding section 11513a.

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

Reps. Ruth Johnson, LaJoy, DeRossett, Brandenburg, Ward, Farrah, Kooiman, Voorhees, Amos, Acciavatti, Stahl, Palmer, Meyer, Rocca, Caul, Vander Veen and Gielegghem introduced

**House Bill No. 4687, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11507a (MCL 324.11507a), as added by 1996 PA 359, and by adding section 11513a.

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

Reps. Ruth Johnson, LaJoy, DeRossett, Brandenburg, Milosch, Ward, Farrah, Amos, Acciavatti, Stahl, Palmer, Meyer, Rocca, Caul, Vander Veen and Gielegghem introduced

**House Bill No. 4688, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11538 (MCL 324.11538); and to repeal acts and parts of acts.

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

Rep. Ruth Johnson introduced

**House Bill No. 4689, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514) and by adding section 11514a.

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

Rep. Ruth Johnson introduced

**House Bill No. 4690, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11502 (MCL 324.11502), as amended by 1996 PA 359.

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

Rep. Ruth Johnson introduced

**House Bill No. 4691, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11526, 11533, 11538, and 11550 (MCL 324.11526, 324.11533, 324.11538, and 324.11550), section 11550 as added by 1996 PA 358.

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

Rep. Ruth Johnson introduced

**House Bill No. 4692, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11546 (MCL 324.11546).

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

Reps. Palmer, Voorhees, Tabor, Milosch, Garfield, Bradstreet, Moolenaar, Emmons, Stahl, Hummel and Vander Veen introduced

**House Bill No. 4693, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1294.

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

Reps. Bisbee, McConico, Palsrok, DeRoche, Tobocman, Elkins, Sak, Gielegghem, Vagnozzi, Palmer, Minore, Gillard, Brandenburg, Law, Spade, Rivet, Koetje, Amos, Pappageorge, Stahl, Byrum, Gleason and Stewart introduced

**House Bill No. 4694, entitled**

A bill to provide for the organization, operation, regulation, and supervision of credit unions; to prescribe the powers and duties of credit unions; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties, civil sanctions, and remedies; 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. Tobocman, McConico, Amos, DeRoche, Bisbee, Palsrok, Elkins, Sak, Gielegem, Vagnozzi, Palmer, Minore, Gillard, Brandenburg, Law, Spade, Rivet, Koetje, Pappageorge, Stahl, Byrum, Gleason and Stewart introduced

**House Bill No. 4695, entitled**

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 2002 PA 730.

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

Reps. Palsrok, Tobocman, Amos, McConico, Bisbee, DeRoche, Elkins, Sak, Gielegem, Palmer, Vagnozzi, Minore, Gillard, Brandenburg, Law, Spade, Rivet, Koetje, Pappageorge, Stahl, Byrum, Gleason and Stewart introduced

**House Bill No. 4696, entitled**

A bill to amend 1973 PA 43, entitled "An act to permit associations, institutions and credit unions to process or handle food stamps; and to prescribe powers and duties," by amending section 1 (MCL 400.171).

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

Reps. McConico, Tobocman, Sak, DeRoche, Bisbee, Palsrok, Elkins, Gielegem, Vagnozzi, Palmer, Minore, Gillard, Law, Spade, Rivet, Koetje, Amos, Pappageorge, Stahl, Byrum, Gleason and Stewart introduced

**House Bill No. 4697, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 2000 PA 432.

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

Reps. Bisbee, McConico, Palsrok, DeRoche, Tobocman, Elkins, Sak, Gielegem, Vagnozzi, Minore, Gillard, Brandenburg, Law, Spade, Rivet, Koetje, Amos, Pappageorge, Stahl, Byrum, Gleason and Stewart introduced

**House Bill No. 4698, entitled**

A bill to amend 1978 PA 322, entitled "An act to authorize financial institutions to make electronic funds transfer terminals available to their customers; to protect the privacy and security of customers; to prohibit unfair discrimination among financial institutions and monopolistic practices in the use and availability of electronic funds transfer terminals; to prescribe remedies; and to prescribe penalties," by amending sections 2 and 3 (MCL 488.2 and 488.3).

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

Reps. DeRoche, Tobocman, McConico, Sak, Bisbee, Palsrok, Elkins, Gielegem, Vagnozzi, Palmer, Minore, Gillard, Brandenburg, Law, Spade, Rivet, Koetje, Stallworth, Amos, Pappageorge, Stahl, Byrum, Gleason and Stewart introduced

**House Bill No. 4699, entitled**

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 36 (MCL 492.136).

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

Reps. Rivet, McConico, DeRoche, Tobocman, Bisbee, Palsrok, Elkins, Sak, Gielegem, Vagnozzi, Palmer, Minore, Gillard, Brandenburg, Law, Spade, Koetje, Amos, Pappageorge, Stahl, Byrum, Gleason and Stewart introduced

**House Bill No. 4700, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 315a and 376a (MCL 750.315a and 750.376a), as added by 1982 PA 395.

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

Reps. Caswell, Gillard, Emmons, Nitz, Julian, Brandenburg, Nofs, Milosch, Hummel, Garfield, Drolet, Acciavatti and Ward introduced

**House Bill No. 4701, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 1996 PA 476.

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

Reps. Caswell, Gillard, Emmons, Nitz, Julian, Brandenburg, Nofs, Milosch, Hummel, Garfield, Drolet and Ward introduced

**House Bill No. 4702, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 8 and 27 (MCL 211.8 and 211.27), section 8 as amended by 2002 PA 620 and section 27 as amended by 2002 PA 744.

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

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Rep. Howell moved that the House adjourn.

The motion prevailed, the time being 11:20 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 20, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives