

**No. 67**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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House Chamber, Lansing, Thursday, September 25, 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	Meyer—present	Sheen—present
Acciavatti—present	Gieleghem—present	Middaugh—present	Sheltrown—present
Adamini—present	Gillard—present	Milosch—present	Shulman—present
Amos—present	Gleason—present	Minore—present	Smith—present
Anderson—present	Hager—present	Moolenaar—present	Spade—present
Bieda—present	Hardman—present	Mortimer—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—excused
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—excused	Hunter—present	Pappageorge—present	Van Regenmorter—excused
Clack—present	Jamnick—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—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—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present
Gaffney—present	Meisner—present		

e/d/s = entered during session

Rep. John R. Pastor, from the 19th District, offered the following invocation:

“Creator God, part of Your plan for this world is that government be established to keep order and to provide justice for all. Thank You for the guidance You give to all who serve in our government. Give wisdom to our Governor and legislators that we may rule with a sense of justice tempered by mercy. We plead for Your divine intervention and grace, that the freedom You have given to us in our lives and country may be preserved. Bless our nation, that our leadership among nations might further the cause of freedom across the world. May we, by Your blessing, be wise and good stewards of the treasures of our state and nation and in the responsibility given to us by the citizens of our state, through Your name, Jesus Christ, the one who set us free. Amen.”

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Rep. Palmer moved that Reps. Tabor and Van Regenmorter be excused from today’s session.  
The motion prevailed.

Rep. Waters moved that Reps. Cheeks, Reeves and Daniels be excused from today’s session.  
The motion prevailed.

The Speaker Pro Tempore called Associate Speaker Pro Tempore Ehardt to the Chair.

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

### **Motions and Resolutions**

Reps. Hardman, Minore, Stewart, Hager, Stallworth, Reeves, Plakas, Waters, Clack, Murphy, Phillips, Bradstreet, Jamnick, McConico, Sheltroun and Dennis offered the following resolution:

#### **House Resolution No. 126.**

A resolution to urge the Liquor Control Commission to take steps to reduce the number of carry-out liquor establishments in Detroit.

Whereas, The Michigan Liquor Control Code of 1998, 1998 PA 58, governs the licensing and regulation of the sale and distribution of liquor in our state. This legislation reflects the public’s commitment to responsible management, public safety, and accountability with regard to liquor and the businesses involved. Under the Michigan Liquor Control Code, quotas are established to limit the number of businesses selling liquor for consumption on premises and for carry out; and

Whereas, Due to declining populations in recent censuses and licenses that may be transferred, the city of Detroit has far more carry-out liquor businesses than its current population would warrant under regular circumstances; and

Whereas, The public policy of limiting the density of liquor establishments is a sound and reasonable response to public concerns for safety and health. Many citizens and groups in Detroit feel strongly that the current situation, with the city of Detroit having a very large excess of liquor stores, is a serious threat to the city’s well-being and harmful to the quality of neighborhoods. Steps need to be taken to address this safety and health issue; now, therefore, be it

Resolved by the House of Representatives, That we urge the Liquor Control Commission to take steps to reduce the number of carry-out liquor establishments in Detroit; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Liquor Control Commission and to the mayor and the city council of the city of Detroit.

The resolution was referred to the Committee on Regulatory Reform.

**Reports of Standing Committees**

The Committee on Family and Children Services, by Rep. Hager, Chair, reported

**Senate Bill No. 485, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 3a (MCL 552.603a), as amended by 2002 PA 572.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day.

## Favorable Roll Call

To Report Out:

Yeas: Reps. Hager, Stahl, Hart, Vander Veen, Voorhees, Sheen, Clack and Elkins

Nays: None

The Committee on Family and Children Services, by Rep. Hager, Chair, reported

**Senate Bill No. 516, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 22a of chapter X (MCL 710.22a), as added by 1994 PA 430.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day.

## Favorable Roll Call

To Report Out:

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

Nays: None

## 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, September 24, 2003, at 2:00 p.m.

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

The Committee on Higher Education, by Rep. Voorhees, Chair, reported

**Senate Bill No. 701, entitled**

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 8 (MCL 390.1458), as amended by 2002 PA 736.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day.

## Favorable Roll Call

To Report Out:

Yeas: Reps. Voorhees, Hart, Stakoe, Dennis, Hood and Smith

Nays: None

## 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, September 25, 2003, at 9:00 a.m.

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

Absent: Rep. LaSata

Excused: Rep. LaSata

The Committee on Government Operations, by Rep. Koetje, Chair, reported  
**Senate Bill No. 252, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3111 and 3113 (MCL 324.3111 and 324.3113) and by adding sections 3120 and 3121.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Koetje, Howell and Tobocman

Nays: Rep. Lipsey

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Koetje, Chair of the Committee on Government Operations, was received and read:

Meeting held on: Thursday, September 25, 2003, at 9:00 a.m.

Present: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, September 25, 2003, at 9:00 a.m.

Present: Reps. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Hune, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Adamini and Elkins

Absent: Reps. Huizenga, Tobocman and Murphy

Excused: Reps. Huizenga, Tobocman and Murphy

#### Messages from the Senate

##### **House Bill No. 4236, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131, 16186, and 16263 (MCL 333.16131, 333.16186 and 333.16263), sections 16131 and 16263 as amended by 2001 PA 139, section 16186 as amended by 2002 PA 643, and by adding section 16344 and part 187.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16131, 16186, and 16263 (MCL 333.16131, 333.16186, and 333.16263), sections 16131 and 16263 as amended by 2001 PA 139 and section 16186 as amended by 2002 PA 643, and by adding section 16344 and part 187.

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

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, September 24:

**House Bill Nos. 5062 5063 5064 5065 5066**

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, September 25, for her approval of the following bill:

**Enrolled House Bill No. 4737 at 9:31 a.m.**

**Introduction of Bills**

Rep. Byrum introduced

**House Bill No. 5067, entitled**

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 36 (MCL 400.736), as added by 1984 PA 140.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. Daniels, Phillips, Zelenko, Farrah, Plakas, Hood, Smith, Hunter, Woodward, Byrum and Waters introduced

**House Bill No. 5068, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 7a (MCL 408.387a), as amended by 1997 PA 1.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. Daniels, Phillips, Zelenko, Farrah, Plakas, Hunter, Smith, Woodward, Byrum and Waters introduced

**House Bill No. 5069, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4 (MCL 408.384), as amended by 1997 PA 2.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. Daniels, Zelenko, Waters, Hager and Hart introduced

**House Bill No. 5070, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 69b.

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

Reps. Koetje, Stahl, Milosch, Brandenburg, Drolet and Pappageorge introduced

**House Bill No. 5071, entitled**

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 24 (MCL 125.294), as amended by 1994 PA 24.

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

Reps. Koetje, Stahl, Brandenburg and Pappageorge introduced

**House Bill No. 5072, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2974.

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

Reps. Spade, Sheltroun, Law, Bieda, Wojno, Farrah, Plakas, Meyer, Sak and Brown introduced  
**House Bill No. 5073, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding section 6q.

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

Reps. Spade, Sheltroun, Hune, Bieda, Wojno, Farrah and Plakas introduced

**House Bill No. 5074, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a), as amended by 2002 PA 709.

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

Reps. Spade, Sheltroun, Law, Bieda, Wojno, Farrah, Plakas, Meyer, Clack and Sak introduced

**House Bill No. 5075, entitled**

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 4110 (MCL 440.4110), as added by 1993 PA 130.

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

Reps. Spade, Sheltroun, Law, Bieda, Wojno, Farrah, Plakas, Clack, Sak, Condino and Brown introduced

**House Bill No. 5076, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2811 (MCL 333.2811), as amended by 1998 PA 332.

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

Reps. Hardman, McConico, Stallworth, Hager, Caswell, Plakas, Waters, Clack and Murphy introduced

**House Bill No. 5077, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 9 and 11 (MCL 432.9 and 432.11), as amended by 1996 PA 167.

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

Reps. Hardman, Hune, Gaffney, Stallworth, McConico, Ward, Plakas and Murphy introduced

**House Bill No. 5078, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

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

Reps. Hardman, Stallworth and Plakas introduced

**House Bill No. 5079, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter IX (MCL 769.1), as amended by 1999 PA 87.

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

Reps. Meisner, Law, Farrah, Jamnick, Condino, McConico, Rivet, Vagnozzi, Plakas, Bieda, Gielegghem, Wojno, Woodward, Phillips, Minore, Gillard, Elkins, Gleason, Pappageorge, Sak, Dennis and O'Neil introduced

**House Bill No. 5080, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 20k (MCL 38.1140k), as added by 1996 PA 485.

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

Reps. Meisner, Law, Farrah, Jamnick, Condino, McConico, Rivet, Vagnozzi, Plakas, Bieda, Paletko, Gielegghem, Wojno, Woodward, Phillips, Minore, Gillard, Elkins, Gleason, Pappageorge, Sak, Dennis and O'Neil introduced

**House Bill No. 5081, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

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

Rep. Whitmer introduced

**House Bill No. 5082, entitled**

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 5, 6, 11, 16, 17, and 18 (MCL 125.2305, 125.2306, 125.2311, 125.2316, 125.2317, and 125.2318).

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

Reps. Accavitti, Hood, Wojno, Vagnozzi, Tobocman, McConico, Plakas, Byrum, Gillard, Sak, Gielegghem, Minore, Spade, Acciavatti, Rivet, Gleason, Waters and Daniels introduced

**House Bill No. 5083, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2015.

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

Reps. Accavitti, Plakas, Minore, Gleason and Daniels introduced

**House Bill No. 5084, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 602b.

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

Rep. Minore introduced

**House Bill No. 5085, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306 and 310e (MCL 257.306 and 257.310e), section 306 as amended by 2002 PA 534 and section 310e as amended by 2003 PA 61.

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

Reps. Gaffney and Ward introduced

**House Bill No. 5086, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 759 and 759a (MCL 168.759 and 168.759a), section 759 as amended by 1995 PA 261 and section 759a as amended by 1999 PA 216.

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

Reps. Shulman, Taub, Milosch, LaJoy, Ward, Stahl, Shackleton, Palsrok, DeRoche, Sheen, Tabor, Vander Veen, Steil, Pappageorge, Wenke, Acciavatti, Hune, Bisbee, Bradstreet, Mortimer, DeRossett, Stakoe, Hart, Woronchak, Hoogendyk, Newell, Stewart, Meyer, Garfield, Howell, Drolet, Farhat, Brandenburg, Kooiman, Koetje, Meisner and Gielegghem introduced

**House Bill No. 5087, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1179 (MCL 380.1179), as added by 2000 PA 10.

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

Reps. Hardman, Stallworth, Waters, Phillips and Murphy introduced

**House Joint Resolution M, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 29 of article IV, to provide that a bill proposing a local act may only be introduced by a member of the legislature who resides in the district affected by the local act.

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

**Announcements by the Clerk**

The following is a change of meeting day and time for the Standing Committee on Veterans Affairs and Homeland Security for the 2003-2004 Legislative Session:

The committee will meet on Tuesday at 9:00 a.m.

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Rep. O'Neil moved that the House adjourn.

The motion prevailed, the time being 12:30 p.m.

Associate Speaker Pro Tempore Ehardt declared the House adjourned until Tuesday, September 30, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives