No. 26 STATE OF MICHIGAN

JOURNAL OF THE

House of Representatives

92nd Legislature REGULAR SESSION OF 2003

House Chamber, Lansing, Tuesday, April 1, 2003.

Sheen—present

1:00 p.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 Acciavatti—present Adamini—present Amos—present Anderson—present Bieda—present Bisbee—present Bradstreet—present Brandenburg—present Brown—present Byrum—present Casperson—present Caswell—present Caul-present Cheeks—present Clack—present Condino—present Daniels—present Dennis-present DeRoche—present DeRossett—present Drolet—present Ehardt—present Elkins—present Emmons—present Farhat—present Farrah—present

Garfield—present Gieleghem—present Gillard—present Gleason—present Hager—present Hardman—excused Hart—present Hood-present Hoogendyk—present Hopgood—present Howell—present Huizenga—present Hummel—present Hune-present Hunter—present Jamnick—present Johnson, Rick-present Johnson, Ruth—present Julian—present Koetje-present Kolb—present Kooiman—present LaJoy—present LaSata—present Law-present Lipsey—present McConico—present

Meisner—present Meyer—present Middaugh—present Milosch-present Minore-present Moolenaar—present Murphy—present Newell-present Nitz-present Nofs-present O'Neil—present Paletko—present Palmer—present Palsrok-present Pappageorge—present Pastor—present Phillips—present Plakas—present Pumford—present Reeves-excused Richardville—present Rivet—present Robertson—present Rocca—present Sak—present Shackleton—present

Shaffer—present

Sheltrown—present Shulman—present Smith—present Spade—present Stahl—present Stakoe—present Stallworth—present Steil—present Stewart—present Tabor—present Taub—present Tobocman—present Vagnozzi-present Van Regenmorter—present Vander Veen—present Voorhees—present Walker—present Ward—present Waters-present Wenke-present Whitmer—present Williams—present Wojno—present Woodward-present Woronchak—present Zelenko-excused

Gaffney—present

Rep. Craig M. DeRoche, from the 38th District, offered the following invocation:

"In this great deliberative body of the House of the state of Michigan, we beg You for Your peace and wisdom. Bless the representatives, their spouses, their children and their staff. Let them see the supreme privilege of their service, each in their own way, to the people of this great state. May this day be productive and may we all be pleasing to You in what we think and say and do. Protect us from evil. Give us Your peace. Amen."

Rep. Waters moved that Reps. Hardman, Reeves and Zelenko be excused from today's session. The motion prevailed.

Rep. Hood moved that Rep. Smith be excused temporarily from today's session. The motion prevailed.

Third Reading of Bills

House Bill No. 4197, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2000 PA 248.

(The bill was read a third time and postponed for the day; motion made to reconsider vote of postponement; motion did not prevail, see House Journal No. 25, p. 312.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 47 Yeas—86

Accavitti Garfield Middaugh Shaffer Acciavatti Gieleghem Milosch Sheen Adamini Gillard Minore Sheltrown Amos Hager Moolenaar Shulman Spade Bieda Hart Murphy Bisbee Hoogendyk Newell Stahl Hopgood Bradstreet Nitz Stakoe Brandenburg Howell Nofs Steil O'Neil Brown Huizenga Stewart Byrum Hummel Palmer Tabor Casperson Hune Palsrok Taub Caswell Jamnick Pappageorge Van Regenmorter Caul Johnson, Rick Pastor Vander Veen Johnson, Ruth Plakas Voorhees Dennis DeRoche Julian Pumford Walker Richardville **DeRossett** Koetje Ward Drolet Kolb Rivet Wenke Elkins Kooiman Robertson Whitmer **Emmons** LaJoy Rocca Wojno Farhat LaSata Sak Woodward Farrah Lipsey Shackleton Woronchak Meyer Gaffney

Nays—15

Anderson Daniels McConico Stallworth Cheeks Hood Meisner Vagnozzi

Clack Hunter Paletko Williams
Condino Law Phillips

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Stewart, Jamnick, Richardville, Voorhees, Ehardt, Meyer, Julian, Pastor, LaJoy, Brandenburg, DeRoche, Taub, Accavitti, Stakoe, Garfield, Hune, Hoogendyk, Steil, Nitz, Stahl, Farhat and Moolenaar were named co-sponsors of the bill.

Rep. Law, having reserved the right to explain her protest against the passage of the bill, made the following statement: "Mr. Speaker and members of the House:

I oppose enabling sprawl and further degradation of urban core communities. This bill continues this trend and stresses infrastructure and quality of life in surrounding areas."

Second Reading of Bills

House Bill No. 4219, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3 (MCL 205.93), as amended by 2002 PA 511. Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Tax Policy,

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

Rep. Woronchak moved to amend the bill as follows:

1. Amend page 2, line 13, after "state" by inserting "after the effective date of the amendatory act that added this subdivision and".

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

Rep. Minore moved to amend the bill as follows:

- 1. Amend page 2, line 13, after "state" by inserting "after October 1, 2003, and".
- 2. Amend page 2, line 15, after "state." by inserting "Provided however, that this presumption shall not be effective for a period or tax year beginning after a state fiscal year unless both of the following have occurred:
- (i) The last revenue estimating conference conducted under section 367b of the Management and Budget Act of 1984, 1984 PA 431, MCL 18.1367b, prior to the beginning for that state fiscal year has considered and identified for that period or tax year the revenue reductions resulting from this presumption for that period or tax year, allocated to that fiscal year and the succeeding fiscal year.
- (ii) The budget bill setting forth the revenue estimate required by section 31 of Article IV of the State Constitution of 1963 contains separate, enacted line item appropriations from the appropriate funds identified to pay the amount of the revenue reductions resulting from this presumption, the aggregate of which equals the total revenue reductions from this presumption for that fiscal year."

The question being on the adoption of the amendments offered by Rep. Minore,

Rep. Minore demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Minore,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 48

Yeas—52

Accavitti Elkins McConico Spade Stallworth Adamini Farrah Meisner Amos Gieleghem Minore Stewart Anderson Gillard Murphy Tobocman Bieda Gleason O'Neil Vagnozzi Van Regenmorter Brown Hart Paletko Byrum Hood **Phillips** Vander Veen Casperson Hopgood Plakas Voorhees Cheeks Hunter Rivet Ward Clack Jamnick Sak Waters Condino Kolb Shackleton Whitmer Daniels Law Sheltrown Williams Dennis Lipsey Smith Woino

Nays—48

Hoogendyk Acciavatti Middaugh Robertson Bisbee Howell Milosch Rocca Bradstreet Hummel Moolenaar Shaffer Hune Newell Sheen Brandenburg Johnson, Rick Caswell Nitz Shulman Caul Johnson, Ruth Nofs Stahl DeRossett Julian Palmer Stakoe Drolet Koetje Palsrok Steil **Emmons** Kooiman Pappageorge Taub LaJoy Pastor Walker Gaffney Garfield LaSata Pumford Wenke Hager Meyer Richardville Woronchak

In The Chair: Julian

Rep. Condino moved to amend the bill as follows:

1. Amend page 2, line 12, after "(b)" by striking out the balance of the subdivision and inserting "That household furnishings or motor vehicles used solely for personal non-business purposes, purchased in another state by a person who is not a resident of this state at the time of the purchase, are exempt from the tax levied under this act if brought into this state for the first time more than 1 year after the date of purchase."

The question being on the adoption of the amendment offered by Rep. Condino,

Rep. Condino demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Condino,

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

Roll Call No. 49 Yeas—44

Accavitti Elkins Lipsey Sheltrown Adamini Farrah McConico Smith Anderson Gieleghem Meisner Spade Bieda Gillard Minore Stallworth Brown Gleason Murphy Tobocman **Byrum** Hood O'Neil Vagnozzi Cheeks Hopgood Paletko Waters Clack Hunter **Phillips** Whitmer

CondinoJamnickPlakasWilliamsDanielsKolbRivetWojnoDennisLawSakWoodward

Nays—62

Acciavatti Hager Milosch Sheen Moolenaar Amos Hart Shulman Newell Bisbee Hoogendyk Stahl Bradstreet Howell Nitz Stakoe Huizenga Nofs Brandenburg Steil Casperson Hummel Palmer Stewart Caswell Hune Palsrok Tabor Johnson, Rick Pappageorge Taub

Caul DeRoche Johnson, Ruth Pastor Van Regenmorter **DeRossett** Julian Pumford Vander Veen Drolet Richardville Voorhees Koetje Kooiman Walker Ehardt Robertson **Emmons** LaJoy Rocca Ward Farhat LaSata Shackleton Wenke Woronchak Gaffney Meyer Shaffer Middaugh Garfield

In The Chair: Julian

Rep. Woronchak 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. 4219, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3 (MCL 205.93), as amended by 2002 PA 511. The bill was read a third time.

The question being on the passage of the bill,

Rep. O'Neil moved that consideration of the bill be postponed for the day.

The question being on the motion made by Rep. O'Neil,

Rep. O'Neil demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. O'Neil,

The motion did not prevail, a majority of members not voting therefor, by yeas and nays, as follows:

Roll Call No. 50 Yeas—43

Accavitti Elkins **McConico** Smith Adamini Farrah Meisner Spade Anderson Gieleghem Minore Stallworth Murphy Bieda Gillard Tobocman O'Neil Gleason Vagnozzi Brown **Byrum** Paletko Waters Hood Cheeks Hopgood **Phillips** Whitmer Clack Hunter Plakas Williams Condino Jamnick Rivet Woino **Daniels** Law Sak Woodward Dennis Lipsey Sheltrown

Nays—62

Acciavatti Hager Milosch Sheen Amos Hart Moolenaar Shulman Newell Bisbee Hoogendyk Stahl Bradstreet Howell Nitz Stakoe Brandenburg Huizenga Nofs Steil Hummel Casperson Palmer Stewart Caswell Hune Palsrok **Tabor** Caul Johnson, Rick Pappageorge Taub DeRoche Johnson, Ruth Pastor Van Regenmorter

DeRossett Julian Pumford Vander Veen Richardville Voorhees Drolet Koetje Ehardt Kooiman Robertson Walker **Emmons** LaJoy Rocca Ward LaSata Wenke Farhat Shackleton Woronchak Gaffnev Mever Shaffer

Garfield Middaugh

In The Chair: Julian

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 51 Yeas—62

Acciavatti Milosch Sheen Hager Amos Hart Moolenaar Shulman Bisbee Hoogendyk Newell Stahl Bradstreet Howell Nitz Stakoe Steil Huizenga Nofs Brandenburg Casperson Hummel Palmer Stewart Caswell Hune Palsrok Tabor Caul Johnson, Rick Pappageorge Taub

DeRoche Johnson, Ruth Pastor Van Regenmorter **DeRossett** Julian Pumford Vander Veen Richardville Voorhees Drolet Koetje Robertson Kooiman Walker Ehardt LaJoy Ward **Emmons** Rocca Wenke Farhat LaSata Shackleton Woronchak Meyer Shaffer Gaffney Garfield Middaugh

Nays—43

Accavitti Elkins Lipsey Sheltrown **McConico** Adamini Farrah Smith Anderson Gieleghem Meisner Spade Bieda Gillard Stallworth Minore Brown Gleason Murphy Tobocman Bvrum Hood O'Neil Vagnozzi Cheeks Hopgood Paletko Waters Clack Hunter **Phillips** Williams Condino Jamnick Plakas Woino Daniels Kolb Rivet Woodward Sak Dennis Law

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 amend 1937 PA 94, entitled "Use tax act," by amending section 3 (MCL 205.93), as amended by 2002 PA 669. The motion prevailed.

The House agreed to the title as amended.

Reps. Rocca, Drolet, Pappageorge, DeRossett, Richardville, Bisbee, Voorhees, Middaugh, Julian, Hummel, Vander Veen, Ruth Johnson, Bradstreet, Pastor, Brandenburg, Acciavatti, Taub, Garfield, Caswell, Wenke, Stahl and Huizenga were named co-sponsors of the bill.

Reps. Anderson, Hunter, Farrah, Dennis, Paletko, Accavitti and Minore, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on HB 4219 (H-1) because this bill could take away up to \$20 million annually from our schools and \$40 million from our state at a time when Michigan can ill afford tax giveaways and reductions in revenue. House Bill 4219 could open a wide loophole for businesses to avoid paying taxes on personal property by purchasing it outside Michigan. For these reasons, I voted no on HB 4219."

Rep. Spade, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on HB 4219 (H-1) because this bill could take away up to \$20 million annually from our schools and \$40 million from our state at a time when Michigan can ill afford tax giveaways and reductions in revenue. House Bill 4219 could open a wide loophole for businesses to avoid paying taxes on personal property by purchasing it outside Michigan. As the bill is currently written, I believe it is overly-broad and goes beyond the scope of the problem the sponsor seeks to address. For these reasons I voted no on HB 4219."

Rep. Law, having reserved the right to explain her protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

While there is merit in the concept, the bill as passed contains loop holes which will be misused by individuals and business to avoid payment of personal use tax. The potential negative impact on school aid funding can be immense."

Rep. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

While I wholeheartedly agree with the stated intent of HB 4219, the bill as reported out of the House Tax Policy Committee is flawed because it addresses one rather limited concern by creating what the House Fiscal Agency estimates to be a \$60 million dollar tax loophole favoring well planned tax dodges and those buying yachts and luxury cars out-of-state to dodge the use tax. This would result in a multi-million dollar detriment to Michigan's public school children as well as the competitive disadvantage of Michigan businesses and job providers. A more narrowly tailored approach, applying the concept of 'current value' would more fairly address the situation of the individual bringing a used auto into the state rather than the overly broad approach contained in this bill which will potentially result in more tax fraud. That being said, I hope that the Senate gives more careful consideration to the fiscal impact and great potential for abuse contained in this bill."

Rep. Condino, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I have voted no on passage of this bill as I believe that the bill as drafted will have a significant financial impact on the State school aide fund. I would have supported language in passage which would limit the tax exclusion to household furnishings or motor vehicles used for personal non-business purposes purchased in another state by a person who is a non-resident at the time of purchase, so long as the purchased item is brought into Michigan for the first time not less than one year after the date of purchase. This language would preclude further unintended tax loopholes by utilized by big business."

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved that Rule 75 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

By unanimous consent the House considered House Resolution No. 35 out of numerical order.

Rep. Richardville offered the following resolution:

House Resolution No. 35.

A resolution to amend the Standing Rules of the House of Representatives.

Resolved by the House of Representatives, That Rule 35 of the Standing Rules of the House of Representatives be amended to read as follows:

"Names and Number of Members.

Rule 35. (1) All standing committees shall be appointed by the Speaker, except where the House shall otherwise order.

- (2) The standing committees of the House and the number of Members shall be as follows:
- (a) Agriculture and Resource Management (11)
- (b) Appropriations (31)
- (c) Commerce (19)
- (d) Conservation and Outdoor Recreation (11)
- (e) Criminal Justice (9)
- (f) Education (19)
- (g) Employment Relations, Training and Safety (9)
- (h) Energy and Technology (19)
- (i) Family and Children Services (11)
- (j) Government Operations (5)
- (k) Great Lakes and Tourism (7)
- (l) Health Policy (17)
- (m) Higher Education (7)
- (n) House Television and Oversight (6)
- (o) Insurance (15)
- (p) Judiciary (13) (15)
- (q) Land Use and Environment (11)
- (r) Local Government and Urban Policy (11)
- (s) Regulatory Reform (11)
- (t) Senior Health, Security and Retirement (9)
- (u) Tax Policy (17)
- (v) Transportation (17)
- (w) Veterans Affairs and Homeland Security (11)
- (3) Statutory Standing Committees:
- (a) Administrative Rules (5)
- (b) House Fiscal Agency (6)
- (c) Legislative Council (6)
- (d) Legislative Retirement (4)
- (e) Michigan Capitol Committee (4)
- (4) Any Member of any committee who is absent from attendance at any such committee meetings for three committee meetings, unless excused from attendance by the committee according to Rule 36, shall be automatically dropped from membership on such committee, and the committee automatically reduced unless the Speaker of the House shall fill such vacancy. Each committee clerk shall keep a record of attendance at all committee meetings, and shall make a written report to the office of the Clerk of the House showing the names of those present, the names of those absent, and the names of those excused from attendance, which shall be entered upon the House Journal. When a Member has been absent for three meetings of a committee without proper excuse, the Clerk of the House shall report the name of such Member, together with the dates of said meetings, to the Speaker of the House, and advise the Member of such action. The Speaker of the House shall then fill such vacancy by appointing a Member to the committee.
- (5) The daily House Journal shall report the roll call on all motions to report bills, joint resolutions and reorganization orders. (See Const 1963, Art 4 § 17)

(6) Committees shall adopt a meeting schedule at the commencement of each term which shall be printed in the House Journal. Additional meetings may be called by the Chair or by a majority of the Members in writing to the Clerk of the House. The Chair may cancel any scheduled meeting, except one called by a majority of the Members, by notice to the Members.".

Pending the reference of the resolution to a committee,

Rep. Richardville 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,

Rep. Richardville moved that consideration of the resolution be postponed for the day.

The motion prevailed.

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

Reps. Hunter, DeRossett, Anderson, Sheltrown, Lipsey, Brown, Whitmer, Tobocman, Shackleton, Condino, Vagnozzi, Law, Meisner, Elkins, Gillard, Gleason, Bieda, Hopgood, Kolb, Cheeks, Paletko, Acciavatti, Accavitti, Phillips, Stallworth, Dennis, Farrah, Spade, Hune, Gaffney, Jamnick, Kooiman, Rivet, Minore, Gieleghem, Adamini, Brandenburg, Casperson, Daniels, Farhat, McConico, Middaugh, Murphy, Richardville, Waters, Ehardt, Garfield and Huizenga offered the following resolution:

House Resolution No. 33.

A resolution to memorialize the Congress of the United States to appropriate an additional \$5 billion for road and bridge improvement projects.

Whereas, The Transportation Equity Act for the 21st Century (TEA-21), which authorizes federal surface transportation programs for highways, highway safety, and transit, will expire on September 30, 2003. The reauthorization of the programs through legislation will influence the spending of public money for transportation purposes for many years; and

Whereas, Although the money that goes into our transportation network always represents an investment for the future, the current economic climate across the country argues strongly for the wisdom of this public investment. Indeed, as leaders in Washington look for ways to stimulate the national economy, the positive impact that additional funding for road and bridge improvement projects could have on economic development efforts must be strongly considered; and

Whereas, A major infusion of additional funding for transportation is needed to create jobs and strengthen the infrastructure of our cities and states. Among the options under consideration in the United States House of Representatives is an economic stimulus proposal that would include an additional \$5 billion in transportation funding for economic development projects. This money would be put to its best use by funding road and bridge improvement projects. Doing so would bring significant benefits to all segments of the economy and all regions of the country; and

Whereas, The impact of the additional spending for road and bridge improvement projects would be to provide immediate stimulus to our economy. For every billion dollars spent on these types of projects, 42,000 jobs would be created. Each dollar spent for these purposes would spin off \$6 worth of economic activity; and

Whereas, Under the proposed additional \$5 billion for highway spending on road and bridge improvement projects, Michigan would receive a significant boost. This would be especially true if Congress rectifies the inequities of the past by enacting legislation to assure that each state must receive at least 95 percent of the amount of transportation tax dollars sent to Washington; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to appropriate an additional \$5 billion for road and bridge improvement projects and to distribute the funds through the reauthorized Transportation Equity Act formula as adjusted to increase the minimum percentage each state receives to at least 95 percent of the amount of transportation taxes sent to Washington by the state; 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, the majority and minority leadership of the United States House of Representatives and the United States Senate, the chairs and ranking minority members of the Senate Commerce, Science, and Transportation Committee and the House Transportation and Infrastructure Committee, the members of the Michigan congressional delegation, the Michigan Department of Transportation, the National Conference of State Legislatures, and the American Legislative Exchange Council.

The resolution was referred to the Committee on Appropriations.

Reps. LaJoy, Taub, Casperson, Farhat, Pastor, Emmons, Acciavatti, Walker, Stewart, Nofs, Caswell, Stahl, Ward, Huizenga, Hune, Van Regenmorter, Pappageorge, Shaffer, Caul, DeRossett, Law, Paletko and Stakoe offered the following resolution:

House Resolution No. 34.

A resolution to urge the Disability Rights Section of the United States Department of Justice to provide clearer requirements for markings that designate the access aisle for accessible parking places.

Whereas, State and federal requirements for certain numbers of accessible parking places in public parking lots also include requirements that an access aisle be provided. Access aisles make it possible for people with disabilities, especially those using wheelchairs, to use the space as intended; and

Whereas, Although federal requirements indicate that the access aisles must be marked, no guidelines exist to indicate how the aisles should be marked. As a result, there are inconsistencies in how these aisles and parking places appear. This is a cause for concern for people with disabilities and their families; and

Whereas, Michigan's efforts to protect the rights of people with disabilities, including the 2000 enactment that authorizes ticketing and towing a vehicle illegally parked in the access aisle, are thwarted by the lack of a uniform marking system. The move to consistency in marking these areas, at the state as well as the national level, will increase compliance with laws already in place, which will prove beneficial to many of our citizens and visitors and their families; now, therefore, be it

Resolved by the House of Representatives, That we urge the Disability Rights Section of the United States Department of Justice to provide clearer requirements for markings that designate the access aisle for accessible parking places; and be it further

Resolved, That copies of this resolution be transmitted to the Disability Rights Section of the United States Department of Justice.

The resolution was referred to the Committee on Transportation.

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 26:

Senate Bill Nos. 335 336 337 338 339 340 341 342 343 344 345 346 347 348

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, March 28:

House Bill Nos. 4468 4469 4470 4471 4472 4473 4474 4475 4476 4477 4478 4479 4480 4481 4482 4483 4484 4485 4486 4487

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Transportation, by Rep. DeRossett, Chair, reported

House Bill No. 4086, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 255 (MCL 257.255), as amended by 1987 PA 34.

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 and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman and Elkins

Nays: None

The Committee on Transportation, by Rep. DeRossett, Chair, reported

House Bill No. 4343, entitled

A bill to amend 2002 PA 561, entitled "An act to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2004; to provide for the imposition of fees; to

provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations," by amending section 711.

With the recommendation that the substitute (H-1) 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. DeRossett, Casperson, DeRoche, Gaffney, Hune, Huizenga, LaJoy, Ward, Anderson, Jamnick, Gleason and Tobocman

Nays: Reps. Hummel and Robertson

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeRossett, Chair of the Committee on Transportation, was received and read: Meeting held on: Thursday, March 27, 2003, at 9:00 a.m.

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

Absent: Rep. Adamini Excused: Rep. Adamini

The Committee on Veterans Affairs and Homeland Security, by Rep. Nofs, Chair, reported

House Bill No. 4298, entitled

A bill to create a health insurance benefit for the spouse and children of a public safety officer who is killed in the line of duty.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The committee further recommended that the bill and substitute be referred to the Committee on Appropriations.

Favorable Roll Call

To Report Out:

Yeas: Reps. Nofs, Garfield, Richardville, Pappageorge, Ruth Johnson, Woronchak, Casperson, Woodward, Spade and Elkins

Nays: None

The further recommendation was concurred in and the bill and the substitute were referred to the Committee on Appropriations.

The Committee on Veterans Affairs and Homeland Security, by Rep. Nofs, Chair, reported

House Bill No. 4299, entitled

A bill to amend 1911 PA 235, entitled "An act to provide for the payment and reimbursement by counties, in certain cases upon application therefor, of expenses incurred in the burial of the bodies of honorably discharged members of the armed forces of the United States, or their spouses, and to repeal certain acts or parts of acts," by amending section 1 (MCL 35.801).

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. Nofs, Garfield, Richardville, Ruth Johnson, Woronchak, Casperson, Woodward, Spade and Elkins

Nays: Rep. Pappageorge

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair of the Committee on Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Thursday, March 27, 2003, at 12:08 p.m.

Present: Reps. Nofs, Garfield, Richardville, Pappageorge, Ruth Johnson, Woronchak, Casperson, Woodward, Spade

and Elkins

Absent: Rep. Sheltrown Excused: Rep. Sheltrown

The Committee on Judiciary, by Rep. Howell, Chair, reported

House Bill No. 4078, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8251 (MCL 600.8251), as amended by 1994 PA 5.

With the recommendation that the substitute (H-2) 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. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Garfield, Wenke, Lipsey, Bieda and Condino

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Howell, Chair of the Committee on Judiciary, was received and read: Meeting held on: Tuesday, April 1, 2003, at 9:00 a.m.

Present: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Garfield, Wenke, Lipsey, Adamini, Bieda and Condino

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

Senate Bill No. 105, entitled

A bill to amend 1990 PA 182, entitled "An act to require counties to redistribute certain payments received from the federal government; and to repeal certain acts and parts of acts," by amending the title and sections 1 and 3 (MCL 141.1301 and 141.1303).

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. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Stahl, Sheltrown, Rivet, Spade and Law

Navs: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meyer, Chair of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Tuesday, April 1, 2003, at 10:30 a.m.

Present: Reps. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Stahl, Sheltrown, Rivet, Spade and Law

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 4236, entitled

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

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. Ehardt, Vander Veen, Ruth Johnson, Rocca, Hart, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 4356, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16611 (MCL 333.16611), as amended by 2002 PA 423.

With the recommendation that the substitute (H-1) 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. Ehardt, Vander Veen, Ruth Johnson, Rocca, Hart, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 4479, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 10102 and 10102a (MCL 333.10102 and 333.10102a), section 10102a as added by 1986 PA 186.

With the recommendation that the substitute (H-2) 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. Ehardt, Vander Veen, Ruth Johnson, Rocca, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, O'Neil, Gillard and Clack

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ehardt, Chair of the Committee on Health Policy, was received and read: Meeting held on: Tuesday, April 1, 2003, at 10:30 a.m.

Present: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Hart, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, O'Neil, Gillard and Clack

Absent: Rep. Hardman Excused: Rep. Hardman

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 1, 2003, at 9:00 a.m.

Present: Reps. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Wenke, Jamnick, Tobocman and Accavitti

Absent: Rep. Hardman Excused: Rep. Hardman

Introduction of Bills

Reps. Jamnick and DeRossett introduced

House Bill No. 4488, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 4 (MCL 21.144) and by adding section 2f.

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

Reps. Sak, Spade, Milosch, Clack, Garfield, Minore, Byrum, Tobocman, O'Neil, Vagnozzi, Rivet, Murphy, Bieda, Gillard, Farrah, Dennis, Gieleghem, Woodward, Gleason, Accavitti, Law, Wojno, Condino, Stallworth, Elkins, Meisner, Hunter, Zelenko, Sheltrown, Anderson, Plakas, Kooiman and Brown introduced

House Bill No. 4489, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2002 PA 662.

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

Reps. Sak, Spade, Milosch, Clack, Garfield, Minore, Byrum, Tobocman, O'Neil, Vagnozzi, Rivet, Murphy, Bieda, Gillard, Farrah, Dennis, Gieleghem, Woodward, Gleason, Accavitti, Law, Wojno, Condino, Stallworth, Elkins, Meisner, Hunter, Zelenko, Anderson, Kooiman, Brown and Plakas introduced

House Bill No. 4490, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 134 and 3104 (MCL 500.134 and 500.3104), section 134 as amended by 1990 PA 256 and section 3104 as amended by 2002 PA 662.

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

Reps. Sak, Spade, Milosch, Clack, Garfield, Minore, Byrum, Tobocman, O'Neil, Vagnozzi, Rivet, Murphy, Bieda, Gillard, Farrah, Dennis, Gieleghem, Woodward, Gleason, Accavitti, Law, Wojno, Condino, Stallworth, Elkins, Meisner, Hunter, Zelenko, Anderson, Plakas, Kooiman and Brown introduced

House Bill No. 4491, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 2 and 3 (MCL 15.262 and 15.263), section 2 as amended by 2001 PA 38 and section 3 as amended by 1988 PA 278.

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

Reps. Sheltrown, Lipsey, Condino, Accavitti, Law, Sak, Brown, Dennis, Elkins, Ehardt, Shackleton, Murphy, O'Neil and Gleason introduced

House Bill No. 4492, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81133 (MCL 324.81133), as amended by 1998 PA 86.

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

Reps. Sheltrown, Lipsey, Condino, Accavitti, Spade, Sak, Minore, Brown, Dennis, Elkins, Howell, Ehardt, Shackleton, Murphy and O'Neil introduced

House Bill No. 4493, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 411 (MCL 32.811), as amended by 2000 PA 472.

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

Reps. Sheltrown, Lipsey, Condino, Accavitti, Sak, Minore, Brown, Dennis, Elkins and O'Neil introduced House Bill No. 4494, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of

certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending sections 2 and 2a (MCL 691.1402 and 691.1402a), section 2 as amended and section 2a as added by 1999 PA 205.

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

Reps. Gaffney, Ward, Bieda, Bisbee, LaJoy, Wojno, Nofs, Amos, Spade, Clack, Vagnozzi, Kooiman, Caswell, Hune, Tobocman, Stakoe, Voorhees, Rocca, Paletko, Elkins, Law, Plakas, Hunter, Meisner, Taub, Palmer, Ruth Johnson, Stahl, DeRoche, Emmons, Farhat, Walker, Vander Veen, Ehardt and Van Regenmorter introduced

House Bill No. 4495, 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. Anderson, Sak, Spade, Sheltrown, Woronchak, Murphy, Zelenko, Minore and Gieleghem introduced House Bill No. 4496, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2002 PA 662.

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

Reps. Whitmer, Law, O'Neil, Gieleghem, Wojno, Accavitti, Paletko, Elkins, Murphy, Kolb, Brown, Williams, Hunter, Cheeks, Zelenko, Minore, Reeves, Waters, Byrum, Vander Veen, Dennis and Vagnozzi introduced

House Bill No. 4497, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 102, 103, and 202 (MCL 37.2102, 37.2103, and 37.2202), section 102 as amended by 1992 PA 124, section 103 as amended by 1999 PA 202, and section 202 as amended by 1991 PA 11.

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

Reps. Amos, Pastor, LaJoy, Vander Veen, Pappageorge, Voorhees, Acciavatti, Drolet, Brandenburg, Casperson, Garfield, Steil, Ward, Gaffney, Ruth Johnson, Shaffer, DeRoche, Hune, Woronchak, Pumford, Vagnozzi, Bisbee and Wenke introduced

House Bill No. 4498, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 1999 PA 271.

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

Reps. Amos, LaJoy, Pastor, Pappageorge, Vander Veen, Voorhees, Acciavatti, Drolet, Brandenburg, Casperson, Garfield, Ward, Gaffney, Ruth Johnson, Shaffer, DeRoche, Hune, Woronchak, Pumford, Vagnozzi, Bisbee and Wenke introduced

House Bill No. 4499, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 135a. The bill was read a first time by its title and referred to the Committee on Criminal Justice.

Reps. Amos, LaJoy, Pastor, Pappageorge, Vander Veen, Voorhees, Acciavatti, Brandenburg, Casperson, Garfield, Taub, Ward, Emmons, Julian, Nofs, Gaffney, Ruth Johnson, Shaffer, Caul, DeRoche, Hune, Woronchak, Pumford, Vagnozzi, Rocca, Bisbee, Whitmer and Wenke introduced

House Bill No. 4500, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

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

Reps. Law, Hopgood, Wojno, Murphy, Elkins, Meisner, Anderson, Sheltrown, Zelenko, Kolb, Jamnick, Spade, Plakas, Tobocman, Smith, Brown, Accavitti, Gieleghem, Cheeks, Minore, Reeves, Condino, Clack, Vagnozzi, Dennis, Farrah, Sak, O'Neil, Byrum, Hardman, Woodward, Bieda, Whitmer, Waters and McConico introduced

House Bill No. 4501, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2002 PA 613, and by adding section 3e.

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

Reps. Caul, Phillips, LaJoy, Palsrok, Rivet, Hoogendyk, Hager, Nitz, Gillard, Wenke, Brown, Sheltrown, Elkins, LaSata, Shackleton, Meyer, Spade, Clack, Condino, Hunter, McConico, Sak, Smith, Koetje, Murphy, Tobocman, Accavitti, Hummel, Woodward, Kooiman, Pastor, Vander Veen, Vagnozzi, Meisner, Bisbee, Julian, Cheeks, Taub, Amos, Gieleghem, Pumford, Voorhees, Ruth Johnson, Moolenaar, Howell, Rocca, Steil, Hardman, Lipsey, Bieda, Whitmer, Farhat, Stewart and Ehardt introduced

House Bill No. 4502, entitled

A bill to amend 1981 PA 230, entitled "Michigan economic and social opportunity act of 1981," by amending the title and sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 (MCL 400.1103, 400.1104, 400.1105, 400.1106, 400.1107, 400.1108, 400.1109, 400.1110, and 400.1111), section 11 as amended by 1998 PA 76; and to repeal acts and parts of acts.

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

Reps. Rocca, Wojno, Bieda, Gleason, Gaffney, Richardville, Hopgood, Vagnozzi, Julian, Meisner, Accavitti, Gieleghem, Dennis, Palsrok, DeRoche, Sheen, Byrum and Woodward introduced

House Bill No. 4503, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 66.

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

Rep. Stallworth introduced

House Bill No. 4504, entitled

A bill to provide for the creation of local land banks to assist governmental entities in the assembly and clearance of title to property in a coordinated manner; to facilitate the use and development of certain property; to promote economic growth; to prescribe the powers and duties of certain land banks; to provide for the creation and appointment of boards to govern land banks and to prescribe their powers and duties; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to authorize the conveyance of certain properties to a land bank; to authorize the enforcement of tax liens and the clearing or quieting of title by a land bank; to provide for the distribution and use of revenues collected or received by a land bank; to prescribe powers and duties of certain public entities and state and local officers and agencies; to authorize the transfer and acceptance of property in lieu of taxes and the release of tax liens; to exempt property, income, and operations of a land bank from tax; and to extend protections against certain liabilities to a land bank.

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

Reps. Stakoe, Stahl, Nofs, Milosch, Garfield and Gaffney introduced

House Bill No. 4505, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5204 and 5205 (MCL 333.5204 and 333.5205), section 5204 as added by 1997 PA 57 and section 5205 as amended by 2000 PA 37.

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

Reps. Stakoe, Ruth Johnson, Nofs, Palsrok, Hoogendyk, Hune, Ward, Stahl, Vagnozzi, Gaffney, Sheen, Vander Veen and Palmer introduced

House Bill No. 4506, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625n and 904 (MCL 257.625n and 257.904), section 625n as amended by 1998 PA 349 and section 904 as amended by 2002 PA 534.

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

Reps. Hoogendyk, Sheen, Voorhees, Vander Veen, O'Neil, Robertson, Spade, Brandenburg, Hummel, Tabor, Palsrok, Acciavatti, Pastor, Drolet, Milosch and Wenke introduced

House Bill No. 4507, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2685a. The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. McConico introduced

House Bill No. 4508, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 375 (MCL 380.375), as added by 1999 PA 10.

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

Rep. Jamnick introduced

House Bill No. 4509, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Jamnick introduced

House Bill No. 4510, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Emmons moved that the House adjourn.

The motion prevailed, the time being 3:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, April 2, at 1:00 p.m.

GARY L. RANDALL Clerk of the House of Representative