No. 4 STATE OF MICHIGAN

JOURNAL OF THE

House of Representatives

93rd Legislature REGULAR SESSION OF 2005

House Chamber, Lansing, Wednesday, February 2, 2005.

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 Angerer—present Ball—present Baxter—present Bennett—present Bieda—present Booher—present Brandenburg—excused Brown—present Byrnes—present Byrum—present Casperson—present Caswell—present Caul—present Cheeks—present Clack—present Clemente—present Condino—present Cushingberry—present DeRoche—present Dillon—present Donigan—present Drolet—present Elsenheimer—present

Emmons—present Espinoza—present Farhat—present Farrah—present Gaffney-present Garfield—present Gillard—present Gleason—present Gonzales—present Gosselin—present Green—present Hansen—present Hildenbrand—present Hood—present Hoogendyk—present Hopgood-present Huizenga—present Hummel—excused Hune—present Hunter-present Jones-present Kahn—present Kehrl—present Kolb—present Kooiman—present LaJoy—present Law, David—present Law, Kathleen—present

Lemmons, III—present Lemmons, Jr.—present Lipsey—present Marleau—present Mayes—present McConico—present McDowell—present Meisner-present Meyer—present Miller-present Moolenaar—excused Moore—present Mortimer—present Murphy—present Newell—present Nitz-present Nofs—present Palmer—excused Palsrok-present Pastor-present Pavlov—present Pearce—present Phillips—present Plakas—present

Polidori—present

Proos—present

Leland—present

Robertson—present Rocca—present Sak-present Schuitmaker—present Shaffer—present Sheen—present Sheltrown—present Smith, Alma—present Smith, Virgil—present Spade—present Stahl-excused Stakoe—present Steil—present Stewart—present Taub—present Tobocman—present Vagnozzi-present Van Regenmorter—present Vander Veen—present Walker-excused Ward—present Waters—present Wenke—present Whitmer—present Williams-present Wojno—present Zelenko-present

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

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

Rep. Emmons moved that Reps. Brandenburg, Hummel, Moolenaar, Palmer, Stahl and Walker be excused from today's session.

The motion prevailed.

The Speaker assumed the Chair.

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution: **House Resolution No. 15.**

A resolution of tribute offered as a memorial for Jelt Sietsema, former member of the House of Representatives.

Whereas, The members of the Michigan House of Representatives were saddened to learn of the passing of Jelt Sietsema, a gentleman of deep commitment and compassion who served this legislative body for 18 years. His long and distinguished tenure of legislative service to the people of his Kent County district was marked by the unselfishness that he displayed in all aspects of his public life; and

Whereas, A native of Grand Rapids, Jelt Sietsema served his country in the Army for three years in Europe during World War II. This strong sense of loyalty to his fellow citizens never left him. He was a devoted family man who was working at a Grand Rapids fabrication plant when he began his pursuit of state elective office with his election to the House of Representatives in 1968; and

Whereas, In Lansing, Jelt Sietsema was known as a gentleman of great personal integrity and as a hardworking lawmaker. He was especially committed to the care of those with disabilities and special needs. Among his many accomplishments as a legislator were his effectiveness as chair of the Public Safety Committee for several years, his sponsorship of legislation requiring curb cuts, and his efforts as chair of the Public Health Committee. Even after his nine terms at the Capitol, he devoted himself to the people of his community as a member of the Kent County Board of Commissioners for eight years; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Jelt Sietsema, a member of this legislative body from 1969 to 1986; and be it further

Resolved, That copies of this resolution be transmitted to the Sietsema family as evidence of our lasting esteem for his memory.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

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

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 1, 2005

Present: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltrown, Spade and Polidori

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wenke, Chair, of the Committee on Higher Education, was received and read: Meeting held on: Tuesday, February 1, 2005

Present: Reps. Wenke, Emmons, Palmer, Ward, Byrnes and Kehrl

Absent: Rep. Virgil Smith Excused: Rep. Virgil Smith

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Energy and Technology, was received and read: Meeting held on: Wednesday, February 2, 2005

Present: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood and Clemente

Absent: Rep. Stahl Excused: Rep. Stahl

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ward, Chair, of the Committee on House Oversight, Elections, and Ethics, was received and read:

Meeting held on: Wednesday, February 2, 2005

Present: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair, of the Committee on Judiciary, was received and read: Meeting held on: Wednesday, February 2, 2005

Present: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, February 2:

House Bill Nos.	4082	4083	4084	4085	4086	4087	4088	4089	4090	4091	4092	4093	4094	4095
	4096	4097	4098	4099	4100	4101	4102	4103	4104	4105	4106	4107	4108	4109
	4110	4111	4112	4113	4114	4115	4116	4117	4118	4119	4120	4121	4122	4123
	4124	4125	4126	4127	4128	4129	4130	4131	4132	4133	4134	4135	4136	4137
	4138	4139	4140	4141	4142									

House Joint Resolution C

Communications from State Officers

The following communications from the Family Independence Agency were received and read:

January 28, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

Type of Report	Facility	Report #	License #
Renewal	Mackinac County FIA		<u>CP49020</u> 1268
Special	Sequoyah Center	2005C0207003	CS470201401
Investigation Report	• •		

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: http://www.michigan.gov/fia/.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

January 28, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

Type of ReportFacilityReport #License #RenewalChippewa County FIACP170201061InterimDickinson County FIACP220201095

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: http://www.michigan.gov/fia/.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

January 28, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

Type of Report
RenewalFacility
Northern Michigan AdoptionReport #
CP280201328License #
CP280201328

Program

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: http://www.michigan.gov/fia/.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

January 28, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

Type of Report Facility Report # License # 2005C0207001 License # CS470245817

Investigation Report

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: http://www.michigan.gov/fia/.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely, Marianne Udow Director

The communications were referred to the Clerk.

The following communication from the Department of State Police was received and read:

January 28, 2005

On behalf of the Michigan Automobile Theft Prevention Authority (ATPA) Board of Directors, I am pleased to submit our 2004 Annual Report to the House. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Granholm and the Secretary of the Senate. Furthermore, individual reports are being mailed to all members of the legislature.

If you would like additional copies, please contact the ATPA at (517) 336-6197.

Sincerely,

Col. Tadarial J. Sturdivant

Director

The communication was referred to the Clerk.

The following communication from the Auditor General was received and read:

February 1, 2005

Enclosed is a copy of the following audit report and/or report summary:

Performance audit of the

Cadillac Local Development Finance Authority

February 2005

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

Introduction of Bills

Rep. Moolenaar introduced

House Bill No. 4143, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513), as amended by 2004 PA 594.

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

Rep. Moolenaar introduced

House Bill No. 4144, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 3 (MCL 388.1903), as amended by 2004 PA 592.

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

Rep. Rocca introduced

House Bill No. 4145, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the title, as amended by 1996 PA 434, and by adding sections 43540a and 43540c.

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

Reps. Farhat and Accavitti introduced

House Bill No. 4146, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1201 (MCL 436.2201) and by adding section 521a.

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

Reps. Farhat and Gosselin introduced

House Bill No. 4147, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 76111a.

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

Reps. LaJoy, Drolet, Mortimer, Gosselin, Nitz, Acciavatti, Casperson, Garfield, Taub, Baxter, Hoogendyk, Rocca, Schuitmaker, Ball, Marleau, Pearce, Robertson and Van Regenmorter introduced

House Bill No. 4148, entitled

A bill to consolidate certain state human resource operations in the department of civil service; to create certain offices; and to impose certain duties and responsibilities on certain state officials and employees.

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

Reps. Condino, Tobocman, Kathleen Law, Plakas, Bieda, Lipsey, Vagnozzi, Gleason, Sak, Clack, Wojno and Accavitti introduced

House Bill No. 4149, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4507 (MCL 500.4507), as added by 1995 PA 276, and by adding section 2006a; and to repeal acts and parts of acts.

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

Reps. Condino, Tobocman, Kathleen Law, Plakas, Bieda, Lipsey, Vagnozzi, Gleason, Sak, Clack, Accavitti, Wojno, Brown, Cheeks, Hunter, Lemmons, Jr., Anderson, Hood, Murphy, Zelenko and Meisner introduced

House Bill No. 4150, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1180. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Kolb, Condino, Miller, Bieda, Kathleen Law, Lipsey, Whitmer, Meisner, Alma Smith, McConico, Donigan, Bennett, Angerer, McDowell, Wojno, Hopgood, Anderson, Polidori, Vagnozzi, Kehrl, Gonzales, Gillard, Gleason, Hunter, Farrah, Sak, Espinoza and Tobocman introduced

House Bill No. 4151, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32701, 32702, 32705, 32706, 32707, 32708, 32709, 32710, 32711, 32712, and 32713 (MCL 324.32701, 324.32702, 324.32705, 324.32706, 324.32707, 324.32708, 324.32709, 324.32710, 324.32711, 324.32712, and 324.32713), sections 32701, 32705, 32707, and 32708 as amended by 2003 PA 148, sections 32702, 32709, 32710, 32711, and 32713 as added by 1995 PA 59, and sections 32706 and 32712 as amended by 1996 PA 434, and by adding sections 32702a, 32712a, 32712b, 32712c, 32712d, 32712e, 32712f, 32712g, 32713a, 32715, 32716, and 32717.

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

Reps. Kolb, Condino, Tobocman, Meisner and Lemmons, III introduced

House Bill No. 4152, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2004 PA493.

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

Reps. Kolb, Condino, Tobocman, Meisner and Lemmons, III introduced

House Bill No. 4153, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

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

Reps. Kolb, Condino, Kathleen Law, Tobocman, Meisner and Lemmons, III introduced

House Bill No. 4154, entitled

A bill to require certain providers of electric service to comply with a portfolio standard for renewable energy; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

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

Reps. Kolb, Condino, Miller, Bieda, Kathleen Law, Tobocman, Whitmer, Meisner and Lemmons, III introduced House Bill No. 4155, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 5502a.

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

Reps. Kolb, Condino, Miller, Bieda, Kathleen Law, Tobocman, Whitmer, Meisner and Lemmons, III introduced House Bill No. 4156, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2004 PA 34.

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

Reps. Vagnozzi, Miller, Murphy, Anderson, Bieda, Lemmons, Jr., Donigan, Kolb, Espinoza, Tobocman and McConico introduced

House Bill No. 4157, entitled

A bill entering into the midwest pharmaceutical compact; and for related purposes.

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

Reps. Vagnozzi, Kehrl, Sheltrown, Wojno, Gonzales, Zelenko, Gillard, Alma Smith, Murphy, Anderson, Bieda, Donigan, Kolb, Espinoza, Tobocman, Byrnes, Virgil Smith and McConico introduced

House Bill No. 4158, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 672, 674, 720, and 735 (MCL 168.672, 168.674, 168.720, and 168.735), section 674 as amended by 1996 PA 207 and section 735 as amended by 2004 PA 92, and by adding section 720a.

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

Reps. Bieda, Condino, Gleason, Gillard, Vagnozzi, Anderson, Lemmons, Jr., Hunter, Espinoza, Kathleen Law, Hune, Gaffney, Hildenbrand and Lemmons, III introduced

House Bill No. 4159, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21788. The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Reps. Pastor, Byrnes, Gosselin and Garfield introduced

House Bill No. 4160, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8401 (MCL 600.8401), as amended by 1999 PA 27.

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

Reps. Pastor and Gosselin introduced

House Bill No. 4161, entitled

A bill to amend 1996 PA 305, entitled "Acknowledgment of parentage act," by repealing section 6 (MCL 722.1006). The bill was read a first time by its title and referred to the Committee on Judiciary.

Rep. Pastor introduced

House Bill No. 4162, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811m. The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Pastor, Gosselin, Sak and Garfield introduced

House Bill No. 4163, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479a (MCL 750.479a), as amended by 2002 PA 270.

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

Rep. Pastor introduced

House Bill No. 4164, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124.

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

Reps. Pastor and Garfield introduced

House Bill No. 4165, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2003 PA 313.

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

Reps. Pastor and Gosselin introduced

House Bill No. 4166, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81e. The bill was read a first time by its title and referred to the Committee on Judiciary.

Rep. Pastor introduced

House Bill No. 4167, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," (MCL 38.2101 to 38.2670) by adding section 513.

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

Reps. Pastor, Gosselin and Garfield introduced

House Bill No. 4168, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 521.

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

Reps. Pastor and Gosselin introduced

House Bill No. 4169, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4921 and 4969 (MCL 600.4921 and 600.4969), as added by 1986 PA 178.

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

Reps. Pastor and Byrnes introduced

House Bill No. 4170, entitled

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

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

Reps. Pastor, Gosselin and Sak introduced

House Bill No. 4171, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5739 (MCL 600.5739). The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Leland, Tobocman, Hunter, Lipsey, Kathleen Law and Clack introduced

House Bill No. 4172, entitled

A bill to amend the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 1 (MCL 445.571), as amended by 1989 PA 93.

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

Reps. Leland, Alma Smith, Tobocman, Gleason, McConico, Hunter, Gonzales, Brown, Kathleen Law, Bieda and Phillips introduced

House Bill No. 4173, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21720a (MCL 333.21720a). The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Reps. Gonzales, Bieda, Farrah, Vagnozzi, Gleason, Condino, Clack, Murphy and Brown introduced House Bill No. 4174, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 22 (MCL 421.22).

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

Reps. Bieda, Gonzales, Farrah, Vagnozzi, Gleason, Condino, Clack, Murphy and Brown introduced House Bill No. 4175, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 3 (MCL 421.3), as amended by 2003 PA 174.

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

Reps. Farrah, Bieda, Vagnozzi, Gleason, Condino, Clack, Murphy, Brown and Gonzales introduced **House Bill No. 4176, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending the title and section 5b (MCL 421.5b), the title as amended by 1991 PA 10 and section 5b as added by 2002 PA 192.

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

Rep. Whitmer moved that the House adjourn.

The motion prevailed, the time being 2:30 p.m.

The Speaker declared the House adjourned until Thursday, February 3, at 10:30 a.m.

GARY L. RANDALL Clerk of the House of Representatives