No. 83 STATE OF MICHIGAN

JOURNAL OF THE

House of Representatives

93rd Legislature REGULAR SESSION OF 2005

House Chamber, Lansing, Thursday, September 29, 2005.

10:30 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 Acciavatti—present Adamini—present Amos—present Anderson—present Angerer—present Ball—present Baxter—present Bennett—present Bieda—present Booher—present Brandenburg—present Brown—present Byrnes—present Byrum—present Casperson—present Caswell—present Caul—present Cheeks—present Clack—present Clemente—present Condino—present Cushingberry—e/d/s DeRoche—excused Dillon—present Donigan—present Drolet—excused Elsenheimer—present

Emmons—present Espinoza—present Farhat—present Farrah—present Gaffney-present Garfield-excused Gillard—present Gleason—present Gonzales-excused Gosselin—present Green—present Hansen—present Hildenbrand—present Hood—present Hoogendyk—present Hopgood-present Huizenga—present Hummel—present 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—present Moore—present Mortimer—present Murphy—present Newell—present Nitz-present Nofs—present Palmer—present Pastor—present Pavlov—present Pearce—present Phillips—present

Plakas-excused

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-present Stakoe—present Steil-present Stewart—present Taub—present Tobocman—present Vagnozzi-present Van Regenmorter—present Vander Veen—present Walker-present Ward—present Waters—present Wenke—excused Whitmer—present Williams-present Wojno—present Zelenko—present

Rep. Gino H. Polidori, from the 15th District, offered the following invocation:

"Lord, give us each the *strength*, *wisdom*, *guidance*, *and humility* to serve human kind. Give us the *strength* to *overcome* barriers to righteous deeds. Give us the *wisdom* to *know* how to serve them well. Give us the *guidance* to *achieve* good by them. Give us Lord, the *humility* to *transcend* prejudice, rivalry, and frustration to do right by our fellow man. Lord, please give guidance and protection for the men and women who serve our nation in the armed forces all across the globe. And second to the victims of natural disasters all across the world. Amen."

Rep. Sak moved that Rep. Gonzales be excused from today's session.

The motion prevailed.

Rep. Palmer moved that Reps. DeRoche, Drolet, Garfield and Wenke be excused from today's session. The motion prevailed.

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

Second Reading of Bills

House Bill No. 4920, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80307, 80309, 81112, and 82105 (MCL 324.80307, 324.80309, 324.81112, and 324.82105), sections 80307, 80309, and 81112 as added by 1995 PA 58 and section 82105 as amended by 1998 PA 297.

The bill was read a second time.

Rep. Palsrok moved to amend the bill as follows:

- 1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:
- "Sec. 80124a. (1) Subject to subsection (4), the secretary of state shall make available for purchase an annual Great Lakes protection specialty watercraft decal. The Great Lakes protection specialty watercraft decal shall be designed by the secretary of state and shall depict some aspect of the Great Lakes or of Great Lakes water quality.
- (2) The Great Lakes protection specialty watercraft decal shall be sold for \$35.00. Revenues from the sale of Great Lakes specialty watercraft decals shall be expended as provided for in section 80124b.
- (3) The secretary of state may establish the appropriate placement of Great Lakes protection specialty watercraft decals on watercraft so as not to create confusion for law enforcement officers with decals required under section 80124.
- (4) The secretary of state shall discontinue sales of Great Lakes protection specialty watercraft decals under subsection (1) if the secretary of state is unable to sell at least 2,000 decals in the fiscal year 2-YEAR PERIOD ending September 30, 2005 2006 and at least 500 decals in each fiscal year thereafter."

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

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

The motion prevailed.

House Bill No. 5200, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219, 233, 235a, and 811d (MCL 257.219, 257.233, 257.235a, and 257.811d), sections 219 and 233 as amended by 1999 PA 267, section 235a as amended by 1987 PA 238, and section 811d as added by 2000 PA 77.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4369, entitled

A bill to provide for the establishment of commercial rehabilitation districts in certain local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain qualified facilities; to provide for the disposition of the tax; to reimburse certain expenses; to provide for the obtaining and

transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of certain local governmental officials; and to provide penalties.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Commerce,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Waters moved that Rep. Murphy be excused temporarily from today's session. The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 553, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 11 (MCL 421.11), as amended by 1995 PA 25.

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

Roll Call No. 479

Yeas—102

Accavitti Espinoza Lemmons, III Rocca Acciavatti Farhat Lemmons, Jr. Sak Adamini Farrah Lipsev Schuitmaker Amos Gaffney Marleau Shaffer Gillard Mayes Sheen Anderson McConico Angerer Gleason Sheltrown Gosselin McDowell Ball. Smith, Alma Baxter Green Meisner Smith, Virgil Hansen Bennett Meyer Spade Hildenbrand Bieda Miller Stahl Stakoe Booher Hood Moolenaar Brandenburg Hoogendyk Moore Steil Brown Hopgood Mortimer Stewart Newell **Byrnes** Huizenga Taub Byrum Hummel Nitz Tobocman Casperson Hune Nofs Vagnozzi Van Regenmorter Caswell Hunter Palmer Vander Veen Caul Jones Palsrok Cheeks Walker Kahn **Pastor** Clack Kehrl Pavlov Ward Clemente Kolb Pearce Waters Condino Kooiman **Phillips** Whitmer Dillon LaJoy Polidori Williams Law. David Woino Donigan Proos Elsenheimer Law. Kathleen Robertson Zelenko **Emmons** Leland

Nays—0

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act;

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Stakoe moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

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

Rep. Stakoe moved that when the House adjourns today it stand adjourned until Wednesday, October 5, at 1:00 p.m. The motion prevailed.

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

Rep. Cushingberry entered the House Chambers.

Reps. Leland, Espinoza, McDowell, Plakas, Alma Smith, Mayes, Condino, Bieda, Gleason, Kolb, Hune, Shaffer, Brandenburg, Williams, Anderson, Adamini, Hildenbrand, Accavitti, Brown, Byrnes, Byrum, Clack, Dillon, Farrah, Hopgood, Kehrl, Lemmons, III, Lemmons, Jr., Lipsey, Miller, Murphy, Phillips, Polidori, Spade, Tobocman, Vagnozzi, Waters, Wojno and Zelenko offered the following resolution:

House Resolution No. 136.

A resolution declaring September 2005 as Pain Awareness Month in the state of Michigan.

Whereas, Pain is a serious health problem that affects an estimated 50 million Americans every year; and

Whereas, People who suffer through pain are often marginalized and stigmatized, and thus often not informed of their right to effective pain assessment and management; and

Whereas, Untreated chronic pain may rob the citizens of Michigan of their quality of life — affecting physical, psychological, social, and spiritual well-being; and

Whereas, According to published estimates, one in five individuals has moderate to severe chronic pain, and a third of those individuals are inhibited from leading an active lifestyle because of it; and

Whereas, It is estimated that pain costs more than \$100 billion annually in lost workdays and medical expenses. Many citizens, especially the elderly, minorities, and urban and rural poor are unable to get treatment helping them to manage their pain due to high health care costs; and

Whereas, Increased awareness of, and potential cures for, chronic pain can lead to much needed relief; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 2005 as Pain Awareness Month in the state of Michigan.

Pending the reference of the resolution to a committee,

Rep. Ward 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,

The resolution was adopted.

Reports of Standing Committees

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **House Bill No. 5148, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11511b.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Kathleen Law, Bennett and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported House Bill No. 5149, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11518 and 11701 (MCL 324.11518 and 324.11701), section 11701 as amended by 2004 PA 381.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Kathleen Law, Bennett and Donigan

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, September 29, 2005

Present: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Absent: Rep. Ward Excused: Rep. Ward

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 29:

House Bill Nos. 5238 5239 5240 5241

The Clerk announced that the following Senate bill had been received on Thursday, September 29:

Senate Bill No. 461

By unanimous consent the House returned to the order of

Messages from the Senate

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 Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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 Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4588, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 1, 2, 6, 13a, 16, 16a, 18, 18a, 19, 20, 21, 31, 44, 44a, 46, 47, 61, 61a, 65, 76, 76a, 78, and 81 (MCL 780.751, 780.752, 780.756, 780.763a, 780.766, 780.766a, 780.768, 780.768a, 780.769, 780.770, 780.771, 780.781, 780.794, 780.794a, 780.796, 780.797, 780.811, 780.811a, 780.815, 780.826, 780.826a, 780.828, and 780.831), sections 2, 6, 13a, 16, 18a, 19, 21, 31, 44, 46, 61, 65, 76, and 78 as amended by 2000 PA 503, sections 16a, 44a, and 76a as amended by 2003 PA 98, sections 18, 47, and 81 as amended by 1996 PA 562, and section 61a as added by 1993 PA 341, and by adding section 19a.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1985 PA 87, entitled "An act to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers' agents toward victims; and to provide for penalties and remedies," by amending sections 1, 2, 6, 13a, 16, 16a, 18, 18a, 19, 20, 21, 31, 44, 44a, 46, 47, 61, 61a, 65, 76, 76a, 78, and 81 (MCL 780.751, 780.752, 780.756, 780.763a, 780.766, 780.766a, 780.766a, 780.768, 780.769, 780.770, 780.771, 780.781, 780.794, 780.794a, 780.796, 780.797, 780.811, 780.811a, 780.815, 780.826, 780.826a, 780.828, and 780.831), sections 2, 6, 13a, 16, 18a, 19, 21, 31, 44, 46, 61, 65, 76, and 78 as amended by 2000 PA 503, sections 16a, 44a, and 76a as amended by 2003 PA 98, sections 18, 47, and 81 as amended by 1996 PA 562, and section 61a as added by 1993 PA 341, and by adding sections 17a, 19a, 46b, and 80a.

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

Senate Bill No. 461, entitled

A bill to amend 1990 PA 72, entitled "Local government fiscal responsibility act," by amending section 18 (MCL 141.1218).

The Senate has passed the bill.

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

Communications from State Officers

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

September 26, 2005

I am pleased to submit the 2003-2004 Annual Report for the Michigan Higher Education Assistance Authority (MHEAA) and the Michigan Higher Education Student Loan Authority (MHESLA). This report, submitted in accordance with Section 390.960 of the Michigan Higher Education Assistance Authority Act, as amended, Public Act 77 of 1960, provides an overview of the activities of MHEAA and MHESLA.

This report contains highlights of the student financial aid programs administered by MHEAA and MHESLA during the 2003-2004 fiscal year. If you have any questions concerning this report, please feel free to contact Philip Trapp, Assistant to the Director, Bureau of Student Financial Services at 517-241-0018.

Sincerely,
Patricia W. Scott, Director
Bureau of Student Financial Services

The communication was referred to the Clerk.

Introduction of Bills

Rep. Baxter introduced

House Bill No. 5242, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 46 (MCL 400.46). The bill was read a first time by its title and referred to the Committee on Family and Children Services.

Rep. Stewart introduced

House Bill No. 5243, entitled

A bill to authorize the state administrative board to convey certain state owned property in Wayne county; to prescribe conditions for the conveyance; and to provide for disposition of revenue derived from the conveyance.

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

Reps. Kahn, Moolenaar, Moore, David Law, Meyer, Hildenbrand, Robertson, Emmons and Casperson introduced House Bill No. 5244, entitled

A bill to amend 1913 PA 275, entitled "An act to authorize the boards of supervisors of counties to create a board of county auditors, appoint such officers, and prescribe their powers, duties and compensation," by repealing section 4a (MCL 47.4a).

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

Rep. Robertson introduced

House Bill No. 5245, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1445 (MCL 600.1445). The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Baxter introduced

House Bill No. 5246, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 9 (MCL 28.609), as amended by 2004 PA 379.

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

Reps. Vander Veen, Newell, Mortimer, Acciavatti, Emmons, Jones, Amos, Stahl and Wojno introduced House Bill No. 5247, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23f of chapter X (MCL 710.23f), as amended by 1994 PA 373.

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

Reps. Wojno, Gaffney, Mortimer, Byrnes, Accavitti, Polidori, Bieda, Vander Veen, Shaffer and Hune introduced House Bill No. 5248, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 1a (MCL 480.11a), as amended by 1995 PA 265.

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

Reps. Hoogendyk, Gosselin, Drolet, Kahn, Rocca, Palmer, Robertson, Taub, Sheen, Casperson, Mortimer, Steil, LaJoy, Gleason, Stahl, Moore, Brandenburg, Ball, Schuitmaker, Marleau, Farhat, Pastor, Acciavatti, Palsrok, Elsenheimer, Baxter, Hansen, Pavlov, Proos, Booher, Jones, Hildenbrand, Caswell, Stewart, David Law, Stakoe and Hune introduced

House Bill No. 5249, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 90.

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

Reps. Tobocman, Kolb, Bieda, Murphy, Meisner, Hopgood, Drolet, Vagnozzi, Polidori, Kehrl, Ward, Kathleen Law, Condino, Kooiman, Proos and Lemmons, III introduced

House Bill No. 5250, entitled

A bill to regulate political activity; to regulate certain candidates for elective office and state officials; to require financial statements and reports; to prescribe the powers and duties of certain state and local governmental officers and agencies; to impose fees; to prescribe penalties and civil sanctions; and to provide remedies.

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

Reps. Moolenaar, Palmer, Plakas, Hummel, Emmons, Sheltrown, Stahl, Gleason, Baxter, Kahn, Newell, Ball, Sheen, Taub, Sak, Farhat, Gosselin, Hoogendyk, Walker and Pearce introduced

House Bill No. 5251, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278 (MCL 380.1278), as amended by 2004 PA 596.

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

Rep. Mayes introduced

House Bill No. 5252, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 66. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Acciavatti, Hummel, Taub, Hansen, Kolb and Phillips introduced

House Bill No. 5253, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2004 PA 355.

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

Reps. Newell, Emmons, Caswell, Taub, Vander Veen, Ball, Kahn, Mortimer, Green, Proos, Stahl, Nofs and Pearce introduced

House Bill No. 5254, entitled

A bill to amend 1984 PA 233, entitled "Prudent purchaser act," (MCL 550.51 to 550.63) by adding sections 3c and 3d. The bill was read a first time by its title and referred to the Committee on Insurance.

Reps. Gaffney, Hune, Hildenbrand and Mortimer introduced

House Bill No. 5255, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2843 (MCL 333.2843), as amended by 2002 PA 691.

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

Reps. Proos, Shaffer, Jones, Acciavatti, Mortimer, Gaffney, Hansen, Booher, Caswell, Robertson, Condino, Taub, Vander Veen, Ball, Pavlov, Caul, Green, Wojno, Moore, Meyer, Pearce, Pastor, Stewart, Walker, Stahl, Tobocman, Mayes, Farrah, Brandenburg, Newell, Sheen, Phillips, Adamini, Brown, Leland, Angerer, Clemente and Bieda introduced

House Bill No. 5256, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3020 (MCL 500.3020), as amended by 1998 PA 410.

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

Rep. Gaffney moved that the House adjourn. The motion prevailed, the time being 12:10 p.m.

Associate Speaker Pro Tempore Elsenheimer declared the House adjourned until Wednesday, October 5, at 1:00 p.m.

GARY L. RANDALL Clerk of the House of Representatives