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House of Representatives
92nd Legislature
REGULAR SESSION OF 2003

House Chamber, Lansing, Thursday, February 6, 2003.

10:00 a.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

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

e/d/s = entered during session

Rep. Glenn S. Anderson, from the 18th District, offered the following invocation:

“Heavenly Father, as we begin another day in this wonderful and historic institution, let us pause to give You the praise You so richly deserve and ask for Your guidance as we proceed. Give us the wisdom and the desire to manage well all the things that You have given us. May we use our time, talents and resources for the good of those who sent us here to represent them. Make us sensitive to the needs of those less fortunate and give us hands that are ready to help. As the tragic events of the last week remind us, let us not forget that our opportunity to do good is limited. Teach us to be less concerned with who gets credit and instead strive to work more in a bipartisan way for our people. Please guide us as we work together to form good public policy that will benefit all the citizens of this great state. In the name of Your son, Jesus Christ, we pray. Amen.”

Rep. Waters moved that Reps. Daniels and Hardman 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 James E. O’Neill, Jr., former member of the House.

Whereas, Members and staff throughout the Capitol were saddened to learn of the passing of James E. O’Neill, who served in this legislative body for 28 years. For the people of his hometown of Saginaw, the education community throughout Michigan, and disadvantaged people throughout our state, his demise represents the loss of a tireless champion in public policy debates; and

Whereas, Jim O’Neill was a graduate of Central Michigan University who earned his master’s degree at the University of Michigan and served his country in the United States Army from 1951 to 1953. He worked as a high school teacher and as an elementary school principal in Hemlock prior to his election to the House of Representatives in 1966. Although he formally left the classroom at that time, he certainly never altered his commitment to schools. Throughout his 14 consecutive terms, Representative O’Neill was a tireless advocate of public education and people in need; and

Whereas, An unpretentious gentleman who made friends as well as he made public policy, Representative O’Neill worked effectively with members on both sides of the political aisle on many difficult issues over the years. He was an especially respected source of information on school finance and was a key contributor to the landmark changes of Proposal A; and

Whereas, Most importantly, Jim O’Neill, with his honesty, concern, and integrity, demonstrated a belief in our system of self-government that will long be remembered. His continuing involvement with issues after leaving the legislature in 1994 provided an example of the highest standards of citizenship and leadership; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of James E. O’Neill, Jr., a member of this legislative body from 1967 to 1994; and be it further

Resolved, That copies of this resolution be transmitted to the O’Neill family as evidence of our sincere condolences.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

Reps. Richardville, Accavitti, Acciavatti, Adamini, Amos, Anderson, Bieda, Bisbee, Bradstreet, Brown, Byrum, Casperson, Caswell, Caul, Cheeks, Clack, Condino, Dennis, DeRoche, DeRossett, Drolet, Elkins, Emmons, Farhat, Farrah, Gaffney, Garfield, Gielegem, Gillard, Gleason, Hager, Hart, Hoogendyk, Howell, Huizenga, Hummel, Hune, Hunter, Jammick, Rick Johnson, Ruth Johnson, Julian, Koetje, Kooiman, LaJoy, LaSata, Law, Lipsey, McConico, Meisner, Meyer, Minore, Moolenaar, Murphy, Newell, Nitz, Nofs, O’Neil, Paletko, Palmer, Palsrok, Pappageorge, Pastor, Phillips, Plakas, Pumford, Rivet, Robertson, Rocca, Sak, Shackleton, Shaffer, Sheen, Sheltrown, Shulman, Smith, Spade, Stahl, Stakoe, Stallworth, Steil, Stewart, Tabor, Taub, Tobocman, Vagnozzi, Vander Veen, Voorhees, Walker, Ward, Waters, Wenke, Whitmer, Williams, Wojno, Woodward, Woronchak and Zelenko offered the following resolution:

House Resolution No. 16.

A resolution of the very highest praise, tribute, gratitude, and thanksgiving offered as a memorial for the crew of NASA Mission STS-107 aboard the Space Shuttle Columbia and to memorialize the Congress of the United States and the National Aeronautics and Space Administration to continue the nation’s commitment to space exploration.

Whereas, The tragic end to the last mission of the space shuttle Columbia has left an indelible mark upon the collective memory of a generation to remind us all that progress is sometimes paid with a human price. The members of the Michigan Legislature, on behalf of the people of this state, wish to convey our profound sense of loss and to express the deep respect and pride we feel for all of the men and women who commit themselves to leading our nation and the world to new worlds of knowledge; and

Whereas, The people of Michigan have always held special interest in the manned space program, with many of our citizens contributing to its successes over the past forty-two years, including numerous astronauts. That this tragedy touches more than the United States but all people throughout the world. Of the seven crewmembers, one was born on the soil of a different continent and another was a citizen of a foreign nation. The exploration of space is not solely an American endeavor, but an effort of all humanity to reach to the stars; and

Whereas, Once more, this nation is painfully reminded that the exploration of space is neither routine nor happenstance but extraordinary and perilous. That those select few who are chosen to pioneer new frontiers always carry with them the hopes and prayers of a grateful nation. Their service to humanity and the cause of scientific advancement directly reflects their tremendous courage and fortitude to expand the boundaries of human knowledge. That the fiery demise of the Columbia on its return to Earth will never be forgotten and the world will once more be reminded of the boundless gratitude owed to these exceptional souls; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the National Aeronautics and Space Administration to continue the nation's commitment to space exploration and transmit copies of this resolution to the members of the Michigan congressional delegation; and be it further

Resolved, That a unanimous accolade of the highest tribute be hereby offered to honor the memory of Mission STS-107 aboard the space shuttle Columbia. We acknowledge our deep admiration for these brave individuals: Colonel Rick Husband, Lt. Colonel Michael Anderson, Commander Laurel Clark, Captain David Brown, Commander William McCool, Dr. Kalpana Chawla, and Ilan Ramon, a Colonel in the Israeli Air Force; and be it further

Resolved, That copies of this resolution be transmitted to NASA and to the families of Michael Anderson, David Brown, Kalpana Chawla, Laurel Clark, Rick Husband, William McCool and Ilan Ramon as a reflection of the high esteem and great respect which will always be held for their memory by the state of Michigan.

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,

The resolution was adopted.

The Speaker Pro Tempore resumed the Chair.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 12.

A resolution to request the opinion of the Michigan Supreme Court on the constitutionality of certain questions of law pertaining to provisions of 2002 PA 678.

(For text of resolution, see House Journal No. 4, p. 63.)

(The resolution was reported by the Committee on Judiciary on February 4, with substitute (H-3), consideration of which, under the rules, was postponed until February 5.)

(For substitute, see House Journal No. 5, p. 77.)

The question being on the adoption of the proposed substitute (H-3) recommended by the Committee,

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

The question being on the adoption of the resolution,

The resolution was adopted.

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

The motion prevailed.

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, Wednesday, February 5:

Senate Bill Nos.	128	129	130	131	132	133	134	135	136	137	138	139	140	141
	142	143	144	145	146	147								

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Thursday, February 6:

House Bill Nos.	4146	4147	4148	4149	4150	4151	4152	4153	4154	4155	4156	4157	4158	4159
	4160	4161	4162	4163	4164	4165	4166	4167	4168	4169	4170	4171		
House Joint Resolution	C													

Rep. Bisbee moved that the House adjourn.
The motion prevailed, the time being 10:45 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, February 11, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives