

No. 14
STATE OF MICHIGAN
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House of Representatives
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House Chamber, Lansing, Tuesday, February 25, 2003.

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	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—present	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—present	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. Bruce Caswell, from the 58th District, offered the following invocation:

“Dear God, help us to live each day as though it were our last. Make us to understand that our days on this earth are finite. Show us that our duty is to follow Your Ten Commandments to glorify You and not ourselves. Always remind us as You say in Romans 12:21: ‘Be not overcome of evil but overcome evil with good.’ Help us to appreciate all the time You have given us on earth and to treat our fellow men with respect, honesty and humility. In Jesus’ name, we pray. Amen.”

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. 21.

A resolution of tribute offered as a memorial for Stanley J. Davis, former member of the House.

Whereas, With great respect for the unselfishness that marked his entire life, we offer this expression of tribute to honor the memory of Stanley J. Davis. The example of his commitment to others through public service benefited his home community of Grand Rapids and all of Michigan. To his family, we extend our sincerest condolences; and

Whereas, In many ways, the life of Stanley Davis represented the fulfillment of the American dream. Mr. Davis was born in Poland and came to this land of opportunity as a boy with his family. Through hard work, personal integrity, and drive, he found success as a small businessman, opening a shoe repair business and, later, a flower shop. With his abiding affection for his adopted homeland, however, personal achievements were not enough, and he directed his energies to public service; and

Whereas, Stanley Davis was elected to five terms as ward commissioner and four terms as mayor in Grand Rapids. Under his leadership, Grand Rapids became the nation’s first city with fluoridated water, and he also championed urban renewal efforts. In 1965, he brought his energies and experiences to the Michigan House of Representatives with the first of his four consecutive terms. As a lawmaker, Representative Davis earned the admiration and trust of his colleagues, and he served as the Speaker Pro Tem for two terms. In this role, as with all aspects of his life, his character set a standard of service that will long be remembered; now, therefore, be it

Resolved by the House of Representatives, That we offer our highest tribute to honor the memory of Stanley J. Davis, a member of this legislative body from 1965 to 1972; and be it further

Resolved, That copies of this resolution be transmitted to the Davis family as evidence of our condolences.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

The Speaker Pro Tempore resumed the Chair.

Reports of Standing Committees

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

House Bill No. 4198, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 82126 (MCL 324.82126), as amended by 1998 PA 30.

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. Howell, LaSata, Bradstreet, Koetje, Pappageorge, Voorhees, Garfield, Wenke, Lipsey, Adamini, 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, February 25, 2003, at 9:00 a.m.

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

Absent: Rep. Van Regenmorter

Excused: Rep. Van Regenmorter

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair of the Committee on Great Lakes and Tourism, was received and read:

Meeting held on: Thursday, February 20, 2003, at 12:43 p.m.

Present: Reps. Palsrok, Brandenburg, Tabor, Meyer, Law, Gleason and Stallworth

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, February 20, 2003, at 12:45 p.m.

Present: Reps. Nofs, Garfield, Richardville, Ruth Johnson, Woronchak, Casperson, Woodward, Sheltroun, Spade and Elkins

Absent: Rep. Pappageorge

Excused: Rep. Pappageorge

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 25, 2003, at 10:30 a.m.

Present: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Brandenburg, Huizenga, Milosch, Palsrok, Wenke, Rivet, O'Neil, Lipsey, Murphy, Tobocman and Accavitti

Absent: Rep. McConico

Excused: Rep. McConico

Messages from the Senate**Senate Concurrent Resolution No. 5.**

A concurrent resolution calling for the creation of a Great Lakes Legislative Caucus.

Whereas, The challenges facing the Great Lakes can only be met successfully through a well-coordinated and systematic approach. Issues as diverse as aquatic nuisance species, pollution, water levels, and water diversions and consumptive uses will be addressed in the coming years by dozens of laws and regulations in each of the Great Lakes states and provinces; and

Whereas, Legislation impacting the Great Lakes will be far more effective if it is based on information developed and shared by policymakers from the entire Great Lakes region. An organization to bring key Great Lakes lawmakers together regularly to share knowledge and hear other perspectives would be invaluable in improving the impact and uniformity of practices established in statute; and

Whereas, Regular meetings of legislative leaders from each of the Great Lakes states and provinces will bring many benefits. Regularly exchanging information can bring immediacy to the work of dealing with Great Lakes issues. The current practice of legislative bodies relying primarily on regional forums can be supplemented significantly through a legislative caucus working directly with experts to develop model legislation. Clearly, there will be a stronger sense of urgency brought to Great Lakes issues by a Great Lakes legislative caucus than is sometimes the case now; and

Whereas, Another benefit of a Great Lakes legislative caucus will be a more unified and stronger voice on specific issues. This can only help in articulating the unique situations facing the Great Lakes basin; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we call for the creation of a Great Lakes Legislative Caucus. We call on the legislatures of Illinois, Indiana, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin and the legislative bodies of Ontario and Quebec to join us in developing this vehicle to address the many Great Lakes issues that cross jurisdictional boundaries; and be it further

Resolved, That copies of this resolution be transmitted to the leadership of each of the legislative bodies of the Great Lakes states and provinces, the Great Lakes Commission, the International Joint Commission, the National Conference of State Legislatures, the Michigan Office of the Great Lakes, and the members of the congressional delegations from the Great Lakes states.

The Senate has adopted the concurrent resolution.

Accavitti, Acciavatti, Adamini, Amos, Bieda, Brown, Dennis, DeRossett, Ehardt, Elkins, Emmons, Garfield, Gielegghem, Gillard, Gleason, Hagar, Hoogendyk, Huizenga, Jamnick, Kooiman, LaJoy, Lipsey, Middaugh, Murphy, Nofs, Palmer, Palsrok, Sak, Shackleton, Sheltroun, Stahl, Tabor, Vander Veen, Voorhees, Walker

The concurrent resolution was referred to the Committee on Great Lakes and Tourism.

Senate Concurrent Resolution No. 6.

A concurrent resolution to urge the International Joint Commission to maintain its vigilance in opposing diversion of Great Lakes water and to support the prompt resolution of all issues related to the finalization of Annex 2001.

Whereas, Protection of the Great Lakes is a challenge of unsurpassed significance and scope to the people of Michigan and all of the states and provinces that comprise the region. This monumental challenge includes working to safeguard the quality of the waters to protect these freshwater resources from threats of out of basin water diversion and to continue to enable our use and enjoyment of this water resource within the basin; and

Whereas, The International Water Uses Review Task Force recently submitted to the International Joint Commission its report, entitled "Protection of the Waters of the Great Lakes." This project, part of a three-year review by the International Joint Commission, cites data to indicate that the issue of consumptive use problems "has been consistently and significantly overstated for the past three decades." The report also says that long-distance, large-scale removals are, for the near and mid-term, "highly improbable." The study encourages support for a more deliberative approach to finalizing the Annex 2001 agreement to establish protection of the waters of the Great Lakes from diversions; and

Whereas, With the uncertainties of the future, including in the area of technology, and the magnitude of the value of the Great Lakes, it would be a mistake to abandon the ongoing efforts to prevent the bulk diversion of Great Lakes water outside of the basin. Such policies should be made proactively, before a crisis is upon us; and

Whereas, Michigan has established its interest on numerous occasions to affirm its opposition to the diversion of Great Lakes water from the basin. Our state is well aware of the projections of water shortages for other regions. We are also well aware of the role that the Great Lakes network plays in contributing to the strength of the American and Canadian economies and the vitality of the states and provinces along its shores. This commitment must remain unshakable; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we encourage the International Joint Commission to maintain its participation in developing feasible and defensible strategies and policies that protect the Great Lakes water from out-of-basin diversions and to continue to support the Annex 2001 process in a deeply considered and scientifically informed manner; and be it further

Resolved, That copies of this resolution be transmitted to the International Joint Commission, the Great Lakes Commission, the congressional delegation from the Great Lakes states, the Michigan Office of the Great Lakes, the Council of Great Lakes Governors, and the legislative leadership from the Great Lakes states and provinces.

The Senate has adopted the concurrent resolution.

Accavitti, Acciavatti, Adamini, Amos, Bieda, Brown, DeRossett, Ehardt, Elkins, Emmons, Garfield, Gillard, Gleason, Hagar, Hoogendyk, Huizenga, Jamnick, Koetje, Kooiman, LaJoy, Lipsey, Middaugh, Murphy, NofsPalmer, Palsrok, Pappageorge, Pastor, Richardville, Shackleton, Sheltroun, Stahl, Tabor, Vander Veen, Voorhees, Walker

The concurrent resolution was referred to the Committee on Great Lakes and Tourism.

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 19:

Senate Bill Nos.	180	181	182	183	184	185	186	187	188	189	190	191	192	193
	194	195	200											

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, February 21:

House Bill Nos.	4259	4260	4261	4262
				Communications from State Officers

The following communications from the Auditor General were received and read:

February 18, 2003

Enclosed is a copy of the following audit report and/or report summary:
Performance and Financial Related Audit of the
Michigan Administrative Information Network
Department of Information Technology
February 2003

February 21, 2003

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of the
Food Assistance Program
Family Independence Agency
February 2003

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

Introduction of Bills

Reps. Taub, Stakoe, LaJoy, Farhat, Stahl, Emmons, Ruth Johnson, Ward, Rocca, Palsrok, Newell, Caul, Shulman, Meyer, Tabor, Bradstreet, Garfield, Hummel, Voorhees, Robertson, Amos, Brandenburg, Huizenga, Julian, Kooiman, DeRoche, Nitz, Ehardt, Vagnozzi, Gleason, Woronchak, Sheen, Shackleton, Casperson and Acciavatti introduced

House Bill No. 4263, entitled

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects," by amending the title and sections 1, 2, 4, 5, and 6 (MCL 125.981, 125.982, 125.984, 125.985, and 125.986), the title as amended by 2001 PA 260, sections 1, 2, and 5 as amended by 2001 PA 261, section 4 as amended by 1999 PA 49, and section 6 as amended by 1992 PA 146.

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

Reps. Pappageorge, Meyer, Rocca, Daniels, LaSata, Garfield, Vagnozzi, Vander Veen, Bieda, Woodward, Caul and Stahl introduced

House Bill No. 4264, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending sections 4a, 5, 11, and 20 (MCL 125.584a, 125.585, 125.591, and 125.600), section 5 as amended by 2000 PA 20, section 11 as amended by 1986 PA 191, and section 20 as amended by 2001 PA 179, and by adding section 9a.

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

Reps. Pappageorge, Meyer, Rocca, Daniels, LaSata, Garfield, Vagnozzi, Vander Veen, Bieda, Woodward, Caul and Stahl introduced

House Bill No. 4265, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending sections 16b, 16c, 23, and 40 (MCL 125.216b, 125.216c, 125.223, and 125.240), section 16b as amended by 1989 PA 246 and section 40 as amended by 2001 PA 178, and by adding section 24b.

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

Reps. Pappageorge, Meyer, Rocca, Daniels, LaSata, Garfield, Vagnozzi, Vander Veen, Bieda, Woodward, Caul and Stahl introduced

House Bill No. 4266, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending sections 16b, 16c, 23, and 40 (MCL 125.286b, 125.286c, 125.293, and 125.310), section 40 as amended by 2001 PA 177, and by adding section 24b.

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

Reps. Woodward, Spade, Hager, Gielegem, Brandenburg, Smith, Stallworth, Dennis, O'Neil, Farrah, Bieda, Kooiman, Bradstreet, Pappageorge, Adamini, Middaugh, Sak, Tobocman, McConico, Williams, Vander Veen, Shackleton, Wojno, Condino, Phillips, Meisner, Anderson, Vagnozzi, Voorhees, Garfield, Shulman, Shaffer, Stewart, Rocca, Woronchak, Palmer, Ruth Johnson, Ehardt, Richardville, Bisbee, DeRossett, Julian, Hart, Reeves, Daniels and Rivet introduced

House Bill No. 4267, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 143a. The bill was read a first time by its title and referred to the Committee on Commerce.

Reps. Woodward, Gielegem, Gleason, Vagnozzi, Bieda, Murphy, Reeves, Spade, Accavitti, Smith, Cheeks, Hunter, Stallworth, Dennis, O'Neil, Farrah, Rivet, Williams, Hood, Daniels and McConico introduced

House Bill No. 4268, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2110a (MCL 500.2110a), as added by 1996 PA 514.

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

Reps. Ehardt, Huizenga, Vander Veen and Voorhees introduced

House Bill No. 4269, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

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

Rep. Ehardt introduced

House Bill No. 4270, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 106 (MCL 400.106), as amended by 1990 PA 145, and by adding section 106a.

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

Rep. Ehardt introduced

House Bill No. 4271, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2001 PA 231.

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

Reps. Ehardt, Huizenga, Vander Veen and Voorhees introduced

House Bill No. 4272, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20188. The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Ehardt introduced

House Bill No. 4273, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," (MCL 29.1 to 29.34) by adding section 35.

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

Rep. Ehardt introduced

House Bill No. 4274, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 11 (MCL 257.1811). The bill was read a first time by its title and referred to the Committee on Transportation.
Rep. Shulman introduced

House Bill No. 4275, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.
The bill was read a first time by its title and referred to the Committee on Local Government and Urban Policy.

Reps. Shulman, Garfield, Tobocman, Voorhees, Hopgood, Vagnozzi, Meisner, Hummel, Meyer, Hager, Shaffer, Brandenburg, Palmer, Koetje, Stahl, Nofs, Steil, Rocca, Kooiman, Hart, Vander Veen, Bisbee, Tabor, Stewart, Hoogendyk, Gaffney, Woronchak, Middaugh, Shackleton, Newell, Sheen, Hune, Caswell, Minore, Sheltroun, Caul, Van Regenmorter, Walker, DeRossett, Jamnick, Taub and Emmons introduced

House Bill No. 4276, entitled

A bill to establish Holocaust remembrance week in the state of Michigan.
The bill was read a first time by its title and referred to the Committee on Great Lakes and Tourism.

Rep. DeRossett introduced

House Bill No. 4277, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 2000 PA 203.
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Ehardt introduced

House Bill No. 4278, entitled

A bill to provide for certain premium rates and standards for certain health benefit plans; to provide for certain coverage provisions; and to provide for certain disclosures.
The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. O'Neil and Ehardt introduced

House Bill No. 4279, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 107, 201, 204, 206, 207, 211, 401, 502, 602, 608, 609, 610, 611, 612, 613, and 614 (MCL 550.1107, 550.1201, 550.1204, 550.1206, 550.1207, 550.1211, 550.1401, 550.1502, 550.1602, 550.1608, 550.1609, 550.1610, 550.1611, 550.1612, 550.1613, and 550.1614), section 207 as amended by 1999 PA 210, section 211 as amended by 1993 PA 127, section 401 as amended by 2000 PA 26, section 502 as amended by 1998 PA 446, section 608 as amended by 1991 PA 73, and section 609 as amended by 1991 PA 61, and by adding sections 204a, 205a, 422c, 608a, 608b, 608c, 608d, and 620; and to repeal acts and parts of acts.
The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Robertson introduced

House Bill No. 4280, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding sections 422a and 422b.
The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Farhat introduced

House Bill No. 4281, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401i.
The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Gaffney and Ehardt introduced

House Bill No. 4282, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 501 (MCL 550.1501).
The bill was read a first time by its title and referred to the Committee on Health Policy.

By unanimous consent the House returned to the order of
Second Reading of Bills

House Bill No. 4160, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending the title and section 3 (MCL 408.383). Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Employment Relations, Training and Safety,
 The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. DeRossett moved to amend the bill as follows:

1. Amend page 2, line 16, by striking out all of subsection (3) and inserting:

"(3) Subsection (2) shall not limit, restrict, or expand any prevailing wage or fringe benefit requirements imposed on any project under 1965 PA 166, MCL 408.551 to 408.558, or imposed on any project by a local unit of government under any similar prevailing wage or fringe benefit requirements or under any public works contract requirements."

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

Rep. DeRossett demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 14

Yeas—54

Accavitti	Gaffney	Meisner	Sheltrown
Adamini	Gieleghem	Minore	Smith
Anderson	Gillard	Murphy	Spade
Bieda	Gleason	Nofs	Stallworth
Brown	Hardman	O'Neil	Tobocman
Byrum	Hood	Paletko	Vagnozzi
Cheeks	Hopgood	Phillips	Waters
Clack	Hunter	Plakas	Whitmer
Condino	Jamnick	Pumford	Williams
Daniels	Kolb	Reeves	Wojno
Dennis	LaSata	Rivet	Woodward
DeRossett	Law	Rocca	Woronchak
Elkins	Lipsey	Sak	Zelenko
Farrah	McConico		

Nays—55

Acciavatti	Hager	Middaugh	Shulman
Amos	Hart	Milosch	Stahl
Bisbee	Hoogendyk	Moolenaar	Stakoe
Bradstreet	Howell	Newell	Steil
Brandenburg	Huizenga	Nitz	Stewart
Casperson	Hummel	Palmer	Tabor
Caswell	Hune	Palsrok	Taub
Caul	Johnson, Rick	Pappageorge	Van Regenmorter
DeRoche	Johnson, Ruth	Pastor	Vander Veen
Drolet	Julian	Richardville	Voorhees
Ehardt	Koetje	Robertson	Walker
Emmons	Kooiman	Shackleton	Ward
Farhat	LaJoy	Shaffer	Wenke
Garfield	Meyer	Sheen	

In The Chair: Julian

Rep. Richardville moved to amend the bill as follows:

1. Amend page 1, line 9, after “**or**” by striking out the balance of the line and inserting “**as provided for under section 6(a)(1) of the fair labor standards act of 1938, chapter 676, 52 Stat. 1062, 29 U.S.C. 206.**”.

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 1, line 10, after “(2)” by striking out “A” and inserting “**Except as otherwise provided in subsection (3), a**”.

2. Amend page 2, line 16, after “**not**” by striking out the balance of the subsection and inserting “**apply to any charter, ordinance, purchase agreement, contract, regulation, rule, or resolution that established, either directly or indirectly, a minimum wage rate greater than the applicable rate prescribed in this act prior to the effective date of the amendatory act that added subsection (2).**”.

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

Rep. Condino demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 15

Yeas—52

Accavitti	Farrah	McConico	Sheltrown
Adamini	Gielegem	Meisner	Smith
Anderson	Gillard	Minore	Spade
Bieda	Gleason	Murphy	Stallworth
Brown	Hardman	O’Neil	Tobocman
Byrum	Hood	Paletko	Vagnozzi
Cheeks	Hopgood	Phillips	Waters
Clack	Hunter	Plakas	Whitmer
Condino	Jamnick	Pumford	Williams
Daniels	Kolb	Reeves	Wojno
Dennis	LaSata	Rivet	Woodward
DeRossett	Law	Rocca	Woronchak
Elkins	Lipsey	Sak	Zelenko

Nays—56

Acciavatti	Hager	Middaugh	Sheen
Amos	Hart	Milosch	Shulman
Bisbee	Hoogendyk	Moolenaar	Stahl
Bradstreet	Howell	Newell	Stakoe
Brandenburg	Huizenga	Nitz	Steil
Casperson	Hummel	Nofs	Stewart
Caswell	Hune	Palmer	Tabor
Caul	Johnson, Rick	Palsrok	Taub
DeRoche	Johnson, Ruth	Pappageorge	Van Regenmorter
Drolet	Julian	Pastor	Vander Veen
Emmons	Koetje	Richardville	Voorhees
Farhat	Kooiman	Robertson	Walker
Gaffney	LaJoy	Shackleton	Ward
Garfield	Meyer	Shaffer	Wenke

In The Chair: Julian

Rep. Bieda moved to amend the bill as follows:

1. Amend page 2, following line 18, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4165 of the 92nd Legislature is enacted into law.”.

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

Rep. Bieda demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 16

Yeas—47

Accavitti	Farrah	McConico	Smith
Adamini	Gielegem	Meisner	Spade
Anderson	Gillard	Minore	Stallworth
Bieda	Gleason	Murphy	Tobocman
Brown	Hardman	O’Neil	Vagnozzi
Byrum	Hood	Paletko	Waters
Cheeks	Hopgood	Phillips	Whitmer
Clack	Hunter	Plakas	Williams
Condino	Jamnack	Reeves	Wojno
Daniels	Kolb	Rivet	Woodward
Dennis	Law	Sak	Zelenko
Elkins	Lipsey	Sheltrown	

Nays—62

Acciavatti	Hager	Milosch	Sheen
Amos	Hart	Moolenaar	Shulman
Bisbee	Hoogendyk	Newell	Stahl
Bradstreet	Howell	Nitz	Stakoe
Brandenburg	Huizenga	Nofs	Steil
Casperson	Hummel	Palmer	Stewart
Caswell	Hune	Palsrok	Tabor
Caul	Johnson, Rick	Pappageorge	Taub
DeRoche	Johnson, Ruth	Pastor	Van Regenmorter
DeRossett	Julian	Pumford	Vander Veen
Drolet	Koetje	Richardville	Voorhees
Ehardt	Kooiman	Robertson	Walker
Emmons	LaJoy	Rocca	Ward
Farhat	LaSata	Shackleton	Wenke
Gaffney	Meyer	Shaffer	Woronchak
Garfield	Middaugh		

In The Chair: Julian

Rep. Minore moved to amend the bill as follows:

1. Amend page 2, line 17, after “**wage**” by striking out the balance of the subsection and inserting “**or fringe benefit requirements imposed on any project under 1965 PA 166, MCL 408.551 to 408.558, or imposed on any project by a local unit of government under any similar prevailing wage or fringe benefit requirements or under any public works contract requirements.**”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Sheen 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. 4160, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending the title and section 3 (MCL 408.383).
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 17

Yeas—58

Acciavatti	Hager	Middaugh	Sheen
Amos	Hart	Milosch	Shulman
Bisbee	Hoogendyk	Moolenaar	Stahl
Bradstreet	Howell	Newell	Stakoe
Brandenburg	Huizenga	Nitz	Steil
Casperson	Hummel	Nofs	Stewart
Caswell	Hune	Palmer	Tabor
Caul	Johnson, Rick	Palsrok	Taub
DeRoche	Johnson, Ruth	Pappageorge	Van Regenmorter
Drolet	Julian	Pastor	Vander Veen
Ehardt	Koetje	Richardville	Voorhees
Emmons	Kooiman	Robertson	Walker
Farhat	LaJoy	Shackleton	Ward
Gaffney	LaSata	Shaffer	Wenke
Garfield	Meyer		

Nays—51

Accavitti	Farrah	Meisner	Smith
Adamini	Gielegem	Minore	Spade
Anderson	Gillard	Murphy	Stallworth
Bieda	Gleason	O'Neil	Tobocman
Brown	Hardman	Paletko	Vagnozzi
Byrum	Hood	Phillips	Waters
Cheeks	Hopgood	Plakas	Whitmer
Clack	Hunter	Pumford	Williams
Condino	Jamnick	Reeves	Wojno
Daniels	Kolb	Rivet	Woodward
Dennis	Law	Rocca	Woronchak
DeRossett	Lipsey	Sak	Zelenko
Elkins	McConico	Sheltrown	

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.

Rep. Jamnick, 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 am voting no on this bill which eliminates a local community’s ability to enact a Living Wage Ordinance either through a direct vote of the residents or by a vote of their locally elected officials. As we do not want the Federal Government determining how Michigan decides to spend their tax dollars, so should we not be telling locally elected officials and their residents how to spend their tax dollars. They clearly know their community better than we do here in Lansing.”

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:

HB 4160 usurps a local community’s ability and right to manage it’s own affairs. Roughly fifteen local governmental authorities have passed so-called Living Wage ordinances, including the cities of Warren and Eastpointe. This bill undermines local governmental control as well as the clear will of the voters of several communities which passed Living Wage ordinances as a result of a popular vote. As I support Local Control, and believe that micro-managing local government from Lansing is wrong as well as undemocratic, I cannot support HB 4160.”

Rep. Zelenko, 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 voted NO today on House Bill 4160 because it directly attacks the ability of local units of government in Michigan to decide how they want to govern and how they want their tax dollars spent. Through this bill, the state would be abolishing a tool that local governments currently use to assure a Living Wage for their residents. The Living Wage applies only to local contractors that provide goods and services to local governmental units and benefit from our tax dollars, and can include companies that receive local tax breaks. These communities simply say that if a company benefits from tax dollars, it at least should give their workers a Living Wage to provide for their families. These still-shallow Living Wages are more than these workers normally are paid and will be reinvested into their local economies. The state should not usurp this right from local units of government to help their communities. Local control is an important right that continues to be weakened and diminished. I believe the ones who best know how to utilize and control local tax dollars are local officials. They know what is best for their community. They are locally accountable. Let them decide.”

Second Reading of Bills

House Bill No. 4206, entitled

A bill to provide for the incorporation of a regional water supply and sewerage authority; to provide for a regional assembly and regional authority board; to transfer certain ownership rights in water supply and sewerage facilities; to provide for payment for water supply and sewerage services and facilities through fees, charges, taxes, special assessments, and other means; to provide for the issuance and payment of bonds; and to provide for the powers and duties of certain governmental officials and entities.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Government Operations,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Reps. Hunter and McConico moved to amend the bill as follows:

1. Amend page 5, following line 4, by inserting:

“Sec. 6. (1) Except for a qualified city, a city that contracts for services from a water or sewer system shall not charge its customers a rate greater than the rate allowed under section 1 of 1917 PA 34, MCL 123.141.

(2) If a city charges a rate greater than that allowed under this section, then for each \$1.00 charged greater than the allowed rate, an equal amount shall be deducted from the payments made to that city under the Glenn Steil state revenue sharing act of 1971, PA 14, MCL 141.901 to 141.921.”

The question being on the adoption of the amendment offered by Reps. Hunter and McConico,

Rep. Hunter demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Hunter and McConico,

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

Roll Call No. 18**Yeas—25**

Byrum	Hardman	Minore	Tobocman
Cheeks	Hood	Phillips	Waters
Clack	Hunter	Reeves	Whitmer
Condino	Kolb	Sak	Williams
Daniels	Lipsey	Smith	Woodward
Gielegem	McConico	Stallworth	Zelenko
Gleason			

Nays—75

Accavitti	Garfield	Moolenaar	Sheltrown
Acciavatti	Hager	Newell	Shulman
Amos	Hart	Nitz	Spade
Anderson	Hoogendyk	Nofs	Stahl
Bieda	Howell	O'Neil	Stakoe
Bisbee	Huizenga	Paletko	Steil
Bradstreet	Hummel	Palmer	Stewart
Brandenburg	Hune	Palsrok	Tabor
Casperson	Jamnack	Pappageorge	Taub
Caswell	Johnson, Rick	Pastor	Vagnozzi
Caul	Johnson, Ruth	Plakas	Van Regenmorter
DeRoche	Julian	Pumford	Vander Veen
DeRossett	Koetje	Richardville	Voorhees
Drolet	Kooiman	Rivet	Walker
Ehardt	LaJoy	Robertson	Ward
Emmons	LaSata	Rocca	Wenke
Farhat	Meyer	Shackleton	Wojno
Farrah	Middaugh	Shaffer	Woronchak
Gaffney	Milosch	Sheen	

In The Chair: Julian

Rep. Reeves moved to amend the bill as follows:

1. Amend page 2, line 10, after "service" by striking out the balance of the subsection and inserting a period.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Drolet 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. 4206, entitled

A bill to provide for the incorporation of a regional water supply and sewerage authority; to provide for a regional assembly and regional authority board; to transfer certain ownership rights in water supply and sewerage facilities; to provide for payment for water supply and sewerage services and facilities through fees, charges, taxes, special assessments, and other means; to provide for the issuance and payment of bonds; and to provide for the powers and duties of certain governmental officials and entities.

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

Roll Call No. 19**Yeas—71**

Accavitti	Garfield	Milosch	Shulman
Acciavatti	Hager	Moolenaar	Stahl
Amos	Hart	Newell	Stakoe
Anderson	Hoogendyk	Nitz	Steil
Bieda	Howell	Nofs	Stewart
Bisbee	Huizenga	Paletko	Tabor
Bradstreet	Hummel	Palmer	Taub
Brandenburg	Hune	Palsrok	Vagnozzi
Casperson	Johnson, Rick	Pappageorge	Van Regenmorter
Caswell	Johnson, Ruth	Pastor	Vander Veen
Caul	Julian	Plakas	Voorhees
DeRoche	Koetje	Pumford	Walker
DeRossett	Kooiman	Richardville	Ward
Drolet	LaJoy	Robertson	Wenke
Ehardt	LaSata	Rocca	Wojno
Emmons	Law	Shackleton	Woodward
Farhat	Meyer	Shaffer	Woronchak
Gaffney	Middaugh	Sheen	

Nays—37

Adamini	Gielegem	Lipsey	Sheltrown
Brown	Gillard	McConico	Smith
Byrum	Gleason	Meisner	Spade
Cheeks	Hardman	Minore	Stallworth
Clack	Hood	Murphy	Tobocman
Condino	Hopgood	O'Neil	Waters
Daniels	Hunter	Reeves	Whitmer
Dennis	Jamnick	Rivet	Williams
Elkins	Kolb	Sak	Zelenko
Farrah			

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 provide for the approval of certain contracts involving the operation of city and village water and sewer systems; to create an authority; and to provide for the powers and duties of certain governmental officials and entities.

The motion prevailed.

The House agreed to the title as amended.

Rep. Caul moved that the House adjourn.

The motion prevailed, the time being 3:45 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 26, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives