

No. 5
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
91st Legislature
REGULAR SESSION OF 2001

House Chamber, Lansing, Wednesday, February 7, 2001.

2:00 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.

Adamini—present	Garza—present	Lockwood—present	Schauer—present
Allen—present	George—present	Mans—excused	Schermesser—present
Anderson—present	Gielegem—present	McConico—present	Scranton—present
Basham—present	Gilbert—present	Mead—present	Shackleton—present
Bernero—present	Godchaux—present	Meyer—present	Sheltrown—present
Birkholz—present	Gosselin—present	Middaugh—present	Shulman—present
Bisbee—present	Hager—present	Minore—present	Spade—present
Bishop—present	Hale—present	Mortimer—present	Stallworth—present
Bogardus—present	Hansen—present	Murphy—present	Stamas—present
Bovin—present	Hardman—present	Neumann—present	Stewart—present
Bradstreet—present	Hart—present	Newell—present	Switalski—present
Brown, Bob—present	Howell—present	O’Neil—present	Tabor—present
Brown, Cameron—present	Jacobs—present	Pappageorge—present	Thomas—excused
Brown, Rich—present	Jamnick—present	Patterson—present	Toy—present
Callahan—present	Jansen—present	Pestka—present	Vander Roest—present
Cassis—present	Jelinek—present	Phillips—present	Vander Veen—present
Caul—present	Johnson, Rick—present	Plakas—present	Van Woerkom—present
Clark—present	Johnson, Ruth—present	Pumford—present	Vear—present
Clarke—present	Julian—present	Quarles—present	Voorhees—present
Daniels—excused	Kilpatrick—excused	Raczowski—present	Waters—present
Dennis—present	Koetje—present	Reeves—present	Whitmer—present
DeRossett—present	Kolb—present	Richardville—present	Williams—present
DeVuyst—present	Kooiman—present	Richner—present	Wojno—present
DeWeese—present	Kowall—present	Rison—present	Woodward—present
Ehardt—present	Kuipers—present	Rivet—present	Woronchak—present
Faunce—present	LaSata—present	Rocca—present	Zelenko—excused
Frank—present	Lemmons—excused	Sanborn—present	
Garcia—present	Lipsey—present		

e/d/s = entered during session

Rev. Chad McCallum, Pastor of Burnips Wesleyan Church in Burnips, offered the following invocation:

“Our Heavenly Father, we pause in this moment to ask for Your help in this session today. We recognize that every blessing we have experienced is because of Your unfailing love and deep kindness. The state of Michigan is what it is today because of You. I ask that You might give each legislator in this room today a deep spirit of optimism—optimism that You can do exceedingly more than we could ever ask or think. I ask that You might give each one a bold courage—courage to stand for issues even when it is not popular. I ask that You might give each one a deep decisiveness and discernment. Help them Father, to shift through all the information and find the facts. I ask that You would give each one in this room again the wisdom of Solomon, to know what to do and when to do it. God, I ask that You would disturb us all when we are too well pleased with ourselves; when our dreams have come true because we have dreamed too little; and when we have arrived safely because we sailed too close to the shore. God, push back the horizons of our hopes and push us into the future in strength, courage, hope, and love. Father, we pray today that the words of our mouths and the meditation of our hearts might be pleasing in Your sight. These things we ask in Your name. Amen.”

The Speaker assumed the Chair.

Rep. Jacobs moved that Reps. Zelenko, Thomas, Kilpatrick, Daniels, Lemmons and Mans be excused from today’s session.

The motion prevailed.

Motions and Resolutions

Reps. Woronchak, Bob Brown, Cassis, Julian, Raczkowski, DeVuyst, Ehardt, Toy, Bishop, Minore, Kooiman, Jansen, Jacobs, Pappageorge, Neumann, DeWeese, Vander Veen, Shulman, Jamnick, Lipsey, Vander Roest, Gielegem and Richner offered the following resolution:

House Resolution No. 19.

A resolution to memorialize the Congress of the United States to enact the Secret Evidence Repeal Act.

Whereas, Several years ago, in an effort to increase security in our country in the face of increasing concerns over terrorism, Congress enacted laws that changed the process of judicial review for people accused of certain crimes. A key component of these acts was the establishment of a new standard of evidence that permits the admission of evidence that does not have to be revealed to the person facing charges. Under these secret evidence provisions, an alien can be sanctioned or deported without a fair opportunity to refute charges; and

Whereas, The admission of secret evidence in any court situation is contrary to the central tenets of our legal system. Access to a fair trial is one of the cornerstones of our country. The types of crimes at issue cannot change the way we approach the administration of justice. A person accused of crimes must be fully aware of the accusations and able to respond openly; and

Whereas, The use of unfair practices and standards in any type of court is disturbing to all who understand the importance of true justice in all of our institutions, but especially to the newly arrived immigrants who have come to America precisely because of our sense of justice. The secret evidence policies serve to break this faith; and

Whereas, Congress has considered legislation, the Secret Evidence Repeal Act, that would rectify the problems and restore due process. This bill has sought to ensure that no alien can be removed, denied a benefit under our immigration and naturalization laws, or otherwise deprived of liberty because of evidence kept secret from the person; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Secret Evidence Repeal Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Criminal Justice.

Reps. Wojno, Hansen, Spade, Richardville, Bob Brown, Sheltroun, Cassis, Bovin, Whitmer, Julian, Raczkowski, Rivet, Faunce, Van Woerkom, LaSata, DeVuyst, Shackleton, Ehardt, Dennis, Caul, Minore, Frank, Jacobs, Schauer, Bogardus, Woodward, Neumann, Lipsey, Williams, DeWeese, Shulman, Jamnick, Rich Brown, Kolb, Garza, Waters, Lockwood, Callahan, Hardman, Garcia and Gielegem offered the following resolution:

House Resolution No. 20.

A resolution to urge the Centers for Disease Control and Prevention to take all possible steps to increase production and delivery of influenza vaccine for the 2000-2001 season.

Whereas, An important component of the nation's effort to preserve the public's health is the development and distribution each year of a vaccine against strains of influenza expected during the winter flu season. This vaccine-development process is especially important for certain population groups, including the elderly, those afflicted with chronic illnesses, and those with compromised immune systems. Immunization prevents a large number of deaths and costly illnesses each year; and

Whereas, There is a significant shortage of influenza vaccine this year. According to the Centers for Disease Control and Prevention (CDC), this change in availability is due to problems with the components of the vaccine and problems in manufacturing. As a result, the supply of the vaccine remains far short of the usual demand. The delay represents a genuine threat to the health of many citizens. Swift action is needed to address this problem; and

Whereas, While the CDC has taken steps to encourage vaccine manufacturers to increase production and hasten delivery to health departments, doctors, clinics, and hospitals, it is essential that all efforts be made to meet this challenge. The consequences of inadequate supplies could be far-reaching in costs to our state and nation; now, therefore, be it

Resolved by the House of Representatives, That we urge the Centers for Disease Control and Prevention to take all possible steps to increase production and delivery of influenza vaccine for the 2000-2001 season; and be it further

Resolved, That copies of this resolution be transmitted to the Centers for Disease Control and Prevention.

The resolution was referred to the Committee on Health Policy.

Reps. Wojno, Hansen, Spade, Richardville, Bob Brown, Sheltroun, Cassis, Bovin, Whitmer, Julian, Raczkowski, Rivet, Faunce, Van Woerkom, LaSata, DeVuyst, Shackleton, Ehardt, Dennis, Caul, Minore, Frank, Jacobs, Schauer, Bogardus, Woodward, Neumann, Lipsey, Williams, DeWeese, Shulman, Jamnick, Rich Brown, Kolb, Garza, Waters, Lockwood, Callahan, Hardman, Garcia, Gielegem and Anderson offered the following concurrent resolution:

House Concurrent Resolution No. 3.

A concurrent resolution to urge the Centers for Disease Control and Prevention to take all possible steps to increase production and delivery of influenza vaccine for the 2000-2001 season.

Whereas, An important component of the nation's effort to preserve the public's health is the development and distribution each year of a vaccine against strains of influenza expected during the winter flu season. This vaccine-development process is especially important for certain population groups, including the elderly, those afflicted with chronic illnesses, and those with compromised immune systems. Immunization prevents a large number of deaths and costly illnesses each year; and

Whereas, There is a significant shortage of influenza vaccine this year. According to the Centers for Disease Control and Prevention (CDC), this change in availability is due to problems with the components of the vaccine and problems in manufacturing. As a result, the supply of the vaccine remains far short of the usual demand. The delay represents a genuine threat to the health of many citizens. Swift action is needed to address this problem; and

Whereas, While the CDC has taken steps to encourage vaccine manufacturers to increase production and hasten delivery to health departments, doctors, clinics, and hospitals, it is essential that all efforts be made to meet this challenge. The consequences of inadequate supplies could be far-reaching in costs to our state and nation; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Centers for Disease Control and Prevention to take all possible steps to increase production and delivery of influenza vaccine for the 2000-2001 season; and be it further

Resolved, That copies of this resolution be transmitted to the Centers for Disease Control and Prevention.

The concurrent resolution was referred to the Committee on Health Policy.

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

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Howell, Chair of the Committee on Civil Law and the Judiciary, was received and read:

Meeting held on: Tuesday, February 6, 2001, at 3:10 p.m.,

Present: Reps. Howell, Richner, Bisbee, Faunce, Koetje, Sanborn, Adamini, Lipsey, Waters,

Absent: Reps. Voorhees, Minore,

Excused: Reps. Voorhees, Minore.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, February 7, 2001, at 9:00 a.m.,

Present: Reps. Bradstreet, Middaugh, Birkholz, Bisbee, Bishop, Cassis, Howell, Kowall, Vander Veen, Rivet, Bovin, Bob Brown, Schauer, Woodward,

Absent: Reps. Richardville, Daniels, Thomas,

Excused: Reps. Richardville, Daniels, Thomas.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 7, 2001, at 9:00 a.m.,

Present: Reps. Gilbert, George, DeRossett, DeVuyst, Gosselin, Ruth Johnson, Julian, Anderson, Bovin, Jamnick, Murphy, Neumann, Schermesser,

Absent: Reps. Garcia, Hart, Scranton, Daniels.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 7, 2001, at 10:30 a.m.,

Present: Reps. Patterson, Howell, Kuipers, Jacobs, Lipsey.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members, Thursday, February 1:

Senate Bill Nos.	15	16	17	18	19	20	21	22	23	24	25	26	27	28
	29	30	31	32	33	34	35	36	37	38	39	40	41	42
	43	44	45	46	47	48	49	50	51	52	53	54	55	56
	57	58												
Senate Joint Resolutions	A	B	C	D										

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members, Monday, February 5:

Senate Bill Nos.	59	60	61	62	63	64	65	66	67	68	69	70	71	72
	73	74	75	76	77	78	79	80	81	82	83	84	85	86
	87	88	89	90	91	92	93	94	95	96	97	98		
Senate Joint Resolutions	E	F												

Communications from State Officers

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

February 6, 2001

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

Performance Audit of the

Macomb County Community Mental Health Services Board

An Agency Under Contract with the

Department of Community Health

February 2001

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 House Oversight and Operations.

Introduction of Bills

Rep. Ehardt introduced

House Bill No. 4143, 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.

Reps. Newell, Howell, Kooiman, Garcia, Shackleton, Bishop, DeRossett, Vander Veen and Voorhees introduced

House Bill No. 4144, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 63a (MCL 791.263a), as amended by 1998 PA 512.

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

Reps. Newell, Howell, Garcia and Allen introduced

House Bill No. 4145, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80163 (MCL 324.80163), as added by 1995 PA 58.

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

Reps. Newell, Howell, Middaugh, Kooiman, Garcia, Allen, Van Woerkom, Bishop, Shackleton, DeRossett, Vander Veen and Voorhees introduced

House Bill No. 4146, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7dd, 7ee, 10, 24, 24c, 27a, 27b, 27c, 31, 34, 34c, 34d, and 44 (MCL 211.7dd, 211.7ee, 211.10, 211.24, 211.24c, 211.27a, 211.27b, 211.27c, 211.31, 211.34, 211.34c, 211.34d, and 211.44), sections 7dd, 7ee, 24c, 27b, and 34d as amended and section 27c as added by 1996 PA 476, sections 10 and 24 as amended by 1994 PA 415, section 27a as amended by 2000 PA 260, section 34 as amended by 1986 PA 105, section 34c as amended by 2000 PA 415, and section 44 as amended by 2000 PA 364, and by adding sections 7gg, 7hh, and 27e; and to repeal acts and parts of acts.

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

Rep. Rivet introduced

House Bill No. 4147, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 31 (MCL 42.31).

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

Rep. Rivet introduced

House Bill No. 4148, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding section 16.

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

Rep. George introduced

House Bill No. 4149, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 42 (MCL 168.42), as amended by 1999 PA 216.

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

Rep. Tabor introduced

House Bill No. 4150, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 481; and to repeal acts and parts of acts.

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

Rep. Tabor introduced

House Bill No. 4151, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 7 (MCL 24.207), as amended by 2000 PA 216.

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

Reps. Wojno, Hansen, Mans and Rich Brown introduced

House Bill No. 4152, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20155 (MCL 333.20155), as amended by 2000 PA 171.

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

Reps. Howell, Woronchak, Meyer, Kolb, Pestka, Garcia, Bovin, Kuipers, Faunce, Ehardt, DeRossett, Pappageorge, Sanborn and Kooiman introduced

House Bill No. 4153, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending the title and sections 1, 1a, and 7 (MCL 445.111, 445.111a, and 445.117), section 1 as amended by 1999 PA 18.

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

Reps. Howell, Woronchak, Meyer, Kolb, Garcia, Anderson, Bovin, Rich Brown, Kuipers, Faunce, Plakas, Ehardt, DeRossett, Sanborn, Pappageorge and Kooiman introduced

House Bill No. 4154, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 9.

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

Reps. Howell, Meyer, Kolb, Gilbert, Hager, Anderson, Newell, Koetje, Kuipers, Van Woerkom, Cassis, Ehardt, DeRossett, Pappageorge, Sanborn, Kooiman and Jelinek introduced

House Bill No. 4155, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 96 (MCL 388.1696), as added by 2000 PA 297.

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

Rep. Woronchak introduced

House Bill No. 4156, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; 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 the state tax commission and certain officers of local governmental units; and to provide penalties," by amending the title and section 11 (MCL 207.561), section 11 as amended by 1996 PA 446.

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

Reps. Hart, Van Woerkom, Kooiman and Jansen introduced

House Bill No. 4157, entitled

A bill to create the office of faith community liaison in the executive branch; and to prescribe its powers and duties.

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

Reps. Newell, Howell, Middaugh, Kooiman, Garcia, Allen, Van Woerkom, Bishop, Shackleton, DeRossett, Vander Veen and Voorhees introduced

House Joint Resolution G, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to restrict the assessment of agricultural real property used in agricultural operations.

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

Rep. Williams moved that the House adjourn.

The motion prevailed, the time being 2:55 p.m.

Associate Speaker Pro Tempore Ehardt declared the House adjourned until Thursday, February 8, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives.

