

No. 5
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House of Representatives
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House Chamber, Lansing, Tuesday, February 4, 2003.

1:00 p.m.

The House was called to order by Associate Speaker Pro Tempore Vander Veen.

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	Jamnack—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. Fran Amos, from the 43rd District, offered the following invocation:

“Today as we gather together, I would like to request a moment of silence for the crew of the Columbia, their families and the United States of America. Lord, in the quiet of this hour, we come to Thee for wisdom, and for power; to view Thy world through only love-filled eyes; to grow in understanding; to be wise and sure to see Thy guiding light; and thus to know each other as Thou knowest us. 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. 13.

A resolution of tribute offered as a memorial for John T. Kelsey, former member of the House.

Whereas, It is with great appreciation for his long career in public service within this state that we offer this expression of respect upon the recent passing of John T. Kelsey. His passionate commitment to others contributed a great deal to the progress of the Warren community and to Michigan, especially though his 18 years as a state lawmaker; and

Whereas, John Kelsey, a native of Detroit and a veteran of service with the United States Army during World War II, compiled a distinguished record in local government during the time Warren was becoming a city. He served as a trustee and justice of the peace in Warren Township before becoming a municipal judge for the city of Warren in 1958. He continued his involvement in bringing change to government as a delegate to the Constitutional Convention. In 1964, John Kelsey was elected to the House of Representatives to the first of his nine consecutive terms; and

Whereas, As a lawmaker, Representative Kelsey was a tireless advocate for senior citizens. His experiences in local government and his willingness to address issues with conviction were most helpful in the implementation of the new constitution. Representative Kelsey was especially devoted to his community and to those in need of his strong voice on issues of deep personal concern to them. Indeed, his dedication will long be remembered; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of John T. Kelsey, a member of this legislative body from 1965 to 1982; and be it further

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

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

Associate Speaker Pro Tempore Vander Veen resumed the Chair.

Reps. Richardville and Waters offered the following concurrent resolution:

House Concurrent Resolution No. 6.

A concurrent resolution prescribing the Joint Rules of the House of Representatives and the Senate.

Resolved by the House of Representative (the Senate concurring), That the following be and are hereby adopted as the Joint Rules of the House of Representatives and the Senate:

JOINT RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE

Transmission of Messages.

Rule 1. All messages necessary for conducting legislative business between the two Houses shall be communicated in writing and electronically by the Secretary of the Senate and the Clerk of the House of Representatives.

Amendments.

Rule 2. It shall be in the power of either House to amend an amendment made by the other to any bill or resolution.

Conference Committees.

Rule 3. (a) The House not concurring in the amendments of the other House shall appoint conferees and notify the amending House of its action. The amending House shall request return of the bill or resolution or appoint conferees. The conference committee shall consist of three members from each House, to be appointed as each House may determine. The first named member of the House in which the bill or resolution originated shall be chairperson of the conference committee. Upon appointment of conferees by both Houses, the bill or resolution shall be referred to the conference committee. When one House amends or substitutes a bill, but then non-concurs in that bill as amended or substituted, those amendments or that substitute shall not be referred. The conference committee shall serve until the conference report has been adopted by both Houses or rejected by a House.

(b) The conference committees of the two Houses shall vote separately while in conference. The majority of each committee shall constitute a quorum of each committee and shall determine the position to be taken toward the propositions of the conference committee. If the conferees agree, a report shall be made which shall be signed by at least a majority of the conferees of each House who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report and three copies, shall be filed in the House of origin where the question shall be on the adoption of the conference report. If the conference report is adopted, in the House of origin, the bill or resolution, including the original signed conference report, and two copies of the conference report shall be transmitted to the other House where the question shall be on the adoption of the conference report. If the conference report is adopted in the other House the bill or resolution and the original signed copy of the conference report shall be returned to the House of origin and referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

Conference Committee Clerk.

Rule 4. The conference committee clerk shall be from the House of origin, who shall notify the Secretary of the Senate and the Clerk of the House of Representatives of all scheduled meetings for public posting and shall deliver written notice to each member of the conference committee and the majority and minority leaders of each House indicating the time and place of all scheduled meetings. Conference committees on appropriation bills may use fiscal agency personnel for clerks.

Conference Report: Rejection.

Rule 5. If the conference report is rejected by the House of origin, it shall appoint second conferees and notify the other House of its action. The procedure shall then be the same as for an original conference.

If the conference report is rejected by the other House, it shall appoint second conferees, notify the House of origin of its action, and transmit the bill or resolution to the House of origin. Upon receipt of the bill or resolution, the House of origin shall appoint second conferees and refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

Disagreement of Conferees.

Rule 6. If the conferees are unable to agree, a report of that fact shall be made to both Houses. The report, that the conferees were unable to agree, shall be signed by at least a majority of the conferees of each House who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report that the conferees were unable to agree, and three copies shall be filed in the House of origin. Both Houses shall appoint second conferees, and the House of origin shall refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

Second Conference: Failure.

Rule 7. When a second conference committee fails to reach agreement, or when a second conference report is rejected by either House, no further conference is in order.

Power of Conferees.

Rule 8. The conference committee shall not consider any matters other than the matters of difference between the two Houses.

For all bills making appropriations, adoption of a substitute by either House shall not open identical provisions contained in the other House-passed version of the bill as a matter of difference; nor shall the adoption of a substitute by either House open provisions not contained in either House version of the bill as a matter of difference.

When the conferees arrive at an agreement on the matters of difference that affects other parts of the bill or resolution, the conferees may recommend amendments to conform with the agreement. In addition, the conferees may also recommend technical amendments to the other parts of the bill or resolution, such as, necessary date revisions, adjusting totals, cross-references, misspelling and punctuation corrections, conflict amendments for bills enacted into law, additional anticipated federal or other flow through funding, and corrections to any errors in the bill or resolution or the title.

Adoption of Conference Report.

Rule 9. Conference reports shall not be subject to amendments or division. The vote on conference reports shall be taken by “yeas” and “nays” and shall require the same number of votes constitutionally required for passage of the bill or adoption of the resolution. Conference reports shall not be considered until printed in the Journal. The Journal printing requirement may be suspended by a House by a majority vote in that House, provided that a copy of the conference report has been made available to each Member.

Conference Reports: Points of Order.

Rule 10. Points of order regarding conference reports shall be decided by the presiding officer, subject to an appeal, which appeal shall be determined by a majority vote. When a conference report is ruled out of order, the conference report is returned to the originating conference committee with instructions to eliminate from the report such matters as have been declared not within the powers of the conferees to consider.

Either House May Recede.

Rule 11. At any time while in possession of the bill or resolution, either House may recede from its position in whole or in part, and the bill or resolution upon request may be returned to the other House for that purpose. If this further action is agreed to by both Houses, the bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

Correction of Errors.

Rule 12. If errors are found in a bill or resolution which has been passed or adopted by both Houses, the House in which the bill or resolution originated may make amendments to correct the errors and shall notify the other House of its action. If the corrective amendments are agreed to by the other House, the corrected bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

In addition, the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, shall correct obvious technical errors in the enrolled bill or resolution, including adjusting totals, misspellings, the omission or redundancy of grammatical articles, cross-references, punctuation, updating bill or resolution titles, capitalization, citation formats, and plural or singular word forms.

Bills and Joint Resolutions.

Rule 13. Upon introduction, no bill shall include catch lines, a severing clause, or a general repealing clause, as distinguished from a specific or an express repealing clause. The Secretary of the Senate and the Clerk of the House of Representatives shall delete such catch lines and clauses from all bills.

The same joint resolution shall not propose an amendment to the Constitution on more than one subject matter. However, more than one section of the Constitution may be included in the same joint resolution if the subject matter of each section is germane to the proposed amendment.

Yeas and Nays.

Rule 14. The yeas and nays shall be taken and printed in the Journal of the House taking action upon the passage or adoption of any bill, joint resolution, conference report, and amendments made by the other House to a bill or joint resolution.

No Members Present.

Rule 15. In the event the presiding officer and all members are absent on a day scheduled for meeting, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall call that House to order at the designated time and announce the absence of a quorum. That House shall be declared adjourned until the succeeding legislative day and hour previously designated.

In any event where either or both Houses of the Legislature adjourns to a date certain for more than two days, a committee composed of the Majority Leader of the Senate and the Speaker of the House of Representatives may, by a unanimous vote of that committee, convene either or both Houses of the Legislature at any time in case of emergency.

If a gubernatorial appointment that is subject to the advice and consent process is made at a time such that 60 days would lapse during an extended recess of the Senate, the Senate Majority Leader may schedule a session of the Senate for the sole purpose of carrying out the Senate's constitutional duties to advise and consent on gubernatorial appointments. No other action shall be taken by the Senate during session convened under this provision. The Senate Majority Leader shall notify the Secretary of the Senate at least 10 calendar days prior to the date of the scheduled session, and the Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

Passage, Adoption, and Enrollment Printing.

Rule 16. Every bill passed or joint resolution adopted by both Houses and returned to the House of origin shall forthwith be enrolled and signed by the Secretary of the Senate and the Clerk of the House of Representatives. Enrolled bills shall be presented to the Governor, and enrolled joint resolutions that propose an amendment to the Constitution shall be filed with the Secretary of State with a certificate attached to the effect that the joint resolution has been adopted by the Senate and House of Representatives, respectively, in accordance with the provisions of the Constitution. If the House having last passed the bill or adopted the joint resolution requests its return and such request be granted or a motion is made in the House of origin to amend errors in the bill or joint resolution or to give the bill immediate effect, the enrollment printing shall not occur.

Every bill, joint resolution, and concurrent resolution passed or adopted by either House shall be transmitted to the other House. If notice of a motion to reconsider on the next succeeding legislative day is made from the floor or written notice is filed with the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, the bill, joint resolution, or concurrent resolution shall remain in that House until after adjournment the next succeeding legislative day. The notice of reconsideration shall be printed on the daily calendar and in the Journal. If no motion is made in accordance with such notice, the bill, joint resolution, or concurrent resolution shall immediately be transmitted after adjournment.

Immediate Effect.

Rule 17. Whenever both Houses, by the constitutional vote, order that a bill take immediate effect, a statement shall be added at the enrollment of the bill in words to this effect: "This act is ordered to take immediate effect."

Joint Resolutions.

Rule 18. Joint resolutions shall be used for the following purposes:

1. Amendments to the Constitution of Michigan.
2. Ratification of amendments to the Constitution of the United States submitted by the Congress.
3. Matters upon which power is solely vested in the Legislatures of the several states by the Constitution of the United States.

Joint resolutions proposing amendments to the Constitution of Michigan shall require a 2/3 vote of the members elected and serving in each House for adoption. Other joint resolutions shall require a majority of the members elected and serving in each House for adoption. All joint resolutions shall require a record roll call vote.

Veto Override: Filing with Secretary of State.

Rule 19. When a bill is passed by both Houses over the objections of the Governor or a bill is not filed by the Governor with the Secretary of State within the constitutionally mandated 14-day period, and the Legislature continues in session, an official enrolled bill with a letter from the House of origin signed by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, shall be filed with the Secretary of State for a public act number to be assigned. The letter shall certify that the Governor's veto has been overridden by both Houses of the Legislature or that the bill has not been returned within the specified time, as the case may be, in accordance with the provisions of the Constitution.

Section Numbers of Compiled Laws - Amendments.

Rule 20. The title of every bill to amend or repeal existing laws shall be clear and explicit so as to definitely fix what is proposed to be done. Such title shall refer to the act number and the year in which it was passed. If the bill was passed at an extra session of the Legislature, the title shall designate which extra session.

Such title shall contain the last title of the act it is proposed to amend. However, the short title (e.g., This act shall be known and may be cited as "The judiciary act of 1915,") shall be used in acts where it has been defined by legislative enactment. The title shall also contain the chapter, part numbers and compiler's section numbers, if any, and the year of the compilation containing the same.

Following the passage of a bill with a short title, the House other than the House of origin shall replace the short title with the last full title of the act it is proposed to amend or repeal. Other corrective amendments to the title shall be made as may be necessary. The full title and amended title shall be agreed to by both Houses.

When an amendment to a bill or a bill to amend an existing law is printed, words proposed to be added to such law shall be printed in bold type, and the words to be omitted shall be printed in stricken-through type. This style requirement also applies to joint resolutions that amend the Constitution of Michigan.

All bills and joint resolutions introduced, amendments to joint resolutions, substitute bills and joint resolutions, and conference committee reports shall be approved as to form and section numbers by the Legislative Service Bureau.

Tie-bars.

Rule 21. A bill or resolution that is tie-barred to a request number shall not be considered for passage or adoption unless that tie-barred request item has been introduced. No bill or resolution shall be passed or adopted by either House until the tie-barred item has been designated in the appropriate blank space provided.

Elections in Joint Convention.

Rule 22. Whenever there is an election of any officer in joint convention, the result shall be certified by the President of the Senate and the Speaker of the House of Representatives. The results shall be announced by the presiding officers to their respective Houses, printed in the Journal of each House, and communicated to the Governor by the Secretary of the Senate and the Clerk of the House of Representatives.

Legislative Handbook.

Rule 23. The initial appointment of the standing committee members of the two Houses shall be printed in their respective Journals as soon as possible after the announcement. The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and have printed a legislative handbook containing these appointments and other information they deem appropriate.

Compensation.

Rule 24. Compensation for members, officers, and employees of the Legislature shall be delivered to the Secretary of the Senate or Clerk of the House of Representatives, as the case may be, and transmitted directly to the payee.

If the office of a member of the Legislature becomes vacant, the compensation for the elected successor shall begin on the date of his or her oath of office.

Committee Expenses.

Rule 25. No committee created by concurrent resolution shall incur expenses in excess of \$2,500.00 unless authorized in the resolution creating that committee.

Final Adjournment of Regular Sessions.

Rule 26. In the regular session in each year, this rule for adjournment shall govern.

The Majority Floor Leader of the Senate and/or the Majority Floor Leader of the House of Representatives shall introduce a concurrent resolution providing for an adjournment schedule for the Legislature for that regular session.

Daily Adjournment.

Rule 27. Neither House shall remain in session on any legislative day beyond 12:00 midnight. If either House is in session at 12:00 midnight, the presiding officer shall declare that House adjourned until a fixed hour for meeting on the next legislative day. That House shall stand adjourned until the next fixed meeting time.

Pending Business.

Rule 28. Any business, bill, or joint resolution which has not been defeated by either House shall be considered pending under the provisions of Article 4, Section 13 of the Constitution.

It shall not be in order for either House, by suspension of rules or any other means, to reconsider in a subsequent year the vote by which any business, bill, joint resolution, or veto override was defeated in a previous year unless there is a pending motion to reconsider offered in the odd-numbered year.

Pending the reference of the concurrent resolution to a committee.

Rep. Richardville moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

Messages from the Senate**Senate Concurrent Resolution No. 3.**

A concurrent resolution to create the Joint Select Committee on Business Competitiveness.

Whereas, While our state has made substantial progress in economic development, this challenge is becoming increasingly difficult in the current conditions facing the country. Uncertainties with the economy, the increased focus on homeland security, and the impact of the global market create additional pressures on the entire policy area of creating jobs and business growth; and

Whereas, The highly competitive nature of economic development efforts is also accelerated by the rapid changes in technology and market conditions. The responses and approaches that worked in the past may be inadequate now. Any state that does not take an aggressive stance in the effort to create new jobs is not serving its citizens as it should; and

Whereas, A concentrated study of Michigan's business climate is in order. We need to identify any obstacles, including regulatory processes, that may keep Michigan from being as competitive as it needs to be. We also need to determine if new incentives can be developed to attract jobs; and

Whereas, The mission of developing the economy and creating employment opportunities is shared by job providers, small business owners, workers, government leaders, and taxpayers. In this vitally important work, everyone's experience is important and can contribute to building a stronger Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there be created the Joint Select Committee on Business Competitiveness to study Michigan's business climate and identify any obstacles, including regulatory requirements, that inhibit Michigan's growth. The Joint Select Committee on Business Competitiveness shall consist of five members of the Senate and five members of the House of Representatives appointed in the same manner as standing committees of the Senate and House are appointed. The committee shall report its findings and recommendations to the Michigan Legislature by September 1, 2003; and be it further

Resolved, That the committee is hereby authorized to expend a maximum amount of \$10,000 in carrying out its duties and such additional expenditures deemed necessary by the chair of the committee and approved by the Senate Majority Leader and the Speaker of the House. Payments for contractual services may be authorized by the committee chair, the Senate Majority Leader, and the Speaker of the House.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

—————

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

The motion prevailed.

Rep. Richardville moved that when the House adjourns today it stand adjourned until Wednesday, February 5, at 6:00 p.m.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Koetje, Steil, Hart, Pumford, Vander Veen, Voorhees, Huizenga and Kooiman offered the following resolution:
House Resolution No. 14.

A resolution to encourage the International Trade Commission to study the effects of steel tariffs before the scheduled study in September 2003.

Whereas, In March 2002, the United States enacted a three-year tariff on certain imported steel products, including slab, finished flat products, hot-rolled bar, cold-finished bar, rebar, certain welded tubular products, carbon and alloy fittings and flanges, stainless steel bar, stainless steel rod, stainless steel wire, and tin mill products; and

Whereas, Many Michigan companies that rely on steel for their business have experienced broken contracts, problems with the allocation of materials, and immediate price increases of 30 to 50 percent; and

Whereas, The manufacturing of products containing steel, such as automobiles, appliances, and office furniture, is an integral part of Michigan's economy; and

Whereas, The inability to obtain steel at a competitive price may cause the loss of critical manufacturing jobs; and

Whereas, Both a strong domestic steel industry and a strong domestic manufacturing base are vital to our national defense and economic security; and

Whereas, Neither the President nor the United States International Trade Commission could have fully anticipated the positive or negative effects of the temporary safeguards proclaimed on March 5, 2002; and

Whereas, The President has asked for anecdotal information regarding the effects of the tariffs on companies throughout the country; and

Whereas, An expedited study by the International Trade Commission would give usable data to the President to determine whether to continue the imposed tariffs; and

Whereas, The International Trade Commission is not required to study the issue until September of 2003; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body encourage the International Trade Commission to conduct an immediate study of the effects of the tariffs throughout the United States of America; and be it further

Resolved, That copies of this resolution be transmitted to the International Trade Commission, the President of the United States, 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 Government Operations.

Reports of Standing Committees

The Committee on Commerce, by Rep. Bisbee, Chair, reported

House Bill No. 4072, entitled

A bill to create the Detroit area regional transportation authority; to transfer certain powers of authorities to the Detroit area regional transportation authority; to provide regional transportation for senior citizens, citizens with disabilities, citizens without the economic means to provide their own personal transportation, and all other citizens; to continue the suburban mobility authority for regional transportation; to prescribe certain powers and duties of the authorities; to provide for the addition and withdrawal of certain local entities from the authority; to provide for the powers and duties of certain state agencies with respect to the authority; to provide for the issuance of bonds and notes; to provide for the state to guarantee payment of certain claims against the authority and give the state a lien in satisfaction of payment; to protect the rights of employees of existing public transportation systems; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond and note payments; to authorize certain local entities to levy property taxes and make special assessments to fulfill their obligations under certain contracts with the authority; and to repeal acts and parts of acts.

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 and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, Howell, Koetje, Middaugh, Drolet, Palmer, Brandenburg, Huizenga, Milosch, Palsrok, Wenke and O'Neil

Nays: Reps. Rivet, McConico, Tobocman and Accavitti

The Committee on Commerce, by Rep. Bisbee, Chair, reported

House Bill No. 4073, entitled

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 4 (MCL 474.104), as amended by 1989 PA 233.

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

Nays: None

The Committee on Commerce, by Rep. Bisbee, Chair, reported

House Bill No. 4074, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain

standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 10c, 10h, 10l, and 10n (MCL 247.660c, 247.660h, 247.660l, and 247.660n), sections 10c and 10h as amended by 2002 PA 498, section 10l as amended by 1987 PA 234, and section 10n as amended by 2002 PA 329.

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. Bisbee, Howell, Koetje, Middaugh, Drolet, Palmer, Brandenburg, Huizenga, Milosch, Palsrok, Wenke and O'Neil

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, January 30, 2003, at 9:00 a.m.

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

Absent: Rep. DeRoche

Excused: Rep. DeRoche

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

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.)

With the recommendation that the following substitute (H-3) be adopted and that the resolution then be adopted.

Substitute for 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.

Whereas, Article III, Section 8 of the *Michigan Constitution of 1963* provides that either house of the legislature may request the opinion of the Supreme Court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted but before its effective date; and

Whereas, On December 25, 2002, Enrolled House Bill No. 6260, having been duly enacted by the Michigan Legislature, was signed by the Governor and became 2002 PA 678. This act, which amends the Revised Judicature Act of 1961, 1961 PA 236, being MCL §§ 600.101 to 600.9948, becomes effective April 1, 2003; and

Whereas, 2002 PA 678 provides for the adoption of plans for concurrent jurisdiction in trial courts under certain conditions, which include the approval of the Michigan Supreme Court. The act also specifies areas of exclusive jurisdiction within the circuit court, probate court, and district court; and

Whereas, The Michigan House of Representatives finds that it is essential to judges, court personnel, funding authorities, and the public at large that efforts to adopt a plan of concurrent jurisdiction in counties and judicial circuits across the state not be encumbered by doubts as to the constitutionality of 2002 PA 678; and

Whereas, The Michigan House of Representatives finds that it would facilitate the development of local plans of concurrent jurisdiction and protect against the use and loss of valuable resources, time, and money if issues of constitutionality were to be resolved by an advisory opinion of the Michigan Supreme Court; and

Whereas, The Michigan House of Representatives has determined that important questions of law exist with respect to the constitutionality of 2002 PA 678, being MCL §§ 600.401 to 600.425 and MCL §§ 600.601, 600.841 and 600.8304; now, therefore, be it

Resolved by the House of Representatives, That, pursuant to Article III, Section 8 of the *Michigan Constitution of 1963*, we respectfully request the Michigan Supreme Court to issue an advisory opinion on the following questions of law:

1. Does 2002 PA 678 violate the provisions of Article VI, Section 1 of the *Michigan Constitution of 1963*?

The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

2. Does 2002 PA 678 violate the provisions of Article VI, Section 13 of the *Michigan Constitution of 1963*?

The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

3. Does 2002 PA 678 violate the provisions of Article VI, Section 15 of the *Michigan Constitution of 1963*?

In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

4. Does the grant of concurrent jurisdiction to the probate, circuit, and district courts as set forth in 2002 PA 678 violate any of the provisions of Article VI, Sections 1, 13, or 15 of the *Michigan Constitution of 1963* as cited above?

The questions involved are of great importance and solemn concern to the people of the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Supreme Court.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, 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 4, 2003, at 9:00 a.m.

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

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, January 30, 2003, at 11:00 a.m.

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ward, Chair of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Tuesday, February 4, 2003, at 9:00 a.m.

Present: Reps. Ward, Robertson, DeRossett, Hager, Stakoe, Wenke, Jamnick, Hardman, Tobocman and Accavitti

Absent: Rep. Drolet

Excused: Rep. Drolet

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meyer, Chair of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Tuesday, February 4, 2003, at 10:30 a.m.

Present: Reps. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Stahl, Sheltroun, Rivet, Spade and Law

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ehardt, Chair of the Committee on Health Policy, was received and read:

Meeting held on: Tuesday, February 4, 2003, at 10:30 a.m.

Present: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Hart, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack

Messages from the Senate

House Concurrent Resolution No. 4.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

(For text of concurrent resolution, see House Journal No. 4, p. 62.)

The Senate has adopted the concurrent resolution and named Senators Switalski, Brater, Schauer, Jacobs, Brown, Cassis, Toy, Jelinek, Clarke and Bishop as co-sponsors.

The message was referred to the Clerk.

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, Friday, January 31:

House Bill Nos.	4118	4119	4120	4121	4122	4123	4124	4125	4126	4127	4128	4129	4130	4131
	4132	4133												

Messages from the Governor

The following message from the Governor was received January 30, 2003 and read:

PROCLAMATION No. 2003 - 1

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, 4 USC 7, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the flag of the United States of America be flown at half-staff;

WHEREAS, it is appropriate that the flag of the United States of America be flown at half-staff on state buildings and facilities upon the death of elected state officials and former elected state officials as a mark of respect to their memory;

WHEREAS, the Governor was saddened to learn of the passing of The Honorable Jerry Kratz, State Representative for the 65th District, on Tuesday, January 28, 2003.

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the state of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963, the laws of the state of Michigan, and the laws of the United States, proclaim:

1. The flag of the United States shall be flown at half-staff at or on the State Capitol, all state-owned or state-controlled buildings within the Capitol Complex, and any state-owned or state-controlled buildings within the 65th Representative District from Wednesday, January 29, 2003, until sunset on Saturday, February 1, 2003.

2. This proclamation shall be transmitted to the Clerk of the House of Representatives and to the family of Representative Kratz, with the condolences of the Governor.

3. This proclamation is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 29th day of January, 2003.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing Administrative Rules

January 9, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:30 P.M. this date, administrative rule (03-01-01) for the Department of Consumer and Industry Services, Director's Office, entitled "*Fire Alarm and Fire Suppression*", effective 7 days hereafter.

January 9, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:33 P.M. this date, administrative rule (03-01-02) for the Department of Consumer and Industry Services, Director's Office, entitled "*Carnival and Amusement Rides*", effective 7 days hereafter.

January 9, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:36 P.M. this date, administrative rule (03-01-03) for the Department of Consumer and Industry Services, Director's Office, entitled "*General Rules*", effective 7 days hereafter.

January 21, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:16 A.M. this date, administrative rule (03-01-04) for the Department of Environmental Quality, Office of Administrative Hearings, entitled "*Contested Case Hearing and Request for Declaratory Ruling Procedures*", effective 7 days hereafter.

Sincerely,

Terri Lynn Land

Secretary of State

Elena L. Beasley, Manager

Office of the Great Seal

The communications were referred to the Clerk.

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

January 30, 2003

As chair of the Michigan Automobile Theft Prevention Authority (ATPA) Board of Directors, I am pleased to submit our 2002 Annual Report to the House. I am proud to report that Michigan is carrying on its fight against automobile theft.

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

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

Sincerely,
Col. Stephen D. Madden
Director

The communication was referred to the Clerk.

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

January 31, 2003

The enclosed report on the current status of the campaign finance electronic filing and Internet-based disclosure system administered through the Michigan Department of State's Bureau of Elections is provided in conformance with the Michigan Campaign Finance Act, MCL 169.218 as amended under Public Act 238 of 1999.

Please do not hesitate to contact me if you have any questions regarding the administration of the electronic filing program or the contents of the enclosed report.

Sincerely,
Christopher M. Thomas
Director
Bureau of Elections

The communication was referred to the Clerk.

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

January 31, 2003

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

Performance Audit of the
Office of Internal Audit
Family Independence Agency
January 2003

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

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

By unanimous consent the House returned to the order of
Notices

February 4, 2003

Mr. Gary Randall
Clerk of the House
Ground Floor, Capitol Building
Lansing, Michigan 48909

Dear Mr. Randall:

Please make note in your records that Representative Jerry Kratz is replaced by Representative Jack Brandenburg on the House Appropriations Committee.

Representative Brandenburg is assigned to the Appropriations Subcommittee on Community Colleges as Vice-Chair and to the Appropriations Subcommittee on Corrections as Vice-Chair.

Representative Bruce Caswell is appointed Chair of the Appropriations Subcommittee on Community Colleges. Finally, Representative John Pastor is assigned to the Appropriations Subcommittee on Joint Capital Outlay. Thank you for your attention to this matter.

Sincerely,
Rick Johnson
Speaker of the House

February 4, 2003

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Randall:

I hereby appoint the following members of the 92nd Legislature to the Joint Select Committee on Business Competitiveness for the 2003-2004 Legislative Session:

Reps. Bisbee (C), Bradstreet, Wenke, McConico, Lipsey

Thank you for your attention to this matter. Please call my office if you have any questions.

Sincerely,
Rick Johnson
Speaker of the House

February 4, 2003

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

I hereby appoint the following Members of the 92nd Legislature to the Statutory Committees for the 2003-2004 Legislative Session:

HOUSE FISCAL AGENCY GOVERNING BOARD

Reps. Shulman (C), Rick Johnson, Richardville, *Whitmer (Min. VC), Byrum, Waters*

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Reps. Pappageorge (C), Van Regenmorter (VC), Ehardt, *Woodward (Min. VC), Gleason*

LEGISLATIVE COUNCIL

Reps. Rick Johnson (C), Richardville, Moolenaar, Gaffney, *Byrum (Min. VC), Waters*
Alternates: Robertson, Sheen, *Minore*

LEGISLATIVE RETIREMENT BOARD OF TRUSTEES

Reps. Rocca, *Reeves* Retired Reps. Van Singel, Mans

MICHIGAN CAPITOL COMMITTEE

Reps. Stahl (C), Stakoe, Farhat, *Bieda*

LAW REVISION COMMISSION

Reps. Gaffney, *Adamini*

COMMISSION ON UNIFORM STATE LAWS

Reps. Van Regenmorter, *Hood, III*

LIBRARY OF MICHIGAN BOARD OF TRUSTEESReps. Nofs, *Law*

Sincerely,
Rick Johnson, Speaker
Michigan House of Representatives

Introduction of Bills

Reps. Dennis, Sak, Vagnozzi, Reeves, Woodward, Meisner, Gielegem, O'Neil, Minore, Kolb, Gillard, Bieda and Law introduced

House Bill No. 4134, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 35301, 63701, 63702, 63704, 63708, 63709, and 63711 (MCL 324.35301, 324.63701, 324.63702, 324.63704, 324.63708, 324.63709, and 324.63711), section 35301 as amended by 1995 PA 262 and sections 63701, 63702, 63704, 63708, 63709, and 63711 as added by 1995 PA 57.

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

Reps. Bieda, Wojno, Rivet, Rocca, Gleason, Stallworth, Accavitti, Hunter, Woodward and Lipsey introduced

House Bill No. 4135, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 601d.

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

Reps. Bieda, Wojno, Rivet, Gleason, Stallworth, Hunter, Accavitti, Woodward, Anderson, Lipsey, Vagnozzi, Condino, Brandenburg, Minore and Vander Veen introduced

House Bill No. 4136, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411t.

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

Reps. Bieda, Wojno, Rivet, Rocca, Gleason, Stallworth, Cheeks, Hunter, Accavitti, Spade, Sheltroun, Elkins, Vagnozzi, Clack, Meisner, Woodward, Anderson, Lipsey, Hopgood, Condino, Brandenburg, Minore and Vander Veen introduced

House Bill No. 4137, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1505.

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

Reps. Bieda, Gleason, Brandenburg, Vagnozzi, Accavitti, Farrah, Spade, Phillips, Anderson and Minore introduced

House Bill No. 4138, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21788.

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

Reps. Rivet, Tabor, Bradstreet, Howell, Gaffney, Palsrok, Newell, Sheltroun, Gillard and Elkins introduced

House Bill No. 4139, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43536a (MCL 324.43536a), as added by 1996 PA 585.

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

Reps. Palsrok, Walker, Steil, Tabor, Ehardt, Robertson, Taub, Casperson, Hoogendyk, Caswell, Brandenburg, Shackleton, Ward, Bradstreet, Emmons, Hune, Stahl, Brown, Shaffer, Sheen, Pumford, Sheltroun, Moolenaar and Palmer introduced

House Bill No. 4140, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 44520a.

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

Reps. Stakoe, Ward, Garfield, Hune, Gaffney, LaJoy, Amos, Stahl, Nofs, Taub, Brandenburg, Robertson and Shaffer introduced

House Bill No. 4141, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 30111a.

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

Rep. Ward introduced

House Bill No. 4142, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12562 (MCL 333.12562), as amended by 1999 PA 41.

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

Reps. Hoogendyk, Milosch, Vander Veen and Drolet introduced

House Bill No. 4143, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2000 PA 415.

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

Reps. Hoogendyk, Vander Veen, Sheen and Drolet introduced

House Bill No. 4144, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 11 and 23 (MCL 432.11 and 432.23), as amended by 1996 PA 167.

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

Reps. LaSata, Wenke, Bieda, Lipsey, Richardville and Nofs introduced

House Bill No. 4145, entitled

A bill to enter into the interstate compact for the supervision or return of certain juveniles, delinquents, and status offenders and for related purposes; and to repeal acts and parts of acts.

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

Reps. Steil, Palsrok, Drolet, Koetje, Brandenburg, Robertson, Palmer, Milosch, Garfield, Hoogendyk, LaJoy and Sheen introduced

House Joint Resolution B, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IV, to provide for concurrence of 3/5 of the members of each house to impose certain taxes or to make certain modifications to certain taxes.

The joint resolution was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Anderson moved that the House adjourn.
The motion prevailed, the time being 3:10 p.m.

Associate Speaker Pro Tempore Vander Veen declared the House adjourned until Wednesday, February 5, at 6:00 p.m.