

No. 9
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House Chamber, Lansing, Wednesday, February 12, 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—excused

e/d/s = entered during session

Rep. Ken Bradstreet, from the 105th District, offered the following invocation:

“Father, thank You so much for the day that You have given us and we thank You for what You mean to us. We thank You for the country that You’ve blessed us with and the words of some of our founders that attributed to You our very life and our liberty and the pursuit of happiness that we enjoy. We acknowledge You today as the creator of those things. We understand our place; we understand that as legislators these inalienable rights that You have bestowed upon us are beyond the purview of what we do here. So we ask Your blessing on our deliberations. We pray that You give us the wisdom that You promised us when we ask and that we would acknowledge You properly in this land. We praise You for all the blessings in Jesus’ name. Amen.”

Rep. Waters moved that Rep. Zelenko be excused from today’s session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 9.

A resolution to memorialize the Congress of the United States to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government.

(For text of resolution, see House Journal No. 3, p. 52.)

(The resolution was reported by the Committee on Transportation on February 11, with substitute (H-1), consideration of which, under the rules, was postponed until today.)

(For substitute, see House Journal No. 8, p. 104.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

House Concurrent Resolution No. 5.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government.

(For text of concurrent resolution, see House Journal No. 3, p. 53.)

(The concurrent resolution was reported by the Committee on Transportation on February 11, with substitute (H-1), consideration of which, under the rules, was postponed until today.)

(For substitute, see House Journal No. 8, p. 105.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

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

The Committee on Land Use and Environment, by Rep. Ruth Johnson, Chair, reported

House Resolution No. 10.

A resolution to memorialize the Congress of the United States to enact legislation to authorize States to enact laws prohibiting or limiting the receipt and disposal of municipal solid waste generated out-of-state.

(For text of resolution, see House Journal No. 3, p. 52.)

With the recommendation that the following amendments be adopted and that the resolution then be adopted.

1. Amend the first Whereas clause, line 2, after “not” by striking out “regulate or”.
2. Amend the second Whereas clause, line 1, after “Approximately” by striking out “15” and inserting “20”.
3. Amend the first Resolving clause, line 2, after the third “to” by striking out “regulate” and inserting “ban”.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Ruth Johnson, LaJoy, DeRossett, Brandenburg, Milosch, Ward, Farrah, Gielegem, Dennis and Law

Nays: Rep. Nitz

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ruth Johnson, Chair of the Committee on Land Use and Environment, was received and read:

Meeting held on: Wednesday, February 12, 2003, at 3:45 p.m.

Present: Reps. Ruth Johnson, LaJoy, DeRossett, Brandenburg, Milosch, Nitz, Ward, Farrah, Gielegem, Dennis and Law

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 11, 2003, at 3:07 p.m.

Present: Reps. Palmer, Hummel, Meyer, Bradstreet, Hager, Hart, Ruth Johnson, Voorhees, Vander Veen, Nofs, Stahl, Gielegem, Vagnozzi, Spade, Smith, Hopgood, Meisner and Clack

Absent: Rep. Tabor

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 12, 2003, at 9:00 a.m.

Present: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Woodward, Hopgood, Murphy and Stallworth

Absent: Reps. LaSata and Daniels

Excused: Rep. LaSata

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 12, 2003, at 9:00 a.m.

Present: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Minore, Farrah, Bieda and Condino

Absent: Rep. Zelenko

Excused: Rep. Zelenko

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Tabor, Chair of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Wednesday, February 12, 2003, at 10:30 a.m.

Present: Reps. Tabor, Milosch, Bradstreet, Ehardt, Richardville, Rocca, Nitz, Gillard, Farrah, Sheltroun and Accavitti

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 12, 2003, at 10:30 a.m.

Present: Reps. Julian, Hune, Bisbee, Ehardt, Middaugh, Hummel, Garfield, Robertson, Sheen, Daniels, Woodward, Anderson, Wojno, Hood and Gillard

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hager, Chair of the Committee on Family and Children Services, was received and read:

Meeting held on: Wednesday, February 12, 2003, at 2:45 p.m.

Present: Reps. Hager, Stahl, Hart, Vander Veen, Voorhees, Sheen, Hardman, Clack and Elkins

Messages from the Senate

Senate Concurrent Resolution No. 1.

A concurrent resolution to memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs.

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This challenge is made more difficult because of the fact that Michigan receives in return from the federal government far less in highway funding than we send to Washington; and

Whereas, Under the provisions of the Transportation Equity Act for the 21st Century, Michigan currently receives approximately 90.5 cents in return for every highway dollar we send to the federal government. While this is a notable improvement from the amounts received in prior years, it remains inadequate for our state's considerable overall transportation needs. In the area of transit, the deficiency of funding received from Washington is much more severe, with Michigan receiving only about 50 cents for each dollar we send through taxes; and

Whereas, This shortfall will present significant problems to certain aspects of our transportation infrastructure. As discussions take place on future funding mechanisms and the next federal transportation funding bill, it is imperative that a fairer approach be developed; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; 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 Senate has adopted the concurrent resolution.

Reps. Accavitti, Acciavatti, Adamini, Amos, Anderson, Bieda, Bisbee, Bradstreet, Brown, Casperson, Caswell, Caul, Cheeks, Dennis, DeRossett, Ehardt, Elkins, Emmons, Farhat, Farrah, Garfield, Gillard, Gleason, Hager, Hardman, Howell, Hummel, Hune, Hunter, Julian, Kolb, Kooiman, LaJoy, Lipsey, Meyer, Middaugh, Moolenaar, Murphy, Newell, Nofs, Paletko, Pappageorge, Pastor, Richardville, Rivet, Sak, Shackleton, Shaffer, Sheltroun, Shulman, Smith, Spade, Stahl, Stakoe, Steil, Taub, Vander Veen, Voorhees, Walker, Ward, Wenke, Wojno, Woodward and Woronchak were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Transportation.

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, February 7:

Senate Bill Nos. 148 149 150 151 152 153 154

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Wednesday, February 12:

**House Bill Nos. 4172 4173 4174 4175 4176 4177 4178 4179 4180 4181 4182 4183 4184 4185
4186 4187 4188 4189 4190 4191 4192 4193 4194 4195 4196**

House Joint Resolution D

Introduction of Bills

Rep. Ward introduced

House Bill No. 4197, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2000 PA 248.

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

Reps. LaSata, Adamini, Vander Veen, Caul and Howell introduced

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.

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

Reps. LaSata and Julian introduced

House Bill No. 4199, entitled

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending section 2 (MCL 456.522), as amended by 1982 PA 132.

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

Rep. Kolb introduced

House Bill No. 4200, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

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

Reps. Kolb and Spade introduced

House Bill No. 4201, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531d.

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

Rep. Kolb introduced

House Bill No. 4202, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20101 (MCL 324.20101), as amended by 1996 PA 383, and by adding sections 20121 and 20122.

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

Reps. Spade, Vagnozzi and Sheltroun introduced

House Bill No. 4203, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 662 (MCL 168.662), as amended by 1999 PA 216, and by adding section 659.

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

Rep. Jamnick introduced

House Bill No. 4204, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending sections 3 and 5 (MCL 211.903 and 211.905), as amended by 2002 PA 244; and to repeal acts and parts of acts.

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

Rep. Jamnick introduced

House Bill No. 4205, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 4g (MCL 205.93 and 205.94g), section 3 as amended by 2002 PA 669 and section 4g as added by 1985 PA 66, and by adding section 4w.

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

Reps. Drolet, Milosch, LaJoy, Acciavatti, Brandenburg, Gaffney, Ruth Johnson, Garfield, Taub, Bieda, Rocca, Stahl, Stewart, Woronchak, Stakoe, DeRoche, Pastor, Amos, Voorhees and Sheen introduced

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.

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

Reps. Hardman and Plakas introduced

House Bill No. 4207, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1599 (MCL 380.1599) and by adding section 1590.

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

Reps. Hardman and Plakas introduced

House Bill No. 4208, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2, 6, 6a, and 11 of chapter XIIA (MCL 712A.2, 712A.6, 712A.6a, and 712A.11), section 2 as amended by 2001 PA 11, sections 6 and 11 as amended by 1996 PA 409, and section 6a as added by 1996 PA 252, and by adding sections 11a and 17e to chapter XIIA.

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

Reps. Hardman, Plakas, Hopgood and Phillips introduced

House Bill No. 4209, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303 and 319 (MCL 257.303 and 257.319), section 303 as amended by 2002 PA 422 and section 319 as amended by 2002 PA 534.

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

Rep. Brandenburg moved that the House adjourn.

The motion prevailed, the time being 4:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 13, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives