

**No. 24**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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House Chamber, Lansing, Wednesday, March 26, 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—excused	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—excused	O’Neil—present	Tabor—present
Casperson—present	Huizenga—present	Paletko—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—excused	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—excused	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. Jennifer Elkins, from the 97th District, offered the following invocation:

“O God, please help us today to govern with honor and integrity. We also ask You to please look with special care on the brave sons and daughters of Michigan and across the nation who are serving to defend our great country. Protect them from harm, bless them with courage, and give us all the hope that peace and understanding may reign in our hearts. We salute them and our entire military family for their commitment to the United States of America. In Your name we offer this prayer. Amen.”

Rep. Palmer moved that Rep. Howell be excused from today’s session.  
The motion prevailed.

Rep. Waters moved that Reps. Daniels and Reeves be excused from today’s session.  
The motion prevailed.

### Second Reading of Bills

#### House Bill No. 4133, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

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

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

Rep. LaJoy moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4133, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

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

#### Roll Call No. 42

#### Yeas—102

Accavitti	Gielegem	Meyer	Shulman
Acciavatti	Gillard	Middaugh	Smith
Amos	Gleason	Milosch	Spade
Anderson	Hager	Minore	Stahl
Bieda	Hardman	Moolenaar	Stakoe
Bisbee	Hart	Murphy	Stallworth
Bradstreet	Hood	Newell	Steil
Brandenburg	Hoogendyk	Nitz	Stewart
Brown	Hopgood	Nofs	Tabor
Byrum	Huizenga	O’Neil	Taub
Casperson	Hummel	Paletko	Tobocman
Caswell	Hune	Palmer	Vagnozzi
Caul	Hunter	Palsrok	Van Regenmorter

Cheeks	Jamnick	Pappageorge	Vander Veen
Clack	Johnson, Rick	Pastor	Voorhees
Condino	Johnson, Ruth	Phillips	Walker
Dennis	Julian	Richardville	Ward
DeRoche	Koetje	Rivet	Waters
DeRossett	Kolb	Robertson	Wenke
Drolet	Kooiman	Rocca	Whitmer
Elkins	LaJoy	Sak	Williams
Emmons	LaSata	Shackleton	Wojno
Farhat	Law	Shaffer	Woodward
Farrah	Lipsey	Sheen	Woronchak
Gaffney	McConico	Sheltrown	Zelenko
Garfield	Meisner		

### Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Reps. Stewart, Rocca, Gielegem, Jamnick, Richardville, Bisbee, Tabor, Voorhees, Middaugh, Julian, Hummel, Vander Veen, Stallworth, Paletko, Bieda, Taub, Accavitti, Garfield, Hune, Gleason, Shaffer, Emmons, Nitz, Huizenga, Farhat, Elkins, Gillard and Casperson were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4224, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

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

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

Rep. Jamnick moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4224, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

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

### Roll Call No. 43

### Yeas—104

Accavitti	Gielegem	Meyer	Sheltrown
Acciavatti	Gillard	Middaugh	Shulman
Amos	Gleason	Milosch	Smith

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

### Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Reps. McConico, Plakas, Rocca, Drolet, Phillips, Kolb, Richardville, Lipsey, Bisbee, Voorhees, Julian, Hummel, Vander Veen, Pumford, Brown, Palmer, Cheeks, Smith, Hunter, Paletko, Brandenburg, Bieda, Wojno, Acciavatti, Condino, Accavitti, Stakoe, Garfield, Caswell, Shaffer, Nitz, Stahl, Huizenga, Elkins, Moolenaar and Gillard were named co-sponsors of the bill.

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

By unanimous consent the House returned to the order of

### Reports of Standing Committees

The Committee on Education, by Rep. Palmer, Chair, reported

#### House Bill No. 4025, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1180. With the recommendation that the substitute (H-2) 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. Palmer, Hummel, Meyer, Bradstreet, Hager, Hart, Ruth Johnson, Tabor, Voorhees, Vander Veen, Stahl, Gielegem, Vagnozzi, Spade, Smith, Hopgood, Meisner and Clack

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 25, 2003, at 3:07 p.m.

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Koetje, Chair of the Committee on Government Operations, was received and read:

Meeting held on: Tuesday, March 25, 2003, at 3:00 p.m.

Present: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 26, 2003, at 10:30 a.m.

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

**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 on Friday, March 21:

<b>Senate Bill Nos.</b>	<b>301</b>	<b>302</b>	<b>303</b>	<b>304</b>	<b>305</b>	<b>306</b>	<b>307</b>	<b>308</b>	<b>309</b>	<b>310</b>	<b>311</b>	<b>312</b>	<b>313</b>	<b>314</b>
	<b>315</b>	<b>316</b>	<b>317</b>	<b>318</b>	<b>319</b>	<b>320</b>								

The Clerk announced that the following bills had been printed and placed upon the files of the members on Monday, March 24:

<b>Senate Bill Nos.</b>	<b>321</b>	<b>322</b>	<b>323</b>	<b>324</b>	<b>325</b>	<b>326</b>	<b>327</b>	<b>328</b>	<b>329</b>	<b>330</b>	<b>331</b>	<b>332</b>	<b>333</b>	<b>334</b>
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The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, March 26:

<b>House Bill Nos.</b>	<b>4439</b>	<b>4440</b>	<b>4441</b>	<b>4442</b>	<b>4443</b>	<b>4444</b>	<b>4445</b>	<b>4446</b>	<b>4447</b>	<b>4448</b>	<b>4449</b>	<b>4450</b>	<b>4451</b>	<b>4452</b>
	<b>4453</b>	<b>4454</b>	<b>4455</b>											

**Communications from State Officers**

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

Notices of Filing  
Administrative Rules

February 19, 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 1:45 P.M. this date, administrative rule (03-02-01) for the Department of Consumer and Industry Services, Director’s Office, entitled “*Part 14. Tunnels, Shafts, Caissons, and Cofferdams*”, effective 7 days hereafter.

February 24, 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 1:06 P.M. this date, administrative rule (03-02-03) for the Department of Agriculture, Laboratory Division, entitled "*Regulation No. 551. Weights, Measures, Packaging, and Labeling*", effective 7 days hereafter.

February 24, 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 1:08 P.M. this date, administrative rule (03-02-04) for the Department of Consumer and Industry Services, Bureau of Workers' and Unemployment Compensation, entitled "*Workers' Compensation Health Care Services Rules*", effective 7 days hereafter.

February 24, 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 1:10 P.M. this date, administrative rule (03-02-05) for the Department of Transportation, Aeronautics Commission, entitled "*Aeronautics Commission General Rules*", effective 7 days hereafter.

March 5, 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 10:12 A.M. this date, administrative rule (03-03-01) for the Department of Environmental Quality, Land And Water Management Division, entitled "*Aquatic Nuisance Control*", effective 7 days hereafter.

March 5, 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 10:14 A.M. this date, administrative rule (03-03-02) for the Department of Environmental Quality, Air Quality Division, entitled "*Part 1. General Provisions*", effective 7 days hereafter.

March 5, 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 10:16 A.M. this date, administrative rule (03-03-03) for the Department of Consumer and Industry Services, Director's Office, entitled "*Construction Code—Part 10. Michigan Uniform Energy Code*", effective March 1, 2003.

March 5, 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 10:18 A.M. this date, administrative rule (03-03-04) for the Department of Consumer and Industry Services, Director's Office, entitled "*Real Estate Appraisers*", 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 Management and Budget was received and read:

March 24, 2003

Pursuant to section 38(1) of Act No. 240 of the Public Acts of 1943, I am hereby submitting to the legislature the actuarial valuation for the State Employees' Retirement System for the fiscal year ended September 30, 2002. This transmittal conforms to the requirements of section 38(1).

Sincerely,  
Mitch Irwin  
Director

The communication was referred to the Clerk.

### Introduction of Bills

Rep. Rocca introduced

**House Bill No. 4456, entitled**

A bill to amend 1965 PA 261, entitled "An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions," by amending section 1 (MCL 46.351), as amended by 2000 PA 496.

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

Rep. Rocca introduced

**House Bill No. 4457, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676 (MCL 257.676), as amended by 1980 PA 518.

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

Rep. Rocca introduced

**House Bill No. 4458, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1958," by amending section 122 (MCL 436.1233). The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Reps. Vagnozzi, Clack, Hunter, Condino, Dennis and Plakas introduced

**House Bill No. 4459, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1i, 13, and 55 (MCL 38.1i, 38.13, and 38.55), section 1i as amended and section 55 as added by 1996 PA 487 and section 13 as amended by 2002 PA 743, and by adding section 61a.

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

Rep. Jamnick introduced

**House Bill No. 4460, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 508 (MCL 206.508), as amended by 1990 PA 283.

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

Reps. Hunter, McConico, Condino, Rivet, Elkins, Clack, Plakas, Sak, Stallworth, Phillips, Paletko, Accavitti, Hopgood, Meisner and Tobocman introduced

**House Bill No. 4461, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 25b and 25c (MCL 388.1625b and 388.1625c), section 25b as amended and section 25c as added by 2001 PA 121.

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

Reps. Hunter, McConico, Condino, Rivet, Elkins, Clack, Plakas, Sak, Stallworth, Phillips, Paletko, Accavitti, Hopgood, Meisner and Tobocman introduced

**House Bill No. 4462, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 31a (MCL 388.1631a), as amended by 2002 PA 521.

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

Reps. Robertson, LaJoy, Voorhees, Vander Veen, Shaffer, Pastor, Amos, Gaffney and Brandenburg introduced

**House Bill No. 4463, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811o.

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

Reps. Robertson, Pastor, Gaffney and Tobocman introduced

**House Bill No. 4464, entitled**

A bill to establish a teachers loan forgiveness program for eligible new teachers in at-risk schools and shortage areas; to establish a teachers loan forgiveness fund and to provide for its administration; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

Reps. Koetje, Brandenburg, Milosch and Drolet introduced

**House Bill No. 4465, entitled**

A bill to prohibit certain political subdivisions of this state from initiating or participating in certain civil actions.

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

Reps. Stakoe, LaJoy, Vander Veen, Taub, Hummel, Ruth Johnson, Stahl, Hune, Emmons, Gaffney, Huizenga, Nofs, Stewart, Amos, Garfield, DeRoche, Middaugh, Palsrok, Ehardt and Moolenaar introduced

**House Bill No. 4466, 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 10o and 12 (MCL 247.660o and 247.662), section 10o as amended by 2000 PA 188 and section 12 as amended by 2002 PA 498.

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



Rep. Ward introduced

**House Bill No. 4467, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 196, 354, 357, 539, 540, 541, 644f, and 737a (MCL 168.196, 168.354, 168.357, 168.539, 168.540, 168.541, 168.644f, and 168.737a), section 644f as amended by 1999 PA 218 and section 737a as added by 1996 PA 461, and by adding section 653b.

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

Rep. Rocca introduced

**House Joint Resolution F, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 5 and 6 of article VIII and adding section 10 to article VIII, to limit tuition increases at institutions of higher education established by law.

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

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Rep. Ehardt moved that the House adjourn.

The motion prevailed, the time being 1:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, March 27, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives

