

No. 44
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House Chamber, Lansing, Tuesday, May 27, 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—excused	Meyer—present	Sheen—present
Acciavatti—present	Gieleghem—present	Middaugh—present	Sheltrown—present
Adamini—present	Gillard—present	Milosch—present	Shulman—present
Amos—present	Gleason—present	Minore—present	Smith—present
Anderson—present	Hager—present	Moolenaar—present	Spade—present
Bieda—present	Hardman—present	Mortimer—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—excused	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—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	Meisner—present		

e/d/s = entered during session

Rep. Chris Kolb, from the 53rd District, offered the following invocation:

“Please join me in remembering all those who have served our country, who we remembered yesterday, Memorial Day, who have given their lives so that we may be free. Remember all those who still serve—those that served and came home, because they, too, were willing to sacrifice their lives for us. May we remember all those who are serving today and their families and what that puts each one of them through. We remember them, Lord, because without them, there would not be a shining brightness in this world. Without them, we would not have the freedom that we enjoy. Lord, let us remember what our former President Clinton said on the fiftieth anniversary of D-Day. He said, ‘Now the question falls to us: how will we build upon the sacrifices of our veterans? We cannot stand still. We cannot stay safe by doing so. Avoiding today’s problems would be our own generation’s appeasements. For just as freedom has a price, it also has a purpose, and its name is progress. Today our mission is to expand freedom’s reach forward; to test the full potential of each of our own citizens; to strengthen our families, our faith and our communities; to fight indifference and intolerance; to keep our nation strong; and to light the lives of those still dwelling in the darkness of undemocratic rule. Our parents did that and more; we must do nothing less. They struggled in war so we strive in peace. To you who brought us here, I promise, we will be the new pathfinders, for we are all children of your sacrifice.’ Dear Lord, may we never forget the cost of freedom nor its purpose. Thank You. Amen.”

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

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

Communications from State Officers

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

May 23, 2003

Mr. Gary Randall, Clerk
Michigan House of Representatives
P.O. Box 30014
Lansing, Michigan 48909-7514
Dear Mr. Randall:

Please find enclosed the certificate of election for Mickey Mortimer, elected at the May 20, 2003 special election to fill the vacancy in the 65th State Representative District.

A copy of the official election results, certified by the Board of State Canvassers on May 23, 2003, is enclosed.

Please do not hesitate to contact this office if you have any questions.

Sincerely,
Christopher M. Thomas
Director of Elections

May 23, 2003

I, Terri Lynn Land, Secretary of State and Custodian of the Great Seal of the State of Michigan, certify that Mickey Mortimer was elected to fill the vacancy in the 65th State Representative District for a partial term expiring January 1, 2005, as shown by the May 20, 2003 special election returns certified by the Board of State Canvassers on May 23, 2003.

[SEAL]

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State in the Capital City of Lansing, this twenty-third day of May A.D. 2003.

Terri Lynn Land
Secretary of State

The communications were referred to the Clerk.

Representative-elect Mickey Mortimer took and subscribed the constitutional oath of office which was administered by the Clerk of the House of Representatives, Gary L. Randall. Said oath was filed in the office of the Clerk of the House of Representatives.

Rep. Mortimer was assigned seat No. 31.

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 4330, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 1998 PA 68.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Transportation (for amendments, see House Journal No. 41, p. 616),

The amendments were adopted, a majority of the members serving voting therefor.

Rep. Woronchak 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. 4330, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 1998 PA 68.

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

Roll Call No. 174

Yeas—106

Accavitti	Gillard	Middaugh	Sheltrown
Acciavatti	Gleason	Milosch	Shulman
Adamini	Hager	Minore	Smith
Amos	Hardman	Moolenaar	Spade
Anderson	Hart	Mortimer	Stahl
Bieda	Hood	Murphy	Stakoe
Bisbee	Hoogendyk	Newell	Stallworth
Bradstreet	Hopgood	Nitz	Steil
Brandenburg	Howell	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
Ehardt	LaJoy	Robertson	Whitmer
Elkins	LaSata	Rocca	Williams
Emmons	Law	Sak	Wojno

Farhat
 Farrah
 Gaffney
 Gielegghem

Lipsey
 McConico
 Meisner
 Meyer

Shackleton
 Shaffer
 Sheen

Woodward
 Woronchak
 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. Hardman, Waters, McConico, Anderson, Stewart, O'Neil, Rocca, Gielegghem, Shulman, Pappageorge, Phillips, Minore, Zelenko, Kolb, Jamnick, DeRossett, Richardville, Spade, Bisbee, Murphy, Tabor, Voorhees, Middaugh, Meyer, Julian, Newell, Vander Veen, Howell, Rivet, Caul, Ruth Johnson, Sheltroun, Adamini, Palmer, Gaffney, Hunter, Hood, Tobocman, Farrah, Paletko, Pastor, LaJoy, Law, Brandenburg, Bieda, Wojno, Acciavatti, Clack, Condino, Vagnozzi, DeRoche, Taub, Accavitti, Amos, Stakoe, Hune, Gleason, Milosch, Caswell, Hoogendyk, Nofs, Wenke, Ward, Byrum, Van Regenmorter, Sak, Stahl, Farhat, Elkins, Palsrok, Gillard, Casperson and Mortimer were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 4495, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 675e.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Transportation,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Gleason moved to amend the bill as follows:

1. Amend page 2, following line 7, by inserting:

"Enacting section 1. This amendatory act takes effect 90 days after it is enacted into law."

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

Rep. Gaffney 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. 4495, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 675e.

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

Roll Call No. 175

Yeas—104

Accavitti
 Acciavatti
 Adamini
 Amos
 Anderson

Gleason
 Hager
 Hardman
 Hart
 Hood

Middaugh
 Milosch
 Minore
 Moolenaar
 Mortimer

Sheltroun
 Shulman
 Smith
 Spade
 Stahl

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

Nays—2

Bradstreet

Drolet

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. Hardman, McConico, Woronchak, Stewart, Zelenko, Kolb, DeRossett, Lipsey, Murphy, Meyer, Julian, Newell, Caul, Shackleton, Farrah, Pastor, Hopgood, Condino, Accavitti, Gleason, Hoogendyk, Byrum, Huizenga, Palsrok, Gillard and Casperson were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4038, 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 received from the Senate on May 20, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 21, see House Journal No. 41, p. 621.)

The question being on concurring in the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 176

Yeas—96

Accavitti	Gillard	Middaugh	Smith
Acciavatti	Gleason	Minore	Spade
Adamini	Hager	Moolenaar	Stahl
Amos	Hardman	Murphy	Stakoe

Anderson	Hart	Newell	Stallworth
Bieda	Hood	Nitz	Steil
Bisbee	Hopgood	O'Neil	Stewart
Brandenburg	Howell	Paletko	Tabor
Byrum	Hune	Palmer	Taub
Casperson	Hunter	Palsrok	Tobocman
Caswell	Jamnack	Pappageorge	Vagnozzi
Caul	Johnson, Rick	Pastor	Van Regenmorter
Cheeks	Johnson, Ruth	Phillips	Vander Veen
Clack	Julian	Plakas	Voorhees
Condino	Koetje	Pumford	Walker
Dennis	Kolb	Richardville	Ward
DeRossett	Kooiman	Rivet	Waters
Ehardt	LaJoy	Robertson	Wenke
Elkins	LaSata	Rocca	Whitmer
Emmons	Law	Sak	Williams
Farhat	Lipsey	Shackleton	Wojno
Farrah	McConico	Shaffer	Woodward
Gaffney	Meisner	Sheltrown	Woronchak
Gielegem	Meyer	Shulman	Zelenko

Nays—10

Bradstreet	Hoogendyk	Milosch	Nofs
DeRoche	Huizenga	Mortimer	Sheen
Drolet	Hummel		

In The Chair: Julian

The House agreed to the full title of the bill.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

The Speaker laid before the House

House Bill No. 4238, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 622 (MCL 257.622), as amended by 1991 PA 168.

(The bill was received from the Senate on May 21, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 22, see House Journal No. 42, p. 636.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

Reps. Rivet and Howell moved to amend the Senate substitute (S-1) as follows:

1. Amend page 1, line 3, after "totaling" by striking "\$750.00" and inserting "\$1,000.00".

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

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 177**Yeas—106**

Accavitti	Gillard	Middaugh	Sheltrown
Acciavatti	Gleason	Milosch	Shulman

Adamini	Hager	Minore	Smith
Amos	Hardman	Moolenaar	Spade
Anderson	Hart	Mortimer	Stahl
Bieda	Hood	Murphy	Stakoe
Bisbee	Hoogendyk	Newell	Stallworth
Bradstreet	Hopgood	Nitz	Steil
Brandenburg	Howell	Nofs	Stewart
Byrum	Huizenga	O'Neil	Tabor
Casperson	Hummel	Paletko	Taub
Caswell	Hune	Palmer	Tobocman
Caul	Hunter	Palsrok	Vagnozzi
Cheeks	Jamnack	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
Ehardt	LaJoy	Robertson	Whitmer
Elkins	LaSata	Rocca	Williams
Emmons	Law	Sak	Wojno
Farhat	Lipsey	Shackleton	Woodward
Farrar	McConico	Shaffer	Woronchak
Gaffney	Meisner	Sheen	Zelenko
Gielegem	Meyer		

Nays—0

In The Chair: Julian

The House agreed to the full title of the bill.

Second Reading of Bills

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.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Transportation,

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

Rep. Rocca 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. 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.

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

Roll Call No. 178**Yeas—106**

Accavitti	Gillard	Middaugh	Sheltrown
Acciavatti	Gleason	Milosch	Shulman
Adamini	Hager	Minore	Smith
Amos	Hardman	Moolenaar	Spade
Anderson	Hart	Mortimer	Stahl
Bieda	Hood	Murphy	Stakoe
Bisbee	Hoogendyk	Newell	Stallworth
Bradstreet	Hopgood	Nitz	Steil
Brandenburg	Howell	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
Ehardt	LaJoy	Robertson	Whitmer
Elkins	LaSata	Rocca	Williams
Emmons	Law	Sak	Wojno
Farhat	Lipsey	Shackleton	Woodward
Farrah	McConico	Shaffer	Woronchak
Gaffney	Meisner	Sheen	Zelenko
Gielegem	Meyer		

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.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Concurrent Resolution No. 14.

A concurrent resolution to memorialize the Congress of the United States to include funding for capital costs for the Mackinac Bridge in legislation reauthorizing transportation spending through the Transportation Equity Act.

(For text of concurrent resolution, see House Journal No. 35, p. 479.)

(The concurrent resolution was reported by the Committee on Transportation on May 22, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

The Speaker laid before the House

House Resolution No. 60.

A resolution to extend subpoena power to the House Education Committee's Subcommittee on Intermediate School District Review.

(For text of resolution, see House Journal No. 40, p. 602.)

(The resolution was reported by the Committee on Government Operations on May 22, with substitute (H-3), consideration of which, under the rules, was postponed until today.)

(For substitute, see House Journal No. 43, p. 662.)

The question being on the adoption of the proposed substitute (H-3) recommended by the Committee,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 179

Yeas—61

Acciavatti	Huizenga	O'Neil	Stahl
Amos	Hummel	Palmer	Stakoe
Bisbee	Hune	Palsrok	Steil
Bradstreet	Johnson, Rick	Pappageorge	Stewart
Brandenburg	Johnson, Ruth	Pastor	Tabor
Casperson	Julian	Plakas	Taub
Caul	Koetje	Richardville	Vagnozzi
DeRoche	Kooiman	Rivet	Van Regenmorter
DeRossett	LaJoy	Robertson	Vander Veen
Drolet	Meyer	Rocca	Voorhees
Ehardt	Middaugh	Sak	Walker
Emmons	Moolenaar	Shackleton	Ward
Farhat	Mortimer	Shaffer	Wenke
Hager	Newell	Sheen	Woodward
Hoogendyk	Nofs	Shulman	Woronchak
Howell			

Nays—44

Accavitti	Farrah	Kolb	Phillips
Adamini	Gaffney	LaSata	Pumford
Anderson	Gielegem	Law	Sheltrown
Bieda	Gillard	Lipsey	Spade
Byrum	Gleason	McConico	Stallworth
Caswell	Hardman	Meisner	Tobocman
Cheeks	Hart	Milosch	Waters
Clack	Hood	Minore	Whitmer
Condino	Hopgood	Murphy	Williams
Dennis	Hunter	Nitz	Wojno
Elkins	Jamnick	Paletko	Zelenko

In The Chair: Julian

Reps. Zelenko, Hopgood, Elkins, Law, Farrah, Adamini, Gillard, Jamnick, Paletko, Accavitti and Kolb, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Resolution 60 because the resolution offers an extra-ordinary grant of power to a subcommittee without any evidence that the power is necessary or will ever become necessary. Without some evidence of an impasse,

some evidence that the existing authority of the subcommittee is insufficient, the resolution is premature. There is no evidence that the power is necessary to compel anyone's testimony. No one has refused to appear or has even threatened to fail to appear if asked and that's because the subcommittee has had only one meeting to date! That was for the sole purpose of asking the Government Operations committee to approve the subcommittee's request for subpoena power. Furthermore, while the power to compel a person to testify before a legislative committee has been granted to committees in order to deal with recalcitrant individuals, it has never been granted to a subcommittee and particularly not before the subcommittee has made any effort to bring in witnesses through normal means. A subpoena does not ask someone to attend it, but orders them to attend with the threat of fines or imprisonment for failure to appear. Because it is an extra-ordinary power, it is incumbent on the persons asking to use this power that they have tried other means that have not worked. In addition, granting this power holds a serious potential for embarrassment for those people who might be compelled to attend the subcommittee's hearings. Regardless of what anyone might say, a subpoena compelling a person to testify before a legislative committee has the potential to cause embarrassment and strife – even if the person hasn't done anything wrong. Finally, there is a risk that granting this power to the subcommittee could interfere with the ongoing lawsuit being brought by the Oakland intermediate school district's former superintendent. It is possible that if the subcommittee issues subpoenas, those demands for a person or paperwork might conflict with testimony or evidence or other orders issued by the court not to discuss the issues involved outside the courtroom.”

Rep. Tobocman, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Resolution 60 because the resolution offers an extra-ordinary grant of power to a subcommittee without any evidence that the power is necessary or will ever become necessary. Without evidence that the existing authority of the subcommittee is insufficient, the resolution is premature. There is no evidence that the power is necessary to compel anyone's testimony. No one has refused to appear or has even threatened to fail to appear if asked. That was for the sole purpose of asking the Government Operations committee to approve the subcommittee's request for subpoena power. While the power to compel a person to testify before a legislative committee has been granted to committees in order to deal with recalcitrant individuals, it has never been granted to a subcommittee and particularly not before the subcommittee has made any effort to bring in witnesses through normal means. A subpoena does not ask someone to attend it, but orders them to attend with the threat of fines or imprisonment for failure to appear. Because it is an extra-ordinary power, it is incumbent on the persons asking to use this power that they have tried other means that have not worked. It is not clear that the information sought by the subcommittee can not be obtained by existing means. Public Act 42 of 1952, codified at M.C.L. 4.541 grants committees and select committees the power to subpoena government records. It is not clear that utilization of this existing power will not complete the investigation. I believe it is bad precedent to grant these extraordinary investigatory powers without specific understanding of what information the investigation seeks to obtain and how the powers are necessary to obtain them. Until the subcommittee meets and utilizes its existing powers, I believe that it is premature to grant this additional power.”

Rep. Meisner, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

If the vote today was on whether the Oakland Intermediate School District, under the leadership of the since dismissed superintendent, had engaged in questionable behavior, I would strongly urge a yes vote. If the vote asking for subpoena power came after our subcommittee had the chance to investigate the matters before it in full and the Oakland ISD had acted in a non-responsive and evasive manner, again, I would strongly urge a yes vote. Such is not the case. The ISD Subcommittee has just begun its work. We should be given the chance to fulfill our charge. Granting subpoena power right now sends the wrong message and puts the cart before the horse. It also sets a dangerous precedent, one that would be new in the entire history of this Legislature.”

Rep. Spade having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Resolution 60 because the resolution offers an extra-ordinary grant of power to a subcommittee without any evidence that the power is necessary or will ever become necessary. Without some evidence of an impasse, some evidence that the existing authority of the subcommittee is insufficient, the resolution is premature. There is no evidence that the power is necessary to compel anyone's testimony. No one has refused to appear or has even threatened to fail to appear if asked and that's because the subcommittee has had only one meeting to date! That was for the sole purpose of asking the Government Operations committee to approve the subcommittee's request for subpoena power. Furthermore, while the power to compel a person to testify before a legislative committee has been granted to committees in order to deal with recalcitrant individuals, it has never been granted to a subcommittee and particularly not before the subcommittee has made any effort to bring in witnesses through normal means. A subpoena does not ask someone to attend it, but orders them to attend with the threat of fines or imprisonment for failure to appear. Because it is an extra-ordinary power, it is incumbent on the persons asking to use this power that they have tried other means that have not worked. Finally, there is a risk that granting this power to the subcommittee could interfere with the ongoing lawsuit being brought by the Oakland intermediate school district's former superintendent.

It is possible that if the subcommittee issues subpoenas, those demands for a person or paperwork might conflict with testimony or evidence or other orders issued by the court not to discuss the issues involved outside the courtroom.”

Rep. Anderson, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Resolution 60 because the resolution offers an extra-ordinary grant of power to a subcommittee which is extra-ordinarily broad, without any evidence that the power is necessary or will ever become necessary. Without some evidence of an impasse, some evidence that the existing authority of the subcommittee is insufficient, the resolution is premature. There is no evidence that the power is necessary to compel anyone’s testimony. No one has refused to appear or has even threatened to fail to appear if asked and that’s because the subcommittee has had only one meeting to date! That was for the sole purpose of asking the Government Operations committee to approve the subcommittee’s request for subpoena power. Furthermore, while the power to compel a person to testify before a legislative committee has been granted to committees in order to deal with recalcitrant individuals, it has never been granted to a subcommittee and particularly not before the subcommittee has made any effort to bring in witnesses through normal means. A subpoena does not ask someone to attend it, but orders them to attend with the threat of fines or imprisonment for failure to appear. Because it is an extra-ordinary power, it is incumbent on the persons asking to use this power that they have tried other means that have not worked. In addition, granting this power holds a serious potential for embarrassment for those people who might be compelled to attend the subcommittee’s hearings. Regardless of what anyone might say, a subpoena compelling a person to testify before a legislative committee has the potential to cause embarrassment and strife - even if the person hasn’t done anything wrong. Finally, there is a risk that granting this power to the subcommittee could interfere with the ongoing lawsuit being brought by the Oakland intermediate school district’s former superintendent. It is possible that if the subcommittee issues subpoenas, those demands for a person or paperwork might conflict with testimony or evidence or other orders issued by the court not to discuss the issues involved outside the courtroom.”

Rep. Bieda, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted against this Resolution because subpoena power is an extraordinary power that should only be used when all available administrative remedies have been exhausted. In the current instance, this is not the case, indeed, the Higher Education Subcommittee on Intermediate School District Review has not had any substantive meetings on the issue. Legislative use of the subpoena power is an important function of the legislature, but there is a time and place for everything, and that time and place occurs when all currently available remedies have been exhausted.”

Rep. Condino, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Resolution 60 because the resolution offers an extra-ordinary grant of power to a subcommittee without any evidence that the power is necessary or will ever become necessary. Without some evidence of an impasse, some evidence that the existing authority of the subcommittee is insufficient, the resolution is premature. There is no evidence that the power is necessary to compel anyone’s testimony. No one has refused to appear or has even threatened to fail to appear if asked and that’s because the subcommittee has had only one meeting to date! That was for the sole purpose of asking the Government Operations committee to approve the subcommittee’s request for subpoena power. Furthermore, while the power to compel a person to testify before a legislative committee has been granted to committees in order to deal with recalcitrant individuals, it has never been granted to a subcommittee and particularly not before the subcommittee has made any effort to bring in witnesses through normal means. A subpoena does not ask someone to attend it, but orders them to attend with the threat of fines or imprisonment for failure to appear. Because it is an extra-ordinary power, it is incumbent on the persons asking to use this power that they have tried other means that have not worked. That has not been done in this instance, and I therefore must vote no on the resolution. Finally, there is a risk that granting this power to the subcommittee could interfere with the ongoing lawsuit being brought by the Oakland intermediate school district’s former superintendent. It is possible that if the subcommittee issues subpoenas, those demands for a person or paperwork might conflict with testimony or evidence or other orders issued by the court not to discuss the issues involved outside the courtroom.”

Rep. Nitz, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HR 60 because it unnecessarily casts all ISD’s in a negative light and I believe there are alternative means of gathering of information from this particular ISD.”

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

Motions and Resolutions

Reps. Hoogendyk, Lipsey, Wenke, Bieda, Brandenburg, Meyer, Middaugh, Palsrok, Pappageorge, Pastor, Richardville, Sak, Shaffer, Sheltroun, Spade, Van Regenmorter, Vander Veen, Zelenko, Acciavatti, Adamini, Anderson, Caswell, Clack, Condino, Dennis, DeRossett, Ehardt, Farrah, Gielegem, Gillard, Gleason, Hager, Kolb, Kooiman, LaJoy, Nofs, O'Neil, Phillips, Stakoe, Stallworth, Taub, Voorhees, Amos, Emmons, Jamnick, LaSata, Rocca, Shulman, Steil, Caul, Howell, Koetje, Minore, Bisbee, Huizenga, Shackleton and Woronchak offered the following resolution:

House Resolution No. 69.

A resolution commemorating the 100th anniversary of Western Michigan University.

Whereas, It is with great respect for the role that this outstanding institution has played in educating our young people that we join with the people of Kalamazoo and the entire state in marking the 100th anniversary of the founding of Western Michigan University. On behalf of the 158,000 alumni and nearly 30,000 students and families who have been touched by the work that has taken place here, we offer our thanks in celebrating this milestone; and

Whereas, Few activities draw more attention and pressure than those that take place in a university. In seeking to prepare students for the adult world of work, challenge, and responsibility, our bastions of higher learning are, in reality, an extension of a community's hope and concern for the future. This is no small task. To achieve its lofty goals, an organization like Western Michigan University must be focused and unified. Western Michigan University has attained its reputation for effectiveness through the hard work and sacrifice of professors, staff, and students who have worked together over these 100 years; and

Whereas, Much has changed since Western Michigan University first opened its doors in 1903, with only 117 students and a campus confined to a mere 20 acres. The students who traverse the college grounds now face a world in which change will likely take place even faster. While they utilize tools to help them learn what their grandparents could never have imagined, they will need many of the same skills of generations past. These skills include the ability to think clearly, to make decisions based on reason, and to accept the responsibilities we all share as unselfish citizens. In this way, the impact that Western Michigan University has had over the years will only grow stronger; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the 100th anniversary of Western Michigan University. We commend all of the devoted professors, students, parents, and staff who have contributed to its growth in excellence; and be it further

Resolved, That a copy of this resolution be transmitted to Western Michigan University as a token of the high esteem in which it is held.

Pending the reference of the resolution to a committee,

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

The resolution was adopted.

Reports of Standing Committees

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

House Bill No. 4311, entitled

A bill to provide insurance to farm produce producers against losses from the failure of grain dealers; to establish a farm produce insurance authority; to prescribe the powers and duties of the authority and its board; to establish a farm produce insurance fund; to provide for assessments on grain dealers; to prescribe certain powers and duties of certain state agencies and officers; to authorize the promulgation of rules; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-1) 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. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Stahl, Sheltroun, Spade and Law

Nays: Rep. Rivet

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, May 27, 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. Howell, Chair of the Committee on Judiciary, was received and read:

Meeting held on: Tuesday, May 27, 2003, at 9:00 a.m.

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

Absent: Rep. Garfield

Excused: Rep. Garfield

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, May 27, 2003, at 9:00 a.m.

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

Announcement by the Clerk of Printing and Enrollment

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

Senate Bill Nos. 503 504 505 506 507 509

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Friday, May 23:

**House Bill Nos. 4719 4720 4721 4722 4723 4724 4725 4726 4727 4728 4729 4730 4731 4732
4733 4734 4735 4736 4737 4738 4739 4740 4741 4742 4743 4744 4745 4746
4747 4748 4749 4750**

House Joint Resolution H

The Clerk announced that the following Senate bills had been received on Tuesday, May 27:

Senate Bill Nos. 106 121 314

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4285, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 4 (MCL 38.1304), as amended by 2002 PA 94, and by adding section 92.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Senate Bill No. 106, entitled

A bill to designate an official state symbol for clean water in this state.

The Senate has passed the bill.

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

Senate Bill No. 121, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 3 (MCL 205.3), as amended by 2002 PA 657.

The Senate has passed the bill.

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

Senate Bill No. 314, entitled

A bill to allow the state to amend certain deeds.

The Senate has passed the bill.

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

Introduction of Bills

Rep. Jarnick introduced

House Bill No. 4751, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2002 PA 124.

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

Reps. Shackleton, Stahl, Farhat, Emmons, Meyer and Pastor introduced

House Bill No. 4752, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30104 (MCL 324.30104), as amended by 1999 PA 106.

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

Reps. Shackleton, Stahl, Farhat, Emmons, Meyer and Pastor introduced

House Bill No. 4753, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 57b (MCL 257.57b).

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

Reps. Shackleton, Farhat, Emmons, Meyer, Spade, Hummel, Pastor and Stahl introduced

House Bill No. 4754, entitled

A bill to designate an official nickname for this state.

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

Rep. Vander Veen introduced

House Bill No. 4755, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), section 16221 as amended by 2002 PA 402 and section 16226 as amended by 2002 PA 643, and by adding section 20170.

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

Reps. Lipsey, Vagnozzi, Bieda, Kolb, Zelenko, Dennis, Jamnick, Sak, Tobocman, Gleason, Rivet, Anderson and Plakas introduced

House Bill No. 4756, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21766 (MCL 333.21766), as amended by 2001 PA 243, and by adding section 21766a.

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

Reps. LaSata, Rivet, Tabor, Julian, Brown, Sheltroun, Farrah, Pappageorge, Elkins, Woronchak, Kooiman, Gaffney, Paletko, Adamini, Richardville, Hummel, Stahl, Vander Veen, Spade, Pumford, Condino, Taub, Woodward, Bradstreet, Caul, Gleason, Sak, Hager, Minore, Shaffer, Gielegthem, Emmons, Palsrok, Robertson and Tobocman introduced

House Bill No. 4757, entitled

A bill to prevent certain unfair methods of competition and pricing practices in the distribution of motor fuel; to prescribe powers and duties of certain state officers and agencies and the courts; and to provide remedies, fines, and penalties for violations of this act.

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

Reps. Ruth Johnson, Ward, Brandenburg, Tobocman, Spade, Rocca, Shaffer, Stewart, DeRossett, Anderson, Jamnick, Lipsey, Pumford, Richardville, Gleason and Voorhees introduced

House Bill No. 4758, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16263, 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 (MCL 333.16263, 333.18501, 333.18503, 333.18505, 333.18507, 333.18509, 333.18511, 333.18513, and 333.18515), section 16263 as amended by 2001 PA 139 and sections 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 as added by 2000 PA 11, and by adding sections 18504, 18506, and 18516.

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

Reps. Law, Anderson, Hopgood, Adamini, Murphy, Gillard, Elkins, Wojno, Tobocman, Accavitti, Clack, Gleason and Condino introduced

House Bill No. 4759, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 52, 54, and 55 (MCL 169.252, 169.254, and 169.255), section 52 as amended by 2001 PA 250 and sections 54 and 55 as amended by 1995 PA 264.

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

Reps. Hardman, Tobocman, Plakas, Law and Williams introduced

House Bill No. 4760, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2848 (MCL 333.2848), as amended by 2002 PA 562.

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

Reps. Hardman, Tobocman, Plakas, Law and Williams introduced

House Bill No. 4761, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 10 (MCL 52.210).

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

Reps. Hardman, Tobocman, Plakas, Law and Williams introduced

House Bill No. 4762, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health;

to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 10 (MCL 52.210).

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

Reps. Bieda, Gleason, Zelenko, Vagnozzi, Lipsey, Wojno, Pappageorge and Stahl introduced

House Bill No. 4763, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," (MCL 400.701 to 400.737) by adding section 28.

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

Reps. Huizenga, Taub, Garfield, Amos, Tobocman, Wenke, Howell, Sheen, Brandenburg, Palmer, Hummel, Vander Veen, Ruth Johnson, Kooiman and Emmons introduced

House Bill No. 4764, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 511, 611, 791, and 798 (MCL 450.1511, 450.1611, 450.1791, and 450.1798), section 511 as amended by 1989 PA 121, section 611 as amended by 1997 PA 118, section 791 as amended by 1993 PA 91, and section 798 as added by 1988 PA 58.

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

Rep. Hunter moved that the House adjourn.

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

The Speaker Pro Tempore declared the House adjourned until Wednesday, May 28, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives