

**No. 1**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Wednesday, January 14, 2004.

12:00 Noon.

Pursuant to the requirements of the Constitution, the Representatives assembled in Representative Hall in the Capitol at Lansing on the second Wednesday in January, the 14th of January, 2004 at 12:00 o'clock noon, and in accordance with law, were called to order by the Honorable Larry Julian, Speaker Pro Tempore of the House of Representatives.

Rep. Joanne Voorhees, from the 77th District, offered the following invocation:

“Father, as we gather here today beginning a new year, we just want to honor You and thank You for drawing us to this place. We thank You for giving us the privilege to stand here, God, in this place to be Your servants and servants to one another. We thank You, Lord, for all that’s been accomplished and all that’s going to be accomplished in this next year. Most of all, God, we ask for Your wisdom and Your knowledge, because that’s truly what we need the most – Your wisdom, Your knowledge. We thank You for every person represented here, Lord, and their families. We would ask for protection for each of our families, especially in these winter months. We say thank You for what You are doing for our families and in each one of our families and in this family that we are together. We thank You for the relationships that are being built and have been built. We thank You for the excitement of seeing each other and revisiting each other again. We would pray that would continue throughout this new year. We want to give You all the glory and all the praise. We ask that the words of our mouth and the meditation of our heart will always be acceptable to you, our Lord. In Jesus’ name. Amen.”

By the direction of the Speaker, the Clerk called the roll of the House of Representatives and announced that a quorum was present.

<b>District</b>	<b>Name</b>	<b>District</b>	<b>Name</b>
1st	Edward J. Gaffney	56th	Randy Richardville
2nd	Ken Daniels—excused	57th	Doug Spade
3rd	Artina Tinsley Hardman—excused	58th	Bruce Caswell
4th	Mary D. Waters	59th	Rick Shaffer
5th	Bill McConico	60th	Alexander C. Lipsey
6th	Marsha Cheeks	61st	Jacob W. Hoogendyk, Jr.
7th	Virgil Smith	62nd	Mike Nofs
8th	Alma G. Stallworth	63rd	Lorence Wenke
9th	Tupac A. Hunter	64th	Clark E. Bisbee
10th	Triette Lipsey Reeves	65th	Mickey Mortimer

11th	Morris Hood, III	66th	Chris Ward
12th	Steve Tobocman	67th	Dianne Byrum
13th	Barbara A. Farrah	68th	Michael C. Murphy
14th	William J. O'Neil	69th	Gretchen Whitmer
15th	Gary Woronchak	70th	Judy Emmons
16th	Jim A. Plakas	71st	Susan Tabor
17th	Daniel S. Paletko—excused	72nd	Glenn Steil, Jr.
18th	Glenn S. Anderson	73rd	Doug Hart
19th	John R. Pastor	74th	William Van Regenmorter
20th	John C. Stewart	75th	Jerry O. Kooiman
21st	Philip J. LaJoy	76th	Michael G. Sak
22nd	Hoon-Yung Hopgood	77th	Joanne Voorhees
23rd	Kathleen Law	78th	Neal Nitz
24th	Jack Brandenburg	79th	Charles LaSata
25th	Steve Bieda—excused	80th	Mary Ann Middaugh
26th	Dave Woodward	81st	Lauren M. Hager
27th	Andy Meisner	82nd	John Stahl
28th	Lisa Wojno	83rd	Stephen R. Ehardt
29th	Clarence E. Phillips	84th	Tom Meyer
30th	Sal Rocca	85th	Larry Julian
31st	Paul Gielegem	86th	James L. Koetje
32nd	Daniel Joseph Acciavatti	87th	Gary Newell
33rd	Leon Drolet	88th	Fulton Sheen
34th	Brenda Clack	89th	Barb Vander Veen
35th	Paul Condino	90th	Bill Huizenga
36th	Brian Palmer	91st	David Farhat
37th	Aldo Vagnozzi	92nd	Julie Dennis
38th	Craig M. DeRoche	93rd	Scott Hummel
39th	Marc Shulman	94th	Jim Howell
40th	Shelly Goodman Taub	95th	Carl M. Williams
41st	John Pappageorge	96th	Joseph L. Rivet
42nd	Frank Accavitti, Jr.	97th	Jennifer Elkins
43rd	Fran Amos	98th	John Moolenaar
44th	John P. Stakoe	99th	Sandy Caul
45th	John Garfield	100th	Mike Pumford
46th	Ruth Johnson	101st	David Palsrok
47th	Joe Hune	102nd	Rick Johnson
48th	John J. Gleason	103rd	Dale E. Sheltrown
49th	Jack Minore	104th	Howard Walker
50th	Paula Zelenko	105th	Ken Bradstreet
51st	David B. Robertson	106th	Matthew Gillard
52nd	Gene DeRossett	107th	Scott Shackleton
53rd	Chris Kolb	108th	Tom Casperson
54th	Ruth Ann Jamnick	109th	Stephen Adamini
55th	Matt Milosch	110th	Rich Brown

e/d/s = entered during session

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Rep. Waters moved that Reps. Bieda, Daniels, Hardman and Paletko be excused from today's session. The motion prevailed.

### Messages from the Senate

January 14, 2004

The Honorable Rick Johnson  
Speaker of the House of Representatives  
Capitol Building  
Lansing, Michigan 48913

Dear Speaker Johnson:

By direction of the Senate, I hereby notify you that a quorum of the Senate has assembled and is ready to proceed with the business of the session.

Very respectfully,  
Carol Morey Viventi, J.D.  
Secretary of the Senate

### Messages from the Governor

The following line items veto message from the Governor was received and read:

Executive Office, Lansing, December 23, 2003

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Dear Legislators:

Today have I have signed **Enrolled House Bill 4367**, which provides supplemental appropriations for fiscal years 2003 and 2004. This bill is an integral part of our joint efforts to balance the budget and I appreciate your prompt action on these critical budgetary matters.

However, I am returning the bill to you because of items of which I disapprove, pursuant to Article V, Section 19 of the Michigan Constitution. The specific items vetoed are contained within the attached copy of the bill, which has been filed with the Secretary of State. Specifically, I have vetoed:

- An appropriation of \$660,000 for the Attorney General and related Section 222, which earmarks funds for the costs of unspecified investigations of intermediate school districts. If such investigations are needed, and if the Attorney General is the appropriate entity to conduct the investigations, then the costs should be absorbed within the Attorney General's current budget. Investigations conducted by state agencies such as the Attorney General, Auditor General and the State Police are part of their basic mission and should not be contingent on special appropriations.
- Section 421, which transfers \$100,000 from the State Aid to Libraries line item to the Historical Administration and Services line item. I support the funding distribution in the original fiscal year 2004 budget for the Department of History, Arts and Libraries.
- An appropriation of \$2,250,000 of Snowmobile Trail Improvement Funds and related section 521, which allocates those funds for the purchase of lands or easements for snowmobile trails and for repair of crossing grade bridges on a trail in Cadillac. This issue was never discussed with the Administration and I believe that it is inappropriate to purchase additional state lands until we have a final resolution of the payments-in-lieu-of-taxes issue.

I appreciate your action on this bill and your willingness to work in a bi-partisan fashion to resolve the revenue shortfall.

Sincerely,  
Jennifer M. Granholm  
Governor

The bill was signed by the Governor December 23, 2003, at 3:25 p.m.

The bill was filed with the Secretary of State, December 29, 2003, at 9:47 a.m., and assigned Public Act No. 237, I.E. The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

Rep. Richardville moved that the bill be re-referred to the Committee on Appropriations.

The motion prevailed.

The following veto message from the Governor was received and read:

Executive Office, Lansing, January 9, 2004

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Ladies and Gentlemen:

I return with my objections **Enrolled House Bill 5306**, pursuant to Section 33 of Article IV of the Michigan Constitution of 1963. I have vetoed the bill for the following reason, among others:

The duties assigned to a new bureaucracy created by this bill within the Michigan Economic Development Corporation ("MEDC") unnecessarily duplicate functions and responsibilities already performed by the MEDC. The MEDC needs maximum flexibility to encourage private sector job growth and should not be hindered by a legislatively imposed mandate to create new government bureaucracy.

Accordingly, I return **Enrolled House Bill 5306** without signature.

Respectfully,  
Jennifer M. Granholm  
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Richardville moved that the bill be re-referred to the Committee on Commerce.  
The motion prevailed.

By unanimous consent the House returned to the order of  
**Motions and Resolutions**

Rep. Richardville moved to vacate the enrollment of **House Bill No. 4236**.  
The motion prevailed.

### Messages from the Senate

The Senate requested the return of  
**House Bill No. 4236, entitled**

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16131, 16186, and 16263 (MCL 333.16131, 333.16186, and 333.16263), sections 16131 and 16263 as amended by 2001 PA 139 and section 16186 as amended by 2002 PA 643, and by adding section 16344 and part 187.

(The bill was enrolled on December 17, 2003, see House Journal No. 95 of 2003, p. 2459.)

Rep. Richardville moved that the request of the Senate be granted.  
The motion prevailed.

**Second Reading of Bills**

Pending the Second Reading of

**House Bill No. 5223, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending sections 8b, 23, and 23a (MCL 125.1508b, 125.1523, and 125.1523a), section 8b as added by 1999 PA 245, section 23 as amended by 1994 PA 22, and section 23a as added by 1989 PA 135.

Rep. Richardville moved that the bill be re-referred to the Committee on Judiciary.

The motion prevailed.

Pending the Second Reading of

**Senate Bill No. 214, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 413.

Rep. Richardville moved that the bill be re-referred to the Committee on Great Lakes and Tourism.

The motion prevailed.

Pending the Second Reading of

**Senate Bill No. 215, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13e of chapter XVII (MCL 777.13e), as added by 2002 PA 30.

Rep. Richardville moved that the bill be re-referred to the Committee on Great Lakes and Tourism.

The motion prevailed.

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Rep. Richardville moved that when the House adjourns today it stand adjourned until Tuesday, January 20, at 1:00 p.m.  
The motion prevailed.

**Notices**

January 12, 2004

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 Detroit Water Board Select Committee for the 2003-2004 Legislative Session:

Reps. Taub (C), DeRoche, Drolet, LaJoy, Tobocman, Hardman and Lipsey.

If you have any further questions regarding this matter please feel free to contact me at 373-1747.

Sincerely,  
Rick Johnson, Speaker  
Michigan House of Representatives

January 13, 2004

Mr. Gary Randall  
 Clerk of the House  
 P.O. Box 30014  
 Lansing, MI 48913

Dear Mr. Clerk:

Please make note in your records that Representative Rich Brown is replaced by Representative Gretchen Whitmer as the Minority Vice-Chair of the Committee on Appropriations. Representative Whitmer will also replace Representative Brown on the House Fiscal Agency Governing Board. Representative Michael Murphy is removed from the Committee on Appropriations and will be replaced by Representative Gretchen Whitmer as Minority Vice-Chair for the Subcommittees on Community Health, Economic Development, Fiscal Oversight, Audit and Litigation, Joint Capital Outlay and Supplementals.

This will take effect on January 14, 2004. If you have any further questions regarding this matter please feel free to contact me at 373-1747.

Sincerely,  
 Rick Johnson  
 Speaker of the House

#### **Announcement by the Clerk of Printing and Enrollment**

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

**House Bill Nos. 5392 5393 5394 5395 5396 5397 5398 5399 5400 5401 5402 5403 5404 5405**  
**House Joint Resolution S**

#### **Communications from State Officers**

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

January 13, 2004

Enclosed is a copy of the following audit report and/or report summary:  
 Performance Audit of the Driver Licensing and Vehicle Registration Processes,  
 Bureau of Branch Office Services and Bureau of Driver and Vehicle Records,  
 Department of State.  
 January 2004

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  
**Motions and Resolutions**

Reps. Minore, Law, Hopgood, Whitmer, Anderson, Kolb, Dennis, Condino, Tobocman, Hunter, McConico, Elkins, Gielegem, Williams, Jamnick, Zelenko, Reeves, Stallworth, Sak, Clack, Spade, Vagnozzi, Brown, Meisner, Hood, Waters, Plakas, Woodward, Farrah, O'Neil, Accavitti, Paletko, Cheeks, Wojno, Lipsey, Bieda, Gleason, Gillard, Sheltroun, Adamini, Murphy, Hardman and Phillips offered the following resolution:

#### **House Resolution No. 187.**

A resolution to urge the Environmental Protection Agency to reconsider and reverse its proposal to ease restrictions on mercury emissions.

Whereas, Among the proposed rules being put forth by the Environmental Protection Agency are policies that, as reported, would significantly lessen the target for reducing mercury emissions from power plants. With the proven threat mercury presents to public health, the proposed rules seek to treat this serious issue in a manner that is very disturbing; and

Whereas, The draft plan would put in place a “cap and trade” system similar to the program established to reduce acid rain. While that system has effectively reduced emissions that cause acid rain, the nature of mercury makes this same “cap and trade” approach unacceptable to many in the public health community. Mercury is known to be far more dangerous to health than the pollutants in acid rain. The most hazardous chemical forms of mercury emitted by power plants are known to accumulate near the emissions source. To remove mercury from the list of most toxic pollutants, which the proposed plan does, would be major step backward for our country to take in working for cleaner air and a healthier environment for our people; and

Whereas, If the planned rules were to be approved, it would represent a reversal of progress we have made in cleaning up our air quality. For people living near coal-burning power plants, the cumulative effects of mercury would contribute to the buildup of “hot spots” for mercury contamination; and

Whereas, The threat that mercury poses to our country is real. The Centers for Disease Control and Prevention found that eight percent of women of childbearing age have unsafe levels of mercury in their blood. Nearly all states have issued warnings about fish being contaminated by mercury. Michigan has issued warnings that women of childbearing age and children should not eat fish caught in inland lakes. Any measure taken by the EPA that does not reduce mercury in the air in every instance is inappropriate public policy; now, therefore, be it

Resolved by the House of Representatives, That we urge the Environmental Protection Agency to reconsider and reverse its proposal to ease restrictions on mercury emissions; and be it further

Resolved, That copies of this resolution be transmitted to the Environmental Protection Agency, 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.

Reps. Waters, Accavitti, Adamini, Anderson, Clack, Condino, Dennis, DeRossett, Ehardt, Elkins, Farrah, Gielegem, Gillard, Gleason, Hager, Hopgood, Hunter, Jamnick, Kolb, LaJoy, Law, Lipsey, Minore, Murphy, Phillips, Reeves, Richardville, Sak, Shulman, Smith, Spade, Stallworth, Taub, Tobocman, Vagnozzi, Woodward and Zelenko offered the following resolution:

**House Resolution No. 188.**

A resolution to commemorate the launching of TV One, a new channel targeting African American adults.

Whereas, TV One offers a broad range of entertainment-oriented original programming, classic series, movies, fashion and music, as well as public affairs, news documentaries, non-fiction series and lifestyle programs that focus on African American themes, issues, cultures, and politics; and

Whereas, It is with deep appreciation for all of the hard work, commitment, and planning this occasion represents that we acknowledge the launching of TV One in major markets in Michigan. As members of the community and the people behind this enterprise gather to celebrate this event and express their confidence, we are proud to add our voice to commend everyone who has worked to make this day possible; and

Whereas, Whenever a new business venture is undertaken, the newspapers and other media are quick to discuss the event in terms of numbers. While there can be no discounting the significance of statistics citing jobs, sales, market share projections, and costs, these do not tell the full story of why every new business, expansion, and remodeling is important to Michigan; and

Whereas, Even economists tell us of the significance of psychology in the business world. This is most apparent with the opening of a new enterprise like TV One. TV One’s mission is to offer a broad range of entertainment-oriented programming that respects the values and intellectual diversity of the adult African American audience. As the people of Michigan well know, the faith in the future that this investment indicates provides a boost every bit as notable as economic factors in generating pride and enthusiasm. We join them in wishing the best of luck to the owners, management, and staff of TV One on this new beginning; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the launching of TV One in Michigan. May the future bring great success and satisfaction; and be it further

Resolved, That a copy of this resolution be transmitted to TV One as a token of our esteem.

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.

Rep. Tobocman moved that the House adjourn.  
The motion prevailed, the time being 1:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, January 20, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives