

No. 15
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Tuesday, March 1, 2005.

1:00 p.m.

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

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—excused	Rocca—present
Adamini—present	Farhat—present	Lemmons, Jr.—present	Sak—present
Amos—present	Farrah—present	Lipsey—present	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—excused
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—excused	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—excused	Vander Veen—present
Clack—present	Hunter—excused	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kehrl—present	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—excused	Whitmer—present
Dillon—present	Kooiman—present	Plakas—excused	Williams—present
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—present		

e/d/s = entered during session

Rep. Pam Byrnes, from the 52nd District, offered the following invocation:

“Let the words of my mouth and the meditation of my heart be acceptable in thy sight, O Lord, my strength and my Redeemer.’ *Psalms 19:14*

Holy Spirit, We come before You in prayer to affirm our faith that we, as Your children, know that You are omnipotent and supreme; that Divine Love fills all space.

We take this brief moment to shut out the cacophony of discord to listen for that still small voice of Truth.

We open up our hearts and fill them with joy and thanksgiving to enable us to love our neighbors as ourselves and to do unto others as we would have them do unto us.

We ask that You bless us and guide us on this difficult journey that we will travel.

Grant us the capacity to change for the better and the will to do our part to accomplish that change. We thank You for Your grace and everlasting love. Amen.”

Rep. Emmons moved that Reps. Nofs and Palmer be excused from today’s session.
The motion prevailed.

Rep. Sak moved that Reps. Hunter, Lemmons, III, Phillips, Plakas and Virgil Smith be excused from today’s session.
The motion prevailed.

The Speaker Pro Tempore assumed the Chair.

Second Reading of Bills

House Bill No. 4233, entitled

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending section 16 (MCL 431.316).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4342, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 4 (MCL 208.4), as amended by 2003 PA 240; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

Rep. Ward 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. Marleau, Robertson, Ball, Schuitmaker, Nofs, Kahn, Garfield, Newell, Zelenko and Sheltroun offered the following resolution:

House Resolution No. 27.

A resolution to encourage Governor Jennifer Granholm to reconsider the proposal to close the State Police post in Groveland Township.

Whereas, Oakland County, according to the 2000 Census, has a population of 1,194,156, a 10.2% increase over the 1990 Census, and

Whereas, Groveland Township has a population of 6,150 people according to the 2000 Census; and

Whereas, A State Police post has been operating out of the Groveland Township Fire Department since 1990 and has proven to be a cost effective and efficient law enforcement service for the residents of Groveland, Holly, and Rose Townships, with a total annual operational budget in 2004 of \$344,000; and

Whereas, Because the next closest State Police post is located 33 miles away from Groveland Township in Brighton, the closure of the State Police post would jeopardize the safety and welfare of the residents and visitors in Groveland Township, due to delayed response times; and

Whereas, The closure of the State Police post in Groveland Township would result in an increase cost for the State Police to provide law enforcement services to these communities, including the increased cost of gas and mileage; and

Whereas, Since a portion of I-75, M-15, and M-24 (Dixie Highway) run through Groveland Township, it is essential to have a State Police post located in these heavily trafficked areas to ensure the public's safety; and

Whereas, Because Groveland, Holly, and Rose Townships are in proximity to several state parks and recreational areas frequented by tourists, it is essential to maintain a State Police post in Groveland Township; and

Whereas, The closure of the State Police post in Groveland Township would leave Groveland, Holly, and Rose Townships vulnerable to potential crime, which seeks to flourish in communities that lack a strong police force; and

Whereas, The closure of the State Police post would have a devastating impact on the quality of life in Groveland, Holly, and Rose Townships and may serve as a deterrent to families, who seek a safe community in which to live, work, and raise their children; and

Whereas, The closure of the State Police post in Groveland Township would have a negative impact on economic development in Groveland, Holly, and Rose Townships, resulting in the potential loss of business development by investors, who require a strong visible police force as a factor when selecting a community for economic development; and

Whereas, The minimal savings to the state that would result from closing the State Police post in Groveland Township are far outweighed by the costs to the local community. The state should not slash its budget in a way that diminishes the quality of existing police and emergency services, especially when there is so little impact on the state budget and so significant a loss of essential services; now, therefore, be it

Resolved by the House of Representatives, That we recommend that the Governor reconsider the proposal and seek to ensure that the State Police post in Groveland Township is not closed and that these essential law enforcement services are retained in Groveland Township to ensure the public's safety; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

The resolution was referred to the Committee on Appropriations.

Reps. Whitmer, Accavitti, Adamini, Anderson, Angerer, Bieda, Brown, Byrnes, Byrum, Cheeks, Clack, Clemente, Dillon, Donigan, Espinoza, Farrah, Gaffney, Gillard, Gleason, Gonzales, Hopgood, Kehrl, Kolb, Kathleen Law, Leland, Lemmons, Jr., Lipsey, Mayes, McConico, McDowell, Miller, Murphy, Newell, Polidori, Sak, Sheltroun, Alma Smith, Stewart, Tobocman, Vagnozzi, Waters, Williams, Wojno and Zelenko offered the following resolution:

House Resolution No. 28.

A resolution to memorialize the Congress of the United States to refrain from making cuts to the Community Oriented Policing Services program.

Whereas, As our nation faces difficult challenges here at home and abroad, there are tough choices that need to be made. However, the President's proposed budget for the 2006 fiscal year includes severe cuts to the Community Oriented Policing Services (COPS) program that seem strongly at odds with the country's need to increase the safety and security of our citizens; and

Whereas, The proposal to cut the COPS program from nearly \$500 million to \$22 million has elicited a strong negative response from many police departments around the country. Since many law enforcement professionals feel that this program has contributed to the decline in violent crime across the country to the lowest level in many years, virtually eliminating this initiative seems to be a bad move to take; and

Whereas, The men and women who patrol our streets represent a critical link in the chain of homeland security that is so important to our country. Police officers are clearly the most visible deterrent to crimes of all kinds, including those that represent the biggest threat to individual citizens and families and the nation as a whole. It would be very unwise to cut the COPS program in the face of the realities confronting our communities, states, and nation; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to refrain from making cuts to the Community Oriented Policing Services program; 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 resolution was referred to the Committee on Appropriations.

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, February 25:

House Bill Nos.	4399	4400	4401	4402	4403	4404	4405	4406	4407	4408	4409	4410	4411	4412
	4413	4414	4415											
Senate Bill Nos.	248	249	250	251	252	253	254	255	256					

The Clerk announced that the following Senate bill had been received on Tuesday, March 1:
Senate Bill No. 234

By unanimous consent the House returned to the order of
Messages from the Senate

Senate Bill No. 234, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 676a and 907 (MCL 257.676a and 257.907), section 676a as amended by 1999 PA 46 and section 907 as amended by 2004 PA 493.

The Senate has passed the bill.

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

Communications from State Officers

The following communication from the Family Independence Agency was received and read:

February 16, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Renewal	Montmorency County FIA		CP600201311

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,
 Marianne Udow
 Director

The communication was referred to the Clerk.

The following communications from the Auditor General were received and read:

February 25, 2005

Enclosed is a copy of the following audit report and/or report summary:
 Performance audit of the General Controls of the Medicaid Management Information System,
 Department of Information Technology and Department of Community Health
 February 2005

February 25, 2005

Enclosed is a copy of the following audit report and/or report summary:
 Performance audit of the Clean Michigan Initiative,
 Environmental and Health Protection Programs, administered by the
 Department of Environmental Quality and the Department of Community Health
 February 2005

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

Introduction of Bills

Reps. Stahl, Nofs, Hummel, Shaffer, Gosselin, Accavitti, Taub, Elsenheimer, Van Regenmorter, Spade, Sheen, Lipsey, Robertson, Schuitmaker, Casperson, Moolenaar, Walker, Pearce and Lemmons, III introduced

House Bill No. 4416, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding sections 709 and 711.

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

Reps. Stahl, Hoogendyk, Nofs, Hummel, Shaffer, Gosselin, Stakoe, Accavitti, Taub, Elsenheimer, Van Regenmorter, Spade, Sheen, Lipsey, Robertson, Schuitmaker, Casperson, Moolenaar, Walker, Pearce and Lemmons, III introduced

House Bill No. 4417, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 2004 PA 495.

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

Reps. Stahl, Hoogendyk, Nofs, Hummel, Shaffer, Gosselin, Stakoe, Accavitti, Taub, Elsenheimer, Van Regenmorter, Spade, Sheen, Lipsey, Robertson, Schuitmaker, Casperson, Moolenaar, Walker, Pearce and Lemmons, III introduced

House Bill No. 4418, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2003 PA 143.

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

Reps. Anderson, Accavitti, Williams, Bieda, Brown, Kathleen Law, Sak, Plakas, Leland, Hopgood, Vagnozzi, Zelenko, Tobocman, Gleason, Wojno and Gonzales introduced

House Bill No. 4419, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 21751 and 21786 (MCL 333.21751 and 333.21786).

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

Reps. Sheen, Mortimer, Taub, Cheeks, Palmer, Garfield, Stahl, Pastor, Vander Veen, Hummel, Gosselin, Hoogendyk, Baxter, Gaffney and Shaffer introduced

House Bill No. 4420, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2004 PA 195.

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

Reps. Sheen, Rocca, Mortimer, Taub, Cheeks, Palmer, Garfield, Stahl, Pastor, Gosselin, Vander Veen, Hummel, Hoogendyk, Baxter, Hune, Robertson, Gaffney, LaJoy, Hildenbrand, Shaffer, Schuitmaker, Proos and Green introduced

House Bill No. 4421, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204c (MCL 500.1204c), as amended by 2001 PA 228.

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

Reps. Sheen, Mortimer, Taub, Palmer, Garfield, Stahl, Pastor, Hummel, Gosselin, Hoogendyk, Baxter, Gaffney, Hune, Hildenbrand, Shaffer and Schuitmaker introduced

House Bill No. 4422, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 19k.

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

Reps. Wojno, Polidori, Spade, Rocca, Vagnozzi, Leland, Tobocman, Garfield, Byrnes, Plakas, Shaffer, Bieda and Lemmons, III introduced

House Bill No. 4423, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies," by amending section 1c (MCL 445.111c), as added by 2002 PA 612.

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

Reps. Espinoza, Sak, Wojno, Condino, Bieda, Gleason, Kehrl, Tobocman, Alma Smith and Plakas introduced

House Bill No. 4424, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676a (MCL 257.676a), as amended by 1999 PA 46.

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

Reps. Kolb, Leland, Alma Smith, Lipsey, Bieda, Donigan and Tobocman introduced

House Bill No. 4425, entitled

A bill to amend 1997 PA 16, entitled "The playground equipment safety act," by amending the title and section 6 (MCL 408.686).

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

Reps. Kolb, Leland, Alma Smith, Lipsey, Bieda, Donigan and Tobocman introduced

House Bill No. 4426, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5717 and 5721 (MCL 333.5717 and 333.5721), section 5717 as added by 1987 PA 48 and section 5721 as amended by 1988 PA 236.

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

Reps. Kolb, Leland, Alma Smith, Lipsey, Bieda, Donigan and Tobocman introduced

House Bill No. 4427, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," (MCL 257.1801 to 257.1877) by adding section 40.

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

Reps. Kolb, Leland, Alma Smith, Lipsey, Bieda, Donigan and Tobocman introduced

House Bill No. 4428, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 12102.

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

Rep. Wenke introduced

House Bill No. 4429, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2003 PA 247.

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

Rep. Wenke introduced

House Bill No. 4430, entitled

A bill to amend 1917 PA 156, entitled "An act authorizing cities, villages, counties, townships and school districts to operate systems of public recreation and playgrounds," by amending section 2 (MCL 123.52).

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

Reps. Wenke and Rocca introduced

House Bill No. 4431, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 316 (MCL 750.316), as amended by 2004 PA 58.

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

Rep. Wojno introduced

House Bill No. 4432, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 21334 and 21784a.

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

Reps. Casperson, Caul, Moolenaar, Newell, Elsenheimer and Huizenga introduced

House Bill No. 4433, entitled

A bill to allow the display of the Ten Commandments on public property under certain circumstances.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Government Operations, by Rep. Drolet, Chair, reported

House Bill No. 4237, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 283 (MCL 18.1283). 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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Drolet, Hoogendyk, Gosselin, Garfield and Sheen

Nays: Rep. Lipsey

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 1, 2005

Present: Reps. Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Tobocman and Lipsey

Absent: Rep. Lemmons, III

Excused: Rep. Lemmons, III

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Vander Veen, Chair, of the Committee on Senior Health, Security, and Retirement, was received and read:

Meeting held on: Tuesday, March 1, 2005

Present: Reps. Vander Veen, Green, Stahl, Proos, Polidori, Clack and Vagnozzi

Absent: Reps. Van Regenmorter and Zelenko

Excused: Reps. Van Regenmorter and Zelenko

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gaffney, Chair, of the Committee on Health Policy, was received and read:
Meeting held on: Tuesday, March 1, 2005

Present: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Ward, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer

Absent: Rep. Nofs

Excused: Rep. Nofs

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Huizenga, Chair, of the Committee on Commerce, was received and read:
Meeting held on: Tuesday, March 1, 2005

Present: Reps. Huizenga, Baxter, Emmons, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Meisner, Tobocman, Murphy, Dillon, Bennett, Accavitti and McConico

Absent: Reps. Palsrok, Pavlov and Schuitmaker

Excused: Reps. Palsrok, Pavlov and Schuitmaker

Rep. Steil moved that the House adjourn.
The motion prevailed, the time being 2:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, March 2, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives