

**No. 32**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**91st Legislature**  
**REGULAR SESSION OF 2001**

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House Chamber, Lansing, Wednesday, April 25, 2001.

2:00 p.m.

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

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

Adamini—present	Garza—present	Lockwood—present	Schauer—present
Allen—present	George—present	Mans—present	Schermesser—present
Anderson—present	Gielegem—present	McConico—present	Scranton—present
Basham—present	Gilbert—present	Mead—present	Shackleton—present
Bernero—present	Godchaux—present	Meyer—present	Sheltrown—present
Birkholz—present	Gosselin—present	Middaugh—present	Shulman—present
Bisbee—present	Hager—present	Minore—present	Spade—present
Bishop—present	Hale—present	Mortimer—present	Stallworth—excused
Bogardus—present	Hansen—present	Murphy—present	Stamas—present
Bovin—present	Hardman—present	Neumann—present	Stewart—present
Bradstreet—present	Hart—present	Newell—present	Switalski—present
Brown, Bob—present	Howell—present	O’Neil—excused	Tabor—present
Brown, Cameron—present	Jacobs—present	Pappageorge—present	Thomas—present
Brown, Rich—present	Jamnick—present	Patterson—present	Toy—present
Callahan—present	Jansen—present	Pestka—present	Vander Roest—present
Cassis—present	Jelinek—present	Phillips—present	Vander Veen—present
Caul—present	Johnson, Rick—present	Plakas—present	Van Woerkom—present
Clark—present	Johnson, Ruth—present	Pumford—present	Vear—present
Clarke—present	Julian—present	Quarles—excused	Voorhees—present
Daniels—present	Kilpatrick—present	Raczkowski—present	Waters—present
Dennis—present	Koetje—present	Reeves—present	Whitmer—present
DeRossett—present	Kolb—present	Richardville—present	Williams—present
DeVuyst—present	Kooiman—present	Richner—present	Wojno—present
DeWeese—e/d/s	Kowall—present	Rison—present	Woodward—present
Drolet—present	Kuipers—present	Rivet—present	Woronchak—present
Ehardt—present	LaSata—present	Rocca—present	Zelenko—present
Fauce—present	Lemmons—present	Sanborn—present	
Frank—present	Lipsey—present		

e/d/s = entered during session

Rep. Patricia Godchaux, from the 40th District, offered the following invocation:

“In honor of the survivors of the Holocaust that were here today for the ceremony in the rotunda, and all survivors of all Holocausts around the world, I offer opening words from a song sung at noon today. ‘The day is short, the task is great. You are not obligated to complete the task, but neither are you free to withdraw from it.’”

Rep. Jacobs moved that Reps. O’Neil, Quarles and Stallworth be excused from today’s session.  
The motion prevailed.

### Third Reading of Bills

#### House Bill No. 4016, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 50 (MCL 169.250), as added by 1994 PA 385.

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

#### Roll Call No. 123

#### Yeas—78

Adamini	Ehardt	Kowall	Rocca
Allen	Faunce	LaSata	Sanborn
Anderson	Frank	Mans	Schauer
Basham	Garza	Mead	Schermesser
Bernero	George	Meyer	Shackleton
Birkholz	Gielegem	Middaugh	Sheltrown
Bishop	Gosselin	Minore	Shulman
Bogardus	Hansen	Neumann	Spade
Bradstreet	Hart	Newell	Stamas
Brown, B.	Howell	Pappageorge	Switalski
Brown, C.	Jacobs	Patterson	Tabor
Brown, R.	Jamnick	Pestka	Thomas
Callahan	Jansen	Plakas	Toy
Cassis	Jelinek	Pumford	Vander Roest
Caul	Johnson, Rick	Raczkowski	Vear
Clark, I.	Johnson, Ruth	Richardville	Waters
Clarke, H.	Julian	Richner	Whitmer
Dennis	Kilpatrick	Rison	Williams
DeRossett	Kolb	Rivet	Woodward
Drolet	Koiman		

#### Nays—24

Bisbee	Hager	Lockwood	Scranton
Bovin	Hale	McConico	Van Woerkom
Daniels	Hardman	Mortimer	Vander Veen
DeVuyst	Koetje	Murphy	Voorhees
Gilbert	Kuipers	Phillips	Woronchak
Godchaux	Lipsey	Reeves	Zelenko

In The Chair: Ehardt

The House agreed to the title of the bill.

Reps. Bernero, Birkholz, Ehardt, Gielegem, Raczkowski, Schauer and Schermesser were named co-sponsors of the bill.

Rep. DeWeese entered the House Chambers.

Rep. Vander Roest moved that Rep. Faunce be excused temporarily from today’s session.  
The motion prevailed.

Rep. Rison, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 121 and 122. Had I been present, I would have voted ‘yea’.”

Rep. Clark, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 121 and 122. Had I been present, I would have voted ‘yea’.”

Rep. Phillips, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 121 and 122. Had I been present, I would have voted ‘yea’.”

**Second Reading of Bills**

**House Bill No. 4029, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 2117 (MCL 500.2117), as amended by 1980 PA 461.

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

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

Rep. Woodward moved to amend the bill as follows:

1. Amend page 3, line 18, after “TOTALING” by striking out “\$1,500.00” and inserting “\$2,000.00”.
2. Amend page 3, line 21, after “TOTALING” by striking out “\$2,000.00” and inserting “\$2,500.00”.

The question being on the adoption of the amendments offered by Rep. Woodward,

Rep. Woodward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Woodward,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 124**

**Yeas—52**

Adamini	Frank	Mans	Scranton
Anderson	Garza	McConico	Sheltrown
Basham	Gielegem	Minore	Spade
Bernero	Hale	Murphy	Stewart
Bogardus	Hansen	Neumann	Switalski
Bovin	Hardman	Pestka	Thomas
Brown, B.	Jacobs	Phillips	Waters
Brown, R.	Jamnick	Plakas	Whitmer
Callahan	Kilpatrick	Reeves	Williams
Clark, I.	Kolb	Rison	Wojno
Clarke, H.	Lemmons	Rivet	Woodward
Daniels	Lipsey	Schauer	Woronchak
Dennis	Lockwood	Schermesser	Zelenko

**Nays—53**

Allen	Gilbert	Kowall	Richner
Birkholz	Godchaux	Kuipers	Rocca

Bisbee	Gosselin	LaSata	Sanborn
Bishop	Hager	Mead	Shackleton
Bradstreet	Hart	Meyer	Shulman
Brown, C.	Howell	Middaugh	Stamas
Cassis	Jansen	Mortimer	Tabor
Caul	Jelinek	Newell	Toy
DeRossett	Johnson, Rick	Pappageorge	Van Woerkom
DeVuyst	Johnson, Ruth	Patterson	Vander Roest
DeWeese	Julian	Pumford	Vander Veen
Drolet	Koetje	Raczkowski	Vear
Ehardt	Kooiman	Richardville	Voorhees
George			

In The Chair: Ehardt

Rep. Richner moved that the bill be placed on the order of Third Reading of Bills.  
The motion prevailed.

**House Bill No. 4247, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 506d.  
The bill was read a second time.

Rep. Kowall moved to amend the bill as follows:

1. Amend page 1, line 8, after "(2)." by inserting "FINES DO NOT INCLUDE COURT COSTS OR OTHER ASSESSMENTS."

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

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

The motion prevailed.

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Rep. Patterson 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. Shulman, Pestka, Jacobs, Richardville, Patterson, Van Woerkom, Caul, Thomas, Howell, Schermesser, Ehardt, Pappageorge, LaSata, Julian, Hale, Frank, Hansen, Mead, DeRossett, Bradstreet, Spade, Kilpatrick, Faunce, Gosselin, Birkholz, Raczkowski, Switalski, Zelenko, Jelinek, DeVuyst, Middaugh, Stamas, Kuipers, Lockwood, Kolb, Anderson, Neumann, Minore, Adamini, Bovin, Waters, Schauer, Drolet, Gielegem, Bogardus, Hager, Voorhees, Rison, Woronchak, Scranton, Jamnick, McConico, Vander Veen, Toy, Shackleton, Bishop, Whitmer, Rich Brown, Lipsey, Wojno, Murphy, Kowall, Jansen, Cassis, Phillips, Kooiman, George, Meyer, Lemmons, Stewart, Godchaux, Vear, Richner, Allen, Rocca, Plakas, Koetje, Vander Roest and Clarke offered the following resolution:

**House Resolution No. 92.**

A resolution to establish Holocaust remembrance week in the state of Michigan.

Whereas, The legislature recognizes that the horrors of the Holocaust should never be forgotten. The Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945. In addition to the murder of some 6,000,000 Jews, millions more, including the handicapped, Poles, Gypsies, homosexuals, Jehovah's Witnesses, prisoners of war, and political dissidents, also suffered grievous oppression and death under Nazi tyranny; and

Whereas, A key date in the history of the Holocaust is April 19, 1943, the beginning of the Warsaw ghetto uprising, when Jews, using homemade bombs and stolen or bartered weapons, resisted death camp deportation by the Nazis for 27 days. This date, which in the Hebrew calendar is the twenty-seventh day of Nisan, has been established by the United States congress as a national Holocaust remembrance day, and the week surrounding this date has been established as the Days of Remembrance; and

Whereas, The legislature declares that the twenty-seventh day of the month of Nisan in the Hebrew calendar shall be Holocaust remembrance day, and that the period beginning on the Sunday before that day through the following Sunday shall be the Days of Remembrance in this state, in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators; and

Whereas, The legislature encourages individuals, educational institutions, and social, community, religious, labor and business organizations to pause on Holocaust remembrance day and during the Days of Remembrance and reflect upon the terrible events of the Holocaust, so that as a society we will remain vigilant against hatred, persecution, and tyranny and actively rededicate ourselves to the principles of individual freedom in a just society; now, therefore, be it

Resolved by the House of Representatives, That this legislative body establish Holocaust remembrance week in the state of Michigan.

Pending the reference of the resolution to a committee,

Rep. Patterson 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.

Reps. Phillips, McConico, Plakas, Daniels, Jamnick, Rison, Anderson, Bob Brown, Hale, Minore, Kolb, Neumann, Quarles, Clark, Kilpatrick, Thomas, Schauer, Van Woerkom, Caul, Howell, Schermesser, Ehardt, Pappageorge, LaSata, Julian, Frank, Hansen, Mead, DeRossett, Spade, Faunce, Birkholz, Raczkowski, Switalski, Zelenko, Jacobs, Lockwood, Adamini, Bovin, Waters, Gielegem, Bogardus, Hager, Voorhees, Scranton, Shulman, Toy, Bishop, Whitmer, Rich Brown, Lipsey, Wojno, Murphy, Kowall, Jansen, Reeves, Hardman, Kooiman, Meyer, Lemmons, Stewart, Godchaux, Vear, Richner and Clarke offered the following resolution:

**House Resolution No. 93.**

A resolution honoring the Lighthouse of Oakland County, Inc. on the dedication and celebration of its new Pontiac building, "The Robert H. & Mary G. Flint Campus of Caring".

Whereas, Lighthouse began as an ecumenical ministry 30 years ago to help low income families and seniors in need. Today it stands as an independent agency providing a continuum of a full range of human services that move people from poverty and crisis to independence and self-sufficiency. Lighthouse helps people find permanent solutions to the problems faced by those in need; and

Whereas, Lighthouse of Oakland County Inc. and its subsidiaries, Lighthouse Emergency Services, Lighthouse PATH, and Lighthouse Community Development, help many children, families, and seniors because of the selfless donation of time and other contributions by hundreds of individuals and organizations; and

Whereas, Lighthouse attributes much of its success to its large volunteer staff. Lighthouse of Oakland County, Inc. and its subsidiaries collaborate with churches, community organizations, businesses, and individuals to accomplish the efficient provision of quality programs and community planning and education. In 1990, the valuable support of Lighthouse volunteers was recognized when President Bush awarded the volunteers the 376th Point of Light for their outstanding community service; and

Whereas, In 1991, Lighthouse received the USC Executive Director of the Year Award, and in 1993, Lighthouse PATH received the Richard F. Huegli award for Program Excellence. In 1994, Lighthouse was voted first runner-up and in 1997 was voted number one by Crain's Detroit Business for being the best managed nonprofit organization; now, therefore, be it

Resolved by the House of Representatives, That we commend Lighthouse of Oakland County, Inc. for the services they have given over the last thirty years; and be it further

Resolved, That a copy of this resolution be transmitted to Lighthouse of Oakland County, Inc. and its subsidiaries, Lighthouse Emergency Services, Lighthouse PATH, and Lighthouse Community Development as a token of our high esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson 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 Senior Health, Security and Retirement, by Rep. Voorhees, Chair, reported

**House Bill No. 4057, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20165 and 20175 (MCL 333.20165 and 333.20175), section 20165 as amended by 1998 PA 108 and section 20175 as amended by 2000 PA 319, and by adding section 20173.

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.

## Favorable Roll Call

**HB 4057** To Report Out:

Yeas: Reps. Voorhees, Woronchak, Cassis, Kuipers, Vear, Williams, Bovin, Spade, Zelenko,  
Nays: None.

The Committee on Senior Health, Security and Retirement, by Rep. Voorhees, Chair, reported

**House Bill No. 4453, entitled**

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," (MCL 400.701 to 400.737) by adding section 34a.

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.

## Favorable Roll Call

**HB 4453** To Report Out:

Yeas: Reps. Voorhees, Woronchak, Cassis, Kuipers, Vear, Williams, Bovin, Spade, Zelenko,  
Nays: None.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 24, 2001, at 10:30 a.m.,

Present: Reps. Voorhees, Woronchak, Cassis, Kuipers, Vear, Williams, Bovin, Spade, Zelenko.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, April 25, 2001, at 9:00 a.m.,

Present: Reps. Bradstreet, Middaugh, Birkholz, Bisbee, Bishop, Cassis, Howell, Kowall, Richardville, Rivet, Bovin, Bob Brown, Daniels, Schauer, Thomas, Woodward,

Absent: Rep. Vander Veen,

Excused: Rep. Vander Veen.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Patterson, Chair of the Committee on House Oversight and Operations, was received and read:

Meeting held on: Wednesday, April 25, 2001, at 10:30 a.m.,

Present: Reps. Patterson, Howell, Kuipers, Jacobs, Lipsey.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 25, 2001, at 10:30 a.m.,

Present: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Kowall, Meyer, Newell, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, Wojno,

Absent: Reps. Richardville, O'Neil,

Excused: Reps. Richardville, O'Neil.

**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, Thursday, April 19:

<b>Senate Bill Nos.</b>	<b>376</b>	<b>377</b>	<b>378</b>	<b>379</b>	<b>380</b>	<b>381</b>	<b>382</b>	<b>383</b>	<b>384</b>	<b>385</b>	<b>386</b>	<b>387</b>	<b>388</b>	<b>389</b>
	<b>390</b>	<b>391</b>	<b>392</b>	<b>393</b>	<b>394</b>	<b>395</b>								

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, April 20:

<b>Senate Bill Nos.</b>	<b>396</b>	<b>397</b>	<b>398</b>	<b>399</b>	<b>400</b>	<b>401</b>	<b>402</b>	<b>403</b>	<b>404</b>	<b>405</b>	<b>406</b>	<b>407</b>	<b>408</b>	<b>409</b>
	<b>410</b>	<b>411</b>	<b>412</b>											

The Clerk announced that the following bills had been printed and placed upon the files of the members, Wednesday, April 25:

<b>House Bill Nos.</b>	<b>4639</b>	<b>4640</b>	<b>4641</b>	<b>4642</b>	<b>4643</b>	<b>4644</b>	<b>4645</b>	<b>4646</b>	<b>4647</b>	<b>4648</b>	<b>4649</b>	<b>4650</b>	<b>4651</b>	<b>4652</b>
	<b>4653</b>	<b>4654</b>	<b>4655</b>	<b>4656</b>	<b>4657</b>	<b>4658</b>	<b>4659</b>	<b>4660</b>	<b>4661</b>	<b>4662</b>	<b>4663</b>	<b>4664</b>	<b>4665</b>	<b>4666</b>
	<b>4667</b>	<b>4668</b>	<b>4669</b>	<b>4670</b>	<b>4671</b>									

The Clerk announced that the following Senate bills had been received on Wednesday, April 25:

<b>Senate Bill Nos.</b>	<b>256</b>	<b>362</b>
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By unanimous consent the House returned to the order of

**Messages from the Senate**

**Senate Bill No. 256, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1027 (MCL 436.2027).

The Senate has passed the bill.

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

**Senate Bill No. 362, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 1999 PA 34.

The Senate has passed the bill.

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

**Notices**

April 25, 2001

Mr. Gary L. Randall  
Clerk of the House  
State Capitol Building  
Lansing, Michigan 48913

Dear Mr. Randall:

Please make note in your records that Representative Laura Toy is removed from the Appropriations Subcommittee on Judiciary and replaced by Representative Marc Shulman.

Thank you for your attention to this matter.

Sincerely,  
Rick Johnson  
Speaker of the House

### Introduction of Bills

Reps. Hansen, Raczkowski, Garcia, Basham, O'Neil, Woodward, Gielegem, Rocca, Rivet, Patterson, Howell, Wojno, Newell, Minore, Pumford, Kilpatrick, Van Woerkom, Hager, DeRossett, Bovin, Dennis, Clark, Sanborn, Ruth Johnson, Jamnick, Kolb, Thomas, Callahan, Zelenko, Bernero, Waters, Rich Brown, McConico, Switalski, Anderson, Clarke, Phillips, Whitmer, Lockwood, Rison, Kuipers, Murphy, Lipsey, Faunce, Stamas, Lemmons, Middaugh, Drolet, Shulman, Godchaux, Stallworth, Plakas, Adamini, Jacobs, Richardville, Neumann, Williams, Kowall, Mans, Sheltrown, Spade, Richner, Pestka, Quarles, Jelinek, Reeves, Schauer, Garza, Mead, Pappageorge, Bogardus, Schermesser, Frank, Julian, Caul, Stewart, Koetje, Cameron Brown, Hardman, Bob Brown, Hart, Gosselin, Bisbee, DeWeese, Woronchak, George, Jansen, Allen, DeVuyst, Shackleton, Meyer, Gilbert, Toy, Birkholz, Hale, Bradstreet, Daniels, Ehardt, Scranton, Vander Roest, Bishop, Vear, Cassis, Kooiman, Mortimer, LaSata, Tabor, Vander Veen, Voorhees and Rick Johnson introduced

**House Bill No. 4672, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1178a.

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

Rep. O'Neil introduced

**House Bill No. 4673, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 65 (MCL 791.265), as amended by 1998 PA 512.

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

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Rep. Richardville moved that the House adjourn.

The motion prevailed, the time being 3:20 p.m.

Associate Speaker Pro Tempore Ehardt declared the House adjourned until Thursday, April 26, at 12:00 Noon.

GARY L. RANDALL  
Clerk of the House of Representatives.