

**No. 84**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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House Chamber, Lansing, Wednesday, November 5, 2003.

1:00 p.m.

The House was called to order by the Speaker Pro Tempore.

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

Accavitti—present	Garfield—present	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—excused	Hoogendyk—present	Nitz—present	Steil—present
Brown—present	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—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—excused
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—excused	Shaffer—present	Zelenko—present
Gaffney—present	Meisner—present		

e/d/s = entered during session

Rep. John P. Stakoe, from the 44th District, offered the following invocation:

“Almighty God, we stand before You blessed with the opportunity to serve Your people. May we be aware of Your presence, aware of the reasons we are here and ever mindful that the decisions we make affect someone somewhere. The issues we address are meaningless if the consequences are not visualized. Lord, we are so humbled to be Your hands, feet and voice. We stand before You seeking Your guidance and wisdom for we are nothing without You. Thank You for this amazing opportunity to be of service. May we use these gifts for Your glory. Amen.”

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

Rep. Waters moved that Rep. McConico be excused from today’s session.  
The motion prevailed.

Rep. Waters moved that Rep. Whitmer be excused from this week’s session.  
The motion prevailed.

### Reports of Standing Committees

The Speaker laid before the House

**House Resolution No. 135.**

A resolution to memorialize the Congress of the United States to enact legislation to provide Michigan a more equitable share of federal transit funding and increased funding for bus projects.  
(For text of resolution, see House Journal No. 70, p. 1798.)

(The resolution was reported by the Committee on Appropriations on October 30, consideration of which, under the rules, was postponed until November 4.)

The question being on the adoption of the resolution,  
The resolution was adopted.

The Speaker laid before the House

**House Resolution No. 158.**

A resolution to urge the President of the United States and the Prime Minister of Canada to present a formal request to the International Joint Commission to examine the matter of invasive species within the Great Lakes basin.

(For text of resolution, see House Journal No. 80, p. 1994.)

(The resolution was reported by the Committee on Great Lakes and Tourism on November 4, with substitute (H-1), consideration of which, under the rules, was postponed until today.)

(For substitute, see House Journal No. 83, p. 2045.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,  
The substitute (H-1) was adopted, a majority of the members serving voting therefor.  
The question being on the adoption of the resolution,  
The resolution was adopted.

The Speaker laid before the House

**House Concurrent Resolution No. 33.**

A concurrent resolution to urge the President of the United States and the Prime Minister of Canada to present a formal request to the International Joint Commission to examine the matter of invasive species within the Great Lakes basin.

(For text of concurrent resolution, see House Journal No. 80, p. 1996.)

(The concurrent resolution was reported by the Committee on Great Lakes and Tourism on November 4, with substitute (H-1), consideration of which, under the rules, was postponed until today.)

(For substitute, see House Journal No. 83, p. 2046.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,  
The substitute (H-1) was adopted, a majority of the members serving voting therefor.  
The question being on the adoption of the concurrent resolution,  
The concurrent resolution was adopted.

The Speaker laid before the House  
**Senate Concurrent Resolution No. 11.**

A concurrent resolution to memorialize the Congress of the United States and the Environmental Protection Agency to repeal a certain regulation that provides for an exemption for ballast water discharges from permit requirements under the federal Clean Water Act.

(For text of concurrent resolution, see House Journal No. 78, p. 1976.)

(The concurrent resolution was reported by the Committee on Great Lakes and Tourism on November 4, 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  
**Senate Concurrent Resolution No. 13.**

A concurrent resolution to memorialize the Congress of the United States to fund fully the Great Lakes Legacy Act and to urge the United States Environmental Protection Agency, the Michigan Department of Environmental Quality, and other parties to make every effort to expedite cleanup efforts in Michigan’s designated Areas of Concern.

(For text of concurrent resolution, see House Journal No. 73, p. 1859.)

(The concurrent resolution was reported by the Committee on Great Lakes and Tourism on November 4, 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.

Rep. Wenke asked and obtained an excuse from the balance of today’s session.

**Second Reading of Bills**

**House Bill No. 5104, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 316 (MCL 750.316), as amended by 1999 PA 189.

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

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

Rep. Van Regenmorter 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. 5104, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 316 (MCL 750.316), as amended by 1999 PA 189.

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

**Roll Call No. 600**

**Yeas—106**

Accavitti  
Acciavatti

Garfield  
Gielegem

Meyer  
Middaugh

Shaffer  
Sheen

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

### Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 4131, entitled

A bill to abolish the right of dower.

The bill was read a second time.

Rep. Daniels 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. 4131, entitled

A bill to abolish the right of dower.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Daniels moved that consideration of the bill be postponed for the day.

The motion prevailed.

### Second Reading of Bills

#### Senate Bill No. 770, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 355a. The bill was read a second time.

Rep. Richardville 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

#### Senate Bill No. 770, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 355a. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 601

#### Yeas—75

Accavitti	Gielegem	Meisner	Sak
Adamini	Gillard	Meyer	Shackleton
Anderson	Gleason	Milosch	Sheltrown
Bieda	Hardman	Minore	Shulman
Brown	Hood	Mortimer	Smith
Byrum	Hopgood	Murphy	Spade
Casperson	Howell	Newell	Stakoe
Caul	Huizenga	Nofs	Stallworth
Cheeks	Hummel	O'Neil	Steil
Clack	Hunter	Paletko	Tabor
Condino	Jamnick	Palmer	Tobocman
Daniels	Johnson, Rick	Pappageorge	Vagnozzi
Dennis	Johnson, Ruth	Phillips	Waters
DeRoche	Julian	Plakas	Williams
DeRossett	Koetje	Pumford	Wojno
Elkins	Kolb	Reeves	Woodward
Emmons	LaSata	Richardville	Woronchak
Farhat	Law	Rivet	Zelenko
Gaffney	Lipsey	Rocca	

#### Nays—30

Acciavatti	Hager	Nitz	Stewart
Amos	Hart	Palsrok	Taub
Bisbee	Hoogendyk	Pastor	Van Regenmorter
Bradstreet	Hune	Robertson	Vander Veen
Caswell	Kooiman	Shaffer	Voorhees
Drolet	LaJoy	Sheen	Walker
Ehardt	Middaugh	Stahl	Ward
Garfield	Moolenaar		

In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### House Bill No. 4276, entitled

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

The bill was read a second time.

Rep. Shulman 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. 4276, entitled

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

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

#### Roll Call No. 602

#### Yeas—105

Accavitti	Garfield	Meyer	Shaffer
Acciavatti	Gielegem	Middaugh	Sheen
Adamini	Gillard	Milosch	Sheltrown
Amos	Gleason	Minore	Shulman
Anderson	Hager	Moolenaar	Smith
Bieda	Hart	Mortimer	Spade
Bisbee	Hood	Murphy	Stahl
Bradstreet	Hoogendyk	Newell	Stakoe
Brown	Hopgood	Nitz	Stallworth
Byrum	Howell	Nofs	Steil
Casperson	Huizenga	O'Neil	Stewart
Caswell	Hummel	Paletko	Tabor
Caul	Hune	Palmer	Taub
Cheeks	Hunter	Palsrok	Tobocman
Clack	Jamnick	Pappageorge	Vagnozzi
Condino	Johnson, Rick	Pastor	Van Regenmorter
Daniels	Johnson, Ruth	Phillips	Vander Veen
Dennis	Julian	Plakas	Voorhees
DeRoche	Koetje	Pumford	Walker
DeRossett	Kolb	Reeves	Ward
Drolet	Kooiman	Richardville	Waters
Ehardt	LaJoy	Rivet	Williams
Elkins	LaSata	Robertson	Wojno
Emmons	Law	Rocca	Woodward
Farhat	Lipsey	Sak	Woronchak

Farrah  
Gaffney

Meisner

Shackleton

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. Anderson, O'Neil, Gielegem, Drolet, Pappageorge, Phillips, Zelenko, Kolb, Richardville, Spade, Lipsey, Julian, Dennis, Williams, Rivet, Pumford, Ruth Johnson, Bradstreet, Adamini, Brown, Hunter, Farrah, Paletko, Pastor, LaJoy, Law, Bieda, Condino, DeRoche, Accavitti, Amos, Stakoe, Robertson, Ward, Byrum, Sak, Nitz, Huizenga, Farhat, Elkins, Moolenaar, Palsrok, Gillard, Casperson and Mortimer were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 5190, entitled

A bill to consolidate certain state human resource operations in the department of civil service; to create certain offices; and to impose certain duties and responsibilities on certain state officials and employees.

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

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

Rep. Minore moved to amend the bill as follows:

1. Amend page 1, line 6, after "government" by striking out the balance of the subsection and inserting a period.

The question being on the adoption of the amendment offered by Rep. Minore,

Rep. Minore demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Minore,

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

#### Roll Call No. 603

#### Yeas—46

Accavitti	Farrah	Lipsey	Sheltrown
Adamini	Gielegem	Meisner	Smith
Anderson	Gillard	Minore	Spade
Bieda	Gleason	Murphy	Stallworth
Brown	Hager	O'Neil	Tobocman
Byrum	Hardman	Paletko	Vagnozzi
Cheeks	Hood	Phillips	Waters
Clack	Hopgood	Plakas	Williams
Condino	Hunter	Reeves	Wojno
Daniels	Jamnick	Rivet	Woodward
Dennis	Kolb	Sak	Zelenko
Elkins	Law		

#### Nays—60

Acciavatti	Hart	Milosch	Shaffer
Amos	Hoogendyk	Moolenaar	Sheen
Bisbee	Howell	Mortimer	Shulman
Bradstreet	Huizenga	Newell	Stahl

Casperson	Hummel	Nitz	Stakoe
Caswell	Hune	Nofs	Steil
Caul	Johnson, Rick	Palmer	Stewart
DeRoche	Johnson, Ruth	Palsrok	Tabor
DeRossett	Julian	Pappageorge	Taub
Drolet	Koetje	Pastor	Van Regenmorter
Ehardt	Kooiman	Pumford	Vander Veen
Emmons	LaJoy	Richardville	Voorhees
Farhat	LaSata	Robertson	Walker
Gaffney	Meyer	Rocca	Ward
Garfield	Middaugh	Shackleton	Woronchak

In The Chair: Julian

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

Rep. Richardville moved that the bill be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

Rep. Gillard moved that Rep. Meisner be excused temporarily from today's session.  
The motion prevailed.

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**House Bill No. 5190, entitled**

A bill to consolidate certain state human resource operations in the department of civil service; to create certain offices; and to impose certain duties and responsibilities on certain state officials and employees.

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

**Roll Call No. 604**

**Yeas—60**

Acciavatti	Hager	Milosch	Shaffer
Amos	Hart	Moolenaar	Sheen
Bisbee	Hoogendyk	Mortimer	Shulman
Bradstreet	Howell	Newell	Stahl
Casperson	Huizenga	Nitz	Stakoe
Caswell	Hummel	Nofs	Steil
Caul	Johnson, Rick	Palmer	Stewart
DeRoche	Johnson, Ruth	Palsrok	Tabor
DeRossett	Julian	Pappageorge	Taub
Drolet	Koetje	Pastor	Van Regenmorter
Ehardt	Kooiman	Pumford	Vander Veen
Emmons	LaJoy	Richardville	Voorhees
Farhat	LaSata	Robertson	Walker
Gaffney	Meyer	Rocca	Ward
Garfield	Middaugh	Shackleton	Woronchak

**Nays—44**

Accavitti	Farrah	Law	Sheltrown
Adamini	Gielegem	Lipsey	Smith



Anderson	Gillard	Minore	Spade
Bieda	Gleason	Murphy	Stallworth
Brown	Hardman	O'Neil	Tobocman
Byrum	Hood	Paletko	Vagnozzi
Cheeks	Hopgood	Phillips	Waters
Clack	Hune	Plakas	Williams
Condino	Hunter	Reeves	Wojno
Dennis	Jamnick	Rivet	Woodward
Elkins	Kolb	Sak	Zelenko

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.

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Rep. Nitz moved that Rep. Ehardt be excused temporarily from today's session.  
The motion prevailed.

By unanimous consent the House returned to the order of  
**Reports of Standing Committees**

The Speaker laid before the House  
**House Resolution No. 159.**

A resolution to create a select committee to review the practices and policies of the Detroit Water and Sewerage Department.

(For text of resolution, see House Journal No. 80, p. 1995.)

(The resolution was reported by the Committee on Government Operations on November 4, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

Rep. Taub demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the resolution,

Rep. Bieda moved to amend the resolution as follows:

1. Amend the title, line 2, after "Department" by inserting a comma and "and the Twelve Towns Drain".
2. Amend the second Whereas clause, following line 4, by inserting:

"Whereas, Over the years, the Twelve Towns Drain has cost taxpayers in various Southeast Michigan communities hundreds of millions of dollars and continues to inadequately serve residents of the area. Sewer overflows have been known to close beaches in the area; and".

3. Amend the resolving clause, line 2, after "Department," by inserting "and Twelve Towns Drain,".

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

Rep. Bieda demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 605**

**Yeas—45**

Accavitti	Farrah	Law	Sheltrown
Acciavatti	Gaffney	Lipsey	Smith
Adamini	Gieleghem	Minore	Spade

Anderson	Gillard	Murphy	Stallworth
Bieda	Gleason	O'Neil	Tobocman
Brown	Hardman	Paletko	Vagnozzi
Byrum	Hood	Phillips	Waters
Cheeks	Hopgood	Plakas	Williams
Clack	Hunter	Reeves	Wojno
Condino	Jamnick	Rivet	Woodward
Dennis	Kolb	Sak	Zelenko
Elkins			

**Nays—58**

Amos	Howell	Mortimer	Sheen
Bisbee	Huizenga	Newell	Shulman
Bradstreet	Hummel	Nitz	Stahl
Casperson	Hune	Nofs	Stakoe
Caswell	Johnson, Rick	Palmer	Steil
Caul	Johnson, Ruth	Palsrok	Stewart
DeRoche	Julian	Pappageorge	Tabor
DeRossett	Koetje	Pastor	Taub
Drolet	Kooiman	Pumford	Van Regenmorter
Emmons	LaJoy	Richardville	Vander Veen
Farhat	LaSata	Robertson	Voorhees
Garfield	Meyer	Rocca	Walker
Hager	Middaugh	Shackleton	Ward
Hart	Milosch	Shaffer	Woronchak
Hoogendyk	Moolenaar		

In The Chair: Julian

Rep. Tobocman moved to amend the resolution as follows:

1. Amend the title, line 2, after "Department" by inserting a comma and "and its municipal customers".
2. Amend the second Whereas clause, following line 4, by inserting:

"Whereas, Over the years, municipal customers have added on various charges to their customers bills leading to tremendous increases in water and sewer rates; and".

3. Amend the resolving clause, line 2, after "Department," by inserting "and its municipal customers,".

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Tobocman moved to reconsider the vote by which the House did not adopt the amendments.

The question being on the motion made by Rep. Tobocman,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Tobocman,

The motion did not prevail, a majority of members present not voting therefor, by yeas and nays, as follows:

**Roll Call No. 606****Yeas—44**

Accavitti	Elkins	Law	Sheltrown
Adamini	Farrah	Lipsey	Smith
Anderson	Gielegem	Minore	Spade
Bieda	Gillard	Murphy	Stallworth
Brown	Gleason	O'Neil	Tobocman

Byrum	Hardman	Paletko	Vagnozzi
Cheeks	Hood	Phillips	Waters
Clack	Hopgood	Plakas	Williams
Condino	Hunter	Reeves	Wojno
Daniels	Jamnick	Rivet	Woodward
Dennis	Kolb	Sak	Zelenko

**Nays—61**

Acciavatti	Hart	Milosch	Shaffer
Amos	Hoogendyk	Moolenaar	Sheen
Bisbee	Howell	Mortimer	Shulman
Bradstreet	Huizenga	Newell	Stahl
Casperson	Hummel	Nitz	Stakoe
Caswell	Hune	Nofs	Steil
Caul	Johnson, Rick	Palmer	Stewart
DeRoche	Johnson, Ruth	Palsrok	Tabor
DeRossett	Julian	Pappageorge	Taub
Drolet	Koetje	Pastor	Van Regenmorter
Ehardt	Kooiman	Pumford	Vander Veen
Emmons	LaJoy	Richardville	Voorhees
Farhat	LaSata	Robertson	Walker
Gaffney	Meyer	Rocca	Ward
Garfield	Middaugh	Shackleton	Woronchak
Hager			

In The Chair: Julian

Rep. Tobocman moved to amend the resolution as follows:

1. Amend the title, line 2, after “Department” by inserting a comma and “and laws, regulations and lawsuits affecting residential customers;”.

2. Amend the resolving clause, line 2, after “Department,” by inserting “and laws, regulations and lawsuits affecting residential customers;”.

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

Rep. Tobocman demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 607****Yeas—40**

Accavitti	Elkins	Kolb	Sheltrown
Adamini	Farrah	Law	Smith
Bieda	Gielegem	Lipsey	Spade
Brown	Gillard	Minore	Stallworth
Byrum	Gleason	Murphy	Tobocman
Cheeks	Hardman	Phillips	Vagnozzi
Clack	Hood	Plakas	Waters
Condino	Hopgood	Reeves	Williams
Daniels	Hunter	Rivet	Woodward
Dennis	Jamnick	Sak	Zelenko

**Nays—65**

Acciavatti	Hart	Moolenaar	Shaffer
Amos	Hoogendyk	Mortimer	Sheen
Anderson	Howell	Newell	Shulman
Bisbee	Huizenga	Nitz	Stahl
Bradstreet	Hummel	Nofs	Stakoe
Casperson	Hune	O'Neil	Steil
Caswell	Johnson, Rick	Paletko	Stewart
Caul	Johnson, Ruth	Palmer	Tabor
DeRoche	Julian	Palsrok	Taub
DeRossett	Koetje	Pappageorge	Van Regenmorter
Drolet	Kooiman	Pastor	Vander Veen
Ehardt	LaJoy	Pumford	Voorhees
Emmons	LaSata	Richardville	Walker
Farhat	Meyer	Robertson	Ward
Gaffney	Middaugh	Rocca	Wojno
Garfield	Milosch	Shackleton	Woronchak
Hager			

In The Chair: Julian

Rep. Tobocman moved to amend the resolution as follows:

1. Amend the title, line 2, after "Department" by inserting a comma and "and its governmental customers".
2. Amend the second Whereas clause, following line 4, by inserting:

"Whereas, Over the years, governmental customers have added on various charges to their customers bills leading to increases in water and sewer rates; and".

3. Amend the resolving clause, line 2, after "Department," by inserting "and its governmental customers,".

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

Rep. Tobocman demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 608****Yeas—45**

Accavitti	Elkins	Law	Smith
Acciavatti	Farrah	Lipsey	Spade
Adamini	Gielegem	Minore	Stallworth
Bieda	Gillard	Murphy	Tobocman
Brown	Gleason	Paletko	Vagnozzi
Byrum	Hardman	Phillips	Ward
Cheeks	Hood	Plakas	Waters
Clack	Hopgood	Reeves	Williams
Condino	Hunter	Rivet	Wojno
Daniels	Jamnick	Sak	Woodward
Dennis	Kolb	Sheltrown	Zelenko
Drolet			

**Nays—56**

Amos	Hoogendyk	Milosch	Shackleton
Bisbee	Howell	Moolenaar	Shaffer

Bradstreet	Huizenga	Mortimer	Sheen
Casperson	Hummel	Newell	Stahl
Caswell	Hune	Nitz	Stakoe
Caul	Johnson, Rick	Nofs	Steil
DeRoche	Johnson, Ruth	Palmer	Stewart
DeRossett	Julian	Palsrok	Tabor
Ehardt	Koetje	Pappageorge	Taub
Emmons	Kooiman	Pastor	Van Regenmorter
Farhat	LaJoy	Pumford	Vander Veen
Garfield	LaSata	Richardville	Voorhees
Hager	Meyer	Robertson	Walker
Hart	Middaugh	Rocca	Woronchak

In The Chair: Julian

The question being on the adoption of the resolution,

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

**Roll Call No. 609**

**Yeas—68**

Accavitti	Gleason	Middaugh	Shackleton
Acciavatti	Hager	Milosch	Shaffer
Amos	Hart	Moolenaar	Sheen
Anderson	Hoogendyk	Mortimer	Shulman
Bieda	Howell	Newell	Stahl
Bisbee	Huizenga	Nitz	Stakoe
Bradstreet	Hummel	Nofs	Steil
Casperson	Hune	Paletko	Stewart
Caswell	Johnson, Rick	Palmer	Tabor
Caul	Johnson, Ruth	Palsrok	Taub
DeRoche	Julian	Pappageorge	Van Regenmorter
DeRossett	Koetje	Pastor	Vander Veen
Drolet	Kooiman	Plakas	Voorhees
Ehardt	LaJoy	Pumford	Walker
Emmons	LaSata	Richardville	Ward
Farhat	Law	Robertson	Wojno
Garfield	Meyer	Rocca	Woronchak

**Nays—36**

Adamini	Farrah	Lipsey	Smith
Brown	Gielegem	Minore	Spade
Byrum	Gillard	Murphy	Stallworth
Cheeks	Hardman	O'Neil	Tobocman
Clack	Hood	Phillips	Vagnozzi
Condino	Hopgood	Reeves	Waters
Daniels	Hunter	Rivet	Williams
Dennis	Jamnick	Sak	Woodward
Elkins	Kolb	Sheltrown	Zelenko

In The Chair: Julian

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

“Mr. Speaker and members of the House:

I voted against HR 159 because of the following reasons:

I opposed HR 159 because it is bad public policy.

There is an annual audit conducted by an independent auditor of the DSWD. I would view this resolution as being duplicative. In these tight economic times, the state should be consolidating services not re-inventing the wheel.

The 7 members do not have to be from the service area of DSWD. It is conceivable that elected officials from Kent, Emmet, Presque Isle, Mackinac, or St Joseph counties could sit on a panel examining the DSWD. Representative form of governance has a built in accountability. One can not and should not make policies that have no bearing on them.

Republicans already control standing committees. There is no need to spend additional taxpayer dollars on creating a special committee.

There was an amendment that if it had passed, would have required the municipal customers to explain over charges to their customers. Some of these charges are over 200%. This amendment would have provided accountability to the residents of Southeast Michigan of why these charges exist and how they are being used.”

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

“Mr. Speaker and members of the House:

The Detroit Water and Sewerage Department is the 3rd largest water system in the United States, providing water and/or sewer services to some 4 million people in 77 distinct communities. It is a publicly-owned entity that, by law, can not generate a profit, mix funds with the City of Detroit and is not supported by tax dollars. Rates are approved by a 7-member board with representation from Wayne County communities outside of Detroit, Oakland and Macomb Counties.

Water and sewerage charges by DWSD are among the lowest in the country. Of the 20 largest systems, DWSD ranks 5<sup>th</sup> lowest in its fees. Public Act 34 of 1917 governs much of DWSD activities and states that “[t]he price charged by the city to its customers shall be at a rate which is based on the actual cost of service as determined under the utility basis of ratemaking.”

Despite the fact that DWSD ranks in the 75<sup>th</sup> percentile of the nation’s 20 largest water systems, this resolution proposes to form yet another inquiry into this issue.

My question boils down to this: what value is the Michigan House of Representatives adding to this decades-long debate? What value over and above the existing rate settlement agreements? What value over the existing consortium established by federal court order? What value over the ability for customers to contract elsewhere or to use existing legal framework to seek legal recourse? I have a hard time seeing what we will uncover that has not already been discovered.

Perhaps, most importantly, however, my opposition is based upon priorities. I think the citizens of this state, daresay even the citizens of DWSD customer communities, would ask that we put our energy and intellect into reviving the Michigan economy, protecting the Michigan environment, or solving this health care mess we are in, rather than re-investigating an issue that has been subjected to several inquiries, studies, lawsuits and bills.”

---

Rep. Richardville moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

The motion prevailed, 3/5 of the members present voting therefor.

Rep. Richardville moved that House Committees be given leave to meet during the balance of today’s session.

The motion prevailed.

### Introduction of Bills

Reps. Phillips, Byrum, Pumford, Clack, Jamnick, Garfield, Wenke, Stallworth, Hunter, Plakas, Pappageorge, McConico, Murphy, Gillard, Hood, Tobocman, Williams, Farrah, Cheeks, Reeves, Lipsey, Meisner, Hopgood, Paletko, Kolb, Vagnozzi, O’Neil and Mortimer introduced

#### House Bill No. 5251, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” (MCL 125.1501 to 125.1531) by adding section 4a.

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

Reps. Phillips, Byrum, Pumford, Clack, Anderson, Jamnick, Garfield, Wenke, Ehardt, Richardville, Stallworth, Hunter, Plakas, Ruth Johnson, McConico, Murphy, Gillard, Hood, Tobocman, Williams, Farrah, Cheeks, Reeves, Lipsey, Meisner, Hopgood, Paletko, Kolb, Vagnozzi, O'Neil and Mortimer introduced

**House Bill No. 5252, entitled**

A bill to license and regulate persons engaged in radon testing and mitigation; to create a board of radon mitigation professionals; to provide for certain powers and duties of certain state agencies; to provide for the establishment of certain qualifications and standards; to prescribe fees; to provide for the promulgation of rules; and to prescribe remedies and penalties.

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

Reps. Phillips, Byrum, Pumford, Clack, Jamnick, Garfield, Wenke, Stallworth, Hunter, Plakas, Pappageorge, Ruth Johnson, McConico, Murphy, Gillard, Tobocman, Williams, Farrah, Reeves, Meisner, Hopgood, Cheeks, Lipsey, Kolb, Vagnozzi and O'Neil introduced

**House Bill No. 5253, entitled**

A bill to require radon gas testing when conveying certain real property.

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

Reps. Nitz, Gaffney, Caswell, Garfield, Milosch, Nofs, Stahl, Casperson, Hune, Acciavatti, Voorhees, LaJoy, Bisbee, Shulman, Emmons, Walker, Hoogendyk, Hummel, Huizenga, Newell, Rocca, Farhat, Koetje, Wenke, Pastor, Steil, Meyer, Palsrok, Palmer, Ehardt, Kooiman, Richardville, Julian, Vander Veen, Shaffer and Sheen introduced

**House Bill No. 5254, entitled**

A bill to amend 2002 PA 49, entitled "Michigan broadband development authority act," by amending section 7 (MCL 484.3207).

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

Reps. Acciavatti, Taub, Emmons, Voorhees, LaJoy, Casperson, Tabor, Shackleton, Palmer, Ehardt, Kooiman, Stahl, Shaffer, Vander Veen, Richardville and Robertson introduced

**House Bill No. 5255, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 4, 5, 6, and 10 (MCL 207.804, 207.805, 207.806, and 207.810), section 6 as amended by 2000 PA 144.

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

Rep. Tobocman introduced

**House Bill No. 5256, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 361 (MCL 418.361), as amended by 1985 PA 103.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. Shackleton, Newell, Casperson, Pastor, Elkins and Farhat introduced

**House Bill No. 5257, entitled**

A bill to authorize the department of natural resources to convey certain state owned property in Emmet county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

Reps. Shackleton, Pastor, Newell, Casperson, Elkins and Farhat introduced

**House Bill No. 5258, entitled**

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 10 (MCL 474.60), as amended by 1998 PA 235.

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

Reps. Stahl, Lipsey, Bieda, Elkins, Meisner, Rocca, Howell, Rivet, Meyer, Hart, Phillips, Casperson, Tabor, Bradstreet, Hummel, Voorhees, Vander Veen, Huizenga, Newell, Mortimer, Ehardt, Ruth Johnson, Walker, Woronchak, Pumford, Caswell, Gaffney, Richardville, Palsrok, Palmer, Garfield, Drolet, Taub, Stakoe, Brown, Sheltroun, Anderson and Gillard introduced

**House Bill No. 5259, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 11 (MCL 552.511), as amended by 2002 PA 571.

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

Reps. Lipsey, Adamini, Whitmer, Tobocman, Meisner and Daniels introduced

**House Bill No. 5260, entitled**

A bill to amend 1846 RS 66, entitled "Of estates in dower, by the curtesy, and general provisions concerning real estate," (MCL 554.131 to 554.139) by adding section 40.

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

Reps. Elkins, Bieda, Lipsey, Howell, Gaffney, Murphy, Gillard, Brown, Sheltroun and Anderson introduced

**House Bill No. 5261, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 3 (MCL 552.603), as amended by 2002 PA 572.

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

Reps. Hart, Lipsey, Murphy, Gillard, Brown, Sheltroun and Anderson introduced

**House Bill No. 5262, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 161a. The bill was read a first time by its title and referred to the Committee on Family and Children Services.

Reps. Stahl, Nofs, Wenke, Huizenga and Bisbee introduced

**House Bill No. 5263, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 2002 PA 669. The bill was read a first time by its title and referred to the Committee on Commerce.

Rep. Bisbee introduced

**House Bill No. 5264, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

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

Rep. Bisbee introduced

**House Bill No. 5265, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19703 (MCL 324.19703), as added by 2002 PA 397.

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

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Hunter, Adamini, Anderson, Brown, Byrum, Caswell, Condino, Daniels, Dennis, Elkins, Garfield, Gillard, Gleason, Hardman, Hopgood, Jamnick, Kolb, Lipsey, Minore, Murphy, Reeves, Richardville, Rivet, Sheltroun, Spade, Tobocman, Voorhees, Waters and Woodward offered the following resolution:

**House Resolution No. 163.**

A resolution to memorialize the Congress of the United States and the United States Department of Housing and Urban Development to increase efforts to encourage the development of affordable residential housing.



Whereas, The economy is creating an affordable housing crisis for millions of Americans. Prospective homebuyers are discovering that the homes they want are priced beyond their means. In many areas around the country, home prices have been rising more than twice as fast as inflation. Since 1999, the median home price has increased by 16 percent. Similarly, in some urban areas, lower- and middle-income renters are being priced completely out of the market; and

Whereas, Forty-six percent of low-income families spend more than half their income on housing. While some family incomes have risen in tandem with rising rent costs, lower-income workers are being priced out of the housing market. As a result, many affected Americans are forced to live in housing beyond their means, squeeze their families into overcrowded dwellings, or live in housing that is out of compliance with health and safety codes; and

Whereas, In 37 states, two workers earning the federal minimum wage do not make enough to afford adequate family housing. A single worker earning the minimum wage cannot afford adequate family housing in any state; and

Whereas, The number of available public housing units is rapidly declining as long-term contracts expire and owners scramble to sell properties at current market value. While public housing space shrinks, the federal government has expanded its supply of Section 8 vouchers. As a result, federal housing subsidies for low-income families are becoming useless, as not enough landlords will accept them; and

Whereas, A significant factor contributing to the lack of available housing options in many communities is the decreasing federal commitment on this key issue. Federal spending on housing has ebbed significantly in recent years. In 1978, federal spending on housing amounted to 7.5 percent of the federal budget. This spending is now reduced to approximately 1.5 percent of the federal budget today; and

Whereas, The impact of a lack of affordable housing is most acute in urban areas, and this situation contributes to many other problems in our society. In addition to the negative impact on families in our cities, the lack of housing options in urban areas, where an infrastructure already exists, also may contribute to the sprawl that many areas of the country are facing; and

Whereas, There is legislation currently before the Michigan House of Representatives that provides the tools to encourage the development of affordable residential housing in our urban areas. An example is the inclusionary zoning program, which would induce developers to construct affordable housing units and integrate them into the larger context of the community. Such inducement could take the form of incentives provided by a municipality to the developer, including but not limited to waivers of zoning requirements; local tax abatements, waiver of permit fees or land dedication; fewer required developer-provided amenities; "fast track" permitting; and the subsidization or provision of infrastructure for the developer. Federal measures to support such types of activities can ensure success in this fundamentally important issue area; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the United States Department of Housing and Urban Development to increase efforts to encourage the development of affordable residential housing, especially in our urban communities; 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, the members of the Michigan congressional delegation, and the United States Department of Housing and Urban Development.

The resolution was referred to the Committee on Land Use and Environment.

Reps. Kooiman, Steil, Palmer, Huizenga, Vander Veen and Bisbee offered the following resolution:

**House Resolution No. 164.**

A resolution to memorialize the Congress of the United States to expand its efforts through the World Trade Organization and the World Intellectual Property Organization to ensure that the intellectual property of domestic businesses and individuals is protected.

Whereas, Since the birth of our nation, the United States has amassed a remarkable record of creativity and discovery. Our history is replete with the development of new goods and production methods to advance the quality of life, and we have developed a strong economy based on these discoveries; and

Whereas, Members of the manufacturing industry have cited a number of examples where companies in other nations have been infringing upon intellectual property rights. This has resulted in financial losses and further exacerbated the challenges faced by our manufacturers; and

Whereas, The World Trade Organization and the World Intellectual Property Organization implemented a set of standards and principles outlining how international intellectual property rights should be applied and how to settle disputes between members of the World Trade Organization and the World Intellectual Property Organization; and

Whereas, The United States can defend the intellectual property rights of domestic business through the procedures established by the World Trade Organization and the World Intellectual Property Organization; and

Whereas, To ensure a vibrant economic recovery in Michigan, our businesses and entrepreneurs must be secure in their intellectual property, for it is through these innovations that companies build their economic strength and maintain their competitiveness; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to expand its efforts through the World Trade Organization and the World Intellectual Property Organization to ensure that the intellectual property of domestic businesses and individuals is protected and that actions are taken against those countries that violate the World Trade Organization and World Intellectual Property Organization standards; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States of America, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Commerce, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Commerce.

Reps. Palmer, Steil, Huizenga, Kooiman, Vander Veen and Bisbee offered the following resolution:

**House Resolution No. 165.**

A resolution to memorialize the Congress of the United States to develop economic incentives and other programs to aid in the recovery and stabilization of the manufacturing industry in the United States.

Whereas, Historically, manufacturing has been a base industry for the national economy, steadily comprising approximately 17 percent of the Gross Domestic Product since 1947; and

Whereas, The manufacturing industry has experienced a rapid decline and economic losses over the last three years. After a peak in July 2000 of 17.3 million people employed by the manufacturing sector, employment declined by more than 2.7 million jobs over the next 38 consecutive months; and

Whereas, Lowered demand due to troubled economic conditions, coupled with unfair foreign competition, has greatly hindered the economic prosperity of the manufacturing industry. There is substantial concern over the continuation of manufacturing in the United States if the unfair trade practices of other nations on our domestic market are not addressed; and

Whereas, The restoration and revival of the manufacturing sector are vital to the economic recovery of the United States, as manufacturing has consistently led the economic recovery from previous down-turns; and

Whereas, Maintaining a strong and vibrant manufacturing industry is crucial to sustaining or enhancing our national security. Recent bankruptcies and other losses in the manufacturing industry could put the United States in the unprecedented position where it must purchase defense technology from other countries, as foreign companies currently produce such items as a key guidance chip for smart bombs. Most recently, a foreign company purchased a bankrupt domestic manufacturer that retained the rights to the stealth fighter technology; and

Whereas, Developing a package of economic incentives to help foster additional growth in the manufacturing industry and assist in keeping domestic manufacturers competitive with their foreign counterparts will greatly benefit not only the manufacturing industry, but will also provide great economic benefits to Michigan and the entire country; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to develop economic incentives and other programs to aid in the recovery and stabilization of the manufacturing industry in the United States; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Commerce, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Commerce.

Reps. Steil, Moolenaar, Emmons, Vander Veen, Bisbee, Huizenga and Kooiman offered the following resolution:

**House Resolution No. 166.**

A resolution to memorialize the Congress of the United States to take necessary actions, through the International Monetary Fund or otherwise, to ensure that foreign nations that trade with the United States do so fairly and do not manipulate their currency.

Whereas, Through international agreements and in the spirit of fair and balanced trade, the United States dollar is allowed to float freely, with little to no market intervention; and

Whereas, Many of the trade partners with the United States, including, but not limited to, the European Union, Canada, and Mexico, operate with a floating exchange rate within the international financial system; and

Whereas, There are nations that are able to sell goods at rates lower than the cost of production in the United States, in part, through a manipulation of their nation's currency. This contributes significantly to creating an unfair trade balance; and

Whereas, Foreign countries that manipulate their currency are able to sell goods in the United States at an artificial price, lower than the cost of domestically produced products. Doing so undercuts American manufactured products, and it may soon eliminate domestic manufacturing; and

Whereas, The loss of the domestic manufacturing industry poses a substantial threat to the nation's security by requiring the United States to depend on other nations to produce critical components for our defense programs.

Whereas, Currency manipulation has contributed to substantial trade deficits with certain nations. The increase in the trade deficit with China alone, one of the countries known for currency manipulation, represents about 15 percent of the decline in United States production since 2000; and

Whereas, Article IV of the International Monetary Fund Articles of Agreement states that members shall "avoid manipulating exchange rates or the international monetary system in order to prevent effective balance of payments adjustment or to gain an unfair competitive advantage over other members." Under IMF surveillance procedures, a principal indicator of such manipulation is "protracted large scale intervention in one direction in the exchange market"; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to take the necessary actions, through the International Monetary Fund or otherwise, to ensure that foreign nations that trade with the United States do so fairly and do not manipulate their currency; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Commerce, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Commerce.

Reps. Hunter, Adamini, Anderson, Brown, Byrum, Caswell, Condino, Daniels, Dennis, Elkins, Garfield, Gillard, Gleason, Hardman, Hopgood, Jamnick, Kolb, Lipsey, Minore, Murphy, Reeves, Richardville, Rivet, Sheltroun, Spade, Tobocman, Voorhees, Waters and Woodward offered the following concurrent resolution:

**House Concurrent Resolution No. 36.**

A concurrent resolution to memorialize the Congress of the United States and the United States Department of Housing and Urban Development to increase efforts to encourage the development of affordable residential housing.

Whereas, The economy is creating an affordable housing crisis for millions of Americans. Prospective homebuyers are discovering that the homes they want are priced beyond their means. In many areas around the country, home prices have been rising more than twice as fast as inflation. Since 1999, the median home price has increased by 16 percent. Similarly, in some urban areas, lower- and middle-income renters are being priced completely out of the market; and

Whereas, Forty-six percent of low-income families spend more than half their income on housing. While some family incomes have risen in tandem with rising rent costs, lower-income workers are being priced out of the housing market. As a result, many affected Americans are forced to live in housing beyond their means, squeeze their families into overcrowded dwellings, or live in housing that is out of compliance with health and safety codes; and

Whereas, In 37 states, two workers earning the federal minimum wage do not make enough to afford adequate family housing. A single worker earning the minimum wage cannot afford adequate family housing in any state; and

Whereas, The number of available public housing units is rapidly declining as long-term contracts expire and owners scramble to sell properties at current market value. While public housing space shrinks, the federal government has expanded its supply of Section 8 vouchers. As a result, federal housing subsidies for low-income families are becoming useless, as not enough landlords will accept them; and

Whereas, A significant factor contributing to the lack of available housing options in many communities is the decreasing federal commitment on this key issue. Federal spending on housing has ebbed significantly in recent years. In 1978, federal spending on housing amounted to 7.5 percent of the federal budget. This spending is now reduced to approximately 1.5 percent of the federal budget today; and

Whereas, The impact of a lack of affordable housing is most acute in urban areas, and this situation contributes to many other problems in our society. In addition to the negative impact on families in our cities, the lack of housing options in urban areas, where an infrastructure already exists, also may contribute to the sprawl that many areas of the country are facing; and

Whereas, There is legislation currently before the Michigan House of Representatives that provides the tools to encourage the development of affordable residential housing in our urban areas. An example is the inclusionary zoning program, which would induce developers to construct affordable housing units and integrate them into the larger context of the community. Such inducement could take the form of incentives provided by a municipality to the developer, including but not limited to waivers of zoning requirements; local tax abatements, waiver of permit fees or land dedication; fewer required developer-provided amenities; "fast track" permitting; and the subsidization or provision of infrastructure for the developer. Federal measures to support such types of activities can ensure success in this fundamentally important issue area; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States and the United States Department of Housing and Urban Development to increase efforts to encourage the development of affordable residential housing, especially in our urban communities; 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, the members of the Michigan congressional delegation, and the United States Department of Housing and Urban Development.

The concurrent resolution was referred to the Committee on Land Use and Environment.

#### **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 Thursday, October 30:

**Senate Bill Nos. 804 805 806 807**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, October 31:

**Senate Bill Nos. 808 809 810 811 812 813 814 815 816 817 818**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, November 5:

**House Bill Nos. 5221 5222 5223 5224 5225 5226 5227 5228 5229 5230 5231 5232 5233 5234  
5235 5236 5237 5238 5239 5240 5241 5242 5243 5244 5245 5246 5247 5248  
5249 5250**

The Clerk announced that the following Senate bill had been received on Wednesday, November 5:

**Senate Bill No. 744**

By unanimous consent the House returned to the order of

#### **Reports of Standing Committees**

The Committee on Tax Policy, by Rep. Wenke, Chair, reported

**House Bill No. 4512, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2002 PA 615.

With the recommendation that the substitute (H-3) 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. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Minore, Farrah, Bieda, Zelenko and Condino

Nays: None

The Committee on Tax Policy, by Rep. Wenke, Chair, reported

**House Bill No. 5221, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," (MCL 205.421 to 205.436) by amending the title, as amended by 1997 PA 187, and by adding section 6d.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Meyer, Palmer, Nofs, O'Neil, Minore, Farrah, Zelenko and Condino

Nays: Reps. Sheen, Koetje, Drolet, Hummel, Milosch and Stakoe

The Committee on Tax Policy, by Rep. Wenke, Chair, reported

**House Bill No. 5222, entitled**

A bill to amend 1999 PA 244, entitled "An act to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act," by amending section 2 (MCL 445.2052).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Meyer, Palmer, Nofs, Stakoe, O'Neil, Minore, Farrah, Bieda, Zelenko and Condino

Nays: Reps. Sheen, Koetje, Drolet and Milosch

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 5, 2003, at 9:00 a.m.

Present: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Minore, Farrah, Bieda, Zelenko and Condino

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported

**House Bill No. 5188, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10a (MCL 460.10a), as added by 2000 PA 141.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, Rivet, Hopgood and Stallworth

Nays: None

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, November 5, 2003, at 9:00 a.m.

Present: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, Rivet, Hopgood and Stallworth

Absent: Reps. LaSata, McConico, Daniels, Woodward and Murphy

Excused: Reps. LaSata, McConico, Daniels, Woodward and Murphy

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 4920, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 8 (MCL 28.725 and 28.728), as amended by 2002 PA 542, and by adding section 8c.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 5195, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 8 (MCL 28.728), as amended by 2002 PA 542.

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. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney and Nofs

Nays: Reps. Meisner, Condino and Hood

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 5199, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 9 and 9a of chapter X (MCL 770.9 and 770.9a), section 9a as amended by 2002 PA 483, and by adding section 9b to chapter X.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 5240, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11, 13, and 14 of chapter II (MCL 762.11, 762.13, and 762.14), section 11 as amended by 1993 PA 293, section 13 as amended by 2002 PA 483, and section 14 as amended by 1994 PA 286.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported  
**Senate Bill No. 47, entitled**

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

The committee recommended that the bill be referred to the Committee on Great Lakes and Tourism.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Great Lakes and Tourism.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair of the Committee on Criminal Justice, was received and read:

Meeting held on: Wednesday, November 5, 2003, at 10:30 a.m.

Present: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 4, 2003, at 3:40 p.m.

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

Absent: Reps. Tabor and Clack

Excused: Reps. Tabor and Clack

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 5, 2003, at 9:00 a.m.

Present: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Milosch, Palsrok, Rivet, O'Neil, Lipsey, Murphy, Tobocman and Accavitti

Absent: Reps. Wenke and McConico

Excused: Reps. Wenke and McConico

#### Messages from the Senate

##### **House Bill No. 4753, entitled**

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

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

##### **Senate Bill No. 744, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2505 (MCL 324.2505), as added by 1995 PA 60, and by adding section 2505a.

The Senate has passed the bill.

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

**Notices**

November 5, 2003

Ms. Carol Morey Viventi  
Secretary of the Senate  
The Capitol  
Lansing, MI 48919

Mr. Gary Randall  
Clerk of the House  
The Capitol  
Lansing, MI 48919

Dear Ms. Viventi and Mr. Randall:

Pursuant to Senate Concurrent Resolution 36, the following individuals are appointed to the family resource center curriculum joint study committee. Please see the attached list for the appointments.

Respectfully,  
Ken Sikkema  
Senate Majority Leader

Rick Johnson  
Speaker of the House

Blue Ribbon Adult Education Committee  
October 28, 2003

Senate Members  
Senator Ron Jelinek, Co-Chair  
Senator Cameron Brown  
Senator Martha Scott

House Members  
Rep. Bruce Caswell, Co-Chair  
Rep. Mike Nofs  
Rep. Andy Meisner

State Director of Adult Education  
Dianne Duthie

Michigan Works Association  
Linda Kinney

Michigan Association of Adult & Community Education  
Patrick Shafer

Michigan Works Program Directors  
Christine Quinn  
John (Jack) O'Reilly  
Charles W. McCallum

Adult Education Program Directors  
Gary Tweddle  
Tom Johnson  
Myrna Stevenson

November 5, 2003

Mr. Gary Randall  
Clerk of the House  
P.O. Box 30014  
Lansing, MI 48909

Dear Mr. Randall:

This letter serves as my authorization for Representative Rich Brown to replace Representative Gretchen Whitmer on the House Fiscal Agency Governing Board.

This will take effect on November 5, 2003. 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

Rep. Sheen moved that the House adjourn.  
The motion prevailed, the time being 5:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, November 6, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives