

**No. 2**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

---

---

House Chamber, Lansing, Tuesday, January 20, 2004.

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

e/d/s = entered during session

Rep. Lorence Wenke, from the 63rd District, offered the following invocation:

“Sovereign God, we invoke Your presence and Your help at the beginning of this new year and of this legislative session. We are mindful of the tasks that await us, and we recognize that we are unequal to those tasks, unless You will be our constant aid. Equip us, then, we pray, with wisdom, with fortitude, and with a humble spirit. Drive far from us all pride and selfish ambition. May no passion stir more deeply within us than the passion to be faithful servants of the common good. Merciful God, forgive us where we have offended against You, and where we have wronged our neighbor. Forgive us where the rhetoric of public service has been a mask for self-serving. Set our hearts and our feet on better paths. Almighty God, pour out Your blessing upon this noble house and upon all who serve in government, have mercy upon the state of Michigan and all its citizens, that we may together live the life to which You have called us and for which You have so generously blessed us. Amen.”

Rep. Palmer moved that Reps. Palsrok, Ward, Rick Johnson, Acciavatti, Hune and Van Regenmorter be excused from today’s session.

The motion prevailed.

Rep. Waters moved that Reps. Hardman and Reeves be excused from today’s session.

The motion prevailed.

Rep. Waters moved that Rep. Stallworth be excused from this week’s session.

The motion prevailed.

#### Notices

January 15, 2004

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

Dear Mr. Clerk:

I hereby resign my position as State Representative for the 17th District, Michigan House of Representatives, effective Thursday, January 15, 2004, at 11:59 p.m.

Thank you for your attention to this matter.

Sincerely,  
Daniel S. Paletko  
State Representative  
17th District

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

Pending the Second Reading of

**House Bill No. 5242, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 37c (MCL 208.37c), as amended by 2000 PA 429.

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

The motion prevailed.

Pending the Second Reading of

**House Bill No. 5248, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 37d (MCL 208.37d), as amended by 1999 PA 100.

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

The motion prevailed.

Pending the Second Reading of  
**Senate Bill No. 822, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2002 PA 726.

Rep. Richardville moved that the bill be re-referred to the Committee on Commerce.  
The motion prevailed.

Pending the Second Reading of  
**Senate Bill No. 824, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3, 4, 5, 6, 8, and 10 (MCL 207.803, 207.804, 207.805, 207.806, 207.808, and 207.810), section 3 as amended by 2000 PA 428 and sections 6 and 8 as amended by 2000 PA 144, and by adding section 8a.

Rep. Richardville moved that the bill be re-referred to the Committee on Commerce.  
The motion prevailed.

Pending the Second Reading of  
**House Bill No. 5320, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37e.

Rep. Richardville moved that the bill be re-referred to the Committee on Commerce.  
The motion prevailed.

Pending the Second Reading of  
**House Bill No. 5321, entitled**

A bill to promote investment in certain businesses; to promote economic development in this state; to provide for a Michigan early stage venture capital investment corporation; to prescribe the powers and duties of a Michigan early stage venture capital investment corporation; to prescribe the powers and duties of certain public officers and departments; to establish the Michigan early stage venture capital investment fund and other funds; to provide for tax credits and incentives; to authorize certain investments; to provide for the expiration of the fund; to provide or allow for appropriations; and to provide penalties and remedies.

Rep. Richardville moved that the bill be re-referred to the Committee on Commerce.  
The motion prevailed.

Pending the Second Reading of  
**House Bill No. 5245, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38e (MCL 208.38e), as amended by 1999 PA 184.

Rep. Richardville moved that the bill be re-referred to the Committee on Commerce.  
The motion prevailed.

Pending the Second Reading of  
**Senate Bill No. 808, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1140.

Rep. Richardville moved that the bill be re-referred to the Committee on Commerce.  
The motion prevailed.

Pending the Second Reading of  
**Senate Bill No. 809, entitled**

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

Rep. Richardville moved that the bill be re-referred to the Committee on Commerce.  
The motion prevailed.

Pending the Second Reading of  
**House Bill No. 5243, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8 (MCL 125.2688), as amended by 2003 PA 93, and by adding section 8d.

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

The motion prevailed.

Pending the Second Reading of  
**Senate Bill No. 833, 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.

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

The motion prevailed.

Pending the Second Reading of  
**Senate Bill No. 836, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270.

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

The motion prevailed.

Pending the Second Reading of  
**House Bill No. 4111, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 2a (MCL 211.2a), as amended by 1982 PA 539.

Rep. Richardville moved that the bill be re-referred to the Committee on Local Government and Urban Policy.

The motion prevailed.

Pending the Second Reading of  
**House Bill No. 4880, entitled**

A bill to provide for the exemption of certain manufactured housing property from certain taxes; to levy and collect a specific tax upon the owners of certain manufactured housing property; to provide for the disposition of the specific tax; to prescribe the powers and duties of certain local government officials; to provide penalties; and to repeal acts and parts of acts.

Rep. Richardville moved that the bill be re-referred to the Committee on Local Government and Urban Policy.

The motion prevailed.

---

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

The motion prevailed.

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Rep. DeRossett offered the following resolution:

**House Resolution No. 189.**

A resolution to urge the United States Food and Drug Administration not to approve Plan B®, "the morning-after pill," as an over-the-counter medication.

Whereas, The United States Food and Drug Administration (FDA) approved Plan B®, which is often referred to as "the morning-after pill," for prescription use on July 28, 1999; and

Whereas, Plan B® is marketed as an emergency contraceptive that can be used to prevent pregnancy following unprotected intercourse or a known or suspected contraceptive failure; and

Whereas, An advisory committee to the FDA has recently recommended that the FDA designate Plan B®, the morning-after pill, as an over-the-counter (nonprescription) medication; and

Whereas, Plan B® should not be legalized and sold without a prescription. Morning-after pills are not birth-control pills. It is an abortion-inducing drug. It is designed to induce abortions within 72 hours of intercourse; and

Whereas, Another critically important issue in discussions of the morning-after pill is its serious health implications. This medication is known to cause a number of side effects, such as nausea, vomiting, breast tenderness, infertility and blood-clot formation; and

Whereas, Birth-control pills are prescription medications for a valid reason. Taken in sufficient doses or in combination with certain medicines or medical conditions, estrogen and progesterone have been known to cause cancer, heart disease, reproductive complications, and other adverse conditions. Women who take birth-control pills must visit their physician once a year at a minimum; and

Whereas, Women and their unborn children should be protected by FDA policies. The proposal to make Plan B®, the morning-after pill, available as an over-the-counter medication runs counter to that goal. The United States Food and Drug Administration should not approve the sale of these abortion-inducing chemicals to thousands of women who have not been adequately informed of the consequences; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Food and Drug Administration not to approve Plan B®, “the morning-after pill,” as an over-the-counter (nonprescription) medication; and be it further

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

The resolution was referred to the Committee on Government Operations.

### Reports of Standing Committees

The Committee on Judiciary, by Rep. Howell, Chair, reported

#### **House Bill No. 5307, entitled**

A bill to enact the uniform principal and income act; to prescribe the manner in which receipts and expenditures of trusts and estates are credited and charged between income and principal, and the manner in which income is apportioned among beneficiaries at the beginning and upon the termination of a trust or estate; to make uniform the law with respect to principal and income allocation; and to repeal acts and parts of acts.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 34, line 10, after “603.” by striking out the balance of the section and inserting “The revised uniform principal and income act, 1965 PA 340, MCL 555.51 to 555.68, is repealed.”

2. Amend page 34, line 14, after “604.” by striking out the balance of the section and inserting “This act takes effect May 1, 2004.”

3. Amend page 34, following line 15, by inserting:

“Sec. 605. This act applies to each trust or descendant’s estate existing on the effective date of this act except as otherwise expressly provided in the will or terms of the trust or in this act.”

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

### Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, Wenke, Adamini and Bieda

Nays: None

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 20, 2004

Present: Reps. Howell, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, Wenke, Adamini, Bieda and Smith

Absent: Reps. LaSata, Van Regenmorter, Lipsey and Condino

Excused: Reps. LaSata, Van Regenmorter, Lipsey and Condino

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

#### **House Bill No. 4335, entitled**

A bill to regulate certain forms of unarmed combat; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license persons engaged in unarmed combat; to regulate certain persons connected to the business of unarmed combat and persons conducting certain contests and exhibitions; to

confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to adopt rules; to provide for penalties and remedies; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, Sheen, Wojno, Meisner, Hopgood and Gielegghem

Nays: None

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

**House Bill No. 4336, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 447 (MCL 750.447).

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 under the rules.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, Sheen, Wojno, Meisner, Hopgood and Gielegghem

Nays: None

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

**House Bill No. 4900, entitled**

A bill to amend 1959 PA 241, entitled "An act relating to the marking of containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing or other removal of such mark, and the filling, refilling, trafficking in or use of such containers without the authority of the owner; and to provide a penalty for the violation thereof," by amending sections 2 and 3 (MCL 429.112 and 429.113).

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 under the rules.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, Sheen, Wojno, Meisner, Hopgood and Gielegghem

Nays: None

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, January 20, 2004

Present: Reps. Rocca, Gaffney, Bisbee, Julian, Sheen, Wojno, Meisner, Hopgood and Gielegghem

Absent: Reps. DeRoche and Palsrok

Excused: Reps. DeRoche and Palsrok

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**House Bill No. 5116, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a.

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 under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Woronchak, Gaffney, Adamini, O'Neil, Gillard and Clack  
Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**House Bill No. 5117, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20531. 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 under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Woronchak, Gaffney, Adamini, Wojno, O'Neil, Gillard and Clack  
Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**House Bill No. 5118, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Woronchak, Gaffney, Adamini, Wojno, O'Neil, Gillard and Clack  
Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**House Bill No. 5119, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 111k. 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 under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Woronchak, Gaffney, Adamini, Wojno, O'Neil, Gillard and Clack  
Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**House Resolution No. 122.**

A resolution to encourage the judicious use of antibiotics.

(For text of resolution, see House Journal No. 66 of 2003, p. 1741.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ehardt, Ruth Johnson, Rocca, Robertson, Gaffney, Adamini, Wojno, O'Neil, Gillard and Clack

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 20, 2004

Present: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Hart, Woronchak, Robertson, Gaffney, Adamini, Wojno, O'Neil, Gillard and Clack

Absent: Reps. Van Regenmorter, Hune, Ward and Hardman

Excused: Reps. Van Regenmorter, Hune, Ward and Hardman

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

**House Bill No. 5148, entitled**

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9501 (MCL 440.9501), as amended by 2000 PA 348.

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 under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Koetje, Drolet, Howell and Lipsey

Nays: None

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

**House Bill No. 5375, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10e (MCL 247.660e), as amended by 1998 PA 87.

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 under the rules.



## Favorable Roll Call

## To Report Out:

Yeas: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 20, 2004

Present: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meyer, Chair, of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Tuesday, January 20, 2004

Present: Reps. Meyer, Nitz, DeRossett, Casperson, Stahl, Sheltroun, Spade and Law

Absent: Reps. Hager, Hune and Rivet

Excused: Reps. Hager, Hune and Rivet

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

The Clerk announced that the following Senate bills had been received on Tuesday, January 20:

**Senate Bill Nos. 625 626 627 628 629 661 662**

By unanimous consent the House returned to the order of

**Messages from the Senate****Senate Bill No. 625, entitled**

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283).

The Senate has passed the bill.

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

**Senate Bill No. 626, entitled**

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 7 (MCL 390.977), as amended by 1980 PA 500.

The Senate has passed the bill.

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

**Senate Bill No. 627, entitled**

A bill to amend 1976 PA 228, entitled "The legislative merit award program act," by amending section 4 (MCL 390.1304), as amended by 1980 PA 386.

The Senate has passed the bill.

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

**Senate Bill No. 628, entitled**

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 3 (MCL 390.1403).

The Senate has passed the bill.

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

**Senate Bill No. 629, entitled**

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 4 (MCL 390.994), as amended by 1980 PA 503.

The Senate has passed the bill.

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

**Senate Bill No. 661, entitled**

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274).

The Senate has passed the bill.

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

**Senate Bill No. 662, entitled**

A bill to amend 1974 PA 75, entitled "An act to provide for payment to approved independent nonprofit institutions of higher education, located within the state, for all earned degrees conferred upon Michigan residents; and to provide for appropriations," by amending section 3 (MCL 390.1023), as amended by 1984 PA 9.

The Senate has passed the bill.

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

### **Messages from the Governor**

The following message from the Governor was received and read:

January 20, 2004

Gary Randall  
Clerk  
Michigan House of Representatives  
State Capitol  
Lansing, Michigan 48909-7509

Dear Mr. Randall:

Enclosed is a copy of my Special Message on Protection of Michigan's Water Resources to the Second Session of the 92nd Michigan Legislature. This message transmitting information on the affairs of state and recommending measures I consider necessary and desirable is presented to the Michigan House of Representatives pursuant to Section 17 of Article V of the Michigan Constitution of 1963.

Respectfully,  
Jennifer M. Granholm  
Governor

January 20, 2004

Members of the Michigan Legislature:

I write this message, my first Special Message to the Legislature, out of a sense of urgency to protect a key element of Michigan's legacy – our water. The Great Lakes fuel our economy, color our character and literally define the shape of our state. They are our most vital resources; their preservation and protection are too important to approach haphazardly. So today I send to you a comprehensive plan for protecting our great waters, in the hope that we can work in a bi-partisan fashion to protect them from harm. This plan addresses the major concerns facing the Great Lakes today: water withdrawal, invasive species, open water disposal, water discharge permits, a revised sanitary code, wetlands protection, and federal funding for Great Lakes restoration.

On the pages that follow, you will see that I have outlined 6 specific actions that this administration will immediately take to protect and improve our waters. I also propose a number of legislative actions – including the passage of a comprehensive water withdrawal statute – that I respectfully urge you to immediately support and take action upon. I will transmit a copy of this legislation to the newly created Groundwater Advisory Council, asking them for their expedient review and comment, as well.

Our lakes and waters are our children's playgrounds. They are our tourist attractions, our economic development tools and critical cogs in our manufacturing machine. Waves licking at sandy shores are the soundtrack of our summers. Gently bobbing lures are the harbingers of our springs.

Without our waters who would we be? Hopefully, we will never know. But if we do not take action to protect our waters today, we may yet know Michigan as a very different place.

Our waters are more threatened today than perhaps they have ever been. A thirsty country looks to our resources and sees a source of free, clean, fresh drinking water. Pollution and growth continue to threaten their health. Our critical job providers cry out for water to bottle their products, to cool their furnaces and to clean their new cars and trucks.

In the last ten years, global economic forces have changed our world dramatically. In order to survive, we must compete for business. Yet, in the 21st century the old paradigm of business versus the environment is no longer valid. Today, both must flourish. Together, Michigan's astounding natural resources and quality of life are pivotal factors in attracting jobs to our state.

In 2002, the Senate Great Lakes Conservation Task Force, headed by Senator Ken Sikkema, and joined by many legislators we are lucky to still have in the Legislature today including Senator Beverly Hammerstrom and Senator Shirley Johnson and Representative Dianne Byrum, put forth an agenda for action to protect the Great Lakes and all of the state's waters. The then Senator, Ken DeBeaussaert, current director of the Office of Great Lakes also served on the task force. Many of the issues I will address in my plan were identified in the task force report as critical to the future of Michigan's water resources.

It is time for swift action concerning Michigan's waters. We must develop and enact a comprehensive plan – one that addresses our ground water, our lakes and our rivers and our relationship to them – to protect and manage this most precious natural resource. I present to you today such a plan.

#### **The Michigan Water Legacy Act**

The cornerstone of this plan is the **Michigan Water Legacy Act**, a comprehensive water withdrawal statute which I will deliver to the Legislature before the end of next month.

Because we are the only state in the Great Lakes basin without a statutory framework, our inability to effectively manage this resource leaves us vulnerable and without legal or moral authority to meet future threats and protect our economy and our environment. A fair and balanced approach to water withdrawal will allow us to protect our water resources while also providing a predictable regulatory climate under which businesses and communities can thrive.

The case involving the Nestle Bottling plant in Mecosta County has the potential to be a pivotal case in terms of influencing and defining our water laws. As I'm sure you are aware, last November the Mecosta County Circuit Court issued an opinion in *Michigan Citizens for Water Conservation v. Nestle Waters North America*, ordering Nestle to terminate all water withdrawals of "spring water" at the plant by December 17, 2003. Nestle sought and was granted an emergency stay from the Michigan Court of Appeals to block the shutdown of the facility while an appellate review of the legal merits of the case could be conducted. This stay enables us to develop a comprehensive set of standards to oversee future withdrawals like Nestle's.

Every day, the pressure for fresh water grows in our region and around the world. Global consumption of water is doubling every 20 years. Today, one billion people lack adequate supplies of fresh water and this number will grow to three billion by 2035. Other states, including Great Lakes states, have growing populations served by increasingly depleted aquifers. If we do not take action to regulate withdrawals of water from the Great Lakes basin, those who are already eyeing our treasured lakes as the solution to their water shortages will begin arriving with their pumps and hoses to take their bounty home.

In 1985, Michigan signed the Great Lakes Charter. In that Charter, Michigan agreed to manage withdrawals of water over two million gallons per day. Almost 20 years later it is an embarrassment that we are the only state that hasn't lived up to its end of the bargain. This legislation proposes that Michigan live up to the promises made in the 1985 Great Lakes Charter.

To ensure sustainable economic growth and protect us from large scale diversions of Great Lakes water, I am also committed to completing the discussions begun by the previous administration to implement Annex 2001 to the Great Lakes Charter. The Agreements envisioned under the Annex with our neighboring Great Lakes states and provinces will be the next critical step toward managing and protecting our waters.

We must start conserving water today so it is here for our grandchildren to swim and boat and fish in tomorrow. We need the Michigan Water Legacy Act. I look forward to the input of the newly created Groundwater Advisory Council and the Legislature on this proposal.

#### **Invasive Species**

Water diversion is not the only problem facing the Great Lakes today. Exotic species like the zebra mussel have already infiltrated our waters and changed them forever. Species like the Asian Carp are leaping their way up the Chicago River toward the foot of Lake Michigan in Chicago. The ecological and economic damage caused by these invasive species threatens the livelihood of many communities and businesses in the Great Lakes region.

One report estimates the Great Lakes spend \$12 million a year to control sea lamprey and \$30 million to control zebra mussels. Individual power companies have testified that it costs each of them upwards of \$1 million per year to deal with the zebra mussels on their intake pipes. At the same time, the estimated cost to the Great Lakes fishery from introduction of the ruffe is upwards of \$119 million per year. These are clear example of the health of our water impacting the health of our economy. In 2002, Michigan joined New York, Minnesota and Illinois in filing a brief urging the Environmental Protection Agency (EPA) to regulate ballast water discharges through the Clean Water Act. In September of 2003, the EPA rejected the request. I am urging our Attorney General to join the lawsuit filed by the Northwest Environmental Advocates, or file a separate lawsuit, to force the EPA to exercise its authority to address this growing national crisis.

We need coordinated action to deal with this problem across the states, however, we are not going to stand idly by and wait for EPA to act. Later this spring, DEQ will complete its study and determine an appropriate standard for ballast water discharges, as was authorized under legislation sponsored by Senator Sikkema in 2002. We will move quickly to finalize and deliver real, technical solutions and we will be proactive in finding a solution to the problems associated with ballast water discharge.

#### **Open Water Disposal**

Exotics are not the only threat to the quality of the waters of the Great Lakes. The U.S. Army Corps of Engineers, in fulfilling its responsibility to maintain the navigability of the Great Lakes, has formally proposed to dump contaminated dredge materials into the open waters of Lake Michigan – a practice that is already happening in the Ohio waters of Lake Erie. While Congress considers funding of the Great Lakes Legacy Act to pay for dredging and removal of contaminated sediment from the Great Lakes, the Army Corps is proposing to dump that same contamination right back into the lakes. They call this “Open Water Disposal.” I call it unacceptable.

Today I will sign an Executive Directive prohibiting state agencies from approving the open water disposal of contaminated dredge materials in Michigan waters. I am also calling for legislation to permanently ban open water disposal of these same dredge materials and I will call on the Governors of other states to do the same. When I look out on the Great Lakes I want to see people pulling out steelhead and walleye, not watching barges dumping contaminated sediment.

#### **National Pollution Discharge Elimination System**

We cannot talk about the lakes without talking about the beautiful beaches that cover over 3,228 miles of the Great Lakes shoreline. Every year over 23 million people visit our beaches. We wait all winter for those great summer days when we can head out to the beach and go for a swim, sip our coffee as the sun comes up over Lake Huron, or wander along feeling the sand between our toes.

However, all too often people reach the beach only to be told that it is closed for the day or weekend due to pollution. One beach on Lake St. Clair was closed 37 times last year and 36 times in 2002 because of e.coli bacteria in the water. In a state that depends on tourism for our livelihood, we must be able to guarantee our visitors that the beaches they visit are clean, safe, and free from pollution and contaminants.

In order to address the problem of pollution in our lakes and streams, we must adequately fund programs such as the National Pollution Discharge Elimination System (NPDES). In last year’s budget, I proposed a series of fees that would take the burden off the taxpayers and replace it with a fee for service. The bills to enact these fees remain in conference committee. Each day they languish, our water and our economy are in danger. It is essential that we enact this legislation and make whole the budget to protect Michigan’s water. I am asking that the Legislature act quickly to resolve outstanding issues and present a package of bills to enact and fund the enforcement of groundwater and stormwater discharge permits.

#### **Revised Sanitary Code**

We must also support our local communities and help them eliminate sewer overflows by updating our statewide septic code. What we allow to flow into our groundwater is as important as the amounts of water we eventually allow to be withdrawn. Michigan is the ONLY state in the nation without a statewide sanitary code for septic systems. This threatens the integrity of ground water, beaches and streams, poses serious health threats to our citizens, and negatively impacts our economy.

Lack of an updated sanitary code costs our state precious federal dollars. Without an updated sanitary code, full federal funding of the Coastal Zone Management Program is seriously threatened. Michigan has more coastline than any other state, save Alaska, and yet we are our own impediment to greater federal assistance for managing and protecting that coastline.

Coastal Zone Management grants can be used for many projects, from beach stabilization to helping to fund a recreation attraction. Every year, the Department of Environmental Quality (DEQ) receives many millions of dollars of requests, but can only fulfill \$2.1 million worth of projects. Leaving these federal dollars on the table is fiscally and environmentally irresponsible, especially in such challenging economic times.

The bi-partisan Land Use Leadership Council that finished its work last year identified this issue as critical, as well, and I have now asked the DEQ to work with appropriate constituencies on this and to draft and deliver a suggested sanitary code for your consideration within 90 days.

**Wetlands Protection**

As we think of our costal areas and the vast and varied habitats in Michigan, we cannot forget our wetlands. Over the years, Michigan has lost over 50 percent of its wetlands, totaling over an estimated five million acres. Wetlands filter our water, provide wildlife habitats, and keep our roads and communities from flooding. Michigan led the charge across the nation to help protect wetlands in the past, but our work here is not done.

We are still losing wetlands and all the benefits they provide. Specifically, we are losing some critical, small, isolated wetlands across the state. Through Executive Directive, I am asking the Michigan Department of Environmental Quality to promulgate a rule to protect from harm critical, isolated wetlands on State land.

**Securing Federal Funding for Great Lakes Restoration Projects**

Finally, we must be vigilant in securing federal funds to protect and restore the Great Lakes. It cannot be the sole responsibility of the states to protect these national treasures.

Last May, a report from the U.S. General Accounting Office (GAO) found that despite federal spending of more than \$1.7 billion on 33 restoration activities since 1992 in the Great Lakes, the federal government's efforts lack adequate coordination to assure Great Lakes restoration. The report also found that the Great Lakes states provide the majority of financial support for existing restoration activities.

For example, during fiscal year 2001, the Great Lakes states secured a special federal allocation of \$30 million in *Great Lakes Coastal Restoration Grants*. These dollars, administered through the National Oceanic and Atmospheric Administration (NOAA) were matched with more than \$42 million from the states. In Michigan, we matched our \$7 million allocation with close to \$17 million in state commitments.

The past few Congresses and Presidential administrations have focused billions of dollars on the restoration of the Everglades, the Chesapeake Bay and most recently there has been a renewed Congressional focus on Gulf of Mexico coastal erosion. The Great Lakes have not received the same bold level of attention.

However, during the second half of 2003 there was significant renewed federal attention to Great Lakes restoration needs. Following the release of the GAO report and after a Senate hearing on the need for a coordinated strategic plan between the federal, state and provincial governments, legislation was introduced in the U.S. House and Senate to invest significant new federal resources and assure better interagency coordination and strategic focus.

Specifically, S. 1398, introduced by Senator Mike DeWine (R-OH) and our own Senators Levin and Stabenow would provide up to \$6 billion over the next decade, while coordinating existing federal agency efforts and requiring the development of common indicators for monitoring water quality and related Great Lakes environmental factors. As Governor, I have joined with the seven other Great Lakes Governors in commenting on this legislation and similar legislation introduced in the U.S. House of Representatives. Through the Council of Great Lakes Governors, Ohio Governor Bob Taft deserves significant credit for his actions as Council Chairman to organize and focus the Great Lakes' Governors efforts to help bring national attention to the issue.

However, in the current federal and state budgetary climate, much work remains to be done to see this much-needed federal legislation enacted into law. To see our Great Lakes vision enacted in a manner that reflects the gains made in the Everglades and Chesapeake Bay, presidential leadership is needed. That is why I am asking President Bush to support this bipartisan Congressional rescue effort with his endorsement of the multi-billion-dollar Great Lakes restoration programs contained in S. 1398 and H.R. 2720. For the short-term, I urge him to include a significant boost in Great Lakes restoration funding in his 2005 budget request to Congress. The Great Lakes serve 8 states. They deserve at least as much attention as the Everglades – a single critical entity in a single state – have recently been afforded.

**Conclusion**

A hundred generations ago, a sea of ice receded, drawing the shapes of two familiar peninsulas and leaving behind five lakes that would shape not only our land, but our character as well. Our connection to our waters and our land is no accident, nor is our mandate to protect them.

The protection of our waters is more than just an issue; it's more than just another cause with its own set of acronyms and cast of characters and media spin. It is part and parcel of who we are in this state – it is part of our character as a people.

To protect our waters, to ensure that our children know them as we know them, to ensure that they will continue to be part of our character and our economy, we must act now to protect them. We need to take action not just because it is the right thing to do as environmental stewards; it is also the right thing to do as economic stewards. We need to conserve our water quantity and protect its quality and integrity so the Great Lakes will continue to thrive. Our lakes are often the reason people come to Michigan to visit, to live, to work, to start a business, and to raise a family.

We are at a crossroads in determining the future of the Great Lakes. We can choose to take action and ensure for future generations of Michiganians crystal blue water, brook trout, clear, babbling brooks, and green, productive fields. Or, we can choose to wait. Wait for another state or another country to determine the future of our Great Lakes for us. I choose to act and take the future into our hands. I know you will too.

I leave you today with the words of a highly unlikely water advocate. In 2000, while serving as the president of a global non-profit working to foster a sustainable future, Mikhail Gorbachev wrote for the magazine of the U.S. Library of Congress, that "water, not unlike religion and ideology, has the power to move millions of people. Since the very birth of human civilization, people have moved to settle close to water. People move when there is too little of it;

people move when there is too much of it. People move on it. People write and sing and dance and dream about it. People fight over it. And everybody, everywhere and every day, needs it. We need water for drinking, for cooking, for washing, for food, for industry, for energy, for transport, for rituals, for fun, for life. And it is not only we humans who need it; all life is dependent upon water for its very survival.”

We in Michigan have always known the value of our water, both economically and spiritually. We all want to protect this most precious resource and many of you have been leaders in this cause throughout your careers. I look forward to working with all of you to craft a plan that will protect and preserve our Great Lakes.

Respectfully,  
Jennifer M. Granholm  
Governor

The message was referred to the Clerk.

### Introduction of Bills

Reps. Sheltroun and Julian introduced

**House Bill No. 5406, entitled**

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” by amending section 1a (MCL 480.11a), as amended by 1995 PA 265.

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

Reps. Milosch, LaJoy and Taub introduced

**House Bill No. 5407, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 811o.

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

Rep. Vander Veen introduced

**House Bill No. 5408, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2001 PA 139, and by adding section 16346 and part 183A.

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

Reps. Vander Veen, Julian, Farhat, Voorhees, Caul and Ruth Johnson introduced

**House Bill No. 5409, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1a of chapter IV, section 16a of chapter IX, section 22 of chapter XVI, and sections 1, 15g, 16m, 16z, 22, and 35 of chapter XVII (MCL 764.1a, 769.16a, 776.22, 777.1, 777.15g, 777.16m, 777.16z, 777.22, and 777.35), section 1a of chapter IV as amended by 1994 PA 70, section 16a of chapter IX as amended by 2001 PA 204, section 22 of chapter XVI as amended by 2001 PA 194, section 1 of chapter XVII as amended by 2002 PA 34, section 15g of chapter XVII as added by 2002 PA 206, section 16m of chapter XVII as amended by 2001 PA 166, section 16z of chapter XVII as amended by 2002 PA 271, section 22 of chapter XVII as amended by 2003 PA 134, and section 35 of chapter XVII as amended by 2000 PA 279.

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

Rep. Ward introduced

**House Bill No. 5410, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 955 (MCL 168.955).

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

Reps. Drolet, Hoogendyk, Palmer, Acciavatti, Steil, Milosch, Robertson, Sheen, Brandenburg, Pastor, Tabor, Bradstreet, Ruth Johnson, Garfield, LaJoy, Hummel, Voorhees, Rocca, DeRoche, Emmons, Wenke and Taub introduced

**House Joint Resolution T, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 7 of article IX, to limit the rate of the state income tax.

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

Rep. Vagnozzi moved that the House adjourn.  
The motion prevailed, the time being 3:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, January 21, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

