

**No. 15**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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House Chamber, Lansing, Wednesday, February 26, 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	Meisner—present	Sheen—present
Acciavatti—present	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—present	Moolenaar—present	Stahl—present
Bisbee—present	Hart—present	Murphy—present	Stakoe—present
Bradstreet—present	Hood—present	Newell—present	Stallworth—present
Brandenburg—present	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—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—excused	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present
Gaffney—present			

e/d/s = entered during session



The Clerk announced that the following Senate bills had been received on Wednesday, February 26:  
**Senate Bill Nos. 117 118 160**

### Communications from State Officers

The following communication from the Department of Management and Budget was received and read:

February 12, 2003

I am pleased to present you with a copy of the Annual Report for the Michigan Public School Employees Retirement System, the State Employees Retirement System, the State Police Retirement System and the Judges Retirement System for the fiscal year ending September 30, 2002.

If I can provide further information, please let me know.

Sincerely,  
Mitch Irwin  
Director

The communication was referred to the Clerk.

### Introduction of Bills

Reps. Pappageorge, Spade, Bieda, Vander Veen, Voorhees, Palmer, Stakoe, Pumford, Ward, Garfield, Brandenburg, Kooiman, Hart, Newell, Moolenaar, Hummel, Robertson, Shaffer and Farhat introduced

**House Bill No. 4283, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 314a.

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

Reps. Kolb, Tobocman, McConico, Rivet and Kooiman introduced

**House Bill No. 4284, entitled**

A bill to provide for joint land use planning by certain local units of government; and to provide for the establishment, powers, and duties of joint planning commissions.

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

Reps. Ehardt, Tabor, Newell, Vander Veen, Rocca, Stewart, Stahl and Pappageorge introduced

**House Bill No. 4285, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 4 (MCL 38.1304), as amended by 2002 PA 94, and by adding section 92.

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

Reps. Spade and Sheltroun introduced

**House Bill No. 4286, entitled**

A bill to designate an official game bird of this state.

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

Reps. Spade, Sheltroun, Tobocman, Sak and Kooiman introduced

**House Bill No. 4287, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 50a (MCL 750.50a), as added by 1994 PA 42.

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

Reps. Spade, Sheltroun, Tobocman, Sak and Kooiman introduced

**House Bill No. 4288, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16b of chapter XVII (MCL 777.16b), as amended by 2000 PA 279.

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

Reps. Vagnozzi, Woodward, Gillard, Bieda, Spade, Anderson, Paletko, Plakas, Hardman, Wojno, Byrum, Waters, Zelenko, Clack, Williams, Condino, Sheltrown, Elkins, Farrah, Rivet, Jamnick, Law, Dennis, Gleason, Lipsey, Sak, Gielegem, Hunter, Hopgood, Minore, Accavitti, Brown, Tobocman, Adamini, Whitmer, McConico, Murphy, Rocca, Phillips and Daniels introduced

**House Bill No. 4289, entitled**

A bill entering into the midwest pharmaceutical compact; and for related purposes.

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

Reps. Julian, Tabor, Vander Veen, Steil, Casperson, Shackleton, Brandenburg, Bisbee, Palmer and Hummel introduced

**House Bill No. 4290, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 65a.

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

Reps. Cheeks, Stallworth, Hunter, Dennis, Clack, Law, Hopgood, Smith, Paletko and Daniels introduced

**House Bill No. 4291, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290.

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

By unanimous consent the House returned to the order of

**Messages from the Senate**

**Senate Bill No. 117, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 161 of chapter XVII (MCL 777.161), as amended by 2001 PA 19.

The Senate has passed the bill.

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

**Senate Bill No. 118, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 215 (MCL 750.215), as amended by 2002 PA 672.

The Senate has passed the bill.

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

**Senate Bill No. 160, entitled**

A bill to provide for the audit and examination of this state and state funds; to provide for the audit and examination of the books and accounts of all branches, departments, offices, boards, commissions, agencies, authorities, and institutions of this state; to prescribe powers and duties of certain state officers and employees; to provide for access to certain records; to provide for the subpoena of witnesses and production of documents and records; and to provide for the administration of this act.

The Senate has passed the bill.

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

**Second Reading of Bills**

**House Bill No. 4087, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 317.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Land Use and Environment,

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Rep. Moolenaar moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Moolenaar moved to amend the bill as follows:

1. Amend page 2, line 20, after “**day.**” by inserting “**High capacity well does not include a water well associated with a public water supply system that is owned or operated by a local unit of government if the recharge area of the water well is protected by a wellhead protection program approved by the department under the state’s wellhead protection program.**”.

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

Rep. Moolenaar moved to amend the bill as follows:

1. Amend page 2, line 16, after “**means**” by inserting “**1 or more water wells associated with**”.
2. Amend page 2, line 18, after “**methods,**” by striking out “**has**” and inserting “**have**”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Pastor moved to amend the bill as follows:

1. Amend page 6, line 3, after “**reasonable**” by inserting “**scientifically-based**”.

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

Rep. Emmons moved to amend the bill as follows:

1. Amend page 4, line 3, after “**subsection**” by striking out “**(5)**” and inserting “**(4)**”.
2. Amend page 4, line 5, after “**agriculture**” by striking out the balance of the sentence and inserting “**if the complaint involves an agricultural well.**”.
3. Amend page 4, line 9, after “**director**” by inserting “**or the director of the department of agriculture, as appropriate,**”.
4. Amend page 4, line 10, after “**complaint.**” by inserting “**An investigation by the director of the department of agriculture shall be conducted under the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.**”.
5. Amend page 4, line 10, after “**director**” by inserting “**or the director of the department of agriculture, as appropriate,**”.
6. Amend page 4, line 13, after “**director**” by inserting “**or the director of the department of agriculture, as appropriate,**”.
7. Amend page 4, line 16, by striking out all of subsection (3) and renumbering the remaining subsections.
8. Amend page 5, line 17, after “**subsection**” by striking out “**(5)**” and inserting “**(4)**”.
9. Amend page 6, line 25, by striking out “**31702(4)**” and inserting “**31702(3)**”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Ward moved to amend the bill as follows:

1. Amend page 10, following line 24, by inserting:

“**Sec. 31710. This part does not apply to a potential groundwater conflict involving a high capacity well owned or operated by a local unit of government if the local unit of government agrees to make the aggrieved property owner whole by connecting the owner’s property to the local unit of government’s public water supply system or by drilling the owner a new well, with the costs paid by the local unit of government.**” and renumbering the remaining section.

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

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

The motion prevailed.

### **House Bill No. 4097, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 32714 (MCL 324.32714), as added by 1996 PA 434.

The bill was read a second time.

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

The motion prevailed.

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

The motion prevailed.

Rep. Cheeks moved that the House adjourn.  
The motion prevailed, the time being 2:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 27, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives