

**No. 76**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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House Chamber, Lansing, Thursday, October 16, 2003.

10:00 a.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—e/d/s	Mortimer—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—e/d/s	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—excused	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	Meisner—present		

e/d/s = entered during session

Rep. Michael G. Sak, from the 76th District, offered the following invocation:

“Heavenly Father, today we are most thankful for the gift of life that You have blessed us with. We are thankful for the opportunities and the resources that You have given us stewardship over, both as individuals and citizens and legislators of this great state of Michigan and the United States of America. Today, Heavenly Father, we pray that You will watch over us and provide us the wisdom to see clearly so that we may carry out our duties as members of the chamber. Heavenly Father, we pray that You bless us with strength and courage so that we may uphold the covenant we have with every man, woman and child in Michigan. We ask that You will give us the clarity to allow us to make laws that are fair and just and that You grant us the wisdom to make decisions that will strengthen our nation and our state. Now, Heavenly Father, on behalf of my colleagues of the Michigan House of Representatives, we ask for Your divine guidance in our deliberations and duties. May we perform justly, love with mercy, and walk humbly to the end in which we the people will have a more perfect and happy existence. In recognition of the Silver Anniversary of Pope John Paul II, Lord Jesus Christ, we ask Your blessing on Your faithful servant, our Holy Father Pope John Paul II. On this occasion of his twenty-five years as our Pope and spiritual leader, we thank You for the gift of his presence among us. We pray that You will continue to sustain and enlighten him as he continues to give witness to You and Your Gospel. Thank You for the holiness, wisdom and compassion he so beautifully shares with us and our world. Bless him abundantly on this special day and always. These things we ask in the name of our Lord and Savior, Jesus Christ. Amen.”

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

### Second Reading of Bills

#### House Bill No. 4655, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), section 16221 as amended by 2002 PA 402 and section 16226 as amended by 2002 PA 643.

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

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

Rep. Newell 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. 4655, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), section 16221 as amended by 2002 PA 402 and section 16226 as amended by 2002 PA 643.

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

#### Roll Call No. 553

#### Yeas—106

Accavitti	Gaffney	Middaugh	Sheen
Acciavatti	Garfield	Milosch	Sheltrown
Adamini	Gieleghem	Minore	Shulman
Amos	Gillard	Moolenaar	Spade
Anderson	Gleason	Mortimer	Stahl
Bieda	Hager	Murphy	Stakoe

Bisbee	Hart	Newell	Stallworth
Bradstreet	Hood	Nitz	Steil
Brandenburg	Hoogendyk	Nofs	Stewart
Brown	Hopgood	O'Neil	Tabor
Byrum	Howell	Paletko	Taub
Casperson	Huizenga	Palmer	Tobocman
Caswell	Hummel	Palsrok	Vagnozzi
Caul	Hune	Pappageorge	Van Regenmorter
Cheeks	Jamnack	Pastor	Vander Veen
Clack	Johnson, Rick	Phillips	Voorhees
Condino	Johnson, Ruth	Plakas	Walker
Daniels	Julian	Pumford	Ward
Dennis	Koetje	Reeves	Waters
DeRoche	Kolb	Richardville	Wenke
DeRossett	Kooiman	Rivet	Whitmer
Drolet	LaJoy	Robertson	Williams
Ehardt	Law	Rocca	Wojno
Elkins	Lipsey	Sak	Woodward
Emmons	McConico	Shackleton	Woronchak
Farhat	Meisner	Shaffer	Zelenko
Farrah	Meyer		

### 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. 4656, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 430 (MCL 750.430), as amended by 2002 PA 672.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Health Policy,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Reps. Ehardt and Adamini moved to amend the bill as follows:

1. Amend page 1, line 4, after "misdemeanor" by striking out the balance of the line through "1,000.00" on line 6.
2. Amend page 3, following line 18, by inserting:

**"(8) A violation of this section is punishable as follows:**

**(a) If the individual's conduct did not result in physical harm or injury to the patient and the individual has not been convicted previously for violating this section, the court, without entering a judgment of guilt and with the consent of the accused and of the prosecuting attorney, may defer further proceedings and place the accused on probation upon terms and conditions that shall include, but are not limited to, participation in the health professional recovery program established under section 16167 of the public health code, 1978 PA 368, MCL 333.16167. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided under subdivision (b). Upon fulfillment of the terms and conditions, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt and are not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including additional penalties imposed for second or subsequent convictions under this subsection. There may only be 1 discharge and dismissal under this section as**

to an individual. The records and identifications division of the department of state police shall retain a nonpublic record of an arrest and discharge or dismissal under this subsection. This record shall only be furnished to a court or police agency upon request for the purpose of showing whether the individual accused of violating this section has already once utilized this subdivision.

(b) For a first offense, by imprisonment for not more than 180 days or a fine of not more than \$1,000.00, or both.

(c) For a second or subsequent offense, by imprisonment for not more than 1 year or a fine of not less than \$1,000.00, or both.” and renumbering the remaining subsection.

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

Rep. Newell 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. 4656, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 430 (MCL 750.430), as amended by 2002 PA 672.

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

#### Roll Call No. 554

#### Yeas—105

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

#### Nays—0

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. 4720, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

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

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

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.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4720, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

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

#### Roll Call No. 555

#### Yeas—107

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

**Nays—0**

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Richardville moved to amend the title to read as follows:

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 263 (MCL 18.1263).

The motion prevailed.

The House agreed to the title as amended.

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. 4722, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 623a and 1274 (MCL 380.623a and 380.1274), section 623a as amended by 1990 PA 159 and section 1274 as amended by 1994 PA 416.

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

The substitute (H-1) 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.

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. 4722, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 623a and 1274 (MCL 380.623a and 380.1274), section 623a as amended by 1990 PA 159 and section 1274 as amended by 1994 PA 416.

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

**Roll Call No. 556****Yeas—107**

Accavitti	Gaffney	Middaugh	Sheltrown
Acciavatti	Garfield	Milosch	Shulman
Adamini	Gielegem	Minore	Smith
Amos	Gillard	Moolenaar	Spade
Anderson	Gleason	Mortimer	Stahl
Bieda	Hager	Murphy	Stakoe
Bisbee	Hart	Newell	Stallworth
Bradstreet	Hood	Nitz	Steil
Brandenburg	Hoogendyk	Nofs	Stewart
Brown	Hopgood	O’Neil	Tabor
Byrum	Howell	Paletko	Taub
Casperson	Huizenga	Palmer	Tobocman
Caswell	Hummel	Palsrok	Vagnozzi
Caul	Hune	Pappageorge	Van Regenmorter
Cheeks	Jamnick	Pastor	Vander Veen
Clack	Johnson, Rick	Phillips	Voorhees

Condino	Johnson, Ruth	Plakas	Walker
Daniels	Julian	Pumford	Ward
Dennis	Koetje	Reeves	Waters
DeRoche	Kolb	Richardville	Wenke
DeRossett	Kooiman	Rivet	Whitmer
Drolet	LaJoy	Robertson	Williams
Ehardt	Law	Rocca	Wojno
Elkins	Lipsey	Sak	Woodward
Emmons	McConico	Shackleton	Woronchak
Farhat	Meisner	Shaffer	Zelenko
Farrah	Meyer	Sheen	

### 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.

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The Speaker assumed the Chair.

Rep. Hunter entered the House Chambers.

By unanimous consent the House returned to the order of

### Motions and Resolutions

By unanimous consent the House considered **House Resolution No. 150** out of numerical order.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 150.**

A resolution of tribute offered as a memorial for Theodore Mansour, former member of the House of Representatives.

Whereas, The members of this legislative body were saddened to learn of the passing of Theodore “Ted” Mansour, a lifelong community leader in the Flint area whose long years of unselfishness included service as a lawmaker. With his accomplishments in business, his devotion through civic groups, and his commitment through numerous positions in local government, Ted Mansour exerted an impact that will not soon be forgotten; and

Whereas, A native of Flint, Ted Mansour answered his country’s call in World War II, serving in the Army from 1944 to 1946. This spirit of responsibility never left him. Indeed, it guided him in every aspect of his life. After graduating from Notre Dame in 1950, he became active in the family business, eventually becoming the President of Mansour’s Supermarkets and providing leadership in other enterprises; and

Whereas, Ted Mansour’s talents and his concern for others blended well in his devotion to public service. He was an invaluable contributor to a host of elective boards, where his close ties to community life gave him great insights. He contributed as a Flint Township Supervisor, as a member of the Genesee County Commission, as a member of the Michigan House of Representatives from 1971 to 1972, as a Flint Township Trustee, as a member of the Michigan State Tax Commission, and as a member of the Flint Township Planning Commission. He also was tireless in his efforts with the Genesee Intermediate School District. Clearly, Ted Mansour’s life provides a model of the highest standards of citizenship; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Theodore “Ted” Mansour, former member of this legislative body and lifelong community activist; and be it further

Resolved, That copies of this resolution be transmitted to the Mansour family as evidence of the lasting esteem we will always hold for his memory.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

The Speaker Pro Tempore resumed the Chair.

### Second Reading of Bills

#### House Bill No. 4178, entitled

A bill to provide compensation to dependents of public safety officers who are killed or who are permanently and totally disabled in the line of duty; to create the public safety officers benefit fund; to prescribe the duties and responsibilities of certain state officers; and to make an appropriation.

The bill was read a second time.

Rep. Elkins moved to amend the bill as follows:

1. Amend page 6, line 6 after "effect" by striking out the balance of the enacting section and inserting "October 1, 2003."

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

Rep. Shackleton moved to amend the bill as follows:

1. Amend page 1, line 4, after "(a)" by striking out the balance of the subdivision and inserting "'Commission' means the commission on law enforcement standards created under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616."

2. Amend page 3, line 25, after "The" by striking out "department of state police" and inserting "commission".

3. Amend page 4, line 1, after "The" by striking out "department of state police" and inserting "commission".

4. Amend page 4, line 25, after "the" by striking out "department" and inserting "commission".

5. Amend page 4, line 27, after "the" by striking out "department" and inserting "commission".

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

Rep. Shackleton 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.

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Rep. Zelenko moved that Rep. Minore 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. 4178, entitled

A bill to provide compensation to dependents of public safety officers who are killed or who are permanently and totally disabled in the line of duty; to create the public safety officers benefit fund; to prescribe the duties and responsibilities of certain state officers; and to make an appropriation.

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

#### Roll Call No. 557

#### Yeas—107

Accavitti	Gaffney	Meyer	Sheltrown
Acciavatti	Garfield	Middaugh	Shulman
Adamini	Gielegem	Milosch	Smith
Amos	Gillard	Moolenaar	Spade
Anderson	Gleason	Mortimer	Stahl
Bieda	Hager	Murphy	Stakoe
Bisbee	Hart	Newell	Stallworth



Bradstreet	Hood	Nitz	Steil
Brandenburg	Hoogendyk	Nofs	Stewart
Brown	Hopgood	O'Neil	Tabor
Byrum	Howell	Paletko	Taub
Casperson	Huizenga	Palmer	Tobocman
Caswell	Hummel	Palsrok	Vagnozzi
Caul	Hune	Pappageorge	Van Regenmorter
Cheeks	Hunter	Pastor	Vander Veen
Clack	Jamnick	Phillips	Voorhees
Condino	Johnson, Rick	Plakas	Walker
Daniels	Johnson, Ruth	Pumford	Ward
Dennis	Julian	Reeves	Waters
DeRoche	Koetje	Richardville	Wenke
DeRossett	Kolb	Rivet	Whitmer
Drolet	Kooiman	Robertson	Williams
Ehardt	LaJoy	Rocca	Wojno
Elkins	Law	Sak	Woodward
Emmons	Lipsey	Shackleton	Woronchak
Farhat	McConico	Shaffer	Zelenko
Farrah	Meisner	Sheen	

### 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. Daniels, McConico, Reeves, Plakas, Stewart, O'Neil, Shulman, Zelenko, Jamnick, DeRossett, Richardville, Spade, Lipsey, Bisbee, Murphy, Tabor, Hart, Kooiman, Voorhees, Hager, Meyer, Julian, Hummel, Newell, Vander Veen, Dennis, Williams, Rivet, Pumford, Ruth Johnson, Sheltroun, Adamini, Brown, Cheeks, Stallworth, Hunter, Hood, Tobocman, Farrah, Paletko, Pastor, LaJoy, Hopgood, Law, Brandenburg, Bieda, Meisner, Wojno, Acciavatti, Clack, Condino, Vagnozzi, Taub, Accavitti, Amos, Garfield, Gleason, Robertson, Milosch, Shaffer, Hoogendyk, Nofs, Byrum, Sak, Nitz, Stahl, Sheen, Huizenga, Farhat, Elkins, Moolenaar, Palsrok, Walker, Gillard and Casperson were named co-sponsors of the bill.

### Senate Bill No. 560, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

(The bill was read a third time and not passed, vote reconsidered and bill postponed for the day on October 14, see House Journal No. 74, p. 1870.)

The question being on the passage of the bill,

Rep. Richardville moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.

The motion prevailed, a majority of the members present voting therefor.

### Second Reading of Bills

### Senate Bill No. 560, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

Rep. Richardville moved to reconsider the vote by which the House adopted the substitute (H-7) offered previously by Rep. Koetje.

The motion prevailed, a majority of the members present voting therefor.  
 The question being on the adoption of the substitute (H-7) offered previously by Rep. Koetje,  
 The substitute (H-7) was not adopted, a majority of the members serving not voting therefor.  
 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. 560, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 558**

**Yeas—57**

Accavitti	Gillard	Lipsey	Shackleton
Adamini	Gleason	McConico	Sheltrown
Anderson	Hart	Meisner	Shulman
Bieda	Hood	Moolenaar	Smith
Brown	Hopgood	O'Neil	Stallworth
Byrum	Howell	Paletko	Tobocman
Cheeks	Hunter	Palsrok	Vander Veen
Clack	Jamnack	Phillips	Waters
Condino	Johnson, Rick	Plakas	Whitmer
Daniels	Julian	Reeves	Williams
Dennis	Koetje	Richardville	Wojno
Elkins	Kolb	Rivet	Woodward
Farrah	Kooiman	Rocca	Woronchak
Gaffney	Law	Sak	Zelenko
Gielegem			

**Nays—49**

Acciavatti	Farhat	Mortimer	Stahl
Amos	Garfield	Newell	Stakoe
Bisbee	Hager	Nitz	Steil
Bradstreet	Hoogendyk	Nofs	Stewart
Brandenburg	Huizenga	Palmer	Tabor
Casperson	Hummel	Pappageorge	Taub
Caswell	Hune	Pastor	Vagnozzi
Caul	Johnson, Ruth	Pumford	Van Regenmorter
DeRoche	LaJoy	Robertson	Voorhees
DeRossett	Meyer	Shaffer	Walker
Drolet	Middaugh	Sheen	Ward
Ehardt	Milosch	Spade	Wenke
Emmons			

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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; 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.

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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. Hardman entered the House Chambers.

By unanimous consent the House returned to the order of

#### **Motions and Resolutions**

Reps. Sak, Spade, O'Neil, LaJoy, Paletko, Brandenburg, Pastor, Nofs, Farrah, Amos, Robertson, Casperson, Pappageorge, Kooiman, Sheen, Caul, Hoogendyk, Vander Veen, Dennis, Rivet, Farhat, Shackleton, Shulman, Byrum, Huizenga, Plakas, Garfield, Gleason, Wojno, Accavitti, Koetje, Caswell, Steil, Sheltroun, Bieda, Drolet, Jammick, Acciavatti, Adamini, Brown, Daniels, DeRossett, Ehardt, Elkins, Gielegem, Gillard, Howell, Hummel, Lipsey, Middaugh, Minore, Nitz, Palsrok, Pumford, Stahl, Stewart, Voorhees, Waters, Zelenko, Clack, Hager, Murphy, Palmer, Rocca, Stakoe, Stallworth, Vagnozzi and Woronchak offered the following resolution:

#### **House Resolution No. 149.**

A resolution recognizing the 25<sup>th</sup> anniversary of the election of Pope John Paul II.

Whereas, Thursday, October 16, 2003, marks the 25<sup>th</sup> anniversary of the election of Pope John Paul II; and

Whereas, There will be celebrations throughout the world honoring the Holy Father; and

Whereas, Pope John Paul II's pontificate has been one of the longest in history and among the most prolific. The Pope has issued 14 encyclicals, preached on five continents during his 100 trips outside the Vatican, released a prayer CD and written several best-selling books; and

Whereas, Pope John Paul II was awarded the Congressional Gold Medal in 2000, Public Law 160-250, approved July 27, 2000; and

Whereas, Pope John Paul II was instrumental in inspiring the solidarity movement, which later was recognized for the downfall of Communism throughout Eastern Europe; and

Whereas, Pope John Paul II has been described as a universal shepherd to world leaders who can bring moral support or stinging criticism; and

Whereas, Non-Christians around the globe have welcomed him as a holy guest and poor nations consider him their advocate in the halls of power; and

Whereas, For nearly all people he has been a voice of conscience on issues like war, abortion and the death penalty; and

Whereas, Christians throughout the world celebrate and mark this anniversary with sincere gratitude; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize and celebrate the 25<sup>th</sup> anniversary of the election of Pope John Paul II.

Pending the reference of the resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

**Reports of Standing Committees**

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported

**House Bill No. 5156, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 36a.

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. Ward, DeRossett, Drolet, Stakoe, Wenke, Jamnick, Hardman, Tobocman and Accavitti

Nays: Rep. Robertson

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ward, Chair of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Wednesday, October 15, 2003, at 2:20 p.m.

Present: Reps. Ward, Robertson, DeRossett, Drolet, Stakoe, Wenke, Jamnick, Hardman, Tobocman and Accavitti

Absent: Rep. Hager

Excused: Rep. Hager

The Committee on Land Use and Environment, by Rep. Ruth Johnson, Chair, reported

**House Bill No. 4666, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 4b (MCL 125.584b).

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. Ruth Johnson, LaJoy, Ehardt, DeRossett, Milosch, Nitz, Ward, Farrah, Gielegem and Law

Nays: None

The Committee on Land Use and Environment, by Rep. Ruth Johnson, Chair, reported

**House Bill No. 4667, entitled**

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 16c (MCL 125.286c).

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. Ruth Johnson, LaJoy, Ehardt, DeRossett, Milosch, Nitz, Ward, Farrah, Gielegem, Dennis and Law

Nays: None

The Committee on Land Use and Environment, by Rep. Ruth Johnson, Chair, reported

**House Bill No. 4668, entitled**

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 16c (MCL 125.216c).

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. Ruth Johnson, LaJoy, Ehardt, DeRossett, Milosch, Nitz, Ward, Farrah, Gielegem, Dennis and Law  
Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ruth Johnson, Chair of the Committee on Land Use and Environment, was received and read:

Meeting held on: Wednesday, October 15, 2003, at 2:24 p.m.

Present: Reps. Ruth Johnson, LaJoy, Ehardt, DeRossett, Milosch, Nitz, Ward, Farrah, Gielegem, Dennis and Law

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

**Senate Bill No. 224, entitled**

A bill to designate the fourth Friday in April of each year as children's memorial day in the state of Michigan.

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. Koetje, Drolet, Howell, Tobocman and Lipsey  
Nays: None

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

**Senate Bill No. 352, entitled**

A bill to designate March 31 of each year as Cesar E. Chavez day in the state of Michigan.

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. 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: Thursday, October 16, 2003, at 9:00 a.m.

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

The Committee on Transportation, by Rep. DeRossett, Chair, reported

**House Bill No. 4600, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310e (MCL 257.310e), as amended by 2002 PA 554.

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. DeRossett, Casperson, Hummel, Gaffney, Hune, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Adamini, Murphy and Elkins

Nays: Reps. DeRoche and Huizenga

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeRossett, Chair of the Committee on Transportation, was received and read:  
Meeting held on: Thursday, October 16, 2003, at 9:00 a.m.

Present: Reps. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Adamini, Murphy and Elkins

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

**House Bill No. 4705, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

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. Woronchak, Mortimer, Pappageorge, Rocca, Tabor, Vander Veen, Stallworth, Vagnozzi and Zelenko

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 16, 2003, at 9:00 a.m.

Present: Reps. Woronchak, Mortimer, Pappageorge, Rocca, Tabor, Vander Veen, Stallworth, Vagnozzi and Zelenko

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Tabor, Chair of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Wednesday, October 15, 2003, at 10:00 a.m.

Present: Reps. Tabor, Milosch, Bradstreet, Ehardt, Richardville, Rocca, Nitz, Gillard, Farrah, Sheltroun and Accavitti

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hager, Chair of the Committee on Family and Children Services, was received and read:

Meeting held on: Wednesday, October 15, 2003, at 2:20 p.m.

Present: Reps. Hager, Stahl, Hart, Vander Veen, Voorhees, Sheen, Hardman, Clack and Elkins

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

The Clerk announced that the following bill had been printed and placed upon the files of the members on Tuesday, October 14:

**Senate Bill No. 777**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, October 16:

**House Bill Nos. 5172 5173 5174 5175 5176 5177 5178 5179 5180**

The Clerk announced that the following Senate bills had been received on Thursday, October 16:

**Senate Bill Nos. 490 491 492 493 494 495 496 568**

By unanimous consent the House returned to the order of

**Messages from the Senate**

**House Bill No. 4790, entitled**

A bill to amend 1964 PA 283, entitled "Weights and measures act," by amending section 28c (MCL 290.628c), as added by 2002 PA 208.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**House Bill No. 5037, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending section 512 (MCL 38.2512), as added by 2002 PA 675.

The Senate has amended the bill as follows:

1. Amend page 1, line 6, after the second "January" by striking out "1" and inserting "2".
2. Amend page 2, line 10, after "to" by striking out "December 31, 1992" and inserting "**January 1, 1993**".
3. Amend page 3, line 9, after "**by**" by striking out "**December 30, 2003**" and inserting "**January 30, 2004**".
4. Amend page 5, line 2, after "on" by striking out "**December 30, 2003**" and inserting "**January 30, 2004**".
5. Amend page 6, line 9, after "**until**" by striking out "**December 30, 2003**" and inserting "**January 30, 2004**".

The Senate has passed the bill as amended, 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. 490, entitled**

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 2002 PA 730.

The Senate has passed the bill.

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

**Senate Bill No. 491, entitled**

A bill to amend 1978 PA 322, entitled "An act to authorize financial institutions to make electronic funds transfer terminals available to their customers; to protect the privacy and security of customers; to prohibit unfair discrimination among financial institutions and monopolistic practices in the use and availability of electronic funds transfer terminals; to prescribe remedies; and to prescribe penalties," by amending sections 2 and 3 (MCL 488.2 and 488.3).

The Senate has passed the bill.

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

**Senate Bill No. 492, entitled**

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 36 (MCL 492.136).

The Senate has passed the bill.

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

**Senate Bill No. 493, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 2000 PA 432.

The Senate has passed the bill.

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

**Senate Bill No. 494, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 315a and 376a (MCL 750.315a and 750.376a), as added by 1982 PA 395.

The Senate has passed the bill.

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

**Senate Bill No. 495, entitled**

A bill to amend 1973 PA 43, entitled "An act to permit associations, institutions and credit unions to process or handle food stamps; and to prescribe powers and duties," by amending section 1 (MCL 400.171).

The Senate has passed the bill.

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

**Senate Bill No. 496, entitled**

A bill to provide for the organization, operation, regulation, and supervision of credit unions; to prescribe the powers and duties of credit unions; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties, civil sanctions, and remedies; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

**Senate Bill No. 568, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 3115b.

The Senate has passed the bill.

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

### Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing  
Administrative Rules

September 30, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:22 P.M. this date, administrative rule (03-09-05) for the Department of Consumer & Industry Services, Director's Office, entitled "*Social Work – General Rules*", effective 7 days after filing with the Secretary of State.

September 30, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:24 P.M. this date, administrative rule (03-09-06) for the Department of Consumer & Industry Services, Director's Office, entitled "*Psychology – General Rules*", effective 7 days after filing with the Secretary of State.

Sincerely,  
Terri Lynn Land  
Secretary of State  
Elena L. Beasley, Manager  
Office of the Great Seal

The communications were referred to the Clerk.



**Introduction of Bills**

Rep. Koetje introduced

**House Bill No. 5181, entitled**

A bill to designate the first Saturday in October of each year as ethnic heritage celebration day in the state of Michigan.

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

Reps. Kooiman, Sak, Wenke, Vander Veen, Nofs, DeRossett, Sheen, Pappageorge, Voorhees, Caswell and Stahl introduced

**House Bill No. 5182, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2002 PA 608.

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

Reps. Stahl, Tabor, Hager, Caswell, Wenke, Mortimer, Shulman, Ehardt, Hune, DeRoche, Newell, Brown, Rivet, Hoogendyk, Farrah, Nofs, Gaffney, Ward, Taub, Stakoe, Sheen, Casperson, DeRossett, Farhat, Walker, Pastor, Robertson, Bradstreet, Ruth Johnson, Palsrok, Garfield, Milosch, Emmons, Voorhees, Hummel, Shaffer, Richardville, Howell, Shackleton, Kooiman, Pumford, Rocca and Palmer introduced

**House Bill No. 5183, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 18e.

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

Reps. Woronchak, Nofs, Zelenko, Murphy, Tabor, Vagnozzi, DeRossett, Amos, Bieda, Byrum, Caul, Ward, Hager, Vander Veen, Voorhees, Minore, Huizenga, Stahl and Palmer introduced

**House Bill No. 5184, entitled**

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

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

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Rep. Reeves moved that the House adjourn.

The motion prevailed, the time being 12:40 p.m.

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

GARY L. RANDALL  
Clerk of the House of Representatives

