

No. 72
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
91st Legislature
REGULAR SESSION OF 2002

House Chamber, Lansing, Friday, December 6, 2002.

12:05 a.m.

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

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

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

Rep. Wayne Kuipers, from the 90th District, offered the following invocation:

“Father, the hour is late. We come before You and ask that You would grant Your wisdom and Your peace to be upon each person in this Chamber and in this gallery. Thank You for the men and women here and for the constituencies that they represent. We ask that You would bless the process as we go into the early morning hours of this day. Guide the decisions that are made. We pray that each decision will be made in keeping with Your will and Your guidance. We pray that You would give us all a spirit of service, give us hearts filled with understanding and hearts filled with the desire to do what is best and what is right for the people of the state of Michigan. We ask these things in the name of Jesus. Amen.”

Rep. Jacobs moved that Reps. Bob Brown, Callahan, Daniels, Hale, Lipsey, Mans, O’Neil, Plakas, Rison and Schermesser be excused from today’s session.

The motion prevailed.

Rep. Vander Roest moved that Reps. DeVuyst, Hart and Faunce be excused from today’s session.

The motion prevailed.

Introduction of Bills

Rep. Kolb introduced

House Bill No. 6571, entitled

A bill to authorize governing bodies located within certain counties to levy and collect impact fees on developers to defray the cost of certain improvements required by land development; to provide for certain credits and exemptions; to allow the governing bodies to enter into agreements relating to impact fees; to prescribe powers and duties of the governing bodies; to prescribe the powers and duties of certain state agencies and officers; to create certain funds; and to prescribe remedies.

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

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5705, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2002 and the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(The bill was received from the Senate on December 5, with substitute (S-2) and immediate effect, Rule 45 suspended, amended and bill postponed temporarily on December 5, see House Journal No. 71, p. 2884.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

Reps. Gosselin, Bradstreet, Vander Veen and Voorhees moved to amend the Senate substitute (S-2) as follows:

1. Amend page 38, following line 13, by inserting:

“Sec. 1803. The bureau of state lottery or any other agency of state government shall not expend funds for the purchase or operation of instant lottery ticket vending machines or a changeplay lottery game.”.

The question being on the adoption of the amendment offered by Reps. Gosselin, Bradstreet, Vander Veen and Voorhees,

Rep. Gosselin demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Gosselin, Bradstreet, Vander Veen and Voorhees,

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

Roll Call No. 1204**Yeas—41**

Allen	Gilbert	Lemmons	Richardville
Basham	Gosselin	Meyer	Schauer
Birkholz	Hager	Middaugh	Stamas
Bishop	Hummel	Mortimer	Van Woerkom
Bradstreet	Jansen	Newell	Vander Roest
Brown, C.	Jelinek	Pappageorge	Vander Veen
Cassis	Johnson, Ruth	Patterson	Vear
DeWeese	Koetje	Pumford	Voorhees
Drolet	Kooiman	Rackowski	Wojno
Ehardt	Kuipers	Reeves	Woodward
George			

Nays—53

Adamini	Garza	Lockwood	Shulman
Anderson	Gielegem	McConico	Spade
Bernero	Hansen	Mead	Stallworth
Bisbee	Hardman	Minore	Stewart
Bogardus	Howell	Neumann	Switalski
Bovin	Jacobs	Palmer	Tabor
Brown, R.	Jamnick	Pestka	Thomas
Caul	Johnson, Rick	Phillips	Toy
Clark, I.	Julian	Rivet	Waters
Clarke, H.	Kolb	Rocca	Whitmer
Dennis	Kowall	Scranton	Williams
DeRossett	LaSata	Shackleton	Woronchak
Durhal	Lipsey	Sheltrown	Zelenko
Frank			

In The Chair: Julian

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1205**Yeas—66**

Adamini	Frank	Mead	Shackleton
Allen	George	Meyer	Sheltrown
Bernero	Gilbert	Middaugh	Shulman
Birkholz	Hager	Mortimer	Spade
Bisbee	Howell	Murphy	Stallworth
Bishop	Hummel	Neumann	Stamas
Bovin	Jansen	Newell	Stewart
Bradstreet	Jelinek	Palmer	Tabor
Brown, C.	Johnson, Rick	Pappageorge	Toy
Brown, R.	Johnson, Ruth	Patterson	Van Woerkom
Cassis	Julian	Pestka	Vander Roest
Caul	Koetje	Pumford	Vander Veen
DeRossett	Kooiman	Richardville	Vear
DeWeese	Kowall	Rocca	Voorhees
Drolet	Kuipers	Schauer	Whitmer
Durhal	LaSata	Scranton	Woronchak
Ehardt	Lockwood		

Nays—30

Anderson	Godchaux	McConico	Rivet
Basham	Hansen	Minore	Switalski
Bogardus	Hardman	Phillips	Waters
Clark, I.	Jacobs	Quarles	Williams
Clarke, H.	Jamnick	Rackowski	Wojno
Dennis	Kolb	Reeves	Woodward
Garza	Lemmons	Richner	Zelenko
Gielegem	Lipsey		

In The Chair: Julian

Reps. Minore and Jamnick, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

While I recognize the need for significant spending cuts, this bill—combined with the Executive Order cuts—doesn’t address the long range issues of Michigan’s economy. There are excessive cuts in local government support, including revenue sharing and fire protection grants. There are significant cuts in family planning and school health programs. The cuts rely too heavily on one-time ‘fixes’ rather than dealing with a structural deficit. The Legislature has failed to address revenue and failed to halt cuts in the personal income tax which would have alleviated the significant budget deficit. Finally, the inclusion of language dealing with regional elections of University Boards is inappropriately placed in this budget bill—proving the fallacy of this ‘lame duck’ session and the danger of dealing with issues without appropriate public input.”

Reps. Basham, Lemmons, Clark, Phillips and Anderson, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

“While I recognize the need for substantial spending cuts, this bill, combined with the executive order—fails to address the long term structural deficit problems plaguing our state budget. Local units of government are shouldering a disproportionate share of the cuts by sustaining not only a 3.5% cut in local revenue sharing but in local fire grant funding. In addition, the current administration’s continues its approach to budget problem solving cuts, 40% of which are one time fixes. While the comfort level of a lame duck legislature may be high in approving one-time fixes to our budget crisis, I don’t believe the citizens of this state will share that comfort level for long.”

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

“While I recognize the need for substantial spending cuts, this bill, combined with the executive order—fails to address the long term structural deficit problems plaguing our state budget. Local units of government are shouldering a disproportionate share of the cuts by sustaining not only a 3.5% cut in local revenue sharing but in local fire grant funding. In addition, the current administration’s continues its approach to budget problem solving cuts, 40% of which are one time fixes. While the comfort level of a lame duck legislature may be high in approving one-time fixes to our budget crisis, I don’t believe the citizens of this state will share that comfort level for long.

I cannot support the tying of vital dollars for our public universities to a change in how the governing boards of the University of Michigan, Michigan State University and Wayne State University are elected.”

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 5691**.

(For first notice see House Journal No. 71, p. 2887.)

The motion prevailed.

The bill was referred to the order of Second Reading of Bills.

Second Reading of Bills

House Bill No. 5691, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

The bill was read a second time.

Rep. Vander Roest moved to substitute (H-1) the bill.

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

Rep. Richardville moved that Rule 49 be suspended.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5691, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Roll Call No. 1206

Yeas—82

Adamini	Gilbert	Middaugh	Spade
Allen	Godchaux	Minore	Stallworth
Anderson	Hager	Mortimer	Stamas
Basham	Hansen	Murphy	Stewart
Bernero	Hardman	Neumann	Switalski
Birkholz	Hummel	Palmer	Tabor
Bogardus	Jacobs	Patterson	Thomas
Bovin	Jansen	Pestka	Toy
Bradstreet	Jelinek	Phillips	Van Woerkom
Brown, C.	Johnson, Ruth	Pumford	Vander Roest
Brown, R.	Julian	Quarles	Vander Veen
Caul	Koetje	Rackowski	Vear
Clark, I.	Kolb	Reeves	Voorhees
Clarke, H.	Kooiman	Richardville	Waters
Drolet	Kuipers	Rivet	Whitmer
Durhal	Lemmons	Rocca	Williams
Ehardt	Lipse	Schauer	Wojno
Frank	Lockwood	Scranton	Woodward
Garza	McConico	Shackleton	Woronchak
George	Mead	Sheltrown	Zelenko
Gielegem	Meyer		

Nays—12

Bisbee	DeRossett	Johnson, Rick	Newell
Bishop	DeWeese	Kowall	Pappageorge
Cassis	Howell	LaSata	Shulman

In The Chair: Julian

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

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

A bill to supplement appropriations for the department of community health for the fiscal year ending September 30, 2003; and to repeal acts and parts of acts.

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved that the Committee on Senior Health, Security and Retirement be discharged from further consideration of **House Bill No. 5469**.

(For first notice see House Journal No. 71, p. 2887.)

The motion prevailed.

The bill was referred to the order of Second Reading of Bills.

Reps. Birkholz, Raczkowski, Ruth Johnson, Vander Veen, LaSata, Middaugh, Bovin, Allen, Toy, Van Woerkom, Richardville, Voorhees, Kowall, Shackleton, Hager, Gilbert, Bishop, Ehardt, George, Kooiman and Jansen offered the following resolution:

House Resolution No. 607.

A resolution to urge the United States Environmental Protection Agency to expedite the release of funds through the Great Lakes Legacy Act of 2002 to address sediment contamination.

Whereas, In response to contamination in sediment along parts of the bottomlands of the Great Lakes and connected waterways, Congress has enacted the Great Lakes Legacy Act of 2002. This legislation, which amends the Federal Water Pollution Control Act, authorizes the Environmental Protection Agency to provide assistance for the remediation of certain areas with major problems. The areas with accumulated contamination include locations in Michigan that are very important to public health and safety because of their proximity to heavily populated regions; and

Whereas, The Great Lakes Legacy Act authorizes the expenditure of \$250 million over five years. There are several locations in Michigan included among the projects that are to be addressed by the legislation. In most cases, the contaminated sediment has resulted from years of misuse, including the dumping of toxic chemicals long ago. Cleanup efforts are more complex and expensive because of the steps that must be taken to minimize the damage that may result from disturbing the sediment. Priority will be given to sites identified by the Environmental Protection Agency as "areas of concern"; and

Whereas, In addition to the direct removal of contamination in certain areas, the Great Lakes Legacy Act also will provide for increased research into this problem and the development of technologies to address sediment contamination throughout the entire Great Lakes area. Clearly, this is an initiative that is of great importance to the quality of our nation's greatest freshwater resource; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Environmental Protection Agency to expedite the release of funds through the Great Lakes Legacy Act of 2002 to address sediment contamination; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the members of the Michigan congressional delegation, the Department of Environmental Quality, the Office of the Great Lakes, and the United States Environmental Protection Agency.

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

Second Reading of Bills

House Bill No. 5469, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 50b (MCL 38.1050b), as amended by 1998 PA 501.

The bill was read a second time.

Rep. Thomas moved to substitute (H-2) the bill.

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

Rep. LaSata moved that Rep. Stamas 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. 5469, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 50b (MCL 38.1050b), as amended by 1998 PA 501.

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

Roll Call No. 1207

Yeas—91

Adamini	George	Lipsey	Scranton
Allen	Gielegghem	Lockwood	Shackleton
Anderson	Gilbert	McConico	Sheltrown
Basham	Godchaux	Mead	Shulman
Bernero	Gosselin	Meyer	Spade
Birkholz	Hager	Middaugh	Stewart
Bisbee	Hansen	Mortimer	Switalski
Bishop	Hardman	Murphy	Tabor
Bovin	Howell	Neumann	Thomas
Brown, C.	Hummel	Newell	Toy
Brown, R.	Jacobs	Palmer	Van Woerkom
Cassis	Jansen	Pappageorge	Vander Roest
Caul	Jelinek	Patterson	Vander Veen
Clark, I.	Johnson, Rick	Pestka	Vear
Clarke, H.	Johnson, Ruth	Phillips	Voorhees
Dennis	Julian	Pumford	Waters
DeRossett	Koetje	Quarles	Whitmer
DeWeese	Kolb	Rackowski	Williams
Drolet	Kooiman	Reeves	Wojno
Durhal	Kowall	Richardville	Woodward
Ehardt	Kuipers	Richner	Woronchak
Frank	LaSata	Rivet	Zelenko
Garza	Lemmons	Rocca	

Nays—0

In The Chair: Julian

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

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

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 50b and 75 (MCL 38.1050b and 38.1075), as amended by 1998 PA 501.

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved that Rule 45(c) be suspended.

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

Rep. Koetje moved that the Committee on Commerce be discharged from further consideration of **House Resolution No. 540**.

The motion prevailed.

Rep. Richardville moved that Rule 45(c) be suspended.

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

Rep. Richardville moved that the Committee on Commerce be discharged from further consideration of **House Bill No. 5035**.

The motion prevailed.

The bill was referred to the order of Second Reading of Bills.

Second Reading of Bills

House Bill No. 5035, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 10 to chapter 1 and section 65a to chapter 2.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

Rep. Rivet moved that Rep. Sheltroun 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. 5035, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 10 to chapter 1 and section 65a to chapter 2.

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

Roll Call No. 1208

Yeas—87

Adamini	George	McConico	Shackleton
Allen	Gielegthem	Mead	Shulman
Anderson	Gilbert	Meyer	Spade
Basham	Hager	Middaugh	Stamas
Bernero	Hansen	Minore	Stewart
Birkholz	Hardman	Mortimer	Switalski
Bisbee	Howell	Murphy	Tabor
Bogardus	Hummel	Neumann	Thomas
Bovin	Jacobs	Newell	Toy
Bradstreet	Jamnick	Palmer	Van Woerkom
Brown, C.	Jansen	Pappageorge	Vander Roest
Brown, R.	Jelinek	Patterson	Vander Veen
Caul	Johnson, Rick	Pestka	Vear

Clark, I.	Julian	Phillips	Voorhees
Clarke, H.	Koetje	Pumford	Waters
Dennis	Kolb	Quarles	Whitmer
DeRossett	Kooiman	Raczkowski	Williams
DeWeese	Kuipers	Reeves	Wojno
Drolet	LaSata	Richardville	Woodward
Durhal	Lemmons	Rivet	Woronchak
Ehardt	Lipsey	Schauer	Zelenko
Garza	Lockwood	Scranton	

Nays—6

Bishop	Gosselin	Kowall	Rocca
Cassis	Johnson, Ruth		

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.

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

Rep. Richardville moved that when the House adjourns today it stand adjourned until Tuesday, December 10, at 12:00 Noon.
The motion prevailed.

Rep. Richardville moved that the House adjourn.
The motion prevailed, the time being 1:00 a.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Tuesday, December 10, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives.

