

No. 19
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House of Representatives
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House Chamber, Lansing, Thursday, March 13, 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—e/d/s	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—e/d/s	Hardman—e/d/s	Moolenaar—present	Stahl—present
Bisbee—present	Hart—present	Murphy—excused	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—excused	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—excused	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—e/d/s
Emmons—present	Law—present	Sak—present	Woodward—e/d/s
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—e/d/s	McConico—excused	Shaffer—present	Zelenko—present
Gaffney—present			

e/d/s = entered during session

Rep. Paul Condino, from the 35th District, offered the following invocation:

“O God, who created all peoples in Your image, we thank You for the wonderful diversity of races and cultures in this world. Enrich our lives by ever-widening circles of fellowship and show us Your presence in those who differ most from us. Help us all to govern with Your principles of diversity and love for one another. In Your name we pray. Amen.”

Rep. Waters moved that Reps. Daniels, McConico, Murphy and O’Neil be excused from today’s session. The motion prevailed.

Second Reading of Bills

House Bill No. 4079, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20194 and 21799a (MCL 333.20194 and 333.21799a), section 20194 as added by 1993 PA 79.

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

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

Rep. Woronchak moved to amend the bill as follows:

1. Amend page 3, line 3, after “service” by inserting a comma and “**inc.**”.

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

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 3, line 13, after “(1)” by inserting a comma and “**and shall provide a copy of the pamphlet and complaint form to each nursing home resident or the resident’s surrogate decision maker upon admission to the nursing home**”.

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

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

The motion prevailed.

Rep. Huizenga 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. 4079, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20194 and 21799a (MCL 333.20194 and 333.21799a), section 20194 as added by 1993 PA 79.

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

Roll Call No. 25

Yeas—99

Acciavatti	Gielegghem	Meyer	Sheltrown
Adamini	Gillard	Middaugh	Shulman
Amos	Gleason	Milosch	Smith
Anderson	Hager	Minore	Spade
Bisbee	Hart	Moolenaar	Stahl
Bradstreet	Hood	Newell	Stakoe
Brandenburg	Hoogendyk	Nitz	Stallworth
Brown	Hopgood	Nofs	Steil

Byrum	Howell	Paletko	Stewart
Casperson	Huizenga	Palmer	Tabor
Caswell	Hummel	Palsrok	Taub
Caul	Hune	Pappageorge	Tobocman
Cheeks	Hunter	Pastor	Vagnozzi
Clack	Jamnick	Phillips	Van Regenmorter
Condino	Johnson, Rick	Plakas	Vander Veen
Dennis	Johnson, Ruth	Pumford	Voorhees
DeRoche	Julian	Reeves	Walker
DeRossett	Koetje	Richardville	Ward
Drolet	Kolb	Rivet	Waters
Ehardt	Kooiman	Robertson	Wenke
Elkins	LaJoy	Rocca	Whitmer
Emmons	LaSata	Sak	Williams
Farhat	Law	Shackleton	Woronchak
Gaffney	Lipsey	Shaffer	Zelenko
Garfield	Meisner	Sheen	

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Anderson, Stewart, Rocca, Gielegem, Woodward, Pappageorge, Phillips, Minore, Zelenko, Kolb, Jamnick, DeRossett, Richardville, Spade, Lipsey, Bisbee, Koetje, Kooiman, Voorhees, Middaugh, Hager, Ehardt, Meyer, Julian, Newell, Vander Veen, Howell, Ruth Johnson, Shackleton, Brown, Cheeks, Smith, Stallworth, Tobocman, Paletko, Pastor, LaJoy, Law, Brandenburg, Acciavatti, Condino, DeRoche, Taub, Amos, Stakoe, Garfield, Caswell, Shaffer, Hoogendyk, Nofs, Wenke, Ward, Byrum, Sak, Nitz, Stahl, Sheen, Huizenga, Farhat, Moolenaar, Gillard and Casperson were named co-sponsors of the bill.

Rep. Woodward entered the House Chambers.

Second Reading of Bills

House Bill No. 4139, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43536a (MCL 324.43536a), as added by 1996 PA 585.

The bill was read a second time.

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

The motion prevailed.

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

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

Reps. Farrah, Bieda and Hardman entered the House Chambers.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4139, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43536a (MCL 324.43536a), as added by 1996 PA 585.

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

Roll Call No. 26

Yeas—102

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Accavitti and Wojno entered the House Chambers.

Rep. Huizenga 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

Reps. Hart, Murphy, Taub, Phillips, Steil, Kooiman, Hager, Huizenga, Anderson, Brown, Caswell, Clack, Dennis, DeRossett, Ehardt, Gillard, Hardman, Hopgood, Jamnick, Lipsey, Meisner, Meyer, Minore, Paletko, Palmer, Pappageorge, Pastor, Sak, Shaffer, Shulman, Smith, Stallworth, Stewart, Tobocman, Vander Veen, Voorhees, Wenke and Woodward offered the following resolution:

House Resolution No. 26.

A resolution to direct the Department of Education and the Family Independence Agency to convene a task force to develop quality after-school programs for all Michigan children.

Whereas, Current studies about what happens to unsupervised children indicate that, when left alone, these children have higher absentee rates at school; have lower academic test scores; exhibit higher levels of fear, stress, nightmares, loneliness, and boredom; are 1.7 times more likely to use alcohol; and are 1.6 times more likely to smoke cigarettes; and

Whereas, Recent data shows that in communities around this state, the violent juvenile crime rate soars in the hours immediately after the school bell rings, and children are most likely to be victims of a violent crime committed by a non-family member between 2 p.m. and 6 p.m.; and

Whereas, Research indicates that children who attend high quality after-school programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct in school compared to their peers who are not in after-school programs; and

Whereas, Children who attend after-school programs spend more time in learning opportunities, academic activities, and enrichment activities and spend less time watching television than their peers; and

Whereas, In one study, children who attended an after-school program missed fewer days of school, had better homework completion rates, better school behavior, and higher test scores; and

Whereas, Polls show that 92% of Americans believe there should be organized activities for children and teens during after-school hours; and

Whereas, As working parents can attest, child care concerns are not over once children are old enough to go to school. A parent who is employed full time can be away from home an average of 2,400 hours a year. Children spend less than half of that time in school. If their children participate in a quality school-age care program or another organized out-of-school-time activity, parents can rest easy because they know that their children are safe and supervised; now, therefore, be it

Resolved by the House of Representatives, That we direct the Department of Education and the Family Independence Agency to convene and co-chair a task force, to be known as the Michigan After-school Initiative, to develop a plan to ensure quality after-school programs for every school-age child in the state. The Michigan After-school Initiative shall be comprised of other related state agencies and private organizations representing violence prevention organizations, parents, park districts, special needs populations, private foundations, civic and cultural organizations, community-based youth service providers, law enforcement, education, local voluntary organizations, faith-based communities, health, evaluation, and research institutions, child and youth advocacy groups, alcohol, tobacco, and substance abuse prevention professionals, and mental health interests; and be it further

Resolved, That the activities of the Michigan After-school Initiative shall include (i) an assessment of the state of after-school services in this state, including identification of the number of children and youth served statewide in after-school programs, identification of the number and location of children and youth who are in need of after-school programs, and identification of the various funding streams currently supporting after-school programs, and (ii) the development of a plan for coordinating after-school services and for achieving a goal of providing after-school services for every school-age child in this state; and be it further

Resolved, That the Michigan After-school Initiative plan shall include strategies for this state to promote best practice models for after-school programs and to promote coordination and collaboration of after-school services at the local level; and be it further

Resolved, That the Michigan After-school Initiative shall engage children and youth in development of the plan; and be it further

Resolved, That the Michigan After-school Initiative shall review and report to the Legislature on model programs operating in this state and other states and that the review shall look at program components identified as best-practices and based on proven research; and be it further

Resolved, That the Department of Education and the Family Independence Agency shall report to the Governor and Legislature on the Michigan After-school Initiative plan and submit recommendations by December 15, 2003; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Education and the Family Independence Agency.

The resolution was referred to the Committee on Family and Children Services.

Reps. Hardman, Reeves, Lipsey, Waters, Williams, Hood, McConico, Gielegem, Hopgood, Smith, Jamnick, Cheeks, Wojno, Vagnozzi, Hunter, Clack, Condino, Anderson, Brown, Dennis, DeRossett, Elkins, Farrah, Gillard, Law, Meisner, Minore, Paletko, Pappageorge, Shaffer, Sheltroun, Spade, Stallworth, Stewart, Taub, Tobocman, Voorhees, Woodward and Zelenko offered the following resolution:

House Resolution No. 27.

A resolution to memorialize the Congress of the United States to address the gap between services offered to children in kinship care arrangements and services offered to children in foster care situations.

Whereas, The 2000 Census confirmed the trend that increasing numbers of children are being raised by grandparents. In many of these situations, a grandparent or other relative is raising one or more children as an alternative to foster placement. While such situations offer many advantages to children and save the state a considerable amount of money, public policies recognizing these realities are inadequate; and

Whereas, There is a serious gap between the level of services offered to children in kinship care situations and those in foster care arrangements. While some children in kinship care can be eligible for support through the TANF program, the level of assistance through child-only grants is notably lower; and

Whereas, The gap between assistance offered to poor children being raised by a family member rather than a foster family is especially evident in eligibility for food programs, specifically school lunch programs. Indeed, the potential for harm to children living in situations where access to good nutrition is not assured represents a serious threat in our society. Addressing this problem by increasing access to school lunch programs for children living in kinship care arrangements is most appropriate; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to address the gap between services offered to children in kinship care arrangements and services offered to children in foster care situations, specifically by extending access to free school lunch programs for more children living in kinship care; and be it further

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

The resolution was referred to the Committee on Family and Children Services.

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Shulman, Chair of the Committee on Appropriations, was received and read:
Meeting held on: Thursday, March 6, 2003, at 12:00 p.m.

Present: Reps. Shulman, Emmons, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Paletko and Sak

Absent: Rep. Caul

Excused: Rep. Caul

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, Tuesday, March 11:
Senate Bill No. 289

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Thursday, March 13:

House Bill Nos. 4326 4327 4328 4329 4330 4331 4332 4333 4334 4335 4336 4337 4338 4339

House Joint Resolution E

Introduction of Bills

Reps. Caswell, Brandenburg, Milosch, Garfield, Vander Veen and Pastor introduced

House Bill No. 4340, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2001 PA 30.

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

Reps. Caswell, Brandenburg and Garfield introduced

House Bill No. 4341, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 213 (MCL 18.1213). The bill was read a first time by its title and referred to the Committee on Government Operations.

Reps. Caswell, Brandenburg, Milosch, Garfield, Drolet, Vander Veen and Pastor introduced

House Bill No. 4342, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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

Reps. Hager, Julian, Zelenko, Stahl, Ehardt, Lipsey, Minore, Hart, LaSata, Clack, Huizenga and Gleason introduced

House Bill No. 4343, entitled

A bill to amend 2002 PA 561, entitled "An act to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2004; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations," by amending section 711.

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

Reps. Wojno, Accavitti, Bieda, Rocca, Plakas, Condino, Stakoe, Gleason, Nofs, Steil and Vagnozzi introduced

House Bill No. 4344, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 1997 PA 202.

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

Reps. Milosch, Drolet, Garfield, Bradstreet, Voorhees, Brandenburg, Pastor, Nitz, Sheen, Hoogendyk, Amos and DeRoche introduced

House Bill No. 4345, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 502, 503, and 504 (MCL 380.502, 380.503, and 380.504), sections 502 and 503 as amended by 1995 PA 289 and section 504 as amended by 1994 PA 416.

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

Reps. Drolet, Acciavatti, Brandenburg and Tobocman introduced

House Bill No. 4346, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203), as amended by 2000 PA 289.

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

Reps. Drolet, Acciavatti, Brandenburg, Shaffer, Pastor and LaJoy introduced

House Bill No. 4347, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811 (MCL 257.811), as amended by 2000 PA 456.

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

Reps. Drolet, Palsrok, Robertson, Milosch, Acciavatti, Brandenburg, Ruth Johnson, Hoogendyk and Pastor introduced **House Bill No. 4348, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 226 and 801 (MCL 257.226 and 257.801), section 226 as amended by 2000 PA 36 and section 801 as amended by 2002 PA 417.

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

Rep. Dennis moved that the House adjourn.
The motion prevailed, the time being 11:00 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 18, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives