

**No. 4**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Thursday, January 22, 2004.

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	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—excused	Hart—present	Mortimer—present	Stakoe—present
Bradstreet—present	Hood—present	Murphy—present	Stallworth—excused
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—present	Hopgood—present	Nitz—present	Stewart—present
Byrum—present	Howell—present	Nofs—present	Tabor—present
Casperson—present	Huizenga—present	O’Neil—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—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—excused
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present
Gaffney—present			

e/d/s = entered during session

Rep. Carl M. Williams, from the 95th District, offered the following invocation:

“O Thou, Who abideth in our hearts, Who art the perfection of love, harmony and beauty, most merciful and compassionate God of heaven and earth, open our hearts that we may hear Thy voice which constantly cometh from within. Disclose to us Thy divine light, which is hidden in our souls, that we may know and understand life better. We ask Thy forgiveness for all of our shortcomings. Give us Thy great goodness and teach us Thy love, kindness and forgiveness. Raise us above the distinctions and differences which divide us. We begin this new year with pure hearts and clear conscience; with courage and hope. Help us to fulfill the purpose of our lives under Your divine guidance. Send us peace and unite us all in Your perfect being. Amen.”

Rep. Waters moved that Rep. Daniels be excused from today’s session.  
The motion prevailed.

Rep. Palmer moved that Reps. Bisbee and Wenke be excused from today’s session.  
The motion prevailed.

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 4478, entitled

A bill to amend 1990 PA 211, entitled “The parental rights restoration act,” by amending sections 3 and 4 (MCL 722.903 and 722.904).

(The bill was received from the Senate on January 21, with substitute (S-2) and full title inserted, consideration of which, under the rules, was postponed until today, see House Journal No. 3, p. 33.)

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

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

#### Roll Call No. 4

#### Yeas—71

Acciavatti	Hart	Newell	Sheen
Amos	Hoogendyk	Nitz	Sheltrown
Bradstreet	Howell	Nofs	Shulman
Brandenburg	Huizenga	O’Neil	Spade
Brown	Hummel	Palmer	Stahl
Casperson	Hune	Palsrok	Stakoe
Caswell	Johnson, Rick	Pappageorge	Steil
Caul	Johnson, Ruth	Pastor	Stewart
DeRoche	Julian	Plakas	Tabor
DeRossett	Koetje	Pumford	Taub
Drolet	Kooiman	Reeves	Van Regenmorter
Ehardt	LaJoy	Richardville	Vander Veen
Emmons	LaSata	Rivet	Voorhees
Farhat	Meyer	Robertson	Walker
Gaffney	Middaugh	Rocca	Ward
Garfield	Milosch	Sak	Wojno
Gleason	Moolenaar	Shackleton	Woronchak
Hager	Mortimer	Shaffer	

#### Nays—34

Accavitti	Elkins	Kolb	Smith
Adamini	Farrah	Law	Tobocman

Anderson	Gielegem	Lipsey	Vagnozzi
Bieda	Gillard	McConico	Waters
Byrum	Hardman	Meisner	Whitmer
Cheeks	Hood	Minore	Williams
Clack	Hopgood	Murphy	Woodward
Condino	Hunter	Phillips	Zelenko
Dennis	Jamnick		

In The Chair: Julian

The House agreed to the full title of the bill.

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

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

“Mr. Speaker and members of the House:

I voted ‘no’ on House Bill 4478(S-2) because we already have a parental consent law in Michigan that works. This bill ties the hands of judges who under the current law can address individual circumstances on a case by case basis. This bill does not allow a judge to take into consideration the unique circumstances of why a minor is seeking a judicial bypass of the state’s parental consent law. This bill also puts a significant burden of proof on a minor by requiring the judge to automatically assume that the minor is not capable of making her own medical decisions.

This bill also puts a minor on trial by allowing the minor’s school activities, grades, and the circumstances of the pregnancy to be discussed and questioned. When a minor seeks a waiver from parental consent in front of a judge, the judge should be allowed to evaluate that request based on the circumstances surrounding the minor’s situation and health and not through dictated political factors determined by the legislature.”

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

“Mr. Speaker and members of the House:

I voted ‘no’ on House Bill 4478 because we already have a parental consent law in Michigan that works. This bill ties the hands of judges who under the current law can address individual circumstances on a case by case basis. This bill does not allow a judge to take into consideration the unique circumstances of why a minor is seeking a judicial bypass of the state’s parental consent law. This bill also puts a significant burden of proof on a minor by requiring the judge to automatically assume that the minor is not capable of making her own medical decisions.

This bill also puts a minor on trial by allowing the minor’s school activities, grades, and sexual activity to be discussed and even questioned by an attorney representing the interests of the absent parent. In addition, the bill takes away a minor’s ability to petition the court if the circumstances of her pregnancy change by only allowing the minor to appeal any decision to the Court of Appeals. When a minor seeks a waiver from parental consent in front of a judge, the judge should be allowed to evaluate that request based on the circumstances surrounding the minor’s situation and health and not through dictated political factors determined by the legislature.”

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

“Mr. Speaker and members of the House:

I voted ‘no’ on House Bill 4478(S-2) because we already have a parental consent law in Michigan that works. The changes made by the Senate make this bad bill even worse. This bill ties the hands of judges who under the current law can address individual circumstances on a case by case basis. This bill does not allow a judge to take into consideration the unique circumstances of why a minor is seeking a judicial bypass of the state’s parental consent law. This bill also puts a significant burden of proof on a minor by requiring the judge to automatically assume that the minor is not capable of making her own medical decisions.

This bill also puts a minor on trial by allowing the minor’s school activities, grades, and the circumstances of the pregnancy to be discussed and questioned. When a minor seeks a waiver from parental consent in front of a judge, the judge should be allowed to evaluate that request based on the circumstances surrounding the minor’s situation and health and not through dictated political factors determined by the legislature.”

The Senate returned in accordance with the request of the House  
**House Bill No. 4236, entitled**

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16131, 16186, and 16263 (MCL 333.16131, 333.16186, and 333.16263), sections 16131 and 16263 as amended by 2001 PA 139 and section 16186 as amended by 2002 PA 643, and by adding section 16344 and part 187.

(The bill was enrolled on December 17, 2003, see House Journal No. 95 of 2003, p. 2459; enrollment vacated and bill returned to the Senate per Senate request on January 14, 2004, see House Journal No. 1, p. 4.)

Rep. Richardville moved that Rule 67 be suspended.

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

Rep. Richardville moved to reconsider the vote by which the House concurred in the Senate substitute (S-1), as amended. The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

Rep. Ehardt moved to amend the Senate substitute (S-1) as follows:

1. Amend page 2, line 14, by striking out all of section 16186 and inserting:

"Sec. 16186. (1) An individual who is licensed to practice a health profession in another state or, until January 1, 2007, is licensed to practice a health profession in a province of Canada, who is registered in another state, or who holds a health profession specialty field license or specialty certification from another state and who applies for licensure, registration, specialty certification, or a health profession specialty field license in this state may be granted an appropriate license or registration or specialty certification or health profession specialty field license upon satisfying the board or task force to which the applicant applies as to all of the following:

(a) The applicant substantially meets the requirements of this article and rules promulgated under this article for licensure, registration, specialty certification, or a health profession specialty field license.

(b) Subject to subsection (3), the applicant is licensed, registered, specialty certified, or specialty licensed in another state or, until January 1, 2007, is licensed in a province in Canada that maintains standards substantially equivalent to those of this state.

(c) Subject to subsection (3), until January 1, 2007, if the applicant is licensed to practice a health profession in a province in Canada, the applicant completed the educational requirements in Canada or in the United States for licensure in Canada or in the United States.

(d) Until January 1, 2007, if the applicant is licensed to practice a health profession in a province in Canada, that the applicant will perform the professional services for which he or she bills in this state, and that any resulting request for third party reimbursement will originate from the applicant's place of employment in this state.

(2) Before granting a license, registration, specialty certification, or a health profession specialty field license to the applicant, the board or task force to which the applicant applies may require the applicant to appear personally before it for an interview to evaluate the applicant's relevant qualifications.

(3) For purposes of the 2002 amendatory act that added this subsection, an applicant who is licensed in a province in Canada who meets the requirements of subsection (1)(c) and takes and passes a national examination in this country that is approved by the appropriate Michigan licensing board, or who takes and passes a Canadian national examination approved by the appropriate Michigan licensing board, is considered to have met the requirements of subsection (1)(b). This subsection does not apply if the department, in consultation with the appropriate licensing board, promulgates a rule disallowing the use of this subsection for an applicant licensed in a province in Canada.

**(4) If the department receives an application for licensure under part 187 from an individual who is licensed as a respiratory therapist in the country of Canada, the department shall consult the international reciprocity agreement executed by the national board for respiratory care and the Canadian society of respiratory therapists in effect on the effective date of the amendatory act that added this subsection.”.**

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

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 5****Yeas—97**

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

**Nays—7**

DeRoche	Hoogendyk	Milosch	Williams
Drolet	Hune	Sheen	

In The Chair: Julian

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, January 27, at 6:00 p.m.  
The motion prevailed.

By unanimous consent the House returned to the order of  
**Reports of Standing Committees**

The Committee on Family and Children Services, by Rep. Hager, Chair, reported

**House Bill No. 4969, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57k (MCL 400.57k), as added by 1998 PA 361.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Family and Children Services, by Rep. Hager, Chair, Chair, reported

**House Bill No. 5087, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1179 (MCL 380.1179), as added by 2000 PA 10.

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

1. Amend page 3, line 2, after "use" by inserting "**or possess**".

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

Favorable Roll Call

To Report Out:

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

Nays: None

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, January 21, 2004

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

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, January 21, 2004

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

Absent: Reps. Ehardt and DeRossett

Excused: Reps. Ehardt and DeRossett

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, January 22, 2004

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

Absent: Reps. Hummel, DeRoche and Hune

Excused: Reps. Hummel, DeRoche and Hune

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

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, January 22:

**House Bill Nos. 5411 5412 5413 5414 5415 5416**

The Clerk announced that the following Senate bills had been received on Thursday, January 22:

**Senate Bill Nos. 753 755 756 757**

By unanimous consent the House returned to the order of

**Messages from the Senate****Senate Bill No. 753, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 755, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 756, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 757, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5475a.

The Senate has passed the bill.

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

**Introduction of Bills**

Reps. Clack, Condino, Vagnozzi, Dennis, Waters, Sak, Byrum, Gielegem, Woodward, Zelenko, Gaffney, Rocca, Hood, Pumford, Hager, Ehardt, Stahl, Vander Veen, Tobocman, Adamini, Elkins, Minore, Gleason, Murphy, Cheeks, Smith, Meisner, Plakas, Reeves, Whitmer, Williams, Kolb, Accavitti, Farrah and Daniels introduced

**House Bill No. 5417, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by repealing section 14i (MCL 400.14i).

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

Reps. Hager, Vander Veen, Stahl, Voorhees, Sheen, Elkins, Clack and Hardman introduced

**House Bill No. 5418, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8d (MCL 722.628d), as amended by 2002 PA 661.

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

Reps. Steil, Tobocman, Nofs, Milosch, Murphy, LaJoy, Ruth Johnson, Caul, Brandenburg, Pastor, Hoogendyk, Sheen, Palmer, Taub, Voorhees, Meyer, Huizenga, Hager, Hummel, Kooiman, Stahl, Bradstreet, Middaugh, Stakoe, DeRoche and Newell introduced

**House Bill No. 5419, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1136.

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

Reps. Steil, Nofs, Murphy and LaJoy introduced

**House Bill No. 5420, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 56a (MCL 211.56a), as amended by 1998 PA 435.

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

Reps. Accavitti, Wojno, Sak, Gillard, Law, Plakas, Condino, Tobocman, Minore, Gielegem, Meisner, Hunter, Woronchak, Gaffney and Rocca introduced

**House Bill No. 5421, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11511b.

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

Reps. Hunter, Condino, Vagnozzi, Tobocman, Dennis, Clack, Phillips, Accavitti, Wojno, Cheeks, Kolb, Lipsey, Meisner, Farrah, Elkins, McConico and Waters introduced

**House Bill No. 5422, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2974.

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

Reps. Hardman, Spade, Smith, Phillips, McConico, Dennis, Murphy and Shaffer introduced

**House Bill No. 5423, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 701 and 903 (MCL 436.1701 and 436.1903), section 701 as amended by 2002 PA 725 and section 903 as amended by 2000 PA 431.

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

Reps. Hardman, Smith, Phillips, McConico, Murphy and Shaffer introduced

**House Bill No. 5424, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1299a.

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

Reps. Hardman, Smith, Phillips, McConico, Dennis, Murphy and Rocca introduced

**House Bill No. 5425, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 49 (MCL 257.1849), as amended by 1994 PA 309.

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

Reps. Nofs, Hoogendyk, Wenke, Gaffney, Nitz, Stahl, Ward, Stakoe, Caswell, DeRossett, Pastor, Pappageorge, Howell, Meyer, Steil, Tabor, Middaugh, Palsrok, Casperson, Garfield, Milosch, Condino, Farhat, Shackleton, Van Regenmorter, Caul, DeRoche, Newell, Clack, Kooiman, Hune, Robertson and Acciavatti introduced

**House Bill No. 5426, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4y.

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

Reps. Newell, Voorhees, Palmer, Milosch, Stahl, Mortimer, Sheen, Ehardt, Shackleton, Vander Veen, Middaugh, Pappageorge, Huizenga, Acciavatti, LaJoy, Caswell, Hune, Walker, Bradstreet, Bisbee, Nitz, Van Regenmorter, Pastor, Hager, Gaffney, Steil, Meyer, Farhat, Brandenburg, Hummel, Howell, Nofs, Casperson, Tabor, Robertson, Kooiman, Hoogendyk, Palsrok, Ruth Johnson, Julian, Emmons, Moolenaar, Ward, Shaffer, Garfield, Shulman, Stakoe, Rocca, Richardville, DeRoche, Rick Johnson, Pumford, Caul, Koetje, Taub, O'Neil and Gleason introduced

**House Joint Resolution U, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 25 to article I, to define marriage as only between one man and one woman.

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



Rep. Van Regenmorter moved that the House adjourn.  
The motion prevailed, the time being 11:45 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, January 27, at 6:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

