

No. 13
STATE OF MICHIGAN
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House of Representatives
92nd Legislature
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House Chamber, Lansing, Tuesday, February 17, 2004.

1:00 p.m.

The House was called to order by the Speaker Pro Tempore.

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

Accavitti—present	Garfield—excused	Meisner—present	Sheen—present
Acciavatti—present	Gielegem—present	Meyer—present	Sheltrown—present
Adamini—present	Gillard—present	Middaugh—present	Shulman—present
Amos—present	Gleason—present	Milosch—present	Smith—present
Anderson—present	Hager—present	Minore—present	Spade—present
Bieda—present	Hardman—present	Moolenaar—present	Stahl—present
Bisbee—present	Hart—excused	Mortimer—present	Stakoe—present
Bradstreet—present	Hood—present	Murphy—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—present	Hopgood—present	Nitz—present	Stewart—present
Byrum—present	Howell—present	Nofs—present	Tabor—excused
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	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present
Gaffney—present			

e/d/s = entered during session

Rep. Glenn S. Anderson, from the 18th District, offered the following invocation:

“O Lord, make me an instrument of Thy peace.
 Where there is hatred, let me bring love;
 Where there is resentment, let me bring forgiveness;
 Where there is discord, let me bring unity;
 Where there is doubt, let me bring faith;
 Where there is error, let me bring truth;
 Where there is despair, let me bring happiness;
 Where there is sadness, let me bring joy;
 Where there is darkness, let me bring light.
 O Master, grant that I may desire
 To console rather than to be consoled;
 To understand rather than to be understood;
 To love rather than to be loved.
 Because, it is in giving that we receive,
 In forgiving that we obtain forgiveness,
 In dying that we rise to eternal life.
 Amen.”

Rep. Palmer moved that Reps. Garfield, Hart and Tabor be excused from today’s session.
 The motion prevailed.

Rep. Nitz moved that Rep. Drolet be excused temporarily from today’s session.
 The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4463, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 811q.
 (The bill was received from the Senate on February 12, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 12, p. 188.)
 The question being on concurring in the substitute (S-1) made to the bill by the Senate,

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

1. Amend page 2, line 17, by striking out all of enacting section 1.

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. 54

Yeas—89

Accavitti	Gielegem	Middaugh	Sheltrown
Acciavatti	Gillard	Milosch	Shulman
Adamini	Gleason	Moolenaar	Spade
Amos	Hager	Mortimer	Stahl
Anderson	Hoogendyk	Murphy	Stakoe
Bieda	Hopgood	Newell	Steil
Bisbee	Howell	Nitz	Stewart

Bradstreet	Huizenga	Nofs	Taub
Brandenburg	Hummel	O'Neil	Tobocman
Brown	Hune	Palmer	Vagnozzi
Casperson	Jamnick	Palsrok	Van Regenmorter
Caswell	Johnson, Rick	Pappageorge	Vander Veen
Caul	Johnson, Ruth	Pastor	Voorhees
Condino	Julian	Plakas	Walker
Dennis	Koetje	Pumford	Ward
DeRoche	Kolb	Richardville	Wenke
DeRossett	Kooiman	Robertson	Whitmer
Ehardt	LaJoy	Rocca	Williams
Elkins	LaSata	Sak	Wojno
Emmons	Law	Shackleton	Woodward
Farhat	Meisner	Shaffer	Woronchak
Farrah	Meyer	Sheen	Zelenko
Gaffney			

Nays—13

Cheeks	Hood	Phillips	Smith
Clack	Lipsey	Reeves	Stallworth
Daniels	McConico	Rivet	Waters
Hardman			

In The Chair: Julian

The House agreed to the full title of the bill.

The Speaker laid before the House

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 received from the Senate on February 12, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 12, p. 189.)

The question being on concurring in the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 55**Yeas—105**

Accavitti	Gielegem	Meyer	Sheen
Acciavatti	Gillard	Middaugh	Sheltrown
Adamini	Gleason	Milosch	Shulman
Amos	Hager	Minore	Smith
Anderson	Hardman	Moolenaar	Spade
Bieda	Hood	Mortimer	Stahl
Bisbee	Hoogendyk	Murphy	Stakoe
Bradstreet	Hopgood	Newell	Stallworth
Brandenburg	Howell	Nitz	Steil
Brown	Huizenga	Nofs	Stewart
Byrum	Hummel	O'Neil	Taub
Casperson	Hune	Palmer	Tobocman
Caswell	Hunter	Palsrok	Vagnozzi
Caul	Jamnick	Pappageorge	Van Regenmorter

Cheeks	Johnson, Rick	Pastor	Vander Veen
Clack	Johnson, Ruth	Phillips	Voorhees
Condino	Julian	Plakas	Walker
Daniels	Koetje	Pumford	Ward
Dennis	Kolb	Reeves	Waters
DeRoche	Kooiman	Richardville	Wenke
DeRossett	LaJoy	Rivet	Whitmer
Ehardt	LaSata	Robertson	Williams
Elkins	Law	Rocca	Wojno
Emmons	Lipsey	Sak	Woodward
Farhat	McConico	Shackleton	Woronchak
Farrah	Meisner	Shaffer	Zelenko
Gaffney			

Nays—0

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.

Second Reading of Bills

House Bill No. 5434, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 471 (MCL 206.471), as amended by 2002 PA 486.

The bill was read a second time.

Rep. Taub 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. 5434, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 471 (MCL 206.471), as amended by 2002 PA 486.

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

Roll Call No. 56

Yeas—74

Acciavatti	Gaffney	Middaugh	Sheen
Adamini	Gillard	Milosch	Sheltrown
Amos	Gleason	Moolenaar	Shulman
Bisbee	Hager	Mortimer	Spade
Bradstreet	Hoogendyk	Newell	Stahl
Brandenburg	Howell	Nitz	Stakoe
Brown	Huizenga	Nofs	Steil
Casperson	Hummel	Palmer	Stewart
Caswell	Hune	Palsrok	Taub

Caul	Johnson, Rick	Pappageorge	Vagnozzi
Clack	Johnson, Ruth	Pastor	Van Regenmorter
Condino	Julian	Pumford	Vander Veen
Dennis	Koetje	Richardville	Voorhees
DeRoche	Kolb	Rivet	Walker
DeRossett	Kooiman	Robertson	Ward
Ehardt	LaJoy	Rocca	Wenke
Elkins	LaSata	Shackleton	Woronchak
Emmons	McConico	Shaffer	Zelenko
Farhat	Meyer		

Nays—31

Accavitti	Hardman	Minore	Stallworth
Anderson	Hood	Murphy	Tobocman
Bieda	Hopgood	O'Neil	Waters
Byrum	Hunter	Phillips	Whitmer
Cheeks	Jamnick	Plakas	Williams
Daniels	Law	Reeves	Wojno
Farrah	Lipsey	Sak	Woodward
Gieleghem	Meisner	Smith	

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. Law, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB5434, in support of Treasury, because the e-filing of tax returns saves the State Treasury over \$3.0 M. Tax professionals who file over 200 returns are required to file electronically but the average person is not. As a representative I understand the concerns some of my constituents have expressed over e-filing of their tax returns. It would behoove all representatives to outreach and explain to our seniors and constituents that to file electronically means one gets ones tax return very quickly and saves the State money.”

Second Reading of Bills

House Bill No. 5440, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 80 (MCL 208.80), as added by 1985 PA 139.

The bill was read a second time.

Rep. Emmons 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. 5440, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 80 (MCL 208.80), as added by 1985 PA 139.

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

Roll Call No. 57

Yeas—70

Acciavatti	Gillard	Moolenaar	Sheltrown
Adamini	Gleason	Mortimer	Shulman
Amos	Hager	Newell	Spade
Bisbee	Hoogendyk	Nitz	Stahl
Bradstreet	Howell	Nofs	Stakoe
Brandenburg	Huizenga	Palmer	Steil
Brown	Hummel	Palsrok	Stewart
Casperson	Hune	Pappageorge	Taub
Caul	Johnson, Rick	Pastor	Vagnozzi
Condino	Johnson, Ruth	Pumford	Van Regenmorter
Dennis	Julian	Richardville	Vander Veen
DeRoche	Koetje	Rivet	Voorhees
DeRossett	Kooiman	Robertson	Walker
Ehardt	LaJoy	Rocca	Ward
Elkins	LaSata	Shackleton	Wenke
Emmons	Meyer	Shaffer	Woronchak
Farhat	Middaugh	Sheen	Zelenko
Gaffney	Milosch		

Nays—35

Accavitti	Gieleghem	McConico	Smith
Anderson	Hardman	Meisner	Stallworth
Bieda	Hood	Minore	Tobocman
Byrum	Hopgood	Murphy	Waters
Caswell	Hunter	O'Neil	Whitmer
Cheeks	Jamnick	Phillips	Williams
Clack	Kolb	Plakas	Wojno
Daniels	Law	Reeves	Woodward
Farrah	Lipsey	Sak	

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. Law, having reserved the right to explain her protest against the passage of the bill, made the following statement:
 "Mr. Speaker and members of the House:

I voted no on HB5440, in support of Treasury, because the e-filing of tax returns saves the State Treasury over \$3.0 M. Tax professionals who file over 200 returns are required to file electronically but the average person is not. As a

representative I understand the concerns some of my constituents have expressed over e-filing of their tax returns. It would behoove all representatives to outreach and explain to our seniors and constituents that to file electronically means one gets ones tax return very quickly and saves the State money.”

Second Reading of Bills

House Bill No. 5476, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1535a, 1539a, and 1539b (MCL 380.1535a, 380.1539a, and 380.1539b), as amended by 1995 PA 289.

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

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

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

Rep. DeRoche moved to amend the bill as follows:

1. Amend page 4, line 23, by striking out all of subsection (3) and inserting:

“(3) The superintendent of public instruction shall not take action against a person’s teaching certificate under subsection (1) or (2) solely because of a conviction that occurred before the effective date of the amendatory act that added this subsection unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person’s present fitness to serve in an elementary or secondary school in this state.”.

2. Amend page 12, line 15, by striking out all of subsection (3) and inserting:

“(3) The superintendent of public instruction shall not take action against a person’s state board approval under subsection (1) or (2) solely because of a conviction that occurred before the effective date of the amendatory act that added this subsection unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person’s present fitness to serve in an elementary or secondary school in this state.”.

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

Rep. DeRoche moved to amend the bill as follows:

1. Amend page 1, line 3, after “subsection,” by inserting **“within 5 working days after receiving notice of the conviction”.**

2. Amend page 9, line 14, after “subsection,” by inserting **“within 5 working days after receiving notice of the conviction”.**

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

Rep. DeRoche moved to amend the bill as follows:

1. Amend page 8, following line 6, by inserting:

“(10) Not later than 6 months after the effective date of the amendatory act that added this subsection, the superintendent of public instruction shall submit to the legislature an inventory report with information on all final actions taken under this section for the time period from the date this section was added to this act until the effective date of the amendatory act that added this subsection. The report shall contain at least all of the information required in the quarterly report under subsection (9) with respect to each person whose teaching certificate was affected during that time period.” and renumbering the remaining subsections.

2. Amend page 16, following line 1, by inserting:

“(10) Not later than 6 months after the effective date of the amendatory act that added this subsection, the superintendent of public instruction shall submit to the legislature an inventory report with information on all final actions taken under this section for the time period from the date this section was added to this act until the effective date of the amendatory act that added this subsection. The report shall contain at least all of the information required in the quarterly report under subsection (9) with respect to each person whose state board approval was affected during that time period.” and renumbering the remaining subsections.

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

Rep. Bradstreet moved to amend the bill as follows:

1. Amend page 4, line 14, after "91," by inserting "**145a, 145d**,".
2. Amend page 4, line 18, after "**750.91**," by inserting "**750.145a, 750.145d**,".
3. Amend page 12, line 6, after "91," by inserting "**145a, 145d**,".
4. Amend page 12, line 10, after "**750.91**," by inserting "**750.145a, 750.145d**,".

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

Rep. Bradstreet moved to amend the bill as follows:

1. Amend page 4, line 5, after the first "child" by striking out the balance of the subdivision and inserting a period.
2. Amend page 11, line 24, after the first "child" by striking out the balance of the subdivision and inserting a period.

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

Rep. DeRoche 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. 5476, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1535a, 1539a, and 1539b (MCL 380.1535a, 380.1539a, and 380.1539b), as amended by 1995 PA 289.

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

Roll Call No. 58

Yeas—98

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

Nays—6

Cheeks	McConico	Phillips	Stallworth
Daniels	Minore		

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 1976 PA 451, entitled "The revised school code," by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b), as amended by 1995 PA 289; 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.

Rep. Richardville 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. Meisner, Law, Tobocman, Gleason, Elkins, Hopgood, McConico, Vagnozzi, Condino, O'Neil, Minore, Wenke and Pappageorge offered the following concurrent resolution:

House Concurrent Resolution No. 47.

A concurrent resolution to create a tax expenditure joint study committee to make recommendations on the effectiveness and cost of tax expenditures in Michigan.

Whereas, Michigan will forego \$27 billion in state revenue for fiscal year 2003-2004 as a result of preferential provisions such as exclusions, deductions, exemptions, credits, deferrals, or lower tax rates, also known as tax expenditures; and

Whereas, Michigan has recently addressed serious budget difficulties, which required the state to resolve more than a \$2.62 billion shortfall for fiscal year 2003-2004. Projections for the future include another major imbalance developing for the next fiscal year; and

Whereas, Many tax expenditures support the values of Michigan, make the basic needs of Michiganders more affordable, and help support economic growth and jobs in the state; and

Whereas, A detailed study of the effectiveness of each tax expenditure has not been undertaken during the recent budget crisis; and

Whereas, Many tax expenditures may not provide the job creation and positive economic impact originally intended. It is important to ensure that tax policies achieve economic development goals for the benefit of all Michigan citizens when balanced against the loss of revenues and state services; now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we establish the Tax Expenditure Joint Study Committee. The joint committee shall be comprised of the following membership:

—Three members of the Senate, with two appointed by the Senate Majority Leader and one appointed by the Senate Minority Leader;

—Three members of the House, with two appointed by the Speaker of the House and one appointed by the House Minority Leader;

—A member of the organized labor community appointed jointly by the legislators appointed to the Tax Expenditure Joint Study Committee;

—A member of the business community appointed jointly by the legislators appointed to the Tax Expenditure Joint Study Committee;

—A representative of the State Treasurer;

—A representative of the Director of the Department of Labor and Economic Growth; and

—A representative of the Director of the Department of Management and Budget.

The tax expenditure joint study committee shall explore the effectiveness of tax expenditures, study their relevance in today's economy and the goals of state government, and recommend the elimination, modification, or preservation of each of the individual tax expenditures currently in existence; and be it further

Resolved, That the tax expenditure joint study committee shall make recommendations to the Michigan Legislature not later than June 1, 2004; and be it further

Resolved, That the joint committee is hereby authorized to expend a maximum amount of \$5,000 in carrying out its duties and such additional expenditures deemed necessary and approved by the Senate Majority Leader and the Speaker of the House. Payment for contractual services may be authorized by the Senate Majority Leader and the Speaker of the House.

The concurrent resolution was referred to the Committee on Government Operations.

Reports of Standing Committees

The Committee on Education, by Rep. Palmer, Chair, reported

House Joint Resolution V, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article VIII, to provide for gubernatorial appointment of the superintendent of public instruction.

With the recommendation that the substitute (H-1) be adopted and that the joint resolution then be adopted.

The joint resolution 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. Palmer, Hummel, Meyer, Bradstreet, Hager, Ruth Johnson, Tabor, Voorhees, Vander Veen, Nofs and Stahl

Nays: Reps. Gielegem, Vagnozzi, Smith, Hopgood and Meisner

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Friday, February 12, 2004

Present: Reps. Palmer, Hummel, Meyer, Bradstreet, Hager, Ruth Johnson, Tabor, Voorhees, Vander Veen, Nofs, Stahl, Gielegem, Vagnozzi, Spade, Smith, Hopgood, Meisner and Clack

Absent: Rep. Hart

Excused: Rep. Hart

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

House Resolution No. 195.

A resolution to urge the President of the United States to remove sugar from the list of commodities to be included in the Central American Free Trade Agreement.

(For text of resolution, see House Journal No. 10, p. 124.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Stahl, Sheltroun, Rivet, Spade and Law

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meyer, Chair, of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Tuesday, February 17, 2004

Present: Reps. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Stahl, Sheltroun, Rivet, Spade and Law

The Committee on Judiciary, by Rep. Howell, Chair, reported

House Bill No. 5466, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5103 (MCL 700.5103), as amended by 2000 PA 54.

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 under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Wenke, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 17, 2004

Present: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Wenke, Lipsey, Adamini, Bieda, Condino and Smith

Absent: Rep. Garfield

Excused: Rep. Garfield

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

House Bill No. 5482, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 679a.

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 under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Jamnick, Tobocman and Accavitti

Nays: None

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

Senate Bill No. 350, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 666 and 668 (MCL 168.666 and 168.668) and by adding section 668a.

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 under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Jamnick, Tobocman and Accavitti

Nays: None

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

Senate Bill No. 432, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 73, 283, 393, 499, 509m, 509n, 509t, 509aa, 686, 735, 795, 798c, 799a, 803, and 842 (MCL 168.73, 168.283, 168.393, 168.499, 168.509m, 168.509n, 168.509t, 168.509aa, 168.686, 168.735, 168.795, 168.798c, 168.799a, 168.803, and 168.842), sections 73, 283, 393, 509n, and 686 as amended by 1999 PA 216, section 499 as amended by 1995 PA 213, sections 509m and 509aa as added by 1994 PA 441, section 509t as amended by 1998 PA 21, section 795 as amended by 2002 PA 91, section 798c as amended by 1990 PA 109, and sections 799a and 803 as amended by 1997 PA 137, and by adding sections 18, 523a, 813, and 829; and to repeal acts and parts of acts.

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 under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Hager, Drolet and Stakoe

Nays: None

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: Tuesday, February 17, 2004

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

Absent: Rep. Hardman

Excused: Rep. Hardman

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 4361, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416d.

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. Ehardt, Vander Veen, Ruth Johnson, Rocca, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil and Gillard

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 4362, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406l.

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. Ehardt, Vander Veen, Ruth Johnson, Rocca, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil and Gillard

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

Senate Bill No. 206, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2001 PA 139, and by adding section 16323a and part 168.

With the recommendation that the substitute (H-4) 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. Ehardt, Vander Veen, Ruth Johnson, Rocca, Woronchak, Van Regenmorter, Robertson, Gaffney, Ward, Adamini, Wojno, Hardman, O'Neil and Gillard

Nays: Rep. Hune

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Resolution No. 113.

A resolution to urge the United States Congress to support the Lifespan Respite Care Act of 2003.

(For text of resolution, see House Journal No. 64 of 2003, p. 1682.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Rocca, Woronchak, Van Regenmorter, Robertson, Gaffney, Ward, Adamini, Wojno, Hardman, O'Neil and Gillard

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Resolution No. 167.

A resolution to memorialize the Congress of the United States and the Michigan Department of Community Health to provide assistance to pregnancy care centers in Michigan.

(For text of resolution, see House Journal No. 85 of 2003, p. 2094.)

With the recommendation that the following substitute (H-1) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 167.

A resolution to memorialize the Congress of the United States and the Michigan Department of Community Health to develop collaborative relationships with pregnancy care centers in Michigan.

Whereas, Pregnancy care centers, which are also known as crisis pregnancy centers, are located in Michigan and across our country and provide vitally needed help to women and families at difficult times in their lives. These centers offer free, confidential, and compassionate services, which range from pregnancy testing and childbirth classes to help with housing, counseling, and medical referrals; and

Whereas, Pregnancy care centers encourage women to make positive choices in life by providing them with accurate and complete information. This information covers such key topics as nutrition, prenatal care, adoption services, and parenting; and

Whereas, Many pregnancy care centers across the country also offer classes in abstinence education, including programs carried out in schools; and

Whereas, The work of pregnancy care centers is largely conducted by volunteers, with contributions of time, talent, and financial support from people who see the intrinsic value of helping women and families facing a variety of very personal difficulties. With the strong societal implications of the good work being done at pregnancy care centers across our state, these centers are performing a great volume of services that clearly are carried out for the public benefit; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the Michigan Department of Community Health to develop collaborative relationships with pregnancy care centers in Michigan. We urge that any assistance made available to help with medical and abstinence education programs be administered in a manner that does not compromise the values of the centers; 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, the members of the Michigan congressional delegation, and the Michigan Department of Community Health.

The resolution and substitute were laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Rocca, Woronchak, Van Regenmorter, Robertson, Gaffney, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ehardt, Chair, of the Committee on Health Policy, was received and read:
Meeting held on: Tuesday, February 17, 2004

Present: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil and Gillard

Absent: Reps. Hart and Clack

Excused: Reps. Hart and Clack

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Tuesday, February 17, 2004

Present: Reps. Nofs, Ruth Johnson, Woronchak, Casperson, Woodward, Sheltroun, Spade and Elkins

Absent: Reps. Garfield, Richardville and Pappageorge

Excused: Reps. Garfield, Richardville and Pappageorge

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Koetje, Chair, of the Committee on Government Operations, was received and read:

Meeting held on: Tuesday, February 17, 2004

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, February 11:

Senate Bill Nos. 968 969 970 971 972

Senate Joint Resolution H

The Clerk announced the enrollment printing and presentation to the Governor on Friday, February 13, for her approval of the following bills:

Enrolled House Bill No. 4693 at 2:40 p.m.

Enrolled House Bill No. 5244 at 2:42 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, February 13:

House Bill Nos. 5534 5535 5536 5537 5538 5539 5540 5541 5542

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, February 17, for her approval of the following bills:

Enrolled House Bill No. 4276 at 11:45 a.m.

Enrolled House Bill No. 5009 at 11:47 a.m.

Enrolled House Bill No. 5129 at 11:49 a.m.

Enrolled House Bill No. 5179 at 11:51 a.m.

The Clerk announced that the following Senate bill had been received on Tuesday, February 17:

Senate Bill No. 882

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 882, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710d (MCL 257.710d), as amended by 1999 PA 29.

The Senate has passed the bill.

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

Messages from the Governor

Date: February 12, 2004
Time: 11:35 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4802 (Public Act No. 1, I.E.), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 540c (MCL 750.540c), as amended by 2002 PA 672.

(Filed with the Secretary of State February 12, 2004, at 2:15 p.m.)

Date: February 12, 2004
Time: 11:38 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4916 (Public Act No. 2, I.E.), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2002 PA 271.

(Filed with the Secretary of State February 12, 2004, at 2:17 p.m.)

Introduction of Bills

Rep. Julian introduced

House Bill No. 5543, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 2236 (MCL 500.2236), as amended by 2002 PA 664.

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

Reps. Julian and Gleason introduced

House Bill No. 5544, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801 (MCL 257.801), as amended by 2002 PA 417.

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

Reps. Moolenaar, Caswell, Ward, Shaffer, Jamnick, Stakoe, Howell, Gaffney, Nofs, Bisbee, Vander Veen, Palmer, Pappageorge, Rivet, Gleason, Stahl, Hager and Farhat introduced

House Bill No. 5545, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 5b (MCL 211.905b), as added by 2002 PA 244.

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

Reps. LaSata, Dennis and Vander Veen introduced

House Bill No. 5546, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63712 (MCL 324.63712), as added by 1995 PA 57.

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

Reps. LaSata, Dennis and Vander Veen introduced

House Bill No. 5547, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63706 (MCL 324.63706), as added by 1995 PA 57.

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

Reps. Sheen, Milosch, DeRoche, Moolenaar, Emmons, Brown, DeRossett, Newell, Palsrok, Hune, LaJoy, Hoogendyk, Gillard, Pappageorge, Voorhees, LaSata, Acciavatti, Ruth Johnson, Rocca, Shackleton, Meyer, Drolet, Caul, Nofs, Middaugh, Woronchak, Pumford, Hager, Mortimer, Robertson, Huizenga, Kooiman, Shulman, Stahl, Ward, Tabor, Stakoe, Pastor, Casperson, Taub, Bradstreet, Caswell, Nitz, Hummel, Palmer, Brandenburg, Bisbee, Wenke, Sheltroun, Byrum, O'Neil, Plakas, Farrah, Adamini, Amos and Richardville introduced

House Bill No. 5548, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 51 (MCL 28.4251), as amended by 2002 PA 719.

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

Reps. Gaffney, Ward, Lipsey, Wojno, Hune, DeRoche, Stahl, O'Neil, Rocca, Farrah, Plakas, Woronchak, Adamini, Stakoe, Hardman and Daniels introduced

House Bill No. 5549, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2001 PA 231.

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

Reps. Brown, Spade, Adamini, Gleason, Minore, Lipsey, Farrah, Sak, Kolb, Caswell, Whitmer, Stakoe, Gillard, Bieda, Tobocman, Williams, Anderson, Vagnozzi, Amos and Ward introduced

House Bill No. 5550, entitled

A bill to amend 1992 PA 116, entitled "Records media act," by amending the title and sections 1, 2, and 3 (MCL 24.401, 24.402, and 24.403), section 2 as amended by 2001 PA 72, and by adding sections 4, 5, and 6.

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

Rep. Ward introduced

House Bill No. 5551, entitled

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 2 (MCL 211.182).

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

Reps. Palsrok, Pappageorge, Shackleton, Stahl, Steil, Amos, Nofs, Meyer, Huizenga, Nitz, Palmer, Emmons, LaJoy, Voorhees, Moolenaar, Ward, Drolet, Bisbee, Hune, Farhat, Mortimer, Hummel, Caswell, Pastor, Robertson, Shaffer, DeRoche, Julian, Taub, Richardville, Vander Veen, Brandenburg, Acciavatti and Bradstreet introduced

House Bill No. 5552, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 50501, 50502, 50504, 50506, 50507, and 50508 (MCL 324.50501, 324.50502, 324.50504, 324.50506, 324.50507, and 324.50508), as added by 1995 PA 57.

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

Reps. Brown, Pastor, Sheen, Walker, Stahl, Pappageorge, Shackleton, Amos, Nofs, Meyer, Huizenga, Nitz, Palsrok, Palmer, Emmons, LaJoy, Voorhees, Robertson, Moolenaar, Ward, Bisbee, Farhat, Mortimer, Hummel, Caswell, Shaffer, DeRoche, Julian, Taub, Richardville, Vander Veen, Brandenburg, Acciavatti, Bradstreet, Hune and Adamini introduced

House Bill No. 5553, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 52511.

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

Reps. Casperson, Stahl, Pastor, Sheen, Walker, Pappageorge, Shackleton, Amos, Nofs, Meyer, Huizenga, Nitz, Palsrok, Palmer, Emmons, LaJoy, Voorhees, Moolenaar, Ward, Bisbee, Hune, Farhat, Mortimer, Hummel, Caswell, Robertson, Shaffer, DeRoche, Julian, Taub, Richardville, Vander Veen, Brandenburg, Acciavatti, Drolet and Bradstreet introduced

House Bill No. 5554, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading to part 525 and section 52501 (MCL 324.52501), as added by 1995 PA 57, and by adding sections 52502, 52503, 52504, 52505, 52506, and 52507.

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

Rep. Williams moved that the House adjourn.
The motion prevailed, the time being 4:15 p.m.

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

GARY L. RANDALL
Clerk of the House of Representatives

