

No. 47
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House of Representatives
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House Chamber, Lansing, Wednesday, June 4, 2003.

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—present	Meyer—present	Sheen—present
Acciavatti—present	Gieleghem—present	Middaugh—present	Sheltrown—present
Adamini—present	Gillard—present	Milosch—present	Shulman—present
Amos—present	Gleason—present	Minore—present	Smith—present
Anderson—present	Hager—present	Moolenaar—present	Spade—present
Bieda—present	Hardman—present	Mortimer—present	Stahl—present
Bisbee—present	Hart—present	Murphy—present	Stakoe—present
Bradstreet—present	Hood—present	Newell—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Nitz—present	Steil—present
Brown—present	Hopgood—present	Nofs—present	Stewart—present
Byrum—present	Howell—present	O’Neil—present	Tabor—present
Casperson—present	Huizenga—present	Paletko—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—excused
Cheeks—e/d/s	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—excused	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—e/d/s	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	Meisner—present		

e/d/s = entered during session

Rep. Larry Julian, from the 85th District, offered the following invocation:

“Heavenly Father, we thank You for Your guidance here today. We thank You for the day that You have furnished to us. We thank You for Your presence in all of our families’ lives and how You look over us. I ask that You would watch over this session while we use good conscience in the decisions that we make. We ask all this in Your son, Jesus’ name. Amen.”

Rep. Waters moved that Reps. Phillips and Vagnozzi be excused from today’s session.
The motion prevailed.

Third Reading of Bills

House Bill No. 4513, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 200h (MCL 750.200h), as amended by 2001 PA 135.

(The bill was read a third time and postponed for the day on June 3, see House Journal No. 46, p. 702.)

The question being on the passage of the bill,

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

Roll Call No. 185

Yeas—106

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

Nays—0

The House agreed to the title of the bill.
 Rep. Kooiman moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.

Reps. Cheeks and Plakas entered the House Chambers.

Second Reading of Bills

Senate Bill No. 293, entitled

A bill to amend 1929 PA 152, entitled “An act to provide for the state-owned and operated Michigan public safety communications system for police and public safety purposes; to provide for acquisition, construction, implementation, operation, and maintenance of the property and equipment necessary to operate the system; and to prescribe the powers and duties of certain state agencies and officials,” by amending section 3 (MCL 28.283), as amended by 1996 PA 538.

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

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

Rep. Nofs moved to amend the bill as follows:

1. Amend page 3, line 14, after “**only.**” by striking out the balance of the line through “**police.**” on line 16.
2. Amend page 3, line 17, by striking out “**analysis**” and inserting “**determination**”.
3. Amend page 3, line 21, by striking out “**analysis**” and inserting “**determination**”.

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

Rep. Newell moved to amend the bill as follows:

1. Amend page 2, line 6, after “**act.**” by inserting “**Local governmental public safety agency equipment placed on towers constructed under this act must be interoperable with the Michigan public safety communications system.**”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 293, entitled

A bill to amend 1929 PA 152, entitled “An act to provide for the state-owned and operated Michigan public safety communications system for police and public safety purposes; to provide for acquisition, construction, implementation, operation, and maintenance of the property and equipment necessary to operate the system; and to prescribe the powers and duties of certain state agencies and officials,” by amending section 3 (MCL 28.283), as amended by 1996 PA 538.

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

Roll Call No. 186

Yeas—85

Accavitti	Garfield	Meyer	Shaffer
Acciavatti	Gielegem	Middaugh	Sheen
Adamini	Gillard	Milosch	Shulman
Amos	Gleason	Moolenaar	Spade
Anderson	Hager	Mortimer	Stahl
Bieda	Hart	Newell	Stakoe

Bisbee	Hoogendyk	Nitz	Steil
Bradstreet	Howell	Nofs	Stewart
Brandenburg	Huizenga	O'Neil	Tabor
Brown	Hummel	Paletko	Taub
Casperson	Hune	Palmer	Van Regenmorter
Caswell	Johnson, Rick	Palsrok	Vander Veen
Caul	Johnson, Ruth	Pappageorge	Voorhees
Condino	Julian	Pastor	Walker
DeRoche	Koetje	Pumford	Ward
DeRossett	Kolb	Richardville	Wenke
Drolet	Kooiman	Rivet	Whitmer
Ehardt	LaJoy	Robertson	Williams
Elkins	LaSata	Rocca	Wojno
Emmons	Law	Sak	Woodward
Farhat	Meisner	Shackleton	Woronchak
Gaffney			

Nays—23

Byrum	Hardman	McConico	Smith
Cheeks	Hood	Minore	Stallworth
Clack	Hopgood	Murphy	Tobocman
Daniels	Hunter	Plakas	Waters
Dennis	Jamnack	Reeves	Zelenko
Farrah	Lipsey	Sheltrown	

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Jamnick, 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:

Democratic members support local governmental agencies use of the MPSCS. However, I was unable to support Senate Bill 293 (Bishop) because I feel Governor Granholm’s Executive Directive 2003-12 sufficiently provides for local government’s use of the Michigan Public Safety Communications System (MPSCS). Senate Bill 293 requires the director of the State Police to allow any local government public safety agency use of the MPSCS. The bill would allow these agencies to attach equipment to the towers. All costs associated with installing and maintaining equipment would be the responsibility of the local agency. This very same issue was visited in Rep. Pappageorge’s HB 4259. House Bill 4259 still failed to address some key issues. One issue involved whether or not use by the local government agencies would impair any existing bond or debt obligation the State has incurred through the State Building Authority. Additionally, there were concerns about interference and interoperability between the state system and local government equipment. Eventually the bill was reported out of committee to the full house where it passed 97-8. In April, Governor Granholm issued an Executive Directive that allowed the State Police Director to allow local agencies to use MPSCS if all of the enumerated requirements are met. The Governor’s Executive Directive sufficiently addresses interoperability (the technology allowing different public safety agencies to communicate with each other) and the bond or debt obligation issue such that there would be no violation of state or federal laws and the current tax exempt federal bonds would be retained. Other specific guidelines have also been established by the Executive Directive. Thus, I chose to vote ‘no’ on this bill. I did vote for the bill when previously before this body, but it was with the expectation that confidence in the Governor’s Executive Directive would increase and this legislation would ultimately not be necessary.”

Reps. Farrah, Dennis and Murphy having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Democratic members support local governmental agencies use of the MPSCS. However, I was unable to support Senate Bill 293 (Bishop) because I feel Governor Granholm’s Executive Directive 2003-12 sufficiently provides for local government’s use of the Michigan Public Safety Communications System (MPSCS). Senate Bill 293 requires the director of the State Police to allow any local government public safety agency use of the MPSCS. The bill would allow these agencies to attach equipment to the towers. All costs associated with installing and maintaining equipment would be the responsibility of the local agency. This very same issue was visited in Rep. Pappageorge’s HB 4259. House Bill 4259 still failed to address some key issues. One issue involved whether or not use by the local government agencies would impair any existing bond or debt obligation the State has incurred through the State Building Authority. Additionally, there were concerns about interference and interoperability between the state system and local government equipment. Eventually the bill was reported out of committee to the full house where it passed 97-8. In April, Governor Granholm issued an Executive Directive that allowed the State Police Director to allow local agencies to use MPSCS if all of the enumerated requirements are met. The Governor’s Executive Directive sufficiently addresses interoperability (the technology allowing different public safety agencies to communicate with each other) and the bond or debt obligation issue such that there would be no violation of state or federal laws and the current tax exempt federal bonds would be retained. Other specific guidelines have also been established by the Executive Directive. Thus, I chose to vote ‘no’ on this bill.”

By unanimous consent the House returned to the order of

Motions and Resolutions

By unanimous consent the House considered **House Resolution No. 76** out of numerical order.

Reps. Kooiman, Hummel, Hager, Caswell, Farhat, Voorhees, Steil, Huizenga, Vander Veen, Stahl, Taub, Emmons, Shackleton, Shaffer, Casperson, Wenke, Amos, Ehardt, Hoogendyk, Meyer, Woronchak, Stakoe, Pumford, DeRoche, Moolenaar, Rocca, Pastor, Nofs, Pappageorge, Acciavatti, Walker, Caul, Newell, Sheen, Palsrok, Ward, Rick Johnson, Accavitti, Adamini, Brandenburg, Brown, DeRossett, Gielegem, Gillard, LaSata, Lipsey, Murphy, Paletko, Richardville, Sak, Shulman, Spade, Stallworth, Stewart and Zelenko offered the following resolution:

House Resolution No. 76.

A resolution to urge the Department of Natural Resources to reconsider and reverse its recent decision to remove trash barrels from many public use areas of state parks and beaches.

Whereas, The Department of Natural Resources has initiated a Carry In, Carry Out Trash Free Parks program, which asks users of more than 35 state parks and beaches to remove their own refuse. As part of this initiative, the department is removing trash barrels and encouraging visitors to be responsible for hauling their trash out of the parks and recreation areas when they return home; and

Whereas, While the goals of the Carry In, Carry Out program, encouraging responsible use of the parks and cutting costs, hold merit, the practical impact of this move is not in the state’s best interest. Citizens have expressed their concerns about the loss of convenience and the potential for ruining the beauty of the state’s parklands. The increased litter that will result from the Carry In, Carry Out program could end up being very costly to the state’s image and tourism industry; and

Whereas, The reaction generated by the decision to remove trash barrels from parks and recreation areas provides a clear indication of the need for a reversal of this policy. Michigan’s people and visitors value our outdoors far too much to jeopardize these resources with an impractical approach to trash removal; now, therefore, be it

Resolved by the House of Representatives, That we urge the Department of Natural Resources to reconsider and reverse its recent decision to remove trash barrels from many public use areas of state parks and beaches; and be it further

Resolved, That copies of this resolution be transmitted to Governor Granholm, the Department of Natural Resources, and the Natural Resources Commission.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Kooiman moved that Rule 75 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

By unanimous consent the House considered **House Resolution No. 78** out of numerical order.

Reps. Richardville and Waters offered the following resolution:

House Resolution No. 78.

A resolution to amend the Standing Rules of the House of Representatives.

Resolved by the House of Representatives, That Rule 35 of the Standing Rules of the House of Representatives be amended to read as follows:

“Names and Number of Members.

Rule 35. (1) All standing committees shall be appointed by the Speaker, except where the House shall otherwise order.

(2) The standing committees of the House and the number of Members shall be as follows:

- (a) Agriculture and Resource Management (11)
- (b) Appropriations (~~31~~) (33)
- (c) Commerce (19)
- (d) Conservation and Outdoor Recreation (11)
- (e) Criminal Justice (9)
- (f) Education (19)
- (g) Employment Relations, Training and Safety (9)
- (h) Energy and Technology (19)
- (i) Family and Children Services (11)
- (j) Government Operations (5)
- (k) Great Lakes and Tourism (7)
- (l) Health Policy (17)
- (m) Higher Education (7)
- (n) House Television and Oversight (6)
- (o) Insurance (~~15~~) (17)
- (p) Judiciary (15)
- (q) Land Use and Environment (11)
- (r) Local Government and Urban Policy (11)
- (s) Regulatory Reform (11)
- (t) Senior Health, Security and Retirement (9)
- (u) Tax Policy (17)
- (v) Transportation (17)
- (w) Veterans Affairs and Homeland Security (11)
- (3) Statutory Standing Committees:
 - (a) Administrative Rules (5)
 - (b) House Fiscal Agency (6)
 - (c) Legislative Council (6)
 - (d) Legislative Retirement (4)
 - (e) Michigan Capitol Committee (4)

(4) Any Member of any committee who is absent from attendance at any such committee meetings for three committee meetings, unless excused from attendance by the committee according to Rule 36, shall be automatically dropped from membership on such committee, and the committee automatically reduced unless the Speaker of the House shall fill such vacancy. Each committee clerk shall keep a record of attendance at all committee meetings, and shall make a written report to the office of the Clerk of the House showing the names of those present, the names of those absent, and the names of those excused from attendance, which shall be entered upon the House Journal. When a Member has been absent for three meetings of a committee without proper excuse, the Clerk of the House shall report the name of such Member, together with the dates of said meetings, to the Speaker of the House, and advise the Member of such action. The Speaker of the House shall then fill such vacancy by appointing a Member to the committee.

(5) The daily House Journal shall report the roll call on all motions to report bills, joint resolutions and reorganization orders. (See Const 1963, Art 4 § 17)

(6) Committees shall adopt a meeting schedule at the commencement of each term which shall be printed in the House Journal. Additional meetings may be called by the Chair or by a majority of the Members in writing to the Clerk of the House. The Chair may cancel any scheduled meeting, except one called by a majority of the Members, by notice to the Members.”.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

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

Reps. Richardville, Tabor, Accavitti, Acciavatti, Adamini, Anderson, Bradstreet, Brandenburg, Brown, Caswell, Dennis, DeRossett, Ehardt, Farhat, Gielegem, Gillard, Gleason, Hager, Hoogendyk, Hummel, Hune, Jammick, Ruth Johnson, Koetje, Kooiman, LaSata, Lipsey, Meyer, Middaugh, Minore, Murphy, Newell, Paletko, Pappageorge, Pastor, Rivet, Rocca, Sak, Shackleton, Shaffer, Sheltroun, Shulman, Spade, Stahl, Stakoe, Stallworth, Stewart, Taub, Voorhees, Waters, Wojno, Woronchak and Zelenko offered the following resolution:

House Resolution No. 75.

A resolution to recognize June 1-8, 2003, as National Fishing and Boating Week in the state of Michigan.

Whereas, Michigan, the Great Lakes state, values fishing and boating as a recreational activity, and recognizes them as essential to our economy and as indispensable to the understanding of our family and state heritage; and

Whereas, Our great state is blessed with 11,000 inland lakes, 36,000 miles of rivers and streams, and more freshwater shoreline than any other state in the Union at over 3,000 miles; and

Whereas, The people of Michigan appreciate the role of fishing and boating in the formation of our state's identity. Michiganders have a close relationship with water. While in this state, one is never more than six miles from a lake or stream. And while fishing or boating, families are brought together as one generation tells its stories to the next. On the shores of our water or floating on top of its waves, family relationships are strengthened and invaluable memories created; and

Whereas, Forty percent of Michigan residents are boaters and Michigan ranks first in the nation with over one million registered watercraft. Equally impressive are the 1.8 million Michigan anglers; and

Whereas, Many in this state find employment in the fishing and boating industry—from marinas and boat dealerships to tourism and tackle shops. Fishing and boating both play a vital role in Michigan's overall economy. When taking into account direct and indirect spending, boaters in Michigan contribute \$2.5 billion per year to our economy and Michigan's anglers contribute another \$2.9 billion; and

Whereas, Michigan recognizes the importance of fishing and boating and we are thankful for those who appreciate the outdoors and the natural beauty of the state of Michigan; now, therefore, be it

Resolved by the Michigan House of Representatives, That the members of this legislative body hereby declare June 1-8, 2003, as National Fishing and Boating Week in the state of Michigan; and be it further

Resolved, That the state of Michigan urge all residents to celebrate our state's natural water resources by participating in fishing and boating events.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Shulman, Hager, Farhat, Howell, Taub, Koetje, Pappageorge, Paletko, DeRossett, Lipsey, Vagnozzi, Huizenga, Vander Veen, Pastor, Stahl, Bradstreet, Emmons, Stakoe, Acciavatti, Adamini, Brandenburg, Brown, Dennis, Ehardt, Garfield, Gillard, Hoogendyk, Hummel, Kooiman, Meisner, Meyer, Milosch, Newell, Palmer, Richardville, Rocca, Shackleton, Shaffer, Sheen, Stallworth, Stewart, Tabor, Tobocman, Voorhees and Zelenko offered the following resolution:

House Resolution No. 77.

A resolution to express support for Israel in its fight against terrorism.

Whereas, The ongoing threat of worldwide terrorism at home and abroad has forced local, state, and federal resources in the United States to be diverted from other critical domestic programs for the purpose of enhancing the security of our citizens; and

Whereas, Economic progress and growth have uplifted the Jewish and the Arab and other ethnic communities of Michigan and helped to integrate them into the American democratic, free-market system; and

Whereas, Encouraging international trade is an integral economic goal of the state of Michigan. Bringing state goods to international markets further integrates the world economy; and

Whereas, Peace, stability, and mutual understanding benefit all people. Economic progress and international trade and their derived benefits to our state and its trading partners can serve to foster more peaceful relations among Israelis, Palestinians, and Muslims; and

Whereas, The United States, Great Britain, Israel, and other nations are now engaged in a common struggle against terrorists. The nations fighting terrorism are on the front-lines of a conflict thrust upon them against their will; and

Whereas, Hundreds of innocent Israelis and Palestinians have died tragically in violence since September 2000, and Israel has lost over 700 innocent lives through suicide terrorist attacks and other means; and

Whereas, Yasser Arafat and members of the Palestinian leadership have failed to abide by their commitments to nonviolence made in the Israel-PLO Declaration of Principles (the Oslo accord) of September 1993. The continued terrorism and incitement committed, supported, and coordinated by official arms of the Palestinian Authority are a direct violation of these commitments. These actions have prevented a peaceful resolution and have negatively impacted life and the economy of both the Israelis and the Palestinians; and

Whereas, President George W. Bush declared at a joint session of Congress on September 20, 2001, that any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime; and

Whereas, Israel has made clear its intention to withdraw from Palestinian areas and has already begun to do so; now therefore, be it

Resolved by the House of Representatives, That we express our support of Israel in its fight against terrorists and those who support terrorism; we stand in solidarity with Israel as it takes necessary steps to provide security to its people by dismantling the terrorist infrastructure in the surrounding areas; and we remain committed to Israel's right to self-defense; and be it further

Resolved, That, by contributing to the creation of a more viable economic future for both Israelis and Palestinians, there will be an alleviation of one of the key components that brings these groups into conflict; and be it further

Resolved, That, with the assistance of Michigan's Jewish community and its Partnership 2000 in Israel and the Michigan League of Arab Americans and other Michigan Arab American organizations, the state of Michigan will seek to enhance its trade agreement with Israel, while working to sign a similar agreement with the Palestinian Authority; 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 Honorable Daniel Ayalon, Israeli Ambassador to the United States.

The resolution was referred to the Committee on Government Operations.

Reports of Standing Committees

The Committee on Commerce, by Rep. Bisbee, Chair, reported

House Bill No. 4764, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 511, 611, 791, and 798 (MCL 450.1511, 450.1611, 450.1791, and 450.1798), section 511 as amended by 1989 PA 121, section 611 as amended by 1997 PA 118, section 791 as amended by 1993 PA 91, and section 798 as added by 1988 PA 58.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Koetje, Palmer, Brandenburg, Huizenga, Wenke, Rivet, McConico, Murphy, Tobocman and Accavitti

Nays: Reps. Middaugh, Drolet and O'Neil

The Committee on Commerce, by Rep. Bisbee, Chair, reported

Senate Bill No. 425, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," (MCL 125.2301 to 125.2349) by adding section 30i.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Brandenburg, Huizenga, Milosch, Palsrok, Rivet, O'Neil, McConico, Lipsey, Murphy, Tobocman and Accavitti

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bisbee, Chair of the Committee on Commerce, was received and read:
Meeting held on: Tuesday, June 3, 2003, at 10:30 a.m.

Present: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Brandenburg, Huizenga, Milosch, Palsrok, Wenke, Rivet, O'Neil, McConico, Lipsey, Murphy, Tobocman and Accavitti

The Committee on Government Operations, by Rep. Koetje, Chair, reported
House Resolution No. 37.

A resolution to memorialize the Congress of the United States to enact legislation that would remove the unfair advantages that Federal Prison Industries has in competition for business.

(For text of resolution, see House Journal No. 29, p. 375.)

With the recommendation that the resolution be adopted.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Koetje, Howell, Tobocman and Lipsey

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 3, 2003, at 3:08 p.m.

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

The Committee on Judiciary, by Rep. Howell, Chair, reported
Senate Bill No. 461, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 807 and 822 (MCL 600.807 and 600.822), section 807 as amended by 2002 PA 715 and section 822 as amended by 2002 PA 92.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, 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, June 3, 2003, at 9:00 a.m.

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

Absent: Rep. Wenke

Excused: Rep. Wenke

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

House Bill No. 4518, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 17750b and 20911.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 4706, entitled

A bill to provide for and to regulate access to and disclosure of medical records; to prescribe powers and duties of certain state agencies and departments; to establish fees; to prescribe administrative sanctions; and to provide remedies.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. 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. 4755, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), section 16221 as amended by 2002 PA 402 and section 16226 as amended by 2002 PA 643, and by adding section 20170.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day.

Favorable Roll Call

To Report Out:

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

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, June 3, 2003, at 10:30 a.m.

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

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported

House Resolution No. 62.

A resolution to memorialize the Congress of the United States and the Federal Trade Commission to address the issue of unsolicited commercial email, otherwise known as spam, on a national basis.

(For text of resolution, see House Journal No. 42, p. 632.)

With the recommendation that the resolution be adopted.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Woodward, Hopgood, Murphy and Stallworth

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, June 4, 2003, at 9:00 a.m.

Present: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, LaSata, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Woodward, Hopgood, Murphy and Stallworth

Absent: Rep. Daniels

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

House Bill No. 4693, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1294. With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palmer, Hummel, Meyer, Bradstreet, Hager, Hart, Ruth Johnson, Tabor, Voorhees, Vander Veen, Nofs and Stahl

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

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

House Bill No. 4724, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 9.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palmer, Hummel, Meyer, Bradstreet, Hager, Hart, Ruth Johnson, Tabor, Voorhees, Vander Veen, Nofs and Stahl

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 3, 2003, at 3:19 p.m.

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

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4247, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 310d, 310e, 319, 624b, 625, 625a, 625c, 625g, 625i, and 625m (MCL 257.310d, 257.310e, 257.319, 257.624b, 257.625, 257.625a, 257.625c, 257.625g, 257.625i, and 257.625m), sections 310d and 625g as amended by 1999 PA 73, section 310e as amended by

2002 PA 554, section 319 as amended by 2002 PA 534, section 624b as amended by 1998 PA 349, sections 625 and 625m as amended by 2000 PA 460, section 625a as amended by 1998 PA 351, section 625c as amended by 1998 PA 350, and section 625i as amended by 1998 PA 354, and by adding section 1d.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4248, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 12f, 33, and 48 of chapter XVII (MCL 777.12f, 777.33, and 777.48), section 12f as added by 2002 PA 34 and sections 33 and 48 as amended by 2000 PA 279.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair of the Committee on Criminal Justice, was received and read:

Meeting held on: Wednesday, June 4, 2003, at 10:30 a.m.

Present: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wenke, Chair of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, June 4, 2003, at 9:00 a.m.

Present: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Minore, Farrah, Bieda, Zelenko and Condino

Notices

June 4, 2003

Mr. Gary Randall, Clerk of the House
Ground Floor, Capitol
Lansing, MI 48909

Dear Mr. Randall,

I am writing to inform you that I am removing Representative Jack Brandenburg from the Committee on Senior Health, Security & Retirement, and replacing that seat with Representative Mickey Mortimer.

If you have any questions, please feel free to contact my office.

Sincerely,
Rick Johnson
Speaker of the House

Announcements by the Clerk

June 2, 2003

Received from the Wayne County Airport Authority the 2002 audited financial statements per the requirements of Public Act 90 of 2002.

Gary L. Randall
Clerk of the House

By unanimous consent the House returned to the order of

Communications from State Officers

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

Notices of Filing
Administrative Rules

May 7, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:48 P.M. this date, administrative rule (03-05-03) for the Department of Environmental Quality, Water Division, entitled "*Part 21. Wastewater Discharge Permits*", effective 7 days hereafter.

May 22, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:38 P.M. this date, administrative rule (03-05-04) for the Department of Consumer and Industry Services, Liquor Control Commission, entitled "*General Rules*", effective 7 days hereafter.

May 22, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:40 P.M. this date, administrative rule (03-05-05) for the Department of Consumer and Industry Services, Liquor Control Commission, entitled "*Off-premises Licenses*", effective 7 days hereafter.

May 22, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:42 P.M. this date, administrative rule (03-05-06) for the Department of Consumer and Industry Services, Liquor Control Commission, entitled "*Church and School Hearings*", effective 7 days hereafter.

May 22, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:44 P.M. this date, administrative rule (03-05-07) for the Department of Consumer and Industry Services, Liquor Control Commission, entitled "*Financial Responsibilities*", effective 7 days hereafter.

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

The communications were referred to the Clerk.

By unanimous consent the House returned to the order of
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, Thursday, May 29:

Senate Bill Nos. 521 522 523 524 525

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, May 30:

Senate Bill Nos. 526 527 528 529 530 531

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, June 4, for her approval of the following bill:

Enrolled House Bill No. 4257 at 1:48 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, June 4:

House Bill Nos. 4791 4792 4793 4794 4795 4796 4797 4798 4799 4800 4801 4802 4803

The Clerk announced that the following Senate bills had been received on Wednesday, June 4:

Senate Bill Nos. 23 271

By unanimous consent the House returned to the order of
Messages from the Senate

House Bill No. 4197, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2000 PA 248.

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

The House agreed to the full title.

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

House Bill No. 4008, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 512 (MCL 206.512), as amended by 1996 PA 484.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts," (MCL 206.1 to 206.532) by adding section 512a.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

House Bill No. 4219, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3 (MCL 205.93), as amended by 2002 PA 669.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Senate Bill No. 234, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 204, 206, 207, 211, 401, 502, 602, 606, and 609 (MCL 550.1204, 550.1206, 550.1207, 550.1211, 550.1401, 550.1502, 550.1602, 550.1606, and 550.1609), section 207 as amended by 1999 PA 210, section 211 as amended by 1993 PA 127, section 401 as amended by 2000 PA 26, section 502 as amended by 1998 PA 446, and section 609 as amended by 1991 PA 61, and by adding sections 204a, 205a, 219, and 401j; and to repeal acts and parts of acts.

The Senate has passed the bill.

Pending the reference of the bill to a committee,

Rep. Kooiman moved that Rules 44 and 45 be suspended.

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

Rep. Kooiman moved that the bill be placed on the order of Second Reading of Bills and laid over one day.

The motion prevailed.

Senate Bill No. 236, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding sections 422b.

The Senate has passed the bill.

Pending the reference of the bill to a committee,

Rep. Kooiman moved that Rules 44 and 45 be suspended.

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

Rep. Kooiman moved that the bill be placed on the order of Second Reading of Bills and laid over one day.

The motion prevailed.

Senate Bill No. 237, 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 401i.

The Senate has passed the bill.

Pending the reference of the bill to a committee,

Rep. Kooiman moved that Rules 44 and 45 be suspended.

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

Rep. Kooiman moved that the bill be placed on the order of Second Reading of Bills and laid over one day.

The motion prevailed.

Senate Bill No. 238, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 501 (MCL 550.1501).

The Senate has passed the bill.

Pending the reference of the bill to a committee,

Rep. Kooiman moved that Rules 44 and 45 be suspended.

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

Rep. Kooiman moved that the bill be placed on the order of Second Reading of Bills and laid over one day.

The motion prevailed.

Senate Bill No. 460, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3406q (MCL 500.3406q), as added by 2002 PA 538, and by adding chapter 37.

The Senate has passed the bill.

Pending the reference of the bill to a committee,

Rep. Kooiman moved that Rules 44 and 45 be suspended.

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

Rep. Kooiman moved that the bill be placed on the order of Second Reading of Bills and laid over one day.

The motion prevailed.

Senate Bill No. 23, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 512 (MCL 206.512), as amended by 1996 PA 484.

The Senate has passed the bill.

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

Senate Bill No. 271, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20d. The Senate has passed the bill.

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

Introduction of Bills

Rep. Shulman introduced

House Bill No. 4804, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 353c, 353e, and 358 (MCL 18.1353c, 18.1353e, and 18.1358), sections 353c and 358 as amended by 2002 PA 504 and section 353e as amended by 1999 PA 8.

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

Reps. Kolb, Gielegem, Rivet, Meisner, O'Neil, Condino, Lipsey, Gleason, Jamnick, Hopgood, Williams, Minore, Clack, Zelenko, Anderson, Woodward, Accavitti, Wojno, Paletko, Tobocman, Elkins, Vagnozzi, Hardman, Gillard, Cheeks, Brown, Law, Hunter, Whitmer and Phillips introduced

House Bill No. 4805, entitled

A bill to create an office of land preservation and urban revitalization and prescribe its powers and duties.

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

Rep. LaJoy introduced

House Bill No. 4806, 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 Local Government and Urban Policy.

Rep. Julian moved that the House adjourn.

The motion prevailed, the time being 3:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, June 5, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives