

**No. 95**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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House Chamber, Lansing, Wednesday, December 17, 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—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—e/d/s	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—excused
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. Howard Walker, from the 104th District, offered the following invocation:

“As the days draw near to the celebration of the birth of Jesus Christ, may our hearts be open, our minds clear and our spirits eager, to once again embrace the good news of the light that shines in the darkness. So warm our hearts with Your love, clarify our minds with Your wisdom and endow our spirits with the joy of living in the light of Your eternal love, entering history in the birth of Jesus Christ. Help us to be like the wisemen who followed the star that first Christmas. Grant us light to illuminate the difficult decisions before us, to do our best to be good stewards of the great resources of this state – the land, the water, the industry, the business, the schools, the hospitals, the material and spiritual wealth of generations present and past. Grant us wisdom to empower the people – the husbands and wives, the parents, the grandparents and the children. So give us the humility to listen not only to those who clamor for our attention, but also to Your spirit, so that when we do our best to make the right decisions, we can surrender ourselves to Your mercy. Help us to pause this day to look again for the light that still shines in the darkness and may that light shine on us, Lord. In the name of Your son, Jesus, I pray. Amen.”

Rep. Waters moved that Rep. Whitmer be excused from this week’s session.  
The motion prevailed.

### Messages from the Senate

The Speaker laid before the House

#### **House Bill No. 4483, entitled**

A bill to provide for the creation of land bank fast track authorities to assist governmental entities in the assembly and clearance of title to property in a coordinated manner; to facilitate the use and development of certain property; to promote economic growth; to prescribe the powers and duties of certain authorities; to provide for the creation and appointment of boards to govern land bank fast track authorities and to prescribe their powers and duties; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to authorize the conveyance of certain properties to a land bank fast track authority; to authorize the enforcement of tax liens and the clearing or quieting of title by a land bank fast track authority; to provide for the distribution and use of revenues collected or received by a land bank fast track authority; to prescribe powers and duties of certain public entities and state and local officers and agencies; to authorize the transfer and acceptance of property in lieu of taxes and the release of tax liens; to exempt property, income, and operations of a land bank fast track authority from tax; to extend protections against certain liabilities to a land bank fast track authority; and to repeal acts and parts of acts.

(The bill was received from the Senate on December 16, with substitute (S-2) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 94, p. 2385.)

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

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

#### **Roll Call No. 753**

**Yeas—108**

Accavitti	Gaffney	McConico	Shaffer
Acciavatti	Garfield	Meisner	Sheen
Adamini	Gielegem	Meyer	Sheltrown
Amos	Gillard	Middaugh	Shulman
Anderson	Gleason	Milosch	Smith
Bieda	Hager	Minore	Spade
Bisbee	Hardman	Moolenaar	Stahl
Bradstreet	Hart	Mortimer	Stakoe
Brandenburg	Hood	Murphy	Stallworth
Brown	Hoogendyk	Newell	Steil
Byrum	Hopgood	Nitz	Stewart

Casperson	Howell	Nofs	Tabor
Caswell	Huizenga	O'Neil	Taub
Caul	Hummel	Paletko	Tobocman
Cheeks	Hune	Palmer	Vagnozzi
Clack	Hunter	Palsrok	Van Regenmorter
Condino	Jamnack	Pappageorge	Vander Veen
Daniels	Johnson, Rick	Pastor	Voorhees
Dennis	Johnson, Ruth	Phillips	Walker
DeRoche	Julian	Plakas	Ward
DeRossett	Koetje	Pumford	Waters
Drolet	Kolb	Richardville	Wenke
Ehardt	Kooiman	Rivet	Williams
Elkins	LaJoy	Robertson	Wojno
Emmons	LaSata	Rocca	Woodward
Farhat	Law	Sak	Woronchak
Farrah	Lipsey	Shackleton	Zelenko

**Nays—0**

In The Chair: Julian

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

Rep. McConico moved that Rep. Phillips be excused temporarily from today's session.  
The motion prevailed.

The Speaker laid before the House

**House Bill No. 4484, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 78i, 78k, 78l, 78m, and 131e (MCL 211.78i, 211.78k, 211.78l, 211.78m, and 211.131e), section 78i as amended by 2001 PA 101, section 78k as amended by 2001 PA 94, section 78l as added and section 131e as amended by 1999 PA 123, and section 78m as amended by 2001 PA 99.

(The bill was received from the Senate on December 16, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 94, p. 2385.)

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

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

**Roll Call No. 754**

**Yeas—106**

Accavitti	Gaffney	McConico	Sheen
Acciavatti	Garfield	Meisner	Sheltrown
Adamini	Gielegghem	Meyer	Shulman
Amos	Gillard	Middaugh	Smith
Anderson	Gleason	Milosch	Spade
Bieda	Hager	Moolenaar	Stahl
Bisbee	Hardman	Mortimer	Stakoe
Bradstreet	Hart	Murphy	Stallworth

Brandenburg	Hood	Newell	Steil
Brown	Hoogendyk	Nitz	Stewart
Byrum	Hopgood	Nofs	Tabor
Casperson	Howell	O'Neil	Taub
Caswell	Huizenga	Paletko	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnack	Pastor	Voorhees
Daniels	Johnson, Rick	Plakas	Walker
Dennis	Johnson, Ruth	Pumford	Ward
DeRoche	Julian	Richardville	Waters
DeRossett	Koetje	Rivet	Wenke
Drolet	Kolb	Robertson	Williams
Ehardt	Kooiman	Rocca	Wojno
Elkins	LaJoy	Sak	Woodward
Emmons	LaSata	Shackleton	Woronchak
Farhat	Law	Shaffer	Zelenko
Farrah	Lipsey		

### Nays—0

In The Chair: Julian

The House agreed to the title as amended.

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

Rep. Jamnick moved that Rep. Minore be excused temporarily from today's session.  
The motion prevailed.

The Speaker laid before the House

#### **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 received from the Senate on December 16, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 94, p. 2386.)

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

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

### Roll Call No. 755

### Yeas—106

Accavitti	Gaffney	McConico	Sheen
Acciavatti	Garfield	Meisner	Sheltrown
Adamini	Gielegghem	Meyer	Shulman
Amos	Gillard	Middaugh	Smith
Anderson	Gleason	Milosch	Spade
Bieda	Hager	Moolenaar	Stahl
Bisbee	Hardman	Mortimer	Stakoe

Bradstreet	Hart	Murphy	Stallworth
Brandenburg	Hood	Newell	Steil
Brown	Hoogendyk	Nitz	Stewart
Byrum	Hopgood	Nofs	Tabor
Casperson	Howell	O'Neil	Taub
Caswell	Huizenga	Paletko	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Pastor	Voorhees
Daniels	Johnson, Rick	Plakas	Walker
Dennis	Johnson, Ruth	Pumford	Ward
DeRoche	Julian	Richardville	Waters
DeRossett	Koetje	Rivet	Wenke
Drolet	Kolb	Robertson	Williams
Ehardt	Kooiman	Rocca	Wojno
Elkins	LaJoy	Sak	Woodward
Emmons	LaSata	Shackleton	Woronchak
Farhat	Law	Shaffer	Zelenko
Farrah	Lipsey		

### 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.

The Speaker laid before the House

#### **House Bill No. 4514, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 200i, 200k, 200l, 204, 207, 209, 210, 211a, and 212a (MCL 750.200i, 750.200k, 750.200l, 750.204, 750.207, 750.209, 750.210, 750.211a, and 750.212a), sections 200i and 200k as added by 1998 PA 207, section 200l as added by 2001 PA 135, sections 204 and 211a as amended by 1998 PA 206, sections 207, 209, and 210 as amended by 1998 PA 208, and section 212a as amended by 2002 PA 140, and by adding section 200m.

(The bill was received from the Senate on December 16, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 94, p. 2386.)

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

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

### **Roll Call No. 756**

### **Yeas—106**

Accavitti	Gaffney	McConico	Sheen
Acciavatti	Garfield	Meisner	Sheltrown
Adamini	Gielegghem	Meyer	Shulman
Amos	Gillard	Middaugh	Smith
Anderson	Gleason	Milosch	Spade
Bieda	Hager	Moolenaar	Stahl
Bisbee	Hardman	Mortimer	Stakoe
Bradstreet	Hart	Murphy	Stallworth
Brandenburg	Hood	Newell	Steil
Brown	Hoogendyk	Nitz	Stewart

Byrum	Hopgood	Nofs	Tabor
Casperson	Howell	O'Neil	Taub
Caswell	Huizenga	Paletko	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Pastor	Voorhees
Daniels	Johnson, Rick	Plakas	Walker
Dennis	Johnson, Ruth	Pumford	Ward
DeRoche	Julian	Richardville	Waters
DeRossett	Koetje	Rivet	Wenke
Drolet	Kolb	Robertson	Williams
Ehardt	Kooiman	Rocca	Wojno
Elkins	LaJoy	Sak	Woodward
Emmons	LaSata	Shackleton	Woronchak
Farhat	Law	Shaffer	Zelenko
Farrah	Lipsey		

### 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.

The Speaker laid before the House

#### **House Bill No. 4786, entitled**

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 19 (MCL 409.119).

(The bill was received from the Senate on December 16, 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. 94, p. 2386.)

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

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

### Roll Call No. 757

### Yeas—108

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

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

**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. 4344, entitled**

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

The bill was read a second time.

Rep. Wojno moved to amend the bill as follows:

1. Amend page 3, line 12, after “**municipality**” by inserting “**if the municipality is a city that surrounds another city and that other city lies between the 2 separate and distinct geographic areas**”.

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

Rep. Wojno 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. 4344, entitled**

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

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

**Roll Call No. 758****Yeas—107**

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

**Nays—0**

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.

By unanimous consent the House returned to the order of

**Reports of Standing Committees**

The Committee on Tax Policy, by Rep. Wenke, Chair, reported

**House Bill No. 5298, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4o and 8 (MCL 205.54o and 205.58), section 4o as added by 1994 PA 156.

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. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs and Stakoe

Nays: None



The Committee on Tax Policy, by Rep. Wenke, Chair, reported

**Senate Bill No. 781, entitled**

A bill to amend 1999 PA 244, entitled "An act to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act," by amending section 2 (MCL 445.2052).

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. Wenke, Koetje, Woronchak, Meyer, Palmer, Nofs, Stakoe, O'Neil, Minore, Farrah, Bieda and Condino

Nays: Reps. Sheen, Drolet and Milosch

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, December 17, 2003, at 9:00 a.m.

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

Absent: Rep. Zelenko

Excused: Rep. Zelenko

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

**House Bill No. 5244, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 9b and 27 (MCL 211.9b and 211.27), section 9b as amended by 1994 PA 189 and section 27 as amended by 2002 PA 744.

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. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Milosch, Palsrok, Murphy, Tobocman and Accavitti

Nays: None

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

**Senate Bill No. 811, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9b and 27 (MCL 211.9b and 211.27), section 9b as amended by 1994 PA 189 and section 27 as amended by 2002 PA 744.

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. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Milosch, Palsrok, 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: Wednesday, December 17, 2003, at 8:30 a.m.

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

Absent: Reps. Hune, McConico and Lipsey

Excused: Reps. Hune, McConico and Lipsey

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

**House Bill No. 4111, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 2a (MCL 211.2a), as amended by 1982 PA 539.

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. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Wenke, Jamnick and Accavitti

Nays: None

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

**House Bill No. 4880, entitled**

A bill to provide for the exemption of certain manufactured housing property from certain taxes; to levy and collect a specific tax upon the owners of certain manufactured housing property; to provide for the disposition of the specific tax; to prescribe the powers and duties of certain local government officials; to provide penalties; 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.

## Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Hager, Wenke, Jamnick and Accavitti

Nays: None

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

**House Bill No. 5034, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2a and 34c (MCL 211.2a and 211.34c), section 2a as amended by 1982 PA 539 and section 34c as amended by 2002 PA 620; and to repeal acts and parts of acts.

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. Ward, Robertson, DeRossett, Hager, Stakoe, Wenke, Jamnick and Hardman

Nays: None

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

**House Bill No. 5036, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4bb.

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

Nays: None

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

**House Bill No. 5098, entitled**

A bill to amend 1959 PA 243, entitled "An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts," by amending the title and sections 35 and 41 (MCL 125.1035 and 125.1041); and to repeal acts and parts of acts.

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. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Wenke and Jamnick

Nays: None

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

**House Bill No. 5100, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2a and 34c (MCL 211.2a and 211.34c), section 2a as amended by 1982 PA 539 and section 34c as amended by 2002 PA 620; and to repeal acts and parts of acts.

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. Ward, Robertson, DeRossett, Hager, Stakoe, Wenke and Jamnick

Nays: None

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

**Senate Bill No. 845, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 686 (MCL 168.686), as amended by 1999 PA 216.

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. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Wenke, Jamnick, Hardman, Tobocman and Accavitti

Nays: None

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

**Senate Bill No. 877, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 641 (MCL 168.641).

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. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Wenke, Jamnick, Tobocman and Accavitti  
 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: Wednesday, December 17, 2003, at 9:00 a.m.

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

The Committee on Transportation, by Rep. DeRossett, Chair, reported

**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 811o.

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. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Huizenga, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Adamini, Murphy and Elkins

Nays: None

The Committee on Transportation, by Rep. DeRossett, Chair, reported

**Senate Bill No. 193, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811q; and to repeal acts and parts of acts.

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. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Huizenga, LaJoy, Robertson, Ward, Anderson, Jamnick, Tobocman, Adamini and Elkins

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 17, 2003, at 10:30 a.m.

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

Absent: Rep. Hune

Excused: Rep. Hune

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

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, December 11:

**Senate Bill Nos. 885 886 887 888 889 890 891 892 893**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, December 12:

**Senate Bill Nos. 894 895 896 897 898 899 900 901**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, December 17:

**House Bill Nos. 5384 5385**

### **Introduction of Bills**

Reps. Bisbee, Mortimer and Nofs introduced

**House Bill No. 5386, entitled**

A bill to authorize the state administrative board to transfer certain parcels of property in Jackson county. The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Reps. Bieda, Lipsey and Gleason introduced

**House Bill No. 5387, entitled**

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending section 6 (MCL 28.176), as amended by 2003 PA 76.

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

Rep. Bieda introduced

**House Bill No. 5388, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 662, 672, 674, and 720 (MCL 168.662, 168.672, 168.674, and 168.720), section 662 as amended by 1999 PA 216 and section 674 as amended by 1996 PA 207, and by adding section 720a.

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

By unanimous consent the House returned to the order of

### **Second Reading of Bills**

**House Bill No. 5336, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2000 PA 279.

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

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

Rep. Stakoe 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.

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Rep. Reeves entered the House Chambers.

By unanimous consent the House returned to the order of

### **Third Reading of Bills**

**House Bill No. 5336, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2000 PA 279.

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

**Roll Call No. 759****Yeas—109**

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

**Nays—0**

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.

**Second Reading of Bills****House Bill No. 5347, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 465a.

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

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 2, following line 6, by inserting:

**"(2) This section does not apply to a person who operates an audiovisual recording function of a device in a retail establishment solely to demonstrate the use of that device for sales purposes."** and renumbering the remaining subsections.

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

Rep. Nofs 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. 5347, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 465a.  
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 760**

**Yeas—109**

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

**Nays—0**

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.

### Second Reading of Bills

#### House Bill No. 5365, entitled

A bill to repeal 1905 LA 653, entitled “An act to provide the manner of voting by the members of the board of supervisors of Saginaw county.”.

The bill was read a second time.

Rep. Howell 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.

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Rep. Lipsey moved that Rep. Rivet be excused temporarily from today’s session.  
The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5365, entitled

A bill to repeal 1905 LA 653, entitled “An act to provide the manner of voting by the members of the board of supervisors of Saginaw county.”.

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

#### Roll Call No. 761

Yeas—108

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



**Nays—0**

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.

**Second Reading of Bills****House Bill No. 5366, entitled**

A bill to repeal 1903 LA 540, entitled “An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties.”.

The bill was read a second time.

Rep. Howell 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. 5366, entitled**

A bill to repeal 1903 LA 540, entitled “An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties.”.

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

**Roll Call No. 762****Yeas—108**

Accavitti	Gaffney	McConico	Shaffer
Acciavatti	Garfield	Meisner	Sheen
Adamini	Gielegghem	Meyer	Sheltrown
Amos	Gillard	Middaugh	Shulman
Anderson	Gleason	Milosch	Smith
Bieda	Hager	Minore	Spade
Bisbee	Hardman	Moolenaar	Stahl
Bradstreet	Hart	Mortimer	Stakoe
Brandenburg	Hood	Murphy	Stallworth
Brown	Hoogendyk	Newell	Steil
Byrum	Hopgood	Nitz	Stewart
Casperson	Howell	Nofs	Tabor
Caswell	Huizenga	O’Neil	Taub
Caul	Hummel	Paletko	Tobocman
Cheeks	Hune	Palmer	Vagnozzi
Clack	Hunter	Palsrok	Van Regenmorter
Condino	Jamnack	Pappageorge	Vander Veen
Daniels	Johnson, Rick	Pastor	Voorhees
Dennis	Johnson, Ruth	Phillips	Walker
DeRoche	Julian	Plakas	Ward
DeRossett	Koetje	Pumford	Waters
Drolet	Kolb	Reeves	Wenke

Ehardt	Kooiman	Richardville	Williams
Elkins	LaJoy	Robertson	Wojno
Emmons	LaSata	Rocca	Woodward
Farhat	Law	Sak	Woronchak
Farrah	Lipsey	Shackleton	Zelenko

### Nays—0

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.

### Second Reading of Bills

Rep. Richardville moved that Rule 48 be suspended.  
 The motion prevailed, 3/5 of the members present voting therefor.

Pending the Second Reading of  
**House Bill No. 5100, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2a and 34c (MCL 211.2a and 211.34c), section 2a as amended by 1982 PA 539 and section 34c as amended by 2002 PA 620; and to repeal acts and parts of acts.

Rep. Richardville moved that the bill be referred to the Committee on Tax Policy.  
 The motion prevailed.

Rep. Richardville moved that Rule 48 be suspended.  
 The motion prevailed, 3/5 of the members present voting therefor.

Pending the Second Reading of  
**House Bill No. 5098, entitled**

A bill to amend 1959 PA 243, entitled "An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts," by amending the title and sections 35 and 41 (MCL 125.1035 and 125.1041); and to repeal acts and parts of acts.

Rep. Richardville moved that the bill be referred to the Committee on Tax Policy.  
 The motion prevailed.

Rep. Richardville moved that Rule 48 be suspended.  
 The motion prevailed, 3/5 of the members present voting therefor.

Pending the Second Reading of  
**House Bill No. 5034, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2a and 34c (MCL 211.2a and 211.34c), section 2a as amended by 1982 PA 539 and section 34c as amended by 2002 PA 620; and to repeal acts and parts of acts.

Rep. Richardville moved that the bill be referred to the Committee on Tax Policy.  
 The motion prevailed.

Rep. Richardville moved that Rule 48 be suspended.  
The motion prevailed, 3/5 of the members present voting therefor.

Pending the Second Reading of  
**House Bill No. 5036, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4bb.  
Rep. Richardville moved that the bill be referred to the Committee on Tax Policy.  
The motion prevailed.

Rep. Palmer moved that Rep. Rick Johnson be excused temporarily from today's session.  
The motion prevailed.

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

**House Bill No. 5221, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," (MCL 205.421 to 205.436) by amending the title, as amended by 1997 PA 187, and by adding section 6d.

The Senate has amended the bill as follows:

1. Amend page 6, line 22, after "**conduct**" by striking out "**audits**" and inserting "**an audit or review**".
2. Amend page 1, line 10, after "**collection,**" by inserting "**defense,**".

The Senate has passed the bill as amended, ordered that it be given immediate effect 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.

Rep. Richardville moved that Rule 45 be suspended.

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

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. 763**

**Yeas—86**

Accavitti	Gillard	Middaugh	Shulman
Adamini	Gleason	Minore	Smith
Amos	Hager	Moolenaar	Spade
Anderson	Hardman	Murphy	Stallworth
Bieda	Hart	Newell	Steil
Bisbee	Hood	Nitz	Stewart
Brown	Hopgood	Nofs	Taub
Byrum	Howell	O'Neil	Tobocman
Caul	Huizenga	Paletko	Vagnozzi
Cheeks	Hunter	Palsrok	Van Regenmorter
Clack	Jamnick	Pappageorge	Vander Veen
Condino	Julian	Pastor	Voorhees
Daniels	Koetje	Phillips	Walker
Dennis	Kolb	Plakas	Ward
DeRoche	Kooiman	Pumford	Waters
Ehardt	LaJoy	Reeves	Wenke
Elkins	LaSata	Richardville	Williams
Emmons	Law	Sak	Wojno
Farhat	Lipsey	Shackleton	Woodward
Farrah	McConico	Shaffer	Woronchak
Gaffney	Meisner	Sheltrown	Zelenko
Gielegem	Meyer		

**Nays—21**

Acciavatti	Drolet	Johnson, Ruth	Rocca
Bradstreet	Garfield	Milosch	Sheen
Brandenburg	Hoogendyk	Mortimer	Stahl
Casperson	Hummel	Palmer	Stakoe
Caswell	Hune	Robertson	Tabor
DeRossett			

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**

Rep. Richardville moved that Rule 48 be suspended.

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

**Senate Bill No. 781, entitled**

A bill to amend 1999 PA 244, entitled "An act to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act," by amending section 2 (MCL 445.2052).

The bill was read a second time.

Rep. Richardville 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****Senate Bill No. 781, entitled**

A bill to amend 1999 PA 244, entitled "An act to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act," by amending section 2 (MCL 445.2052).

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

**Roll Call No. 764****Yeas—88**

Accavitti	Gleason	Middaugh	Sheltrown
Adamini	Hager	Minore	Shulman
Amos	Hardman	Moolenaar	Smith
Anderson	Hart	Murphy	Spade
Bieda	Hood	Newell	Stallworth
Bisbee	Hopgood	Nitz	Steil
Brown	Howell	Nofs	Stewart
Byrum	Huizenga	O'Neil	Taub

Caul	Hune	Paletko	Tobocman
Cheeks	Hunter	Palsrok	Vagnozzi
Clack	Jamnick	Pappageorge	Van Regenmorter
Condino	Julian	Pastor	Vander Veen
Daniels	Koetje	Phillips	Voorhees
Dennis	Kolb	Plakas	Walker
DeRoche	Kooiman	Pumford	Ward
Elkins	LaJoy	Reeves	Waters
Emmons	LaSata	Richardville	Wenke
Farhat	Law	Rivet	Williams
Farrah	Lipsey	Robertson	Wojno
Gaffney	McConico	Sak	Woodward
Gielegem	Meisner	Shackleton	Woronchak
Gillard	Meyer	Shaffer	Zelenko

**Nays—20**

Acciavatti	DeRossett	Hummel	Rocca
Bradstreet	Drolet	Johnson, Ruth	Sheen
Brandenburg	Ehardt	Milosch	Stahl
Casperson	Garfield	Mortimer	Stakoe
Caswell	Hoogendyk	Palmer	Tabor

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.

**Second Reading of Bills****House Bill No. 4729, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8313, 8314, 8327, 8329, and 8333 (MCL 324.8313, 324.8314, 324.8327, 324.8329, and 324.8333), as amended by 2002 PA 418.

The bill was read a second time.

Rep. Gleason 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. 4729, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8313, 8314, 8327, 8329, and 8333 (MCL 324.8313, 324.8314, 324.8327, 324.8329, and 324.8333), as amended by 2002 PA 418.

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

**Roll Call No. 765****Yeas—107**

Accavitti	Gaffney	Meisner	Shaffer
Acciavatti	Garfield	Meyer	Sheen

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

### Nays—1

Lipsev

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.

### Second Reading of Bills

#### House Bill No. 4730, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30113 (MCL 324.30113), as amended by 1995 PA 171, and by adding part 33 and section 8316a; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Great Lakes and Tourism,

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

Rep. Gleason moved to amend the bill as follows:

1. Amend page 8, line 8, after "**permit.**" by inserting "**If an installment is not paid when due, the permit is suspended until the installment is paid. The suspension of the permit does not result in an extension of the 5-year term of the permit.**".

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

Rep. Stakoe moved to amend the bill as follows:

1. Amend page 5, line 11, after "**on**" by striking out the balance of the subdivision and inserting "**a list of endangered or threatened species referred to in section 36505.**".

2. Amend page 8, line 18, after “**endangered**” by striking out “**species or habitats**” and inserting “**habitats or species on a list of endangered or threatened species referred to in section 36505,**”.

3. Amend page 10, line 3, after “**any**” by striking out the balance of the subparagraph and inserting “**species of special concern or species on a list of endangered or threatened species referred to in section 36505.**”.

4. Amend page 16, following line 19, by inserting:

“(e) **The proposed use of a pesticide will adversely affect a species on a list of endangered or threatened species referred to in section 36505.**”.

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

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

The motion prevailed.

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

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

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

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**House Bill No. 4730, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 30113 (MCL 324.30113), as amended by 1995 PA 171, and by adding part 33 and section 8316a; and to repeal acts and parts of acts.

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

**Roll Call No. 766**

**Yeas—65**

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

**Nays—43**

Accavitti	Gielegem	McConico	Smith
Adamini	Gillard	Meisner	Spade
Anderson	Hardman	Minore	Stallworth
Bieda	Hood	Murphy	Tobocman
Byrum	Hopgood	O’Neil	Vagnozzi

Cheeks	Hunter	Paletko	Waters
Clack	Jamnack	Phillips	Williams
Condino	Kolb	Plakas	Wojno
Daniels	LaSata	Reeves	Woodward
Dennis	Law	Rivet	Zelenko
Farrah	Lipsey	Sak	

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 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30113 (MCL 324.30113), as amended by 1995 PA 171, and by adding part 33; 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. Accavitti moved that his name be removed as co-sponsor of the bill.

The motion prevailed.

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Reps. Anderson, Law, Kolb and Zelenko, 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:

I voted no on HB 4730 because it reduces natural resources protections. The stated purpose of the bill is to solve the problem of slow response time by the DEQ in administering applications for herbicide applications to address the spread of nuisance plants in our inland lakes. However, the legislature already addressed this problem earlier in the year when we enacted legislation to provide the DEQ additional resources to hire new staff to be able to handle the increasing permit application load. That staff has now been hired. The DEQ also promulgated new administrative rules this year to streamline the permit application process. These solutions should be given a chance to work.

The bill takes the wrong approach by: eliminating the ability of the DEQ to deny a permit if a proposed pesticide application is likely to result in unacceptable impacts to natural resources; eliminating the current standard for the use of fluridone, one of the most potent chemicals applied to our lakes to address nuisance vegetation, contradicting the recommendation of the Michigan Environmental Science Board; prohibiting the DEQ from issuing any specific application standard for any chemical; reducing permit fees so that the DEQ may once again be in the position of not having the resources to keep up with the demand for permit applications; allowing application of pesticides without a permit in some small lakes that have an intermittent flow to other surface waters; and reducing public health protections by reducing and, in some cases, eliminating the posting and public notification requirements for chemical treatments."

### Second Reading of Bills

#### House Bill No. 5158, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 413.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Great Lakes and Tourism,

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

Rep. Acciavatti 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. 5158, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 413.

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

**Roll Call No. 767**

**Yeas—107**

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

**Nays—2**

Drolet

Hune

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 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 45901, 45906, 45908, 48701, 48735, and 48738 (MCL 324.45901, 324.45906, 324.45908, 324.48701, 324.48735, and 324.48738), sections 45901, 45906, 45908, 48735, and 48738 as added by 1995 PA 57 and section 48701 as amended by 2002 PA 434, and by adding part 413.

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.

### Second Reading of Bills

#### Senate Bill No. 226, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 45901, 45906, 45908, 48701, 48735, and 48738 (MCL 324.45901, 324.45906, 324.45908, 324.48701, 324.48735, and 324.48738), sections 45901, 45906, 45908, 48735, and 48738 as added by 1995 PA 57 and section 48701 as amended by 2002 PA 434, and by adding part 413.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Great Lakes and Tourism,

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

Rep. Richardville 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

#### Senate Bill No. 226, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 45901, 45906, 45908, 48701, 48735, and 48738 (MCL 324.45901, 324.45906, 324.45908, 324.48701, 324.48735, and 324.48738), sections 45901, 45906, 45908, 48735, and 48738 as added by 1995 PA 57 and section 48701 as amended by 2002 PA 434, and by adding part 413.

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

#### Roll Call No. 768

#### Yeas—107

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

**Nays—2**

Drolet

Hune

In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”

The House agreed to the full title.

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

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

**Second Reading of Bills****Senate Bill No. 227, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13e of chapter XVII (MCL 777.13e), as added by 2002 PA 30.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Great Lakes and Tourism,

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

Rep. Richardville 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****Senate Bill No. 227, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13e of chapter XVII (MCL 777.13e), as added by 2002 PA 30.

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

**Roll Call No. 769****Yeas—107**

Accavitti	Garfield	Meyer	Sheen
Acciavatti	Gielegem	Middaugh	Sheltrown
Adamini	Gillard	Milosch	Shulman
Amos	Gleason	Minore	Smith
Anderson	Hager	Moolenaar	Spade
Bieda	Hardman	Mortimer	Stahl
Bisbee	Hart	Murphy	Stakoe
Bradstreet	Hood	Newell	Stallworth
Brandenburg	Hoogendyk	Nitz	Steil
Brown	Hopgood	Nofs	Stewart
Byrum	Howell	O’Neil	Tabor

Casperson	Huizenga	Paletko	Taub
Caswell	Hummel	Palmer	Tobocman
Caul	Hunter	Palsrok	Vagnozzi
Cheeks	Jamnack	Pappageorge	Van Regenmorter
Clack	Johnson, Rick	Pastor	Vander Veen
Condino	Johnson, Ruth	Phillips	Voorhees
Daniels	Julian	Plakas	Walker
Dennis	Koetje	Pumford	Ward
DeRoche	Kolb	Reeves	Waters
DeRossett	Kooiman	Richardville	Wenke
Ehardt	LaJoy	Rivet	Williams
Elkins	LaSata	Robertson	Wojno
Emmons	Law	Rocca	Woodward
Farhat	Lipsey	Sak	Woronchak
Farrah	McConico	Shackleton	Zelenko
Gaffney	Meisner	Shaffer	

### Nays—2

Drolet

Hune

In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“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,”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### Senate Bill No. 228, entitled

A bill to amend 1988 PA 466, entitled “Animal industry act,” by amending sections 4, 6, 12, and 31 (MCL 287.704, 287.706, 287.712, and 287.731), sections 4, 6, and 12 as amended by 2002 PA 458 and section 31 as amended by 2000 PA 323.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Great Lakes and Tourism,

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

Rep. Richardville 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**

**Senate Bill No. 228, entitled**

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending sections 4, 6, 12, and 31 (MCL 287.704, 287.706, 287.712, and 287.731), sections 4, 6, and 12 as amended by 2002 PA 458 and section 31 as amended by 2000 PA 323.

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

**Roll Call No. 770**

**Yeas—107**

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

**Nays—2**

Drolet

Hune

In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to authorize and require the appointment of a state veterinarian within the department of agriculture; to protect the human food chain and the livestock and aquaculture industries of the state through prevention, control, and eradication of infectious, contagious, or toxicological diseases of livestock and other animals; to prevent the

importation of certain nonindigenous animals under certain circumstances; to safeguard the human population from certain diseases that are communicable between animals and humans; to prevent or control the contamination of livestock with certain toxic substances through certain livestock or livestock products; to provide for indemnification for livestock under certain circumstances; to provide for certain powers and duties for certain state agencies and departments; to provide for the promulgation of rules; to provide for certain hearings; to provide for remedies and penalties; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### Senate Bill No. 229, entitled

A bill to amend 1996 PA 199, entitled “Michigan aquaculture development act,” by amending sections 2 and 4 (MCL 286.872 and 286.874).

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Great Lakes and Tourism,

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

Rep. Richardville 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

#### Senate Bill No. 229, entitled

A bill to amend 1996 PA 199, entitled “Michigan aquaculture development act,” by amending sections 2 and 4 (MCL 286.872 and 286.874).

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

#### Roll Call No. 771

#### Yeas—104

Accavitti	Gaffney	McConico	Shaffer
Acciavatti	Garfield	Meisner	Sheen
Adamini	Gieleghem	Meyer	Sheltrown
Amos	Gillard	Middaugh	Shulman
Anderson	Gleason	Milosch	Smith
Bieda	Hager	Minore	Spade
Bisbee	Hardman	Moolenaar	Stahl
Bradstreet	Hart	Mortimer	Stakoe
Brandenburg	Hood	Murphy	Stallworth
Brown	Hoogendyk	Newell	Steil
Byrum	Hopgood	Nitz	Stewart
Casperson	Howell	Nofs	Tabor
Caswell	Huizenga	O’Neil	Taub
Caul	Hummel	Paletko	Tobocman
Cheeks	Hunter	Palsrok	Vagnozzi
Clack	Jamnick	Pappageorge	Van Regenmorter
Condino	Johnson, Rick	Pastor	Vander Veen
Daniels	Johnson, Ruth	Phillips	Voorhees
Dennis	Julian	Plakas	Ward
DeRoche	Koetje	Pumford	Waters
DeRossett	Kolb	Reeves	Wenke

Ehardt	Kooiman	Richardville	Williams
Elkins	LaJoy	Robertson	Wojno
Emmons	LaSata	Rocca	Woodward
Farhat	Law	Sak	Woronchak
Farrah	Lipsey	Shackleton	Zelenko

**Nays—4**

Drolet	Hune	Palmer	Walker
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In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to define, develop, and regulate aquaculture as an agricultural enterprise in this state; to provide powers and duties of certain state agencies and departments; and to provide for certain penalties and remedies,”

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

**Messages from the Senate****House Bill No. 5168, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 7cc, 7ee, and 24c (MCL 211.7cc, 211.7ee, and 211.24c), sections 7cc and 24c as amended by 2003 PA 140 and section 7ee as amended by 2003 PA 105.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending sections 7cc, 7ee, 24c, and 154 (MCL 211.7cc, 211.7ee, 211.24c, and 211.154), sections 7cc and 24c as amended by 2003 PA 140, section 7ee as amended by 2003 PA 105, and section 154 as amended by 2000 PA 281.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 772****Yeas—106**

Accavitti	Garfield	Meyer	Shaffer
Acciavatti	Gielegem	Middaugh	Sheen
Adamini	Gillard	Milosch	Sheltrown

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

### Nays—3

Caswell	Hager	Walker
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In The Chair: Julian

The House agreed to the title as amended.

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

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. Sak, Vander Veen, Kooiman, Sheltroun, Brown, Plakas, Wojno, Condino, Paletko, Vagnozzi, Spade, Williams, Minore, Hopgood, Zelenko, Anderson, Waters, Adamini, Hood, Murphy, Tobocman, Accavitti, Kolb, Farhat, Farrah, O'Neil, Dennis, Byrum, Gillard, Casperson, Caswell, Caul, DeRossett, Ehardt, Elkins, Garfield, Gielegem, Gleason, Hager, Hoogendyk, Howell, Huizenga, Hune, Jamnack, LaJoy, Meyer, Middaugh, Milosch, Newell, Pappageorge, Pastor, Phillips, Pumford, Reeves, Richardville, Rivet, Robertson, Shackleton, Shaffer, Shulman, Smith, Steil, Tabor, Taub and Voorhees offered the following resolution:

#### **House Resolution No. 186.**

A resolution recognizing and congratulating the 2003 Grand Valley State University Lakers' championship football team.

Whereas, It is a great privilege and an honor to salute the 2003 Grand Valley State University football team on capturing the National Collegiate Athletic Association (NCAA) Division II Championship by defeating North Dakota State University in Florence, Alabama on December 13, 2003; and



Whereas, The Lakers,' under the leadership of Coach Brian Kelly and his staff, with 27 seconds left in the game sealed the Lakers' second straight title with a 10-3 victory over North Dakota; and

Whereas, The Lakers' played with great heart, discipline and determination making their dreams of becoming the sixth Division II team to win consecutive championships a reality; and

Whereas, Many of the talents and characteristics they exhibited in reaching this goal will help them in all aspects of their lives; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body hereby recognize and congratulate Coach Brian Kelley and the 2003 Lakers' football team; and be it further

Resolved, That a copy of this resolution be transmitted to Coach Brian Kelly, the Grand Valley State University football team and Grand Valley State University President Mark Murray as evidence of our admiration and esteem.

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.

### Messages from the Senate

#### **House Bill No. 4236, entitled**

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

The Senate has concurred in the House amendments to the Senate substitute (S-1) and ordered that the bill be given immediate effect.

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

#### **House Bill No. 5219, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8313 (MCL 600.8313), as amended by 1995 PA 54.

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. 5246, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2002 PA 726.

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. 5247, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1140. 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. 5254, entitled**

A bill to amend 2002 PA 49, entitled "Michigan broadband development authority act," by amending section 7 (MCL 484.3207).

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. 5306, entitled**

A bill to create certain offices in the Michigan economic development corporation; to provide for the appointment of certain officers with the advice and consent of the senate; and to impose certain duties and responsibilities on those officers and on certain state employees and public employees.

The Senate has passed the bill.

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

**House Bill No. 5322, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270.

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. 4249, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2855a. The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect 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.

**House Bill No. 4825, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 3, 8, 11, 21, 25, 26, and 29 (MCL 117.3, 117.8, 117.11, 117.21, 117.25, 117.26, and 117.29), section 3 as amended by 2002 PA 201, section 25 as amended by 1982 PA 200, and section 29 as amended by 1994 PA 17.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3) and amended the title to read as follows:

A bill to amend 1909 PA 279, entitled "An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates," by amending sections 3, 8, 11, 21, 25, and 26 (MCL 117.3, 117.8, 117.11, 117.21, 117.25, and 117.26), section 3 as amended by 2002 PA 201 and section 25 as amended by 1982 PA 200.

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

**House Bill No. 4914, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80124b.

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 pursuant to Joint Rule 20, inserted the full title.

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

**House Bill No. 5216, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4I (MCL 117.4I), as amended by 1996 PA 44, and by adding section 4q.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect 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.

**House Bill No. 5217, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 4r.

The Senate has amended the bill as follows:

1. Amend page 2, line 12, after "to" by striking out the balance of the line through "211.157" on line 13 and inserting "forfeiture, foreclosure, and sale under sections 78 to 79a of the general property tax act, 1893 PA 206, MCL 211.78 to 211.79a".

2. Amend page 2, line 15, after "to" by striking out the balance of the line through "211.157" on line 16 and inserting "forfeiture, foreclosure, and sale under sections 78 to 79a of the general property tax act, 1893 PA 206, MCL 211.78 to 211.79a".

The Senate has passed the bill as amended, ordered that it be given immediate effect 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.

**House Bill No. 5218, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 29 (MCL 117.29), as amended by 1994 PA 17.

The Senate has amended the bill as follows:

1. Amend page 1, line 11, after "of" by inserting "blight".

The Senate has passed the bill as amended, ordered that it be given immediate effect 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.

**House Bill No. 5220, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 7 (MCL 125.587), as amended by 1994 PA 25.

The Senate has amended the bill as follows:

1. Amend page 2, line 5, after "city" by striking out "or village".

The Senate has passed the bill as amended, ordered that it be given immediate effect 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.

**House Bill No. 5224, entitled**

A bill to amend 1941 PA 359, entitled "An act for controlling and eradicating certain noxious weeds within the state; to permit townships, villages, and cities to have a lien for expenses incurred in controlling and eradicating such weeds; to permit officials of counties and municipalities to appoint commissioners of noxious weeds; to define the powers, duties, and compensation of commissioners; to provide for sanctions; and to repeal certain acts and parts of acts," by amending section 4 (MCL 247.64), as amended by 1994 PA 26.

The Senate has amended the bill as follows:

1. Amend page 3, line 13, after "the" by striking out "township, city, or village" and inserting "city".

2. Amend page 3, line 16, after "the" by striking out "township, city, or village" and inserting "city".

The Senate has passed the bill as amended, ordered that it be given immediate effect 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.

**House Bill No. 5255, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3, 4, 5, 6, 8, and 10 (MCL 207.803, 207.804, 207.805, 207.806, 207.808, and 207.810), section 3 as amended by 2000 PA 428 and sections 6 and 8 as amended by 2000 PA 144, and by adding section 8a.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect 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.

**House Bill No. 5265, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19703 (MCL 324.19703), as added by 2002 PA 397.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect 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.

**House Bill No. 5270, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 19608a.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect 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.

**House Bill No. 4367, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2004; and to provide for the expenditure of the appropriations.

The Senate has nonconcurrent in the House substitute (H-1) and appointed Senators Johnson, Sikkema and Emerson as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Shulman, Rick Johnson and Brown.

The message was referred to the Clerk for record.

**Senate Bill No. 718, entitled**

A bill to amend 1996 PA 381, entitled "An act to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans relating to the designation and treatment of brownfield redevelopment zones; to promote the revitalization of environmentally distressed areas; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing. by amending section 15 (MCL 125.2665), as amended by 2002 PA 727.

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 2, line 25, after "landfill" by striking out the balance of the line through "324.11550" on line 27.

The Senate has concurred in the House substitute (H-1) as amended, ordered that the bill be given immediate effect and agreed to the full title.

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

**Senate Bill No. 825, entitled**

A bill to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending section 8 (MCL 125.2688), as amended by 2003 PA 93, and by adding section 8d.

The Senate has substituted (S-1) the House substitute (H-1).

The Senate has concurred in the House substitute (H-1) as substituted (S-1), ordered that the bill be given immediate effect and agreed to the full title.

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

**Senate Bill No. 834, entitled**

A bill to promote investment in certain businesses; to promote economic development in this state; to provide for a Michigan early stage venture investment corporation; to prescribe the powers and duties of a Michigan early stage venture investment corporation; to prescribe the powers and duties of certain public officers and departments; to establish the Michigan early stage venture investment fund and other funds; to provide for tax credits and incentives; to authorize certain investments; to provide for the expiration of the fund; to provide or allow for appropriations; and to provide penalties and remedies.

The Senate has substituted (S-7) the House substitute (H-1).

The Senate has concurred in the House substitute (H-1) as substituted (S-7) and ordered that the bill be given immediate effect.

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

**Senate Bill No. 556, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11b, 26a, 68, and 108 (MCL 388.1611, 388.1611b, 388.1626a, 388.1668, and 388.1708), sections 11, 26a, 68, and 108 as amended and section 11b as added by 2003 PA 158.

The Senate has nonconcurred in the House substitute (H-1) and appointed Senators Johnson, Sikkema and Emerson as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Shulman, Rick Johnson and Brown.

The message was referred to the Clerk for record.

**Notices**

Pursuant to Rule 44, the Speaker has made the following reassignments:

**Senate Bill No. 635** referred to the Committee on Senior Health, Security and Retirement.

**Senate Bill No. 780** referred to the Committee on Local Government and Urban Policy.

Rep. Taub moved that the House adjourn.

The motion prevailed, the time being 4:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, December 18, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives

