

**No. 16**  
**STATE OF MICHIGAN**  
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**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Tuesday, February 24, 2004.

1:00 p.m.

The House was called to order by Associate Speaker Pro Tempore Ehardt.

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

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

e/d/s = entered during session

Rep. Ken Bradstreet, from the 105th District, offered the following invocation:

“Father, thank You for the privilege that You’ve given each one of us to be Your instruments, to be the ones that work out Your justice and Your compassion and Your wisdom. We come to You today as Your word has instructed us, ‘If any man lacks wisdom, let him ask from above.’ You giveth to all men liberally. We are claiming that promise today that You would give us wisdom if we ask, and so we are asking to do the things that are right, to do the things that are just and to do those things that are compassionate. May we please You in everything that we do and everything that we say. May it bring honor to You. For it is in Jesus’ name we pray, Amen.”

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

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

Rep. Spade moved that Rep. Clack be excused temporarily from today’s session.  
The motion prevailed.

The Speaker Pro Tempore assumed the Chair.

### Third Reading of Bills

#### Senate Bill No. 824, 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.

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

#### Roll Call No. 70

#### Yeas—106

Accavitti	Gillard	Middaugh	Sheltrown
Acciavatti	Gleason	Milosch	Shulman
Adamini	Hager	Minore	Smith
Amos	Hardman	Moolenaar	Spade
Anderson	Hart	Mortimer	Stahl
Bieda	Hood	Murphy	Stakoe
Bisbee	Hoogendyk	Newell	Stallworth
Bradstreet	Hopgood	Nitz	Steil
Brandenburg	Howell	Nofs	Stewart
Byrum	Huizenga	O’Neil	Tabor
Casperson	Hummel	Palmer	Taub
Caswell	Hune	Palsrok	Tobocman
Caul	Hunter	Pappageorge	Vagnozzi
Condino	Jamnick	Pastor	Van Regenmorter
Daniels	Johnson, Rick	Phillips	Vander Veen
Dennis	Johnson, Ruth	Plakas	Voorhees
DeRoche	Julian	Pumford	Walker
DeRossett	Koetje	Reeves	Ward
Drolet	Kolb	Richardville	Waters
Ehardt	Kooiman	Rivet	Wenke
Elkins	LaJoy	Robertson	Whitmer

Emmons	LaSata	Rocca	Williams
Farhat	Law	Sak	Wojno
Farrar	Lipse	Shackleton	Woodward
Gaffney	McConico	Shaffer	Woronchak
Garfield	Meisner	Sheen	Zelenko
Gielegem	Meyer		

### Nays—0

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 1995 PA 24, entitled “An act to promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers,” by amending sections 3 and 8 (MCL 207.803 and 207.808), as amended by 2003 PA 248.

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.

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Rep. Clack, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 70. Had I been present, I would have voted ‘yea’.”

### Second Reading of Bills

#### Senate Bill No. 843, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12e of chapter XVII (MCL 777.12e), as added by 2002 PA 34.

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

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

Rep. DeRossett moved to amend the bill as follows:

1. Amend page 2, line 9, after “**257.616a(2)(b)**” by striking out “**Pub ord**” and inserting “**Pub saf**”.

2. Amend page 2, line 11, after “**257.616a(2)(c)**” by striking out “**Pub ord**” and inserting “**Pub saf**”.

3. Amend page 2, line 18, after “**Person**” by striking out “**B**” and inserting “**C**”.

The motion prevailed and the amendments were 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. 843, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12e of chapter XVII (MCL 777.12e), as added by 2002 PA 34.

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

**Roll Call No. 71**

**Yeas—106**

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

**Nays—0**

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

#### House Bill No. 5466, entitled

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

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5466, entitled

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

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

#### Roll Call No. 72

#### Yeas—107

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

Elkins	LaJoy	Robertson	Williams
Emmons	LaSata	Rocca	Wojno
Farhat	Law	Sak	Woodward
Farrah	Lipsey	Shackleton	Woronchak
Gaffney	McConico	Shaffer	Zelenko
Garfield	Meisner	Sheen	

**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.

Reps. Stewart, Koetje, Hager, Julian, Taub, Accavitti and Gillard were named co-sponsors of the bill.

**Second Reading of Bills****House Bill No. 5241, entitled**

A bill to amend 1974 PA 263, entitled “An act to permit counties to impose and collect an excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests; to provide for the disposition of the revenues thereof; and to prescribe penalties,” by amending section 2 (MCL 141.862), as amended by 1991 PA 91.

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

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

Rep. Koetje 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. 5241, entitled**

A bill to amend 1974 PA 263, entitled “An act to permit counties to impose and collect an excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests; to provide for the disposition of the revenues thereof; and to prescribe penalties,” by amending section 2 (MCL 141.862), as amended by 1991 PA 91.

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

**Roll Call No. 73****Yeas—105**

Accavitti	Gleason	Middaugh	Sheltrown
Acciavatti	Hager	Milosch	Shulman
Adamini	Hardman	Minore	Smith
Amos	Hart	Moolenaar	Spade
Anderson	Hood	Mortimer	Stahl
Bieda	Hoogendyk	Murphy	Stakoe
Bradstreet	Hopgood	Newell	Stallworth
Brandenburg	Howell	Nitz	Steil
Byrum	Huizenga	Nofs	Stewart
Casperson	Hummel	O’Neil	Tabor
Caswell	Hune	Palmer	Taub

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

### Nays—2

Bisbee Drolet

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. 4476, entitled

A bill to provide for respite care resources; to establish the Michigan lifespan respite services program; to provide for community lifespan respite services programs; and to prescribe the powers and duties of certain departments of this state.

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

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

Rep. Vander Veen 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. 4476, entitled

A bill to provide for respite care resources; to establish the Michigan lifespan respite services program; to provide for community lifespan respite services programs; and to prescribe the powers and duties of certain departments of this state.

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

### Roll Call No. 74

### Yeas—106

Accavitti	Gillard	Middaugh	Sheltrown
Acciavatti	Gleason	Milosch	Shulman

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

### Nays—1

Drolet

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 provide respite care information resources; to establish a unified Michigan lifespan respite services resource network to disseminate community lifespan respite services information resources; and to prescribe the powers and duties of certain departments of this state.

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.

Reps. McConico, Phillips, Richardville, Farrah, Hopgood, Garfield, Gleason, Sak, Huizenga, Elkins and Gillard were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

### Reports of Standing Committees

The Speaker laid before the House

#### House Resolution No. 113.

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

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

(The resolution was reported by the Committee on Health Policy on February 17, consideration of which, under the rules, was postponed until February 18.)

The question being on the adoption of the resolution,

The resolution was adopted.



The Speaker laid before the House

**House Resolution No. 167.**

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

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

(The resolution was reported by the Committee on Health Policy on February 17, with substitute (H-1), consideration of which, under the rules, was postponed until February 18.)

(For substitute, see House Journal No. 13, p. 203.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

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

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

**House Resolution No. 195.**

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

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

(The resolution was reported by the Committee on Agriculture and Resource Management on February 17, consideration of which, under the rules, was postponed until February 18.)

The question being on the adoption of the resolution,

The resolution was adopted.

### Messages from the Senate

The Speaker laid before the House

**House Bill No. 5154, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8303, 8304, 8306, and 8316 (MCL 324.8303, 324.8304, 324.8306, and 324.8316), sections 8303, 8304, and 8306 as amended by 2002 PA 418.

(The bill was received from the Senate on February 18, with substitute (S-3), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 19, see House Journal No. 14, p. 222.)

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. 75

### Yeas—107

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

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

### 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

#### Senate Bill No. 681, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 11a to chapter VI.

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. 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. 681, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 11a to chapter VI.

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

### Roll Call No. 76

### Yeas—107

Accavitti	Gielegem	Meyer	Sheltrown
Acciavatti	Gillard	Middaugh	Shulman
Adamini	Gleason	Milosch	Smith
Amos	Hager	Minore	Spade
Anderson	Hardman	Moolenaar	Stahl
Bieda	Hart	Mortimer	Stakoe
Bisbee	Hood	Murphy	Stallworth
Bradstreet	Hoogendyk	Newell	Steil

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

### Nays—0

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

#### House Bill No. 4929, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 3112a (MCL 324.3112a), as amended by 2000 PA 286.

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

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

Rep. Ward 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. 4929, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3112a (MCL 324.3112a), as amended by 2000 PA 286.

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

**Roll Call No. 77**

**Yeas—107**

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

**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.

**Messages from the Governor**

**House Bill No. 4478, entitled**

A bill to amend 1990 PA 211, entitled "An initiation of Legislation to require parental consent for abortions performed on unemancipated minors and to provide a judicial alternative to parental consent; to provide for certain

rights, powers, and duties of departments, individuals, and courts; and to prescribe penalties,” by amending sections 3 and 4 (MCL 722.903 and 722.904).

(The bill was returned by the Governor without her signature and referred to the Committee on Government Operations on February 10, see House Journal No. 10, p. 136; reported by the Committee on Government Operations with the recommendation that the bill pass and referred to the order of Messages from the Governor on February 19, see House Journal No. 15, p. 237.)

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, The bill was then not passed, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 78****Yeas—70**

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

**Nays—36**

Accavitti	Elkins	Kolb	Stallworth
Adamini	Farrah	Law	Tobocman
Anderson	Gielegghem	Lipsey	Vagnozzi
Bieda	Gillard	McConico	Waters
Byrum	Hardman	Meisner	Whitmer
Clack	Hood	Minore	Williams
Condino	Hopgood	Murphy	Wojno
Daniels	Hunter	Phillips	Woodward
Dennis	Jamnick	Smith	Zelenko

In The Chair: Julian

Reps. Accavitti, Gillard, Adamini, Tobocman, Elkins, Vagnozzi, Dennis, Murphy, Anderson and Zelenko, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ to override the Governor’s veto of House Bill 4478 because we already have a parental consent law in Michigan that works. This bill ties the hands of judges who under the current law can address individual circumstances on a case by case basis. This bill does not allow a judge to take into consideration the unique circumstances of why a minor is seeking a judicial bypass of the state’s parental consent law.

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

Michigan's current parental consent law has worked to encourage girls to talk with their families before seeking an abortion. Since Michigan's Parental Consent law went into effect in 1990, abortions for minors have been cut by more than half. The legislature should be working toward reducing unintended pregnancies by improving sex education and access to family planning services rather than mandating healthy family relationships between minors and their families where they do not exist.

Finally, it is unclear that this bill meets the constitutional standards set forth in the U.S. Supreme Court decision *Belotti v. Baird* for determining the minor's maturity level and what is in the minor's best interest."

Rep. Richardville moved to reconsider the vote by which the House did not pass the bill.

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

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,

Rep. Richardville moved that consideration of the bill be postponed for the day.

The motion prevailed.

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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. Anderson, Law, Byrum, Waters, Minore, Jamnick, Zelenko, Kolb, Gielegem, Woodward, Spade, Elkins, Cheeks, Adamini, Accavitti, Stewart, O'Neil, Vagnozzi, Gleason, Williams, Hopgood, Murphy, Sak, Whitmer, Brown, Hood, Bieda, Stallworth, Meisner, McConico, Dennis, Farrah, Reeves, Phillips and Hardman offered the following resolution:

#### **House Resolution No. 205.**

A resolution to call on the President of the United States to remove the Chairman of the White House Council of Economic Advisors and to express strong opposition to the outsourcing of American jobs.

Whereas, Many people in Michigan and across the country have expressed outrage over statements made by the President's top economic advisor regarding the outsourcing of American jobs to other countries. In the face of massive job losses, especially in the manufacturing sector, Chairman Gregory Mankiw's recent remarks on what he called the economic merits of outsourcing have demonstrated an insensitivity to the American worker that is most distressing; and

Whereas, In the past three years alone, nearly 2.8 million American factory jobs have been lost. Nowhere has this loss of manufacturing been more keenly felt than in Michigan. The competition facing the American worker is more intense than at any time in the past, as the standards of safety, environmental concerns, and fair labor practices in our country, subsidization policies in some countries, and miniscule wage levels combine to move jobs away from our country. While this is often portrayed as a challenge to blue collar employment, many types of jobs are now being exported, including in the high tech sector; and

Whereas, A person serving the country as the President's chief economic advisor clearly must be sensitive to the impact that economic policies have on the households of American workers. Statements that ignore the hardships and fear felt in too many families across this country are offensive to all Americans who care about their neighbors and our shared future; now, therefore, be it

Resolved by the House of Representatives, That we call on the President of the United States to remove Chairman Gregory Mankiw of the White House Council of Economic Advisors from his responsibilities and express our strong opposition to the outsourcing of American jobs; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the President of the United States.

The resolution was referred to the Committee on Commerce.

Rep. DeRossett offered the following resolution:

#### **House Resolution No. 206.**

A resolution to support the construction of the new Diagnostic Center for Population and Animal Health on the campus of Michigan State University.

Whereas, The new Diagnostic Center for Population and Animal Health (DCPAH), on the campus of Michigan State University, is a place where Michigan's companion animals, livestock, and wildlife are brought or submitted to have veterinarians, epidemiologists, and scientists diagnose their sickness or cause of death; and

Whereas, The existing DCPAH facility serves as Michigan's official diagnostic laboratory, providing animal health services not only to state government, but to veterinarians, companion and farm animal owners, and various state agencies across Michigan. The DCPAH is one of two national laboratories and the only comprehensive diagnostic lab for animal health in the state; and

Whereas, To help the state better meet long-term needs, such as requirements for exports, food safety, and domestic and wild animal disease eradication programs, the Michigan Legislature appropriated money for construction of a new, comprehensive, state-of-the-art DCPAH; and

Whereas, This new facility will incorporate the latest, most effective and best available technology to increase efficiency and responsiveness; and

Whereas, The DCPAH represents the state's long-term commitment to public and animal health and safety. This investment will better prepare Michigan to handle emerging issues; and

Whereas, The DCPAH has become one of the country's premier and busiest diagnostic laboratories. It has grown from just over 9,700 cases when it was created to about 160,000 cases involving nearly a million tests in 2002; and

Whereas, The DCPAH's ever-increasing demand underscores the importance of having a first-rate facility capable of meeting the state's myriad needs. It will be an invaluable tool in helping Michigan to identify, track, and address emerging animal and public health and safety issues; and

Whereas, The opening of the new DCPAH will provide quicker response, increased capacity, improved efficiency, and new technology for bio-security; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body support the parties involved in planning and constructing the DCPAH and appreciate the efforts to incorporate the several agency requirements into the facility including the Michigan Department of Agriculture and Michigan Department of Natural Resources; and be it further

Resolved, That copies of this resolution be transmitted to the President of the Michigan Farm Bureau and the Michigan State University President and Board of Trustees.

The resolution was referred to the Committee on Agriculture and Resource Management.

### **Reports of Standing Committees**

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

#### **House Resolution No. 168.**

A resolution to memorialize the Congress of the United States and the United States Department of Transportation to permit the use of 75-foot crib carrier log hauling equipment.

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

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

#### **Substitute for House Resolution No. 168.**

A resolution to memorialize the Congress of the United States and the United States Department of Transportation to permit the use of 75-foot crib carrier log hauling equipment.

Whereas, In the logging industry, an important industry for the state of Michigan, the crib carrier for log hauling offers an advancement that can increase the stability of loads with a new design for how the logs are arranged. In a highly competitive industry like lumbering, the new equipment represents significant progress; and

Whereas, Current federal law places a 70-foot limit on the length of trucks, although a waiver has permitted the use of 75-foot equipment over the past couple of years. Until federal laws and regulations permit the use of a 75-foot truck length, sanctions will prevent the use of safer truck-trailer combinations; and

Whereas, The 75-foot equipment offers distinct safety measures not available through the 70-foot limit currently in place. Most importantly, the crib arrangement makes the load more secure, with added protection against a shifting cargo. This enhances safety along Michigan's roads; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the United States Department of Transportation to permit the use of 75-foot crib carrier log hauling equipment; and be it further

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Huizenga, LaJoy, Robertson, Anderson, Gleason, 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: Thursday, February 19, 2004

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

Absent: Reps. Hune, Ward and Murphy

Excused: Reps. Hune, Ward and Murphy

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

**House Bill No. 5368, entitled**

A bill to amend 1971 PA 174, entitled "Office of child support act," (MCL 400.231 to 400.240) by adding section 12. With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

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

Nays: None

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

**House Bill No. 5369, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 165 (MCL 750.165), as amended by 1999 PA 152.

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

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

## Favorable Roll Call

## To Report Out:

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

Nays: None

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

**House Bill No. 5370, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2002 PA 278.

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

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



## Favorable Roll Call

## To Report Out:

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

Nays: None

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

**House Bill No. 5371, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 19 (MCL 552.519), as amended by 2002 PA 569.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Howell, Van Regenmorter, Bradstreet, Voorhees, Gaffney, Wenke, Lipsey and Bieda

Nays: None

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

**House Bill No. 5372, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 31 (MCL 552.631), as amended by 2002 PA 567.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Pappageorge, Voorhees, Gaffney, Wenke and Lipsey

Nays: Rep. Smith

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

**House Bill No. 5373, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 165 (MCL 750.165), as amended by 1999 PA 152.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Pappageorge, Voorhees, Gaffney, Wenke and Lipsey

Nays: Reps. Adamini, Bieda, Condino and Smith

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 19, 2004

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

Absent: Reps. Koetje and Garfield

Excused: Reps. Koetje and Garfield

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported  
**House Resolution No. 128.**

A resolution to memorialize the Congress of the United States to enact the Great Lakes Controlled Data Collection and Monitoring Act.

(For text of resolution, see House Journal No. 68 of 2003, p. 1763.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Brandenburg, Meyer, Law and Stallworth

Nays: None

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported  
**House Resolution No. 129.**

A resolution calling for environmental officials of Canada, the United States, Michigan, and Ontario to develop stronger safeguards for notifications when spills of toxic materials occur.

(For text of resolution, see House Journal No. 68 of 2003, p. 1764.)

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

#### **Substitute for House Resolution No. 129.**

A resolution calling for environmental officials of Canada, the United States, Michigan, and Ontario to develop stronger safeguards for notifications when spills of toxic materials occur.

Whereas, Over the years, Michigan and Ontario have developed procedures to provide notification when spills of harmful material take place that could impact people living across the border. Recent events along the St. Clair River have called into serious question the effectiveness of those procedures; and

Whereas, During the August 14<sup>th</sup> electricity power failure, hundreds of pounds of vinyl chloride were accidentally released into the river by an Ontario plastics company. This highly dangerous substance, which may cause liver and other cancers, was released over a three-day period. By the day after the power failure, August 15<sup>th</sup>, people in Michigan living along the river were already exhibiting significant symptoms of illness, apparently from drinking water contaminated by the vinyl chloride; and

Whereas, In spite of the notification procedures that were established to prevent such problems, notification to citizens in the affected area was not made until August 19<sup>th</sup>. Clearly, the system in place failed; and

Whereas, Concerns over how to deal with toxic spills have been articulated before. The Great Lakes Conservation Task Force specifically took note of inconsistencies within the Great Lakes basin and called for binational efforts to better coordinate approaches to contamination through the use of uniform thresholds, better detection technology, and a stronger partnership; and

Whereas, It is incumbent upon Michigan and Ontario environmental officials to reexamine policies that have proven to be ineffective and to modify procedures to ensure a better response to a spill of harmful materials; now, therefore, be it

Resolved by the House of Representatives, That we urge the Canadian Minister of the Environment, the United States Environmental Protection Agency Administrator, the U.S. Coast Guard, and Michigan and Ontario environmental officials to develop stronger safeguards for notifications when spills of toxic materials occur; and be it further

Resolved, That copies of this resolution be transmitted to the Canadian Minister of the Environment, Administrator of the United States Environmental Protection Agency, U.S. Coast Guard, Michigan State Police Emergency Management Division, Office of the Great Lakes, Michigan Department of Environmental Quality, and Ontario Ministry of the Environment.

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Brandenburg, Meyer, Law and Stallworth

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Great Lakes and Tourism, was received and read:

Meeting held on: Thursday, February 19, 2004

Present: Reps. Palsrok, Brandenburg, Meyer, Law, Gleason and Stallworth

Absent: Rep. Tabor

Excused: Rep. Tabor

The Committee on Veterans Affairs and Homeland Security, by Rep. Nofs, Chair, reported

**House Bill No. 5416, entitled**

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending the title and section 11 (MCL 30.411), the title as amended by 1990 PA 50 and section 11 as amended by 2002 PA 132.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

To Report Out:

Yeas: Reps. Nofs, Ruth Johnson, Woronchak, Casperson, Sheltroun and Spade

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 24, 2004

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

Absent: Reps. Garfield, Richardville, Pappageorge, Woodward and Elkins

Excused: Reps. Garfield, Richardville, Pappageorge, Woodward and Elkins

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

**House Joint Resolution U, entitled**

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

Without amendment and with the recommendation that the joint resolution be adopted.

The joint resolution was referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

To Report Out:

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

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hager, Chair, of the Committee on Family and Children Services, was received and read:

Meeting held on: Tuesday, February 24, 2004

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

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

**House Bill No. 4937, entitled**

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending section 7a (MCL 408.757a), as amended by 1982 PA 176.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, DeRoche, Palsrok, Wojno, Hopgood and Gielegghem

Nays: None

The Committee on Regulatory Reform, by Rep. Rocca, Chair, Chair, reported

**House Bill No. 5349, entitled**

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending sections 1b and 3k (MCL 338.881b and 338.883k), as added by 1992 PA 130.

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

1. Amend page 3, line 23, after "of" by striking out "**consumer and industry services**" and inserting "**labor and economic growth**".

2. Amend page 3, line 27, after "of" by striking out "**consumer and industry services**" and inserting "**labor and economic growth**".

3. Amend page 4, line 3, after "of" by striking out "**consumer and industry services**" and inserting "**labor and economic growth**".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, DeRoche, Palsrok, Sheen, Wojno, Hopgood and Gielegghem

Nays: None

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

**House Bill No. 5386, entitled**

A bill to authorize the state administrative board to transfer certain parcels of property in Jackson county.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Rocca, Bisbee, Julian, DeRoche, Palsrok, Sheen, Wojno, Hopgood and Gielegghem

Nays: None

The Committee on Regulatory Reform, by Rep. Rocca, Chair, Chair, reported

**House Bill No. 5500, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1113 (MCL 436.2113), as amended by 1998 PA 416, and by adding section 1114.

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

1. Amend page 5, line 17, after "**midnight**" by inserting a comma and "**E.S.T**".

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, DeRoche, Palsrok, Sheen, Wojno, Hopgood and Gielegem  
Nays: None

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

**Senate Bill No. 337, entitled**

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," (MCL 125.401 to 125.543) by adding section 82a. Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, DeRoche, Palsrok, Sheen, Wojno, Hopgood and Gielegem  
Nays: None

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

**Senate Bill No. 338, 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 sections 1 and 29 (MCL 125.1651 and 125.1679), section 1 as amended by 2003 PA 136 and section 29 as amended by 2001 PA 68.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, DeRoche, Palsrok, Sheen, Wojno, Hopgood and Gielegem  
Nays: None

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

**Senate Bill No. 339, entitled**

A bill to amend 1970 PA 169, entitled "Local historic districts act," by amending sections 1a and 5 (MCL 399.201a and 399.205), as amended by 2001 PA 67.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, DeRoche, Palsrok, Wojno, Hopgood and Gielegem  
Nays: None

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

**Senate Bill No. 742, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 4c.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, DeRoche, Palsrok, Wojno, Hopgood and Gielegem  
 Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, February 24, 2004

Present: Reps. Rocca, Gaffney, Bisbee, Julian, DeRoche, Palsrok, Sheen, Wojno, Hopgood and Gielegem

Absent: Rep. Meisner

Excused: Rep. Meisner

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

**House Bill No. 5381, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 28.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Howell, LaSata, Gaffney, Wenke, Lipsey, Bieda, Condino and Smith

Nays: Reps. Van Regenmorter, Koetje and Adamini

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

**House Bill No. 5394, entitled**

A bill to restrict the use and disclosure of certain statements made by law enforcement officers.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Gaffney, Wenke, Lipsey and Adamini

Nays: Reps. Bieda, Condino and Smith

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 24, 2004

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

Absent: Reps. Pappageorge and Garfield

Excused: Reps. Pappageorge and Garfield

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

**House Bill No. 5446, entitled**

A bill to amend 1945 PA 282, entitled "An act to provide for county planning; the creation, organization, powers and duties of county planning commissions," by amending section 2 (MCL 125.102).

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Stakoe, Wenke, Jamnick, Hardman, 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: Tuesday, February 24, 2004

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

Absent: Rep. Hager

Excused: Rep. Hager

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported

**Senate Bill No. 703, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80205 (MCL 324.80205), as added by 2000 PA 229; 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 under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Palsrok, Brandenburg, Tabor, Meyer, Law, Gleason and Stallworth

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Great Lakes and Tourism, was received and read:

Meeting held on: Tuesday, February 24, 2004

Present: Reps. Palsrok, Brandenburg, Tabor, Meyer, Law, Gleason and Stallworth

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 19, 2004

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

Absent: Reps. Bradstreet, Hart, Tabor and Clack

Excused: Reps. Bradstreet, Hart, Tabor and Clack

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 24, 2004

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

Absent: Rep. Hune

Excused: Rep. Hune

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 24, 2004

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

Absent: Rep. DeRossett

Excused: Rep. DeRossett

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 24, 2004

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

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 Wednesday, February 18:

**Senate Bill Nos. 992 993 994 995 996 997**

The Clerk announced that the following joint resolution had been printed and placed upon the files of the members on Thursday, February 19:

**House Joint Resolution W**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, February 20:

**House Bill Nos. 5583 5584 5585 5586**

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, February 24, for her approval of the following bills:

**Enrolled House Bill No. 4463 at 9:35 a.m.**

**Enrolled House Bill No. 4887 at 9:37 a.m.**

**Enrolled House Bill No. 5183 at 9:39 a.m.**

The Clerk announced that the following Senate bill had been received on Tuesday, February 24:

**Senate Bill No. 241**

By unanimous consent the House returned to the order of

### Messages from the Senate

#### **House Bill No. 4675, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16611 (MCL 333.16611), as amended by 2002 PA 423.

The Senate has substituted (S-5) the bill.

The Senate has passed the bill as substituted (S-5), ordered that it be given immediate effect and amended the title to read as follows:

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 provide for the levy of taxes against certain health facilities or agencies; 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 section 16611 (MCL 333.16611), as amended by 2003 PA 35.

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

#### **Senate Bill No. 241, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.1100) by adding section 1073.

The Senate has passed the bill.

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

### **Notices**

February 24, 2004

Mr. Gary L. Randall  
Clerk of the House  
P.O. Box 30014  
Lansing, MI 48909

Dear Mr. Randall:

I am contacting you in regards to former Representative Dan Paletko’s appointments on the House Appropriations Subcommittees. As you are aware Mr. Paletko served on the following subcommittees: Higher Education, Community Health and Corrections. This letter serves as my authorization for Mr. Paletko to be replaced by Representative Gretchen Whitmer on Higher Education, Representative William O’Neil for Community Health, and Representative Marsha Cheeks for Corrections.

This will take effect on February 24, 2004. If you have any further questions regarding this matter please feel free to contact me at 373-1747.

Sincerely,  
Rick Johnson  
Speaker of the House

### **Messages from the Governor**

Date: February 20, 2004  
Time: 7:10 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

#### **Enrolled House Bill No. 4340 (Public Act No. 5, I.E.), being**

An act to amend 1980 PA 300, entitled “An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 61 (MCL 38.1361), as amended by 2001 PA 30.

(Filed with the Secretary of State February 20, 2004, at 9:08 a.m.)

Date: February 20, 2004  
Time: 7:12 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4659 (Public Act No. 6, I.E.), being**

An act 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 provide for the levy of taxes against certain health facilities or agencies; 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 section 20906 (MCL 333.20906), as amended by 2000 PA 375.

(Filed with the Secretary of State February 20, 2004, at 9:10 a.m.)

Date: February 20, 2004  
Time: 7:14 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4965 (Public Act No. 7, I.E.), being**

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” by amending section 3406k (MCL 500.3406k), as added by 1998 PA 125.

(Filed with the Secretary of State February 20, 2004, at 9:12 a.m.)

Date: February 20, 2004  
Time: 7:16 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4966 (Public Act No. 8, I.E.), being**

An act to amend 1980 PA 350, entitled “An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts,” by amending section 418 (MCL 550.1418), as added by 1998 PA 124.

(Filed with the Secretary of State February 20, 2004, at 9:14 a.m.)

**Communications from State Officers**

The following communication from the Secretary of State was received and read:

Notice of Filing  
Administrative Rules

January 7, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:50 P.M. this date, administrative rule (04-01-01) for the Department of Management and Budget, Public School Employees’ Retirement Board, entitled “*Public School Employees’ Retirement Board General Rules*”, effective 7 days after filing with the Secretary of State.

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

The communication was referred to the Clerk.

The following communication from the Department of Transportation was received and read:

February 10, 2004

Public Act of 1993, Number 69, titled “Michigan Heritage Routes” requires the Michigan Department of Transportation (MDOT) to report to the governor and the legislature those routes designated as Michigan Heritage Routes during the preceding year.

We are pleased to report that US-23, from Standish to Mackinaw City, has been designated as the Sunrise Side Coastal Heritage Route.

Adding this route brings the total number of designated Michigan Heritage Routes to 13.

If you have any questions, please contact either me or Susan P. Mortel, Director, Bureau of Transportation Planning, at 517-373-0343.

Sincerely,  
Gloria J. Jeff  
Director

The communication was referred to the Clerk.

The following communication from the Department of Labor and Economic Growth was received and read:

February 18, 2004

The Homeowner Construction Lien Recovery Fund (Fund) was established in 1980 as a consumer safety net for homeowners to provide a means of redress in the event that all debts owed on a home building or remodeling project are not paid by the licensed contractor.

Pursuant to MCL 570.1201(2), I am notifying the Legislature that I will be requiring an additional \$50 assessment to be made against every member of the Fund.

Should you have any questions regarding the assessment or the Construction Lien Fund, please feel free to call Tom Martin at (517) 373-7486.

David C. Hollister  
Director

The communication was referred to the Clerk.

The following communication from the Auditor General was received and read:

February 18, 2004

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of the Office of the Children's Ombudsman,  
Department of Management and Budget.  
February 2004

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

### Introduction of Bills

Rep. Accavitti introduced

**House Bill No. 5587, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 303a (MCL 339.303a), as amended by 1995 PA 183, and by adding article 14.

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

Reps. Acciavatti and Accavitti introduced

**House Bill No. 5588, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 14.

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

Reps. Sheen, Sak, Shaffer, Huizenga, Hoogendyk, Stahl, Ehardt, Pastor, Milosch, Acciavatti, Hummel, Hager, Kooiman, Voorhees, Vander Veen, Wenke, DeRoche, Palmer, Drolet, Meyer, Middaugh, Casperson, Zelenko, Dennis, Farhat, Mortimer, Robertson, LaJoy, Bradstreet, Tabor, Ward, Shackleton, Lipsey, Gleason, Bieda, Brown, Adamini, Condino, Farrah, Wojno, Moolenaar, Taub, Stakoe, Rocca, Pappageorge, Caul, Ruth Johnson, Rivet and O'Neil introduced

**House Bill No. 5589, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2002 PA 690.

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

Reps. Clack, Spade, Plakas, Vagnozzi, Gleason, Condino, Accavitti, Smith, Law, Hopgood, Murphy, Cheeks, Tobocman, Sheltroun, Adamini, Brown, Williams, Kolb, Jamnick, Minore, McConico, Phillips, Richardville, Stallworth, Reeves, Woodward, Zelenko, Hune, Waters, Bieda, Meisner, Sak, Farrah, Hager, Voorhees, Vander Veen, Wojno, Hardman and Daniels introduced

**House Bill No. 5590, entitled**

A bill to establish the foster care independence program; to provide certain services for certain youth in foster care due to child abuse or child neglect; and to prescribe the duties of certain state departments.

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

Rep. Wojno introduced

**House Bill No. 5591, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4a (MCL 408.384a), as amended by 1997 PA 2.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. Lipsey, Condino, Adamini, Tobocman, LaSata, Bieda, Whitmer, Stewart, Gaffney and McConico introduced

**House Bill No. 5592, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3135 (MCL 500.3135), as amended by 2002 PA 697.

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

Rep. Shackleton introduced

**House Bill No. 5593, entitled**

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending section 2 (MCL 331.2).

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

Reps. Hoogendyk and Lipsey introduced

**House Bill No. 5594, entitled**

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 6 (MCL 224.6), as amended by 1982 PA 299.

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

Reps. Gaffney, Hoogendyk and Lipsey introduced

**House Bill No. 5595, entitled**

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies," by amending section 14 (MCL 45.514), as amended by 1982 PA 300.

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

Reps. Lipsey and Hoogendyk introduced

**House Bill No. 5596, entitled**

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards,

commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,” by amending section 12 (MCL 45.562).

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

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Rep. Woronchak moved that the House adjourn.  
The motion prevailed, the time being 4:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 25, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives