

No. 8
STATE OF MICHIGAN
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House of Representatives
92nd Legislature
REGULAR SESSION OF 2004

House Chamber, Lansing, Wednesday, February 4, 2004.

1:00 p.m.

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

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

Accavitti—present	Garfield—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—excused	Mortimer—present	Stakoe—present
Bradstreet—present	Hood—present	Murphy—present	Stallworth—excused
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—present	Hopgood—present	Nitz—present	Stewart—present
Byrum—present	Howell—present	Nofs—present	Tabor—present
Casperson—excused	Huizenga—present	O’Neil—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—excused	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—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

e/d/s = entered during session

Rep. Dave Woodward, from the 26th District, offered the following invocation:

“We call upon You, our Creator, as we prepare to take handle of the matter that faces us today, and ask that You grant us the compassion to care for the sick and poor; the courage to speak up for those who have no voice; and the wisdom to do what is right and not merely politically expedient. Help us see in our hearts the real faces of the people and the children we serve, as we make the choices that affect them today. Strengthen our faith as we resist those forces that seek to divide us and lend us Your spirit to work harder to unite us in common purpose. Remind us that, we as a people, as a community, and as this great state of Michigan, are only as strong as our weakest link. Prepare us and encourage us to face challenges and obstacles that face us. And let us never be satisfied with mediocrity, but be driven to press further to insure we raise everyone up in our pursuit of goodness, justice and fairness. We join in Your cause and Your purpose. Amen.”

Rep. Gielegem moved that Rep. Dennis be excused from today’s session.
The motion prevailed.

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

Reports of Standing Committees

The Speaker laid before the House
House Concurrent Resolution No. 44.

A concurrent resolution to memorialize the Congress of the United States to affirm support of state-empowered individual property rights and to urge the Congress and the Secretary of the Interior to take certain actions related to the Stupak-Thrall Court case originating in Gogebic County.

(For text of concurrent resolution, see House Journal No. 96 of 2003, p. 2554.)

(The concurrent resolution was reported by the Committee on Judiciary on February 3, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

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

Messages from the Senate

The Speaker laid before the House
House Bill No. 4340, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 61 (MCL 38.1361), as amended by 2001 PA 30.

(The bill was received from the Senate on February 3, 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. 7, p. 71.)

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. 9

Yeas—103

Accavitti
Acciavatti

Garfield
Gielegem

Meyer
Middaugh

Sheltrown
Shulman

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

House Bill No. 4443, entitled

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

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

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

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

The motion prevailed.

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

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

Rep. Zelenko moved that Rep. Minore 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. 4443, entitled

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

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

Roll Call No. 10**Yeas—76**

Acciavatti	Garfield	Middaugh	Shulman
Amos	Gielegem	Milosch	Spade
Bisbee	Gillard	Moolenaar	Stahl
Bradstreet	Gleason	Mortimer	Stakoe
Brandenburg	Hager	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Howell	Nitz	Tabor
Caswell	Huizenga	Nofs	Taub
Caul	Hummel	Palmer	Vagnozzi
Clack	Hune	Palsrok	Van Regenmorter
Condino	Hunter	Pappageorge	Vander Veen
DeRoche	Johnson, Rick	Pastor	Voorhees
DeRossett	Johnson, Ruth	Richardville	Walker
Drolet	Julian	Robertson	Ward
Ehardt	Kolb	Rocca	Wenke
Elkins	Kooiman	Sak	Williams
Emmons	LaJoy	Shackleton	Woodward
Farhat	LaSata	Shaffer	Woronchak
Gaffney	Meyer	Sheen	Zelenko

Nays—26

Accavitti	Hardman	Meisner	Sheltrown
Adamini	Hood	O'Neil	Smith
Anderson	Hopgood	Phillips	Tobocman
Bieda	Jamnack	Plakas	Waters
Cheeks	Law	Pumford	Whitmer
Daniels	Lipsey	Rivet	Wojno
Farrah	McConico		

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 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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. DeRossett, Richardville, Bisbee, LaSata, Ehardt, Julian, Caul, Shackleton, Garfield, Ward, Sak, Moolenaar and Mortimer were named co-sponsors of the bill.

Reps. Accavitti, Adamini, Hopgood, Law and Tobocman, 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 final passage of House Bill 4443 and House Bill 5126 because the state is currently facing a \$1.3 billion deficit for the coming budget year, and cannot afford further tax cuts at this time. Although I believe that abating lead-based paint hazards is a worthy goal, these bills, taken together, could cost the state more than \$100 million, which Michigan can ill afford to take away from other programs at this time."

Rep. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

It is with regret that I vote against this bill. I believe that it represents good public policy and could help address the issue of lead contaminated homes. That being said, in this current climate of fiscal restraint, it is important to note that the estimates of foregone revenue reach into the \$100 million dollar range. This is simply a good idea that we cannot afford at this time.”

Rep. Meisner, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on final passage of House Bill 4443 and House Bill 5126 because Michigan currently faces a \$1.3 billion deficit for the next fiscal year. These proposals could cost the state of Michigan over \$100 million.

Over the past fiscal year the state of Michigan has foregone over \$27 billion in tax revenue from credits, exemptions and the like, without any formal discussion of this matter in the context of budget discussions. We should not be piling on more tax credits until we figure out whether the ones we’ve already got are getting the job done as intended.”

Rep. Reeves entered the House Chambers.

Second Reading of Bills

House Bill No. 5126, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 37e.

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

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

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

The motion prevailed.

Rep. 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. 5126, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 37e.

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

Roll Call No. 11

Yeas—73

Acciavatti	Gillard	Milosch	Shulman
Amos	Gleason	Moolenaar	Spade
Bisbee	Hager	Mortimer	Stahl
Bradstreet	Hoogendyk	Murphy	Stakoe
Brandenburg	Howell	Newell	Steil
Brown	Huizenga	Nitz	Stewart
Caswell	Hummel	Nofs	Tabor
Caul	Hune	Palmer	Taub
Clack	Hunter	Palsrok	Vagnozzi
Condino	Johnson, Rick	Pappageorge	Van Regenmorter

DeRoche	Johnson, Ruth	Pastor	Vander Veen
DeRossett	Julian	Richardville	Voorhees
Drolet	Kolb	Robertson	Walker
Ehardt	Kooiman	Rocca	Ward
Elkins	LaJoy	Sak	Wenke
Emmons	LaSata	Shackleton	Williams
Farhat	Meyer	Shaffer	Woronchak
Gaffney	Middaugh	Sheen	Zelenko
Garfield			

Nays—30

Accavitti	Gielegem	Meisner	Sheltrown
Adamini	Hardman	O'Neil	Smith
Anderson	Hood	Phillips	Tobocman
Bieda	Hopgood	Plakas	Waters
Byrum	Jamnick	Pumford	Whitmer
Cheeks	Law	Reeves	Wojno
Daniels	Lipsey	Rivet	Woodward
Farrah	McConico		

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 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37f.

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. Stewart, Bisbee, Julian, Ward and Moolenaar were named co-sponsors of the bill.

Reps. Accavitti, Adamini, Hopgood, Law and Tobocman, 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 final passage of House Bill 4443 and House Bill 5126 because the state is currently facing a \$1.3 billion deficit for the coming budget year, and cannot afford further tax cuts at this time. Although I believe that abating lead-based paint hazards is a worthy goal, these bills, taken together, could cost the state more than \$100 million, which Michigan can ill afford to take away from other programs at this time."

Rep. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on final passage of House Bill 5126 because the state is currently facing a huge \$1.3 billion dollar deficit for the coming budget year, and it does not make sense to enact further tax cuts at this time. I also note that HB 5126 and others like it would make more sense if approached as part of a comprehensive approach. HB 5118, which I co-sponsored and the House also passed today, would establish a childhood lead poisoning prevention and control commission. It seems to me that the findings of this commission would have been useful in the legislature's deliberations concerning the issue of lead abatement, including the issue of incentives for such abatements. In other words, perhaps this issue should have awaited the deliberations of this new commission."

Rep. Meisner, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on final passage of House Bill 4443 and House Bill 5126 because Michigan currently faces a \$1.3 billion deficit for the next fiscal year. These proposals could cost the state of Michigan over \$100 million.

Over the past fiscal year the state of Michigan has foregone over \$27 billion in tax revenue from credits, exemptions and the like, without any formal discussion of this matter in the context of budget discussions. We should not be piling on more tax credits until we figure out whether the ones we’ve already got are getting the job done as intended.”

Second Reading of Bills

House Bill No. 5117, entitled

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

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

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

Rep. Ehardt 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. 5117, entitled

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

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

Roll Call No. 12

Yeas—85

Accavitti	Hood	Mortimer	Spade
Adamini	Hopgood	Murphy	Stakoe
Amos	Howell	Newell	Steil
Anderson	Hune	Nofs	Stewart
Bieda	Hunter	O’Neil	Tabor
Brown	Jamnick	Palsrok	Taub
Byrum	Johnson, Rick	Pappageorge	Tobocman
Caul	Johnson, Ruth	Phillips	Vagnozzi
Cheeks	Julian	Plakas	Van Regenmorter
Clack	Kolb	Pumford	Vander Veen
Condino	Kooiman	Reeves	Voorhees
Daniels	LaJoy	Richardville	Walker
Ehardt	LaSata	Rivet	Ward
Elkins	Law	Robertson	Waters
Emmons	Lipsey	Rocca	Wenke
Farrah	McConico	Sak	Whitmer
Gaffney	Meisner	Shackleton	Williams
Gielegem	Meyer	Shaffer	Wojno
Gillard	Middaugh	Sheltrown	Woodward
Gleason	Minore	Shulman	Woronchak
Hager	Moolenaar	Smith	Zelenko
Hardman			

Nays—18

Acciavatti	DeRoche	Huizenga	Palmer
Bisbee	Drolet	Hummel	Pastor
Bradstreet	Farhat	Milosch	Sheen
Brandenburg	Garfield	Nitz	Stahl
Caswell	Hoogendyk		

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. Anderson, Rocca, Lipsey, Julian, Hunter, Tobocman, Bieda, Wojno, Clack, Condino, Gleason, Ward, Sak and Elkins were named co-sponsors of the bill.

Second Reading of Bills**House Bill No. 5118, entitled**

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

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

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

Rep. Kolb 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. 5118, entitled**

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

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

Roll Call No. 13**Yeas—88**

Accavitti	Gillard	Minore	Smith
Acciavatti	Gleason	Moolenaar	Spade
Adamini	Hager	Mortimer	Stakoe
Amos	Hardman	Murphy	Steil
Anderson	Hood	Newell	Stewart
Bieda	Hopgood	Nofs	Tabor
Bisbee	Howell	O'Neil	Taub
Brown	Hune	Palsrok	Tobocman
Byrum	Hunter	Pappageorge	Vagnozzi
Caul	Jamnick	Phillips	Van Regenmorter
Cheeks	Johnson, Rick	Plakas	Vander Veen
Clack	Johnson, Ruth	Pumford	Voorhees

Condino	Julian	Reeves	Walker
Daniels	Kolb	Richardville	Ward
DeRossett	Kooiman	Rivet	Waters
Ehardt	LaJoy	Robertson	Wenke
Elkins	LaSata	Rocca	Whitmer
Emmons	Law	Sak	Williams
Farhat	Lipsey	Shackleton	Wojno
Farrah	Meisner	Shaffer	Woodward
Gaffney	Meyer	Sheltrown	Woronchak
Gielegem	Middaugh	Shulman	Zelenko

Nays—15

Bradstreet	Drolet	Hummel	Pastor
Brandenburg	Garfield	Milosch	Sheen
Caswell	Hoogendyk	Nitz	Stahl
DeRoche	Huizenga	Palmer	

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. Waters, Anderson, Rocca, Minore, Jamnick, Richardville, Spade, Julian, Williams, Hunter, Tobocman, Bieda, Condino, Vagnozzi, Sak and Gillard were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5119, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 111k. The bill was read a second time.

Rep. Williams moved to substitute (H-2) the bill.

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

Rep. Williams 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. 5119, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 111k. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 14

Yeas—88

Accavitti	Gielegem	Meyer	Sheltrown
Acciavatti	Gillard	Middaugh	Shulman

Adamini	Gleason	Minore	Smith
Amos	Hager	Moolenaar	Spade
Anderson	Hardman	Mortimer	Stakoe
Bieda	Hood	Murphy	Steil
Bisbee	Hopgood	Newell	Stewart
Brown	Howell	Nofs	Tabor
Byrum	Hune	O'Neil	Taub
Caul	Hunter	Palsrok	Tobocman
Cheeks	Jamnick	Pappageorge	Vagnozzi
Clack	Johnson, Rick	Phillips	Van Regenmorter
Condino	Johnson, Ruth	Plakas	Walker
Daniels	Julian	Pumford	Ward
DeRoche	Kolb	Reeves	Waters
DeRossett	Kooiman	Richardville	Wenke
Ehardt	LaJoy	Rivet	Whitmer
Elkins	LaSata	Robertson	Williams
Emmons	Law	Rocca	Wojno
Farhat	Lipsey	Sak	Woodward
Farrah	McConico	Shackleton	Woronchak
Gaffney	Meisner	Shaffer	Zelenko

Nays—16

Bradstreet	Garfield	Milosch	Sheen
Brandenburg	Hoogendyk	Nitz	Stahl
Caswell	Huizenga	Palmer	Vander Veen
Drolet	Hummel	Pastor	Voorhees

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. Hardman, Waters, McConico, Anderson, Rocca, Rick Johnson, Minore, Spade, Lipsey, Julian, Cheeks, Hunter, Bieda, Clack, Condino, Vagnozzi, Accavitti, Gleason, Elkins and Moolenaar were named co-sponsors of the bill.

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. DeRoche, Emmons, Ward, Mortimer, Hummel, Newell, Tabor, Voorhees, Garfield, Van Regenmorter, Stakoe, Pumford, Caul, Rocca, Pappageorge, Huizenga, Farhat, Caswell, Kooiman, Pastor, Acciavatti, Amos, Brandenburg, Byrum, DeRossett, Ehardt, Elkins, Farrah, Gillard, Hune, Julian, Meyer, Milosch, Nitz, Richardville, Sak, Shaffer, Shulman, Taub, Tobocman and Vander Veen offered the following resolution:

House Resolution No. 193.

A resolution to memorialize the Congress of the United States to increase the level of federal funds available to the states for DNA testing.

Whereas, One of the most significant breakthroughs in the area of crime fighting is DNA testing. This scientific technology has had a dramatic impact in protecting innocent people accused of crimes and identifying murderers,

rapists, and other violent criminals. Because of the effectiveness of this tool, there is enormous frustration among citizens and law enforcement professionals that there is a large backlog of cases awaiting laboratory testing, both here in Michigan and across the country; and

Whereas, In spite of state and federal efforts to date, there remains in Michigan a backlog of over 74,000 cases awaiting DNA testing. It is estimated that Michigan State Police labs can expect 50,000 new DNA samples per year. At the current level of funding available, it is expected that only 42,000 of these can be processed annually, adding to the backlog of cases; and

Whereas, This lag in testing represents a genuine threat to public safety. There have been well-publicized reports of new violent crimes being committed by people who were on the streets solely because tests were still pending. Police across the state are confident that, if the backlog of cases were to be eliminated, thousands of unsolved serious crimes, including murders and rapes, would be solved. The magnitude of removing so many violent criminals from society cannot be ignored; and

Whereas, The issue of finding ample resources to conduct DNA tests on a timely basis is a substantial security issue for our nation. The federal nature of this issue is further underscored by the fact that violent criminals often move around the country. Clearly, this issue is vital to the safety of our citizens; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to increase the level of federal funds available to the states for DNA testing; 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, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Government Operations.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, January 29:

Senate Bill Nos. 929 930 931 932 933 934

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

Senate Bill Nos. 935 936

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

Enrolled House Bill No. 4236 at 11:34 a.m.

Enrolled House Bill No. 4802 at 11:36 a.m.

Enrolled House Bill No. 4916 at 11:38 a.m.

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

House Bill Nos. 5441 5442 5443 5444 5445 5446

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

House Bill No. 5445, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37c (MCL 208.37c), as amended by 2003 PA 251.

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. Bisbee, DeRoche, Koetje, Middaugh, Palmer, Huizenga, Hune, Milosch, Palsrok, Rivet, O'Neil, Tobocman and Accavitti

Nays: None

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

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.

With the recommendation that the substitute (H-5) 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. Bisbee, DeRoche, Howell, Koetje, Middaugh, Palmer, Huizenga, Hune, Milosch, Palsrok, Rivet, O'Neil, 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, February 4, 2004

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

Absent: Reps. Drolet, Wenke, McConico and Murphy

Excused: Reps. Drolet, Wenke, McConico and Murphy

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

House Bill No. 4649, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: Reps. Minore and Farrah

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, February 4, 2004

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

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

House Bill No. 4260, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 174a (MCL 750.174a), as added by 2000 PA 222.

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

Nays: None

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

House Bill No. 4434, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 1998 PA 520.

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. Van Regenmorter, Stakoe, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

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

House Bill No. 5003, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14d of chapter XVII (MCL 777.14d), as added by 2002 PA 29.

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

1. Amend page 2, following line 11, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2004." and renumbering the remaining enacting section.

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. Van Regenmorter, Stakoe, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

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

House Bill No. 5105, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 529, 529a, and 530 (MCL 750.529, 750.529a, and 750.530), section 529a as added by 1994 PA 191.

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

1. Amend page 3, following line 14, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2004."

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. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Meisner, Condino and Hood

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 4, 2004

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

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported

House Bill No. 5021, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1615.

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. Tabor, Milosch, Bradstreet, Ehardt, Richardville, Rocca, Nitz, Gillard, Farrah and Sheltroun

Nays: None

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported

House Resolution No. 184.

A resolution to memorialize the Congress of the United States to enact the Protection of Lawful Commerce in Arms Act. (For text of resolution, see House Journal No. 92 of 2003, p. 2376.)

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. Tabor, Milosch, Bradstreet, Richardville, Rocca, Nitz, Gillard, Farrah and Sheltroun

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Tabor, Chair, of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Wednesday, February 4, 2004

Present: Reps. Tabor, Milosch, Bradstreet, Ehardt, Richardville, Rocca, Nitz, Gillard, Farrah and Sheltroun

Absent: Rep. Accavitti

Excused: Rep. Accavitti

The Committee on Government Operations, by Rep. Koetje, Chair, reported

House Bill No. 4511, entitled

An act to amend 1969 PA 306, entitled "An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date," by amending sections 45 and 45a (MCL 24.245 and 24.245a), section 45 as amended and section 45a as added by 1999 PA 262.

With the recommendation that the bill pass, the objections of the Governor to the contrary notwithstanding.

The bill was referred to the order of Messages from the Governor.

Favorable Roll Call

To Report Out:

Yeas: Reps. Koetje, Drolet and Howell

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 4, 2004

Present: Reps. Koetje, Drolet and Howell

Absent: Reps. Tobocman and Lipsey

The Committee on Family and Children Services, by Rep. Hager, Chair, reported
House Bill No. 5260, entitled

A bill to amend 1846 RS 66, entitled "Of estates in dower, by the curtesy, and general provisions concerning real estate," (MCL 554.131 to 554.139) by adding section 40.

With the recommendation that the bill be referred to the Committee on Judiciary.

Favorable Roll Call

To Report Out:

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

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Judiciary.

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

House Bill No. 5418, entitled

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

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 4, 2004

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

Absent: Rep. Hart

Excused: Rep. Hart

The Committee on Land Use and Environment, by Rep. Ruth Johnson, Chair, reported

House Bill No. 4098, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11513a.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Ruth Johnson, LaJoy, Ehardt, DeRossett, Milosch, Nitz, Ward, Farrah, Gielegem, Dennis and Law

Nays: None

The Committee on Land Use and Environment, by Rep. Ruth Johnson, Chair, reported

House Bill No. 4099, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11505 and 11514 (MCL 324.11505 and 324.11514).

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.
The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ruth Johnson, LaJoy, Ehardt, DeRossett, Milosch, Nitz, Ward, Farrah, Gielegem, Dennis and Law
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ruth Johnson, Chair, of the Committee on Land Use and Environment, was received and read:

Meeting held on: Wednesday, February 4, 2004

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 3, 2004

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

Absent: Rep. Hart

Excused: Rep. Hart

Messages from the Senate

House Bill No. 4659, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20906 (MCL 333.20906), as amended by 2000 PA 375.

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. 4965, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3406k (MCL 500.3406k), as added by 1998 PA 125.

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. 4966, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 418 (MCL 550.1418), as added by 1998 PA 124.

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.

Communications from State Officers

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

February 1, 2004

The enclosed annual report, *Status of Electric Competition in Michigan*, is submitted on behalf of the Michigan Public Service Commission in accordance with Section 10u of 2000 PA 141, MCL 460.10u. This report will be available on the Commission Web site at Michigan.gov/mpsc.

Respectfully yours,
J. Peter Lark, Chair
Michigan Public Service Commission

The communication was referred to the Clerk.

The following communications from the Auditor General were received and read:

February 3, 2004

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of Selected State Universities' Reporting of Enrollment
and Other Higher Education Institution Data Inventory (HEIDA) Data.
Fiscal Year 2001-02

February 3, 2004

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of the Michigan Veterans Tuition Grant Program
and the State Education Reimbursement Program,
Department of Military and Veterans Affairs.
February 2004

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

Introduction of Bills

Rep. Mortimer introduced

House Bill No. 5447, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11526 (MCL 324.11526) and by adding sections 11526a and 11526b.

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

Rep. Mortimer introduced

House Bill No. 5448, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11549 (MCL 324.11549).

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

Rep. Mortimer introduced

House Bill No. 5449, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11528a.

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

Rep. Moolenaar introduced

House Bill No. 5450, entitled

A bill to amend 1976 PA 228, entitled "The legislative merit award program act," by amending section 4 (MCL 390.1304), as amended by 1980 PA 386.

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

Reps. Hummel and Moolenaar introduced

House Bill No. 5451, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283).

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

Reps. Hoogendyk and Moolenaar introduced

House Bill No. 5452, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 7 (MCL 390.977), as amended by 1980 PA 500.

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

Reps. Voorhees and Moolenaar introduced

House Bill No. 5453, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 3 (MCL 390.1403).

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

Reps. Caul and Moolenaar introduced

House Bill No. 5454, entitled

A bill to amend 1974 PA 75, entitled "An act to provide for payment to approved independent nonprofit institutions of higher education, located within the state, for all earned degrees conferred upon Michigan residents; and to provide for appropriations," by amending section 3 (MCL 390.1023), as amended by 1984 PA 9.

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

Reps. Kooiman, Hoogendyk, Huizenga, Voorhees, Vander Veen, Koetje, Van Regenmorter, Brandenburg, Stahl, Sheen, Hummel, Bradstreet, Steil, Sak and Moolenaar introduced

House Bill No. 5455, entitled

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 4 (MCL 390.994), as amended by 1980 PA 503.

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

Reps. Walker and Moolenaar introduced

House Bill No. 5456, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274).

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

Rep. Palmer introduced

House Bill No. 5457, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 622a.

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

Rep. Woodward introduced

House Bill No. 5458, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 624 (MCL 380.624), as amended by 1995 PA 289.

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

Rep. Walker moved that the House adjourn.

The motion prevailed, the time being 5:30 p.m.

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

GARY L. RANDALL
Clerk of the House of Representatives

