

No. 47
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
92nd Legislature
REGULAR SESSION OF 2004

House Chamber, Lansing, Wednesday, May 26, 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—present	Mortimer—present	Stakoe—present
Bradstreet—present	Hood—e/d/s	Murphy—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—present	Hopgood—present	Nitz—present	Stewart—present
Byrum—present	Howell—present	Nofs—present	Tabor—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—present	Hunter—present	Pappageorge—excused	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. Jacob W. Hoogendyk, Jr., from the 61st District, offered the following invocation:

“From Psalm 139, verses 1 through 6, 13, 14, 23 and 24:

Oh Lord, Thou hast searched me and known me.
Thou dost know when I sit down and when I rise up;
Thou dost understand my thought from afar.
Thou dost scrutinize my path and my lying down,
And art intimately acquainted with all my ways.
Even before there is a word on my tongue,
Behold, O Lord, Thou dost know it all.
Thou hast enclosed me behind and before,
And laid Thy hand upon me.
Such knowledge is too wonderful for me;
It is too high, I cannot attain to it.
For Thou didst form my inward parts;
Thou didst weave me in my mother’s womb.
I will give thanks to Thee,
for I am fearfully and wonderfully made;
Wonderful are Thy works,
And my soul knows it very well.
Search me, O God, and know my heart;
Try me and know my anxious thoughts;
And see if there be any hurtful way in me,
And lead me in the everlasting way.

Amen.”

Rep. Palmer moved that Rep. Pappageorge be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5669, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

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

Rep. Gaffney 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. Hoogendyk moved that Rep. Sheen 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. 5669, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

Roll Call No. 389

Yeas—59

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

Nays—45

Accavitti	Dennis	Meisner	Sheltrown
Adamini	Farrah	Middaugh	Shulman
Anderson	Gielegem	Minore	Smith
Bieda	Hardman	Murphy	Stallworth
Brown	Hopgood	O'Neil	Vagnozzi
Byrum	Hunter	Phillips	Waters
Caswell	Jamnick	Plakas	Whitmer
Caul	Kolb	Pumford	Williams
Cheeks	Law	Reeves	Wojno
Clack	Lipsey	Rivet	Woodward
Condino	McConico	Sak	Zelenko
Daniels			

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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

"Mr. Speaker and members of the House:

This is a very valid tax credit, but unfortunately, at this time the State must balance our budget and cannot afford additional tax credits. I suggest the legislature revisit this issue when times are better."

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

“Mr. Speaker and members of the House:

I am most supportive of historical museums and their financial needs, this is not a time for us in Michigan to continue to be passing legislation that continues to reduce our revenue streams making it more difficult to meet the needs of Michigan Citizens.”

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:

First of all, I would like to commend the sponsor of this bill. It is a good idea, and if the State of Michigan’s fiscal picture was a little better, it would be a bill I would have been very pleased to support. Unfortunately, this good idea comes with a price — one estimated at \$2.5 to \$3 million dollars in foregone tax revenue. With the State facing continuing shortfalls, this is something we simply cannot afford at this time. To paraphrase the late U.S. Senator Everett Dickson, ‘a million here, a million there, sooner or later it adds up to real money.’ It is my hope that the State’s fiscal picture improves significantly and that I will be able to support this tax credit.”

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

“Mr. Speaker and members of the House:

I voted NO on HB 5669 due to the budget crisis we are facing. I certainly support Historical Museums and would certainly entertain a positive vote when the budget is in better shape. To continue to vote tax cuts and not increase revenues is irresponsible. This legislature has voted more than 500M in tax cuts this session. We cannot cut out way out of this deficit to the budget we must balance our revenue income and expenditure. To continue to give tax cuts is irresponsible to the education, health care, and fiscal security of the people of the State of Michigan.”

Second Reading of Bills

House Bill No. 5008, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 226 (MCL 257.226), as amended by 2002 PA 642.

The bill was read a second time.

Rep. Huizenga moved to substitute (H-3) the bill.

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

Rep. Huizenga 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. 5008, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 226 (MCL 257.226), as amended by 2002 PA 642.

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

Roll Call No. 390

Yeas—104

Accavitti
Acciavatti
Adamini
Amos

Gaffney
Garfield
Gielegem
Gillard

McConico
Meisner
Meyer
Middaugh

Shaffer
Sheltrown
Shulman
Smith

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

Nays—1

DeRoche

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 1949 PA 300, entitled "Michigan vehicle code," by amending sections 226 and 802 (MCL 257.226 and 257.802), as amended by 2003 PA 152.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Hood entered the House Chambers.

Second Reading of Bills

House Bill No. 5230, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration

of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 20a (MCL 247.670a), as amended by 2002 PA 498.

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. LaJoy moved to amend the bill as follows:

1. Amend page 4, line 14, by striking out all of subdivision (e) and inserting:

“(e) As used in this section:

(i) “County road commission” means the board of county road commissioners elected or appointed pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive for ministerial functions and the county commission provided for in section 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative functions.

(ii) “Preservation” means that term as defined in section 10c unless the contracting parties specify a different meaning in the contract.”

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

Rep. LaJoy 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. 5230, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to

provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 20a (MCL 247.670a), as amended by 2002 PA 498.

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

Roll Call No. 391**Yeas—108**

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 5798, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 2001 PA 169.

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

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

Rep. Rivet 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. Nitz moved that Rep. Ehardt 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. 5798, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 2001 PA 169.

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

Roll Call No. 392

Yeas—107

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

The Speaker Pro Tempore called Associate Speaker Pro Tempore Vander Veen to the Chair.

House Bill No. 5632, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 12 (MCL 205.427 and 205.432), as amended by 2002 PA 503.

(The bill was read a third time and not passed, vote reconsidered and bill postponed for the day on May 19, see House Journal No. 44, p. 1024.)

The question being on the passage of the bill,

Rep. Julian moved to substitute (H-7) the bill.
The motion was seconded and the substitute (H-7) was adopted, a majority of the members serving voting therefor.
The question being on the passage of the bill,

Rep. Whitmer moved to amend the bill as follows:

1. Amend page 4, line 24, after "**the**" by striking out the balance of the subsection and inserting "**general fund of this state.**".

The motion was seconded and the amendment was adopted, a majority of the members serving voting therefor.
The question being on the passage of the bill,

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 10, line 22, after "**hospital**" by inserting a comma and "**auxiliary medical, pharmacist, ambulance.**".

The motion was seconded and the amendment was adopted, a majority of the members serving voting therefor.
The question being on the passage of the bill,

Rep. Julian moved to amend the bill as follows:

1. Amend page 2, line 5, after "2002" by striking out "**and through June 30, 2004**".
 2. Amend page 2, line 8, by striking out all of subdivision (g).
 3. Amend page 4, line 15, after "**(d).**" by striking out the balance of the line through "**(1)(f).**" on line 23.
 4. Amend page 9, line 12, by striking out "**7(1)(f)**" and inserting "7(1)(e)".
 5. Amend page 11, line 3, by striking out all of subsection (8) and renumbering the remaining subsection.
- The motion was seconded.

The question being on the adoption of the amendments offered by Rep. Julian,

Rep. Nitz demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Julian,

Rep. Julian moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Whitmer.

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

The question being on the adoption of the amendment offered previously by Rep. Whitmer,

Rep. Julian moved that consideration of the amendment be postponed temporarily.

The motion prevailed.

The question being on the adoption of the amendments offered previously by Rep. Julian,

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

Roll Call No. 393

Yeas—56

Acciavatti
Amos

Gaffney
Garfield

Middaugh
Milosch

Shaffer
Sheen

Bisbee	Hager	Moolenaar	Shulman
Bradstreet	Hoogendyk	Mortimer	Stahl
Brandenburg	Howell	Newell	Stakoe
Casperson	Huizenga	Nitz	Steil
Caswell	Hummel	Nofs	Tabor
Caul	Hune	Palmer	Taub
DeRoche	Johnson, Rick	Palsrok	Van Regenmorter
DeRossett	Julian	Pastor	Vander Veen
Drolet	Koetje	Richardville	Voorhees
Ehardt	Kooiman	Robertson	Walker
Emmons	LaJoy	Rocca	Ward
Farhat	Meyer	Shackleton	Wenke

Nays—49

Accavitti	Gillard	Lipsey	Spade
Adamini	Gleason	Meisner	Stallworth
Anderson	Hardman	Minore	Stewart
Bieda	Hart	Murphy	Tobocman
Brown	Hood	O'Neil	Vagnozzi
Byrum	Hopgood	Phillips	Waters
Cheeks	Hunter	Plakas	Whitmer
Clack	Jamnick	Pumford	Williams
Condino	Johnson, Ruth	Reeves	Wojno
Dennis	Kolb	Sak	Woodward
Elkins	LaSata	Sheltrown	Woronchak
Farrah	Law	Smith	Zelenko
Gielegem			

In The Chair: Vander Veen

The question being on the passage of the bill,

Rep. Julian moved to amend the bill as follows:

1. Amend page 4, line 11, after “**cigarettes**” by inserting a comma and “**less the number of cigarettes that would be sold in a 2-week period calculated by using the average weekly sales for the 6-month period immediately preceding July 1, 2004,**”.

2. Amend page 4, line 20, after “**tobacco**” by inserting a comma and “**less the wholesale price of cigars, noncigarette smoking tobacco, and smokeless tobacco that would be sold in a 2-week period calculated by using the average weekly sales for the 6-month period immediately preceding July 1, 2004,**”.

The motion was seconded.

The question being on the adoption of the amendments offered by Rep. Julian,

Rep. Julian demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Julian,

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

Roll Call No. 394

Yeas—62

Acciavatti	Hager	Moolenaar	Sheen
Amos	Hart	Mortimer	Shulman
Bisbee	Hoogendyk	Newell	Stahl
Bradstreet	Howell	Nitz	Stakoe

Brandenburg	Huizenga	Nofs	Steil
Casperson	Hummel	Palmer	Stewart
Caswell	Hune	Palsrok	Tabor
Caul	Johnson, Rick	Pastor	Taub
DeRoche	Johnson, Ruth	Pumford	Van Regenmorter
DeRossett	Julian	Richardville	Vander Veen
Drolet	Koetje	Rivet	Voorhees
Ehardt	Kooiman	Robertson	Walker
Emmons	LaJoy	Rocca	Ward
Farhat	Meyer	Shackleton	Wenke
Gaffney	Middaugh	Shaffer	Woronchak
Garfield	Milosch		

Nays—43

Accavitti	Farrah	Lipsey	Spade
Adamini	Gielegem	Meisner	Stallworth
Anderson	Gillard	Minore	Tobocman
Bieda	Gleason	Murphy	Vagnozzi
Brown	Hardman	O'Neil	Waters
Byrum	Hood	Phillips	Whitmer
Cheeks	Hopgood	Plakas	Williams
Clack	Jamnack	Reeves	Wojno
Condino	Kolb	Sak	Woodward
Dennis	LaSata	Sheltrown	Zelenko
Elkins	Law	Smith	

In The Chair: Vander Veen

The Speaker Pro Tempore resumed the Chair.

The question being on the passage of the bill,

Rep. Garfield moved to amend the bill as follows:

1. Amend page 2, line 4, by striking out “37.5” and inserting “500”.
2. Amend page 10, line 6, by striking out all of subsection (7) and inserting:

“(7) Beginning July 1, 2004, the tax imposed on cigarettes under section 7(1)(e) shall be disbursed as follows:

(a) 50% of the proceeds shall be credited to the healthy Michigan fund created under section 5953 of the public health code, 1978 PA 368, MCL 333.5953.

(b) 50% of the proceeds shall be credited to the state school aid fund established by section 11 of article IX of the state constitution of 1963.”

The question being on the seconding of the motion made by Rep. Garfield,

The motion was not seconded.

The question being on the passage of the bill,

Rep. Hager moved to amend the bill as follows:

1. Amend page 10, line 6, after “(7)” by inserting “After the distribution provided in subsection (9), the remaining proceeds shall be distributed under this subsection.”

2. Amend page 11, following line 12, by inserting:

“(9) Before distributing any of the proceeds under subsection (7), 1% of the tax imposed on cigarettes under section 7(1)(e) shall be credited to the general fund of this state to be used by the department of treasury solely to fund anti-cigarette smuggling enforcement. The total remaining proceeds from the tax imposed on cigarettes under section 7(1)(e) shall be disbursed as provided in subsection (7).” and renumbering the remaining subsection.

The motion was seconded.

The question being on the adoption of the amendments offered by Rep. Hager,

Rep. Hager demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Hager,

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

Roll Call No. 395

Yeas—65

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

Nays—41

Accavitti	Farrar	Lipsey	Smith
Adamini	Garfield	McConico	Stallworth
Anderson	Gielegem	Meisner	Tobocman
Bieda	Gleason	Murphy	Ward
Bradstreet	Hardman	O'Neil	Waters
Byrum	Hood	Phillips	Whitmer
Cheeks	Hopgood	Plakas	Williams
Clack	Hunter	Reeves	Wojno
Condino	Jamnick	Shackleton	Woodward
Dennis	Kolb	Sheltrown	Zelenko
Drolet			

In The Chair: Julian

The question being on the passage of the bill,

Rep. Hager moved to amend the bill as follows:

1. Amend page 2, line 2, after “**2004**” by inserting “**and through June 30, 2007**”.

The motion was seconded.

The question being on the adoption of the amendment offered by Rep. Hager,

Rep. Hager demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Hager,

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

Roll Call No. 396**Yeas—58**

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

Nays—46

Accavitti	Gleason	Minore	Smith
Adamini	Hardman	Murphy	Stallworth
Anderson	Hart	O'Neil	Stewart
Bieda	Hood	Phillips	Tobocman
Byrum	Hopgood	Plakas	Vagnozzi
Cheeks	Jamnick	Pumford	Waters
Clack	Kolb	Reeves	Whitmer
Condino	LaSata	Sak	Williams
Dennis	Law	Shackleton	Wojno
Farrah	Lipsey	Sheltrown	Woronchak
Gaffney	McConico	Shulman	Zelenko
Gillard	Meisner		

In The Chair: Julian

The question being on the passage of the bill,

Rep. Whitmer moved to amend the bill as follows:

1. Amend page 4, line 24, after “**the**” by striking out the balance of the subsection and inserting “**general fund of this state.**”.

The question being on the adoption of the amendment offered previously by Rep. Whitmer,

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

The question being on the passage of the bill,

Rep. Richardville moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Ehardt.

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

The question being on the adoption of the amendment offered previously by Rep. Ehardt,

The amendment was not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

Rep. Smith moved to amend the bill as follows:

1. Amend page 2, line 5, after “2002” by inserting “**and up to July 1, 2004.**”.

2. Amend page 2, following line 7, by inserting:

“(g) **Beginning July 1, 2004, for cigars, noncigarette and smokeless tobacco, 32% of the wholesale price which shall annually be allocated to the department of community health for distribution to hospitals in this**

state that are verified by the American college of surgeons as level I trauma centers, for Michigan first alert response program.” and renumbering the remaining subsection.

The question being on the seconding of the motion made by Rep. Smith,

The motion was not seconded.

The question being on the passage of the bill,

Rep. Hart moved to amend the bill as follows:

1. Amend page 10, line 22, after “**hospital**” by inserting a comma and “**auxiliary medical, nursing home, pharmacist, ambulance,**”.

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

The question being on the passage of the bill,

Rep. Bisbee moved to amend the bill as follows:

1. Amend page 2, line 2, after “**2004**” by inserting “**and through June 30, 2006**”.

2. Amend page 10, line 14, after “**2004**” by striking out “**91.4%**” and inserting “**55.5%**”.

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

“(d) **Beginning October 1, 2004, 35.9% of the proceeds shall be credited to the countercyclical budget and economic stabilization fund created under section 351 of the management and budget act, 1984 PA 431, MCL 18.1351.**”.

The motion was seconded.

The question being on the adoption of the amendments offered by Rep. Bisbee,

Rep. Bisbee demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Bisbee,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 397

Yeas—50

Acciavatti	Garfield	Moolenaar	Stahl
Amos	Hoogendyk	Mortimer	Stakoe
Bisbee	Howell	Newell	Steil
Bradstreet	Huizenga	Nofs	Stewart
Brandenburg	Hummel	Palmer	Tabor
Casperson	Hune	Palsrok	Taub
Caul	Johnson, Ruth	Pastor	Van Regenmorter
DeRoche	Koetje	Richardville	Vander Veen
Drolet	Kooiman	Robertson	Voorhees
Ehardt	LaJoy	Rocca	Walker
Emmons	Meyer	Shaffer	Ward
Farhat	Middaugh	Sheen	Wenke
Gaffney	Milosch		

Nays—57

Accavitti	Gillard	Lipsey	Sheltrown
Adamini	Gleason	McConico	Shulman
Anderson	Hager	Meisner	Smith
Bieda	Hardman	Minore	Spade
Brown	Hart	Murphy	Stallworth
Byrum	Hood	Nitz	Tobocman
Caswell	Hopgood	O’Neil	Vagnozzi
Cheeks	Hunter	Phillips	Waters
Clack	Jamnack	Plakas	Whitmer
Condino	Johnson, Rick	Pumford	Williams
Dennis	Julian	Reeves	Wojno
DeRossett	Kolb	Rivet	Woodward

Elkins
Farrah
Gielegem

LaSata
Law

Sak
Shackleton

Woronchak
Zelenko

In The Chair: Julian

The question being on the passage of the bill,

Rep. Hoogendyk moved to amend the bill as follows:

1. Amend page 10, line 14, after “2004” by striking out “91.4%” and inserting “73.4%”.
2. Amend page 11, following line 2, by inserting:

“(d) **Beginning October 1, 2004, 18% of the proceeds shall be credited to the countercyclical budget and economic stabilization fund created under section 351 of the management and budget act, 1984 PA 431, MCL 18.1351.**”.

The question being on the seconding of the motion made by Rep. Hoogendyk,

The motion was not seconded.

The question being on the passage of the bill,

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

Roll Call No. 398

Yeas—55

Accavitti	Gleason	McConico	Shulman
Adamini	Hager	Meisner	Smith
Anderson	Hardman	Minore	Stallworth
Bieda	Hart	Murphy	Tabor
Byrum	Hood	Newell	Tobocman
Cheeks	Hopgood	O’Neil	Vagnozzi
Clack	Hunter	Phillips	Walker
Condino	Jamnack	Plakas	Waters
Daniels	Johnson, Rick	Pumford	Whitmer
Dennis	Julian	Reeves	Williams
Farrah	Kolb	Richardville	Wojno
Gaffney	Kooiman	Sak	Woodward
Gielegem	Law	Shackleton	Zelenko
Gillard	Lipsey	Sheltrown	

Nays—53

Acciavatti	Emmons	Middaugh	Sheen
Amos	Farhat	Milosch	Spade
Bisbee	Garfield	Moolenaar	Stahl
Bradstreet	Hoogendyk	Mortimer	Stakoe
Brandenburg	Howell	Nitz	Steil
Brown	Huizenga	Nofs	Stewart
Casperson	Hummel	Palmer	Taub
Caswell	Hune	Palsrok	Van Regenmorter
Caul	Johnson, Ruth	Pastor	Vander Veen
DeRoche	Koetje	Rivet	Voorhees
DeRossett	LaJoy	Robertson	Ward
Drolet	LaSata	Rocca	Wenke
Ehardt	Meyer	Shaffer	Woronchak
Elkins			

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. Sheen and Stahl, 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 did not come to Lansing to raise taxes, fish for dollars, and grow government. I did come to shrink the bureaucracy, lower taxes, and limit government. The cigarette tax was raised 50 cents a pack two years ago and now Michigan wants to raise it an additional 75 cents, which would make us the second highest cigarette tax in the nation. This increase is not a positive health initiative as its proponents attempt to rationalize it. Governor Granholm, who said she wouldn't raise taxes, is simply revenue fishing in an industry pond, which is an easy catch. This Governor has stuffed her proposed budget full of taxes and fees, that inhibit job creation, raise estate taxes, and create new industry fees. This particular tax will cost jobs, hurt the Michigan economy, and encourage illegal trafficking of cigarettes. Now is the time to reduce government, it can not be done in good times, it can only be done in hard times. It can only be done when elected officials are forced to make hard choices and the public knows they have no other options. I will not bail the state out by giving them more money. We need to cut the budget now and cut it permanently, or we will find ourselves in the same position next year, looking for other taxes and fees to increase revenue.”

Rep. Hoogendyk, 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:

Since 1982 the budget of the State of Michigan has grown from \$10.8 billion to \$39 billion, a 261% increase, if adjusted for inflation it would be 98%. Even after adjusting for the structural change brought on by Proposal A, and the growth of our state's population, the growth of government over the last 20 years is still at 31% above the rate of inflation.

We do not need more revenue. The insatiable appetite of government will never be satisfied.”

Second Reading of Bills

House Bill No. 5820, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 626 (MCL 257.626).

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. Lipsey 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. 5820, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 626 (MCL 257.626).

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

Roll Call No. 399

Yeas—108

Accavitti	Gaffney	McConico	Sheen
Acciavatti	Garfield	Meisner	Sheltrown
Adamini	Gielegem	Meyer	Shulman
Amos	Gillard	Middaugh	Smith

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Senate Bill No. 1009, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 218 (MCL 750.218), as amended by 1998 PA 312.

The bill was read a second time.

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

The motion prevailed.

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

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

Rep. Waters moved that Rep. Stallworth be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1009, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 218 (MCL 750.218), as amended by 1998 PA 312.

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

Roll Call No. 400**Yeas—107**

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

Nays—0

In The Chair: Julian

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,”

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.

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

Rep. Hood asked and obtained an excuse from tomorrow's session.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Kolb, Palsrok, Sak, Lipsey, Jamnick, Zelenko, Minore, Milosch, Farrah, Anderson, Wenke, Bieda, Gleason, Gielegem, DeRoche, Accavitti, Brown, Condino, Daniels, Dennis, DeRossett, Ehardt, Elkins, Gillard, Hopgood, Law, McConico, Murphy, Rivet, Spade, Stallworth, Stewart, Tobocman, Vagnozzi, Waters and Wojno offered the following resolution:

House Resolution No. 269.

A resolution supporting the establishment of a sister-state relationship with the German state of Baden-Württemberg and urging the Governor to execute a sister-state agreement together with the Minister President of Baden-Württemberg, and to implement programs to forge a stronger relationship between the two states.

Whereas, The people of Michigan and Germany share a bond of freedom that has propelled our states to heights of liberty and prosperity. Michigan is home to many whose ancestors called Germany their homeland. Indeed, 2.6 million Michiganians can claim a German heritage. For 60 years, our two countries have remained allies and friends through difficult times, and today the bonds of friendship and commerce remain strong. Michigan's ties to Germany are clear; and

Whereas, Baden-Württemberg and Michigan are well positioned to build on our nations' shared history with state-to-state initiatives. Our people value education and cutting edge research, and are driving forces in our national economic performances. Our two states, each with 10,000,000 people and culturally diverse as well, are homes to world-class automobile manufacturers, including a German-American company that has taken our shared expertise to the world stage; and

Whereas, Our states have a solid foundation of cooperation upon which to build a stronger shared future. The University of Michigan in Ann Arbor and Lawrence Technological University have extensive ties with universities in Baden-Württemberg. Ann Arbor boasts a sister-city relationship with Tübingen. In the economic realm, Michigan has agreements in place with two Baden-Württemberg economic development organizations that could boost state-to-state efforts in new technologies and trade, and has followed up with discussions on cooperation; and

Whereas, Promoting international understanding in our globalizing world is a key component of economic prosperity and political freedom. The Michigan Legislature hosted a delegation from Baden-Württemberg that included members of their state parliament in a demonstration of our interest in a state-to-state relationship. Michigan and Baden-Württemberg can do much more to promote dialogue, cooperation, and exchanges on economic, cultural, and educational issues. We encourage officials in both states to build on current initiatives and seek new paths to mutual understanding to encourage the synergy that cooperation between two industrious and forward-looking people can generate; now, therefore, be it

Resolved by the House of Representatives, That we support the establishment of a sister-state relationship with the German state of Baden-Württemberg and urge the Governor to execute a sister-state agreement together with the Minister President of Baden-Württemberg, and to implement programs to forge a stronger relationship between the two states; and be it further

Resolved, That copies of this resolution be transmitted to the President of the Baden-Württemberg State Parliament, the Minister President of Baden-Württemberg, and the Governor of Michigan.

The resolution was referred to the Committee on Government Operations.

Reps. Kolb, Palsrok, Sak, Lipsey, Jamnick, Zelenko, Minore, Milosch, Farrah, Anderson, Wenke, Bieda, Gleason, Gielegem, DeRoche, Accavitti, Brown, Condino, Daniels, Dennis, DeRossett, Ehardt, Elkins, Gillard, Hopgood, Law, McConico, Murphy, Rivet, Spade, Stallworth, Stewart, Tobocman, Vagnozzi, Waters and Wojno offered the following concurrent resolution:

House Concurrent Resolution No. 59.

A concurrent resolution supporting the establishment of a sister-state relationship with the German state of Baden-Württemberg and urging the Governor to execute a sister-state agreement together with the Minister President of Baden-Württemberg, and to implement programs to forge a stronger relationship between the two states.

Whereas, The people of Michigan and Germany share a bond of freedom that has propelled our states to heights of liberty and prosperity. Michigan is home to many whose ancestors called Germany their homeland. Indeed, 2.6 million Michiganians can claim a German heritage. For 60 years, our two countries have remained allies and friends through difficult times, and today the bonds of friendship and commerce remain strong. Michigan's ties to Germany are clear; and

Whereas, Baden-Württemberg and Michigan are well positioned to build on our nations' shared history with state-to-state initiatives. Our people value education and cutting edge research, and are driving forces in our national economic performances. Our two states, each with 10,000,000 people and culturally diverse as well, are homes to world-class automobile manufacturers, including a German-American company that has taken our shared expertise to the world stage; and

Whereas, Our states have a solid foundation of cooperation upon which to build a stronger shared future. The University of Michigan in Ann Arbor and Lawrence Technological University have extensive ties with universities in Baden-Württemberg. Ann Arbor boasts a sister-city relationship with Tübingen. In the economic realm, Michigan has agreements in place with two Baden-Württemberg economic development organizations that could boost state-to-state efforts in new technologies and trade, and has followed up with discussions on cooperation; and

Whereas, Promoting international understanding in our globalizing world is a key component of economic prosperity and political freedom. The Michigan Legislature hosted a delegation from Baden-Württemberg that included members of their state parliament in a demonstration of our interest in a state-to-state relationship. Michigan and Baden-Württemberg can do much more to promote dialogue, cooperation, and exchanges on economic, cultural, and educational issues. We encourage officials in both states to build on current initiatives and seek new paths to mutual understanding to encourage the synergy that cooperation between two industrious and forward-looking people can generate; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we support the establishment of a sister-state relationship with the German state of Baden-Württemberg and urge the Governor to execute a sister-state agreement together with the Minister President of Baden-Württemberg, and to implement programs to forge a stronger relationship between the two states; and be it further

Resolved, That copies of this resolution be transmitted to the President of the Baden-Württemberg State Parliament, the Minister President of Baden-Württemberg, and the Governor of Michigan.

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

Reports of Standing Committees

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

House Bill No. 4231, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252a, 252b, 252d, and 252g (MCL 257.252a, 257.252b, 257.252d, and 257.252g), section 252a as amended by 2002 PA 649, section 252b as amended and section 252g as added by 1981 PA 104, and section 252d as amended by 2000 PA 76.

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. Koetje, Drolet and Howell

Nays: None

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

House Bill No. 5881, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending sections 9 and 14 (MCL 431.309 and 431.314), section 9 as amended by 2000 PA 164 and section 14 as amended by 1998 PA 408.

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. Koetje, Drolet and Howell

Nays: None

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

House Bill No. 5896, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 11 and 23 (MCL 432.11 and 432.23), as amended by 1996 PA 167.

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. 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: Tuesday, May 25, 2004

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

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

House Bill No. 5724, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 52a. 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. Wenke, Sheen, Koetje, Meyer, Hummel, Palmer, Milosch, Nofs, Stakoe, Minore, Farrah, Zelenko and Condino

Nays: None

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

House Bill No. 5725, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 13 (MCL 207.563).

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. Wenke, Sheen, Koetje, Meyer, Hummel, Palmer, Milosch, Nofs, Stakoe, Minore, Farrah, Zelenko and Condino

Nays: None

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

House Bill No. 5726, entitled

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

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. Wenke, Sheen, Koetje, Meyer, Hummel, Palmer, Milosch, Nofs, Stakoe, Minore, Farrah, Zelenko and Condino

Nays: None

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

House Bill No. 5823, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7hh. 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. Wenke, Sheen, Koetje, Meyer, Hummel, Palmer, Milosch, Nofs, Stakoe, Minore, Farrah, Zelenko and Condino

Nays: None

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

House Bill No. 5824, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9j. 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. Wenke, Sheen, Koetje, Meyer, Hummel, Palmer, Milosch, Nofs, Stakoe, Minore, Farrah, Zelenko and Condino

Nays: None

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, May 26, 2004

Present: Reps. Wenke, Sheen, Koetje, Meyer, Hummel, Palmer, Milosch, Nofs, Stakoe, Minore, Farrah, Zelenko and Condino

Absent: Reps. Woronchak, Drolet, O'Neil and Bieda

Excused: Reps. Woronchak, Drolet, O'Neil and Bieda

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

Senate Bill No. 918, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539j. 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, Gaffney, Nofs, Meisner and Condino

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, May 26, 2004

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

Absent: Reps. Howell, LaSata and Hood

Excused: Reps. Howell, LaSata and Hood

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

House Bill No. 5059, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1171.

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. Palmer, Hummel, Meyer, Hager, Hart, Tabor, Vander Veen, Nofs, Stahl, Gielegghem, Vagnozzi, Spade, Smith, Hopgood, Meisner and Clack

Nays: Rep. Bradstreet

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 25, 2004

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

Absent: Rep. Ruth Johnson

Excused: Rep. Ruth Johnson

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, May 26, 2004

Present: Reps. Tabor, Milosch, Bradstreet, Rocca, Nitz, Gillard, Farrah, Sheltrown and Accavitti

Absent: Reps. Ehardt and Richardville

Excused: Reps. Ehardt and Richardville

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 26, 2004

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

Absent: Rep. LaSata

Excused: Rep. LaSata

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 26, 2004

Present: Reps. Julian, Hune, Bisbee, Ehardt, Middaugh, Mortimer, Hummel, Garfield, Robertson, Sheen, Daniels, Woodward, Anderson, Wojno, Gillard and Condino

Absent: Rep. Hood

Excused: Rep. Hood

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members on Thursday, May 20:

Senate Bill No. 1250

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, May 21:

Senate Bill Nos. 1251 1252

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, May 26:

House Bill Nos. 5933 5934 5935 5936 5937 5938 5939 5940 5941 5942 5943

By unanimous consent the House returned to the order of

Messages from the Senate**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.

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. 4344, entitled

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

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

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

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 2004 PA 66.

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

House Bill No. 5491, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 1080.

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5586, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2004 PA 90, and by adding section 3111b; and to repeal acts and parts of acts.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 3101 and 51107 (MCL 324.3101 and 324.51107), section 3101 as amended by 2004 PA 90 and section 51107 as added by 1995 PA 57, and by adding section 3111b.

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

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 Senate has amended the bill as follows:

1. Amend page 2, line 24, after "**and**" by striking out the balance of the line through "**neglect.**" on line 25 and inserting "**the specific complaints or allegations made against the individual.**".

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

"(17) All department employees involved in investigating child abuse or child neglect cases shall be trained in the legal duties to protect the constitutional and statutory rights of children and families, including instruction in the fourth amendment to the United States constitution and parental rights, from the initial contact of an investigation through the time services are provided."

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

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

House Bill No. 5671, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 9 (MCL 117.9), as amended by 1984 PA 352.

The Senate has amended the bill as follows:

1. Amend page 2, line 25, after "**owners**" by striking out the balance of the line through "**reside**" on line 26 and inserting "**located**".

2. Amend page 3, line 1, after "**owners**" by striking out "**and each person who resides**" and inserting "**located**".

3. Amend page 3, line 2, after "**government**" by striking out "**in which the affected territory is located**" and inserting "**capable of producing the information required under this section**".

4. Amend page 3, line 2, after "**subsection.**" by inserting "**The commission is required to provide notice only to the property owners included on the list provided by the local unit of government as required under this section.**".

5. Amend page 6, line 25, after "~~annexation~~" by striking out "**Annexation**" and inserting "After March 31, 1971, and so long as ~~Act No. 191 of the Public Acts of 1968~~ **1968 PA 191, MCL 123.1001 to 123.1020**, is in effect, annexation".

6. Amend page 7, following line 1, subsection **(12)**, after "**each**" by striking out "**person**" and inserting "**property owner**".

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

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

Senate Concurrent Resolution No. 30.

A concurrent resolution to urge the United States Department of Homeland Security to locate its Midwest regional training facility in Alpena and Grayling, Michigan.

Whereas, As our country continues to put in place stronger defenses against terrorism through homeland security measures, a key component will be the establishment of regional training facilities for the United States Department of Homeland Security; and

Whereas, In the Midwest, an excellent site for a regional training facility would be in northern Michigan where the Michigan National Guard has an established combat-readiness training center located in Alpena, near the Alpena County Airport, and a training camp nearby at Camp Grayling. These facilities offer two military airfields, housing and medical facilities for trainees, and 150,000 acres of training space. Additional advantages these locations offer range from low costs, unsurpassed strategic significance, and facilities that provide access for a swift and smooth transition to the responsibilities of homeland security work; and

Whereas, Located in an area that is strategically sound, the Alpena and Grayling sites would be well positioned to handle quickly any type of task to protect America's people, resources, and infrastructure. Clearly, these locations offer opportunities for enhanced responsiveness to the challenges before us in safeguarding our nation in the years ahead; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Department of Homeland Security to locate its Midwestern regional training facility in Alpena and Grayling; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Secretary of the United States Department of Homeland Security, 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 Senate has adopted the concurrent resolution.

Reps. Bradstreet, Caswell, Daniels, DeRossett, Ehardt, Elkins, Farhat, Gillard, Huizenga, Hummel, Koetje, Kooiman, Lipsey, Meyer, Milosch, Phillips, Rivet, Sak, Shackleton, Sheltroun, Stallworth, Stewart, Tabor, Vander Veen, Voorhees and Zelenko were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Veterans Affairs and Homeland Security.

Senate Concurrent Resolution No. 43.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to prohibit the closure of or realignment of inpatient services at the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw.

Whereas, The network of Veterans Affairs Medical Centers throughout the country represents an effort to fulfill our nation's commitment to those who have defended our country in times of peril. In Michigan, 130,000 veterans rely on the services and benefits of the health care available through the Department of Veterans Affairs. Of this number, 60,000 veterans in the mid-Michigan region rely upon the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw; and

Whereas, The Capital Asset Realignment for Enhanced Services initiative has included among its recommendations a realignment of services at the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw. Under the plan, the Lutz Medical Center would be one of eight to eliminate inpatient services; and

Whereas, Eliminating inpatient services at the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw would be a serious blow to Michigan's veterans. Already, veterans in need of medical service in Saginaw travel great distances, from as far away as the Mackinac Bridge. A veteran from Mackinaw City, for example, would now have an extra four hours added to the already long trek to get to and from the facility in Ann Arbor. In poor weather, the distance would present a genuine impediment for many veterans and their families; and

Whereas, The veterans seeking care through Veterans Affairs facilities have every right to expect that these promised services are available with as little inconvenience as possible. As a new generation of brave veterans faces the possibility of needing care through a Veterans Affairs medical facility, we should not be making it even more difficult for a veteran to receive the level of care promised; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation to prohibit the closure of or realignment of inpatient services at the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Veteran Affairs, the Aleda E. Lutz Medical Center in Saginaw, 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 Senate has adopted the concurrent resolution.

Reps. Daniels, DeRossett, Ehardt, Elkins, Farhat, Gillard, Gleason, Hummel, Jamnick, Koetje, Kooiman, Lipsey, Meyer, Phillips, Richardville, Rivet, Sak, Shackleton, Sheltroun, Stallworth, Stewart, Tobocman, Vander Veen, Voorhees and Zelenko were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Veterans Affairs and Homeland Security.

Communications from State Officers

The following communication from the Barry/Branch/Calhoun Michigan Works! Agency was received and read:

May 21, 2004

Enclosed is a copy of the revised Workforce Investment Act Comprehensive Five-Year Local Plans for Adult, Dislocated Worker, and Youth Programs, as developed by the Workforce Development Board and Chief Elected Officials of the Barry, Branch and Calhoun Michigan Works! service delivery area.

Comments regarding the plans are to be directed in writing to the Workforce Development Board and Chief Elected Officials, in care of Michigan Works! at the Calhoun Intermediate School District, 17111 "G" Drive North, Marshall, MI 49068. If you have any questions, please contact our Michigan Works! Workforce Development Team at 269-789-2409.

Yours truly,
Elaine Furu-Baker
Director of Workforce Development

The communication was referred to the Clerk.

Introduction of Bills

Reps. Palmer, Hummel, Garfield, Meyer, Taub, Milosch, DeRoche, Ehardt, Sak, Sheen, Brandenburg, Vander Veen, Tabor, Stahl and Casperson introduced

House Bill No. 5944, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 629 (MCL 257.629), as amended by 1988 PA 368.

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

Reps. Palmer, Pastor, Garfield, Meyer, Taub, Milosch, DeRoche, Ehardt, Caul, Sheen, Brandenburg, Vander Veen, Tabor, Hummel, Stahl and Casperson introduced

House Bill No. 5945, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32516 (MCL 324.32516), as added by 2003 PA 14.

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

Reps. Hunter, Tobocman, Smith, Cheeks, McConico, Accavitti, Condino, Farrah, Lipsey, Rivet, Woodward, Gielegem, Waters and Daniels introduced

House Bill No. 5946, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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

Rep. Gielegem moved that the House adjourn.

The motion prevailed, the time being 5:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, May 27, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

