

**No. 21**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Thursday, March 11, 2004.

10:00 a.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—excused	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—excused	Spade—present
Bieda—present	Hardman—excused	Moolenaar—present	Stahl—present
Bisbee—present	Hart—present	Mortimer—present	Stakoe—present
Bradstreet—present	Hood—present	Murphy—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—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—e/d/s	Pappageorge—present	Van Regenmorter—present
Clack—excused	Jamnack—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—excused	Phillips—excused	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—excused	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. Larry Julian, from the 85th District, offered the following invocation:

“Heavenly Father, we thank You for Your guidance that You provide for us each and every day. We ask that You watch over this chamber today as we deliberate issues important to all of our residents in this state. We thank You for all the blessings that You have bestowed upon us, and that You will continue to take care of us and all of those who protect us. We ask all this guidance in Your son Jesus’ name. Amen.”

Rep. Palmer moved that Reps. Garfield and Rick Johnson be excused from today’s session.  
The motion prevailed.

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

### Second Reading of Bills

#### Senate Bill No. 337, entitled

A bill to amend 1917 PA 167, entitled “Housing law of Michigan,” (MCL 125.401 to 125.543) by adding section 82a.  
The bill was read a second time.

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

Rep. Richardville moved that the bill be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 337, entitled

A bill to amend 1917 PA 167, entitled “Housing law of Michigan,” (MCL 125.401 to 125.543) by adding section 82a.  
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 106

#### Yeas—99

Accavitti	Gaffney	Meyer	Shulman
Acciavatti	Gielegem	Middaugh	Spade
Adamini	Gillard	Milosch	Stahl
Amos	Gleason	Moolenaar	Stakoe
Anderson	Hager	Mortimer	Stallworth
Bieda	Hart	Murphy	Steil
Bisbee	Hood	Newell	Stewart
Bradstreet	Hoogendyk	Nitz	Tabor
Brandenburg	Hopgood	Nofs	Taub
Brown	Howell	O’Neil	Tobocman
Byrum	Huizenga	Palmer	Vagnozzi
Casperson	Hummel	Palsrok	Van Regenmorter
Caswell	Hune	Pappageorge	Vander Veen
Caul	Jamnack	Pastor	Voorhees
Cheeks	Johnson, Ruth	Plakas	Walker
Condino	Julian	Pumford	Ward
Daniels	Koetje	Richardville	Waters
Dennis	Kolb	Rivet	Wenke

DeRoche	Kooiman	Robertson	Whitmer
DeRossett	LaJoy	Rocca	Williams
Ehardt	LaSata	Sak	Wojno
Elkins	Law	Shackleton	Woodward
Emmons	Lipsey	Shaffer	Woronchak
Farhat	McConico	Sheen	Zelenko
Farrah	Meisner	Sheltrown	

**Nays—2**

Drolet	Smith
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In The Chair: Julian

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

“An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation 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.

By unanimous consent the House returned to the order of

**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 5440, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 80 (MCL 208.80), as added by 1985 PA 139.

(The bill was received from the Senate on March 9, with an amendment and full title inserted, consideration of which, under the rules, was postponed until March 10, see House Journal No. 19, p. 300.)

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

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

**Roll Call No. 107****Yeas—101**

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

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

### 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.

Rep. Hunter entered the House Chambers.

Rep. Nitz moved that Rep. Ruth Johnson be excused temporarily from today's session.

The motion prevailed.

The Speaker laid before the House

#### **House Bill No. 5434, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 471 (MCL 206.471), as amended by 2002 PA 486.

(The bill was received from the Senate on March 9, with an amendment and full title inserted, consideration of which, under the rules, was postponed until March 10, see House Journal No. 19, p. 300.)

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

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

#### **Roll Call No. 108**

#### **Yeas—101**

Accavitti	Gaffney	Meyer	Shulman
Acciavatti	Gielegem	Middaugh	Smith
Adamini	Gillard	Milosch	Spade
Amos	Gleason	Moolenaar	Stahl
Anderson	Hager	Mortimer	Stakoe
Bieda	Hart	Murphy	Stallworth
Bisbee	Hood	Newell	Steil
Bradstreet	Hoogendyk	Nitz	Stewart
Brandenburg	Hopgood	Nofs	Tabor
Brown	Howell	O'Neil	Taub
Byrum	Huizenga	Palmer	Tobocman
Casperson	Hummel	Palsrok	Vagnozzi
Caswell	Hune	Pappageorge	Van Regenmorter

Caul	Hunter	Pastor	Vander Veen
Cheeks	Jamnick	Plakas	Voorhees
Condino	Julian	Pumford	Walker
Daniels	Koetje	Richardville	Ward
Dennis	Kolb	Rivet	Waters
DeRoche	Kooiman	Robertson	Wenke
DeRossett	LaJoy	Rocca	Whitmer
Drolet	LaSata	Sak	Williams
Ehardt	Law	Shackleton	Wojno
Elkins	Lipsey	Shaffer	Woodward
Emmons	McConico	Sheen	Woronchak
Farhat	Meisner	Sheltrown	Zelenko
Farrah			

**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. 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.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Tax Policy,

Rep. Richardville moved that consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills****Senate Bill No. 350, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 666 and 668 (MCL 168.666 and 168.668) and by adding section 668a.

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

**Roll Call No. 109****Yeas—102**

Accavitti	Gaffney	Meyer	Shulman
Acciavatti	Gielegem	Middaugh	Smith
Adamini	Gillard	Milosch	Spade
Amos	Gleason	Moolenaar	Stahl
Anderson	Hager	Mortimer	Stakoe
Bieda	Hart	Murphy	Stallworth
Bisbee	Hood	Newell	Steil
Bradstreet	Hoogendyk	Nitz	Stewart
Brandenburg	Hopgood	Nofs	Tabor
Brown	Howell	O'Neil	Taub
Byrum	Huizenga	Palmer	Tobocman

Casperson	Hummel	Palsrok	Vagnozzi
Caswell	Hune	Pappageorge	Van Regenmorter
Caul	Hunter	Pastor	Vander Veen
Cheeks	Jamnack	Plakas	Voorhees
Condino	Johnson, Ruth	Pumford	Walker
Daniels	Julian	Richardville	Ward
Dennis	Koetje	Rivet	Waters
DeRoche	Kolb	Robertson	Wenke
DeRossett	Kooiman	Rocca	Whitmer
Drolet	LaJoy	Sak	Williams
Ehardt	LaSata	Shackleton	Wojno
Elkins	Law	Shaffer	Woodward
Emmons	Lipsey	Sheen	Woronchak
Farhat	McConico	Sheltrown	Zelenko
Farrah	Meisner		

### 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 reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with 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.

### Senate Bill No. 432, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 73, 283, 393, 499, 509m, 509n, 509t, 509aa, 686, 735, 795, 798c, 799a, 803, and 842 (MCL 168.73, 168.283, 168.393, 168.499, 168.509m, 168.509n, 168.509t, 168.509aa, 168.686, 168.735, 168.795, 168.798c, 168.799a, 168.803, and 168.842), sections 73, 283, 393, 509n, and 686 as amended by 1999 PA 216, section 499 as amended by 1995 PA 213, sections 509m and 509aa as added by 1994 PA 441, section 509t as amended by 1998 PA 21, section 795 as amended by 2002 PA 91, section 798c as amended by 1990 PA 109, and sections 799a and 803 as amended by 1997 PA 137, and by adding sections 18, 523a, 813, and 829; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Ward moved to substitute (H-5) the bill.

The motion was seconded and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

Rep. Gleason moved to amend the bill as follows:

1. Amend page 18, line 3, after “section” by inserting “is accessible and”.

2. Amend page 18, following line 6, by inserting:

“(6) As used in this section, “accessible” means the removal or modification of policies, practices, and procedures that deny an individual with a disability the opportunity to vote, including the removal of physical barriers as identified in section 261(b) of the help America vote act of 2002, 42 USC 15421, so as to ensure individuals with disabilities the opportunity to participate in elections in this state.”.

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

Rep. Hune moved that Rep. DeRoche be excused temporarily from today's session. The motion prevailed.

The question being on the passage of the bill,

Rep. Jamnick moved to amend the bill as follows:

1. Amend page 19, following line 12, by inserting:

“Sec. 758. (1) ~~For the purposes of~~ **As used in this act, subject to subsection (2),** “absent voter” means **1 of the following:**

(a) **In a federal or statewide election,** a qualified and registered elector who meets 1 or more of the following requirements:

(i) ~~(a)~~ On account of physical disability, cannot without another's assistance attend the polls on the day of an election.

(ii) ~~(b)~~ On account of the tenets of his or her religion, cannot attend the polls on the day of election.

(iii) ~~(c)~~ Cannot attend the polls on the day of an election in the precinct in which he or she resides because of being an election precinct inspector in another precinct.

(iv) ~~(d)~~ Is 60 years of age or older.

(v) ~~(e)~~ Is absent or expects to be absent from the township or city in which he or she resides during the entire period the polls are open for voting on the day of an election.

(vi) ~~(f)~~ Cannot attend the polls on election day because of being confined in jail awaiting arraignment or trial.

(b) **In an election that is not a federal or statewide election, a qualified and registered elector who votes without attending the polls on the day of an election.**

(2) ~~Subsection (1) does not apply to~~ **Absent voter does not include** a person who has moved outside of this state, regardless of length of his or her residence outside of this state, and who no longer maintains an actual residence in this state. The storage of personal effects or household goods, the ownership of property that is rented or leased to others, or occasional brief visits to a former domicile in this state while residing outside of this state for most of the year does not constitute a residence for voting purposes in this state, except for each of the following:

(a) A person described in section 1 of article II of the state constitution of 1963 and statutes enacted under that section.

(b) A person described in section 759a.

Sec. 759. (1) At any time during the 75 days before a primary **election** or special primary **election**, but not later than 2 p.m. of the Saturday immediately before the primary **election** or special primary **election**, an elector who ~~qualifies~~ **meets the requirements** to vote as an absent voter ~~, as defined in section 758,~~ may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the elector is registered. An application received before a primary **election** or special primary **election** may be for either that primary **election** only, or for that primary **election** and the election that follows.

(2) Except as otherwise provided in subsection (1), at anytime during the 75 days before an election, but not later than 2 p.m. of the Saturday before the election, an elector who ~~qualifies~~ **meets the requirements** to vote as an absent voter ~~, as defined in section 758,~~ may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

(a) By a written request signed by the ~~voter stating~~ **elector. If the ballot is for a federal or statewide election, the request shall state** the statutory grounds for making the application.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city, township, or village.

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. ~~A person other~~ **Other** than the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant **to return the application;** or a clerk, assistant of the clerk, or other authorized election official, **a person** shall not be in possession of a signed absent voter ballot application. A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of the city, township, or village shall have absent voter ballot application forms available in the office of the clerk at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application shall be in substantially **1 of the following form forms:**

(a) **For a federal or statewide election:**

“Application for absent voter ballot for:

[ ] The primary **election** or special primary election to be held on ~~....., 19..~~ \_\_\_\_\_ [date].

[ ] The election to be held on ~~....., 19..~~ \_\_\_\_\_ [date].

(Check applicable election or elections)

I, ..... , a qualified and registered elector of the ..... precinct of the township of ..... or village of ..... or of the ..... ward of the city of ..... , in the county of ..... and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

The statutory grounds on which I base my request are:

[ ] I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.

[ ] I am physically unable to attend the polls without the assistance of another.

[ ] I cannot attend the polls because of the tenets of my religion.

[ ] I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.

[ ] I am 60 years of age or older.

[ ] I cannot attend the polls because I am confined to jail awaiting arraignment or trial.

(Check applicable reason)

Send absent voter ballot to me at:

.....

(Street No. or R.R.)

.....

(Post Office) (State) (Zip Code)

My registered address.....

(Street No. or R.R.)

.....

(Post Office) (State) (Zip Code)

Date.....

I ~~declare~~ **certify** that the statements in this absent voter ballot application are true.

.....

(Signature)

**WARNING**

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the office of the clerk must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

**Certificate of Authorized Registered  
Elector Returning Absent Voter  
Ballot Application**

I certify that my name is ....., my address is ....., and my date of birth is .....; that I am delivering the absent voter ballot application of ..... at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in anyway; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

.....  
(Date)

.....  
(Signature)"

**(b) For an election that is not a federal or statewide election:**

**"Application for absent voter ballot for:**

**The primary election or special primary election to be held on \_\_\_\_\_ [date].**

**The election to be held on \_\_\_\_\_ [date].**

(Check applicable election or elections)

**I, ..... , a qualified and registered elector of the ..... precinct of the township of ..... or village of ..... or of the ..... ward of the city of ..... , in the county of ..... and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.**

**Send absent voter ballot to me at:**

.....

(Street No. or R.R.)

.....

(Post Office) (State) (Zip Code)



My registered address.....  
(Street No. or R.R.)

.....  
(Post Office) (State) (Zip Code)

Date.....

I certify that the statements in this absent voter ballot application are true.

.....

(Signature)

**WARNING**

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the office of the clerk must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

**Certificate of Authorized Registered  
Elector Returning Absent Voter  
Ballot Application**

I certify that my name is ....., my address is ....., and my date of birth is .....; that I am delivering the absent voter ballot application of ..... at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

(Date)

(Signature)''

(6) The following instructions for an applicant for an absent voter ballot shall be included with each application furnished an applicant:

**INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS**

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

(a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.

(d) ~~In the event~~ **If** an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.

Sec. 759b. (1) Any registered elector may apply for ~~an absent voter ballots ballot~~ **an absent voter ballot for a federal or statewide election** at any time prior to 4 p.m. on election day if he ~~shall have~~ **or she has** become physically disabled or ~~shall~~ **will** be absent from the city or township because of sickness or death in the family ~~which that~~ **which** has occurred at a time which has made it impossible to apply for ~~an absent voter ballots ballot~~ **an absent voter ballot** by the statutory deadline. ~~The application shall be called an emergency absent voter application.~~ **A registered elector may apply for an absent voter ballot for an election that is not a federal or statewide election at any time before 4 p.m. on election day if an event has occurred at a time that made it impossible to apply for an absent voter ballot by the statutory deadline.**

(2) ~~Emergency~~ **An emergency** absent voter ~~applications~~ **application** may be made by letter or on a form **prescribed by the secretary of state and** provided by the clerk. The application shall set forth that the voter is qualified to vote in the election ~~, stating~~ **and shall state 1 of the following:**

(a) **For a federal or statewide election ballot,** the statutory reason for applying for an emergency absent voter ballot and that the reason for applying after the statutory deadline occurred at such a time to make it impossible to file an application for absent voter ballots by the statutory deadline.

**(b) For a ballot for an election that is not a federal or statewide election, that an event occurred at such a time to make it impossible to file an application for an absent voter ballot by the statutory deadline. The secretary of state shall prescribe standard emergency absent voter ballot application forms, including the size of the forms and the color of paper upon which the forms are printed.**

**(4) ~~Any~~ A person intentionally making a false statement in ~~such~~ an emergency absent voter ballot application is guilty of a felony. ~~Any~~ A person aiding or abetting ~~any~~ another person to make a false statement ~~on such~~ in an emergency absent voter ballot application is guilty of a felony.**

**(5) Upon receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ~~ballots~~ absent voter ballot to the applicant in person, through a deputy or an election assistant, or ~~he may deliver them~~ at his ~~or her~~ office to a person named by the applicant in the emergency absent voter ballot application. The absent voter may return the ballots to the clerk in ~~the sealed envelope provided therefor~~ in any manner. ~~he sees fit. To~~ **However, to be valid, ~~ballots must be returned~~ the absent voter must return the absent voter ballot to the clerk in the sealed envelope provided for that purpose and** in time to be delivered to the polls ~~prior to~~ before 8 p.m. on election day.**

**(6) As used in this section, “emergency absent voter application” means an application for an absent voter ballot under subsection (1).”.**

2. Amend page 29, following line 13, by inserting:

“Enacting section 2. Sections 758, 759, and 759b of the Michigan election law, 1954 PA 116, MCL 168.758, 168.759, and 168.759b, as amended by this amendatory act, take effect July 1, 2005.”.

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

Rep. Jamnick demanded the yeas and nays.

The demand was supported.

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

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

#### Roll Call No. 110

#### Yeas—41

Accavitti	Farrah	Lipsey	Spade
Adamini	Gielegem	McConico	Stallworth
Anderson	Gillard	Meisner	Tobocman
Bieda	Gleason	Murphy	Vagnozzi
Brown	Hood	O’Neil	Waters
Byrum	Hopgood	Plakas	Whitmer
Cheeks	Hunter	Rivet	Williams
Condino	Jamnick	Sak	Wojno
Daniels	Kolb	Sheltrown	Woodward
Dennis	Law	Smith	Zelenko
Elkins			

#### Nays—53

Acciavatti	Howell	Mortimer	Shulman
Amos	Huizenga	Newell	Stahl
Bisbee	Hummel	Nitz	Stakoe
Bradstreet	Hune	Nofs	Steil
Brandenburg	Johnson, Ruth	Palmer	Stewart
Casperson	Julian	Palsrok	Tabor
Caswell	Koetje	Pappageorge	Taub
Caul	Kooiman	Pastor	Vander Veen
Drolet	LaJoy	Robertson	Voorhees
Ehardt	LaSata	Rocca	Walker
Farhat	Middaugh	Shackleton	Ward
Gaffney	Milosch	Shaffer	Wenke
Hager	Moolenaar	Sheen	Woronchak
Hoogendyk			

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. 111****Yeas—63**

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

**Nays—39**

Accavitti	Elkins	Lipsev	Stallworth
Adamini	Farrah	McConico	Tobocman
Anderson	Gielegem	Meisner	Vagnozzi
Bieda	Gillard	Murphy	Waters
Brown	Hood	O'Neil	Whitmer
Byrum	Hopgood	Plakas	Williams
Cheeks	Hunter	Rivet	Wojno
Condino	Jamnick	Sak	Woodward
Daniels	Kolb	Sheltrown	Zelenko
Dennis	Law	Smith	

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 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 73, 283, 393, 499, 509m, 509n, 509t, 509aa, 662, 735, 795, 798c, 799a, 803, and 842 (MCL 168.73, 168.283, 168.393, 168.499, 168.509m, 168.509n, 168.509t, 168.509aa, 168.662, 168.735, 168.795, 168.798c, 168.799a, 168.803, and 168.842), sections 73, 283, 393, and 662 as amended by 1999 PA 216, section 499 as amended by 1995 PA 213, sections 509m and 509aa as added by 1994 PA 441, section 509n as amended by 2003 PA 302, section 509t as amended by 1998 PA 21, section 795 as amended by 2002 PA 91, section 798c as amended by 1990 PA 109, and sections 799a and 803 as amended by 1997 PA 137, and by adding sections 18, 523a, 813, and 829; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

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Reps. Law, Jamnick, Hopgood, Anderson, Condino, Zelenko and Accavitti, 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 Senate Bill 432 (H-5) because the bill has little to do with election reform and may actually make it harder for certain persons to vote on election day when they go to the polls and find their name is not on the ‘official’ list.

The genesis of this legislation was passage on the federal level of the Help America Vote Act, the result of what occurred in Florida in the 2000 federal election. Sadly, SB 432 as passed by the House falls far short of completing this election reform effort.

The passage of Senate Bill 432 has no bearing on whether Michigan would receive federal dollars from the Help America Vote Act (HAVA). The arguments to the contrary are false.

The HAVA bill was passed on the federal level with bi-partisan support. It is odd Republicans in the Michigan Legislature could not see their way to passing a bill in the same manner.”

Reps. Byrum and Waters, 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 Senate Bill 432 (H-5) because the bill has little to do with election reform and may actually make it harder for certain persons to vote on election day when they go to the polls and find their name is not on the ‘official’ list.

The genesis of this legislation was passage on the federal level of the Help America Vote Act, the result of what occurred in Florida in the 2000 federal election. Sadly, SB 432 as passed by the House falls far short of completing this election reform effort.

The passage of Senate Bill 432 has no bearing on whether Michigan would receive federal dollars from the Help America Vote Act (HAVA). The arguments to the contrary are false.

The HAVA bill was passed on the federal level with bi-partisan support. It is unfortunate that Republicans in the Michigan Legislature could not see their way to passing a bill in the same manner.”

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 Senate Bill 432 (H-5) because the bill has little to do with honest election reform. The genesis of this legislation was passage on the federal level of the Help America Vote Act, the result of what occurred in Florida in the 2000 federal election. The Help America Vote Act was passed on the federal level with bi-partisan support. Unfortunately, Senate Bill 432 (H-5) became bogged down in partisan politics, with critical problems resulting. One big problem that I see with this bill is that it will effectively disenfranchise certain voters who go vote on election day and find that their name is not on the ‘official’ list. As this bill will have no bearing on whether Michigan would receive federal dollars from the Help America Vote Act (HAVA), and the negative impact it will have on an individual’s right to vote, I voted no on this bill.”

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Rep. Richardville moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

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

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. Kooiman, Huizenga, Hart, Van Regenmorter, Stakoe, Koetje, Steil, Rocca, Wenke, Howell, Accavitti, Adamini, Anderson, Brandenburg, Brown, Byrum, Caswell, Condino, Dennis, DeRossett, Emmons, Farrah, Gillard, Gleason, Hager, Hoogendyk, Hopgood, Jamnick, Lipsey, Meyer, Milosch, Newell, Nitz, Pappageorge, Pastor, Richardville, Sak, Sheen, Sheltroun, Shulman, Spade, Stallworth, Stewart, Tabor, Tobocman, Vagnozzi, Vander Veen, Voorhees, Zelenko, Caul, Ehardt, Gielegem, Kolb, Murphy and Pumford offered the following resolution:

**House Resolution No. 214.**

A resolution congratulating the 2003 Calvin College Men's Cross Country team on their Division III National Championship.

Whereas, It is an honor and a privilege to extend our congratulations to Calvin College for the athletic and academic accomplishments of the 2003 Calvin College Men's Cross Country team; and

Whereas, This team was led by Division III Cross Country co-coaches of the year Brian Diemer and Al Hoeksta and assistant coaches Robert Hyde and Tim VanHaitsma, all of who greatly contributed to the winning of the 2003 Division III Men's Cross Country National Championship; and

Whereas, Much to the delight of their loyal fans, the 2003 Men's Cross Country team captured their second NCAA Division III National Championship in four years. The incredible success of this team can be attributed to hard work, tremendous depth, great skill, a competitive attitude, and excellent coaching; and

Whereas, At the National Championships in Hanover, Indiana, the Calvin College Knights recorded the second lowest score in Division III National Championship history; and

Whereas, The Knights Cross Country team has also been honored for their academic accomplishments. The team received All-Academic honors by the College Cross Country Coaches Association of America; and

Whereas, What separates good teams from national championships is the hard work and training that occurs in practice, far removed from the excitement of the cross country meet. Today, we admire the efforts, team spirit, and hard work these talented men have put forth in order to win the 2003 Division III Men's Cross Country National Championship; and

Whereas, The talented members of the National Championship team are: Joel Alberts, Tim Avery, Nick Chen, Matt Edwards, Jeff Engbers, Tim Finnegan, David Haagsma, Ben Hammer, Aaron Iverson, Harrison Jorritsma, Hindrik Kok, Kris Koster, Brian Paff, Joel Reasoner, Paul Rollett, Todd Schuster, Andy Yazzie, and Tyler Zwagerman; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate the 2003 Calvin College Men's Cross Country team on their Division III National Championship; and be it further

Resolved, That we recognize the talents and efforts of each of the members of this championship team for their participation in this momentous occasion.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Murphy, Accavitti, Adamini, Anderson, Brandenburg, Brown, Byrum, Caswell, Condino, Dennis, DeRossett, Emmons, Farrah, Gillard, Gleason, Hager, Hopgood, Howell, Huizenga, Jamnick, Koetje, Kooiman, Law, Lipsey, Meyer, Milosch, Newell, Nitz, Pappageorge, Pastor, Plakas, Richardville, Rocca, Sak, Sheltroun, Shulman, Spade, Stahl, Stakoe, Stallworth, Stewart, Tabor, Tobocman, Vagnozzi, Vander Veen, Voorhees, Waters, Zelenko, Caul, Ehardt, Gielegem, Kolb and Pumford offered the following resolution:

**House Resolution No. 215.**

A resolution to honor the Michigan Clydesdale Association as it celebrates the 125<sup>th</sup> anniversary of the Clydesdale horse in the United States.

Whereas, The Michigan Clydesdale Association is celebrating the 125<sup>th</sup> anniversary of the Clydesdale horse in the United States, which was founded by the Clydesdale Breeders of the U.S.A., in Illinois, in 1879. This heavy draft horse was originally bred in Scotland to meet both agricultural and commercial transportation needs; and

Whereas, The Clydesdale has sustained a long-term and prominent position among the draft horse breeds in the United States. "Strength," "agility," and "docility" are the words most often used to describe this beautiful, majestic and flashy, and gentle giant in its white feathery trimmed hues of bay, black, tan, and brown. The mature Clydesdale typically stands between 16 and 19 hands and weighs 1,600 to 2,200 pounds; and

Whereas, The versatility of the Clydesdale is evidenced by the increasing number of equine events in which it is used, including as a team in carriage or wagon hitches in shows and parades, as well as pull competitions. The Clydesdale is gaining prominence under the saddle in pursuits in dressage, hunter jumper, as a trail horse, and for therapeutic riding; and

Whereas, In Michigan, the Clydesdale has played a major role in the Michigan State Fair for the past 100 years. It now maintains a prominent role in the Michigan Great Lakes International Draft Horse Show held annually in East Lansing, Michigan, on the campus of Michigan State University. The show is considered, by most, to be the best and biggest draft horse show in North America; and

Whereas, Michigan currently ranks number two in the nation in total number of members in the Clydesdale Breeders of the U.S.A. with 81 members, several of whom have served as national directors. Also, many members have held leadership roles that have impacted the equine industry in Michigan; and

Whereas, Michigan is continually ranked among the top ten states in new registrations and sales of Clydesdale horses. Michigan owners and their horses have distinguished themselves in national and world-class competitions; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the Michigan Clydesdale Association as it celebrates the 125<sup>th</sup> anniversary of the Clydesdale horse in the United States; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Clydesdale Association and the Michigan Draft Horse Breeders Association.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Shulman, Accavitti, Adamini, Anderson, Brandenburg, Brown, Byrum, Caswell, Dennis, DeRossett, Emmons, Farhat, Farrah, Hager, Hoogendyk, Hopgood, Howell, Huizenga, Jamnick, Koetje, Kooiman, Lipsey, Meyer, Newell, Nitz, Palmer, Pappageorge, Pastor, Richardville, Rocca, Sak, Shaffer, Sheltroun, Spade, Stahl, Stakoe, Stallworth, Stewart, Tobocman, Vagnozzi, Vander Veen, Voorhees, Woronchak, Zelenko, Caul, Ehardt, Gielegem, Kolb, Murphy and Pumford offered the following resolution:

**House Resolution No. 216.**

A resolution recognizing the month of April 2004 as Financial Literacy for Youth Month in the state of Michigan.

Whereas, The informed use of credit and other financial products and services benefits individual consumers and promotes economic growth; and

Whereas, Financial literacy encourages greater economic self-sufficiency, higher levels of homeownership, and enhanced retirement security, particularly among low- and moderate- income citizens; and

Whereas, The past decade has seen declining personal savings rates, increased bankruptcy filings, and rising percentages of family income devoted to serving household debt; and

Whereas, Only 26 percent of 13- to 21-year-olds reported that their parents actively taught them how to manage money; and

Whereas, A 2002 study by JumpStart Coalition for Personal Financial Literacy found that high school seniors know even less about credit cards, retirement funds, insurance, and other personal finance basics than seniors did five years ago; and

Whereas, Personal financial education is essential to ensure that our youths are prepared to manage money, credit, and debt, while also becoming responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize the month of April 2004 as Financial Literacy for Youth Month in the state of Michigan to raise public awareness about the need for increased financial literacy in our schools and among our children. Also, to urge the awareness of the serious problems that are associated with a lack of understanding about personal finances; and be it further

Resolved, That we call on each parent, school, business, community organization, and unit of government to observe the month with appropriate programs and activities.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

**Reports of Standing Committees**

The Committee on Land Use and Environment, by Rep. LaJoy, Vice-Chair, reported

**House Bill No. 5206, entitled**

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 2 (MCL 125.2782).

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. LaJoy, Ehardt, DeRossett, Milosch, Nitz, Ward, Farrah, Gielegem, Dennis and Law

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 10, 2004

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

Absent: Rep. Ruth Johnson

Excused: Rep. Ruth Johnson

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

**Senate Bill No. 702, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23d of chapter X (MCL 710.23d), as amended by 1996 PA 409.

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. Hager, Stahl, Hart, Vander Veen, Voorhees, Sheen 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, March 10, 2004

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

Absent: Reps. Hardman and Clack

Excused: Reps. Hardman and Clack

The Committee on Higher Education, by Rep. Voorhees, Chair, reported

**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.

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. Voorhees, Hart, LaSata and Stakoe

Nays: Reps. Dennis, Hood and Smith

The Committee on Higher Education, by Rep. Voorhees, Chair, reported

**Senate Bill No. 625, 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).

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. Voorhees, Hart, LaSata and Stakoe

Nays: Reps. Dennis, Hood and Smith

The Committee on Higher Education, by Rep. Voorhees, Chair, reported

**Senate Bill No. 626, 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.

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. Voorhees, Hart, LaSata and Stakoe

Nays: Reps. Dennis, Hood and Smith

The Committee on Higher Education, by Rep. Voorhees, Chair, reported

**Senate Bill No. 627, 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.

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. Voorhees, Hart, LaSata and Stakoe

Nays: Reps. Dennis, Hood and Smith

The Committee on Higher Education, by Rep. Voorhees, Chair, reported

**Senate Bill No. 628, 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).

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. Voorhees, Hart, LaSata and Stakoe

Nays: Reps. Dennis, Hood and Smith

The Committee on Higher Education, by Rep. Voorhees, Chair, reported

**Senate Bill No. 661, 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).

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. Voorhees, Hart, LaSata and Stakoe

Nays: Reps. Dennis, Hood and Smith

The Committee on Higher Education, by Rep. Voorhees, Chair, reported

**Senate Bill No. 662, 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.

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. Voorhees, Hart, LaSata and Stakoe

Nays: Reps. Dennis, Hood and Smith

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 11, 2004

Present: Reps. Voorhees, Hart, LaSata, Stakoe, Dennis, Hood and Smith

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

**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.

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

Nays: None

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

**House Resolution No. 198.**

A resolution to memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs.

(For text of resolution, see House Journal No. 11, p. 160.)

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

**Substitute for House Resolution No. 198.**

A resolution to memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs.

Whereas, From 1956 to 2001 Michigan residents paid \$1.71 billion dollars more in gas tax money to the federal government than they received in return. Only three states have a worse return rate than Michigan for that period; and

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This task is made much more formidable by the continuing inequity of the percentage of funds returned to the state; and

Whereas, The federal road funding act, the Transportation Equity Act of the 21<sup>st</sup> Century (TEA-21), expired on February 29, 2004; and

Whereas, The House Surface Transportation Extension Act of 2004, signed by President Bush on February 29, 2004, extends highway, safety, transit, and other programs until April 30, 2004; and

Whereas, The United States House of Representatives and the United States Senate each have bills pending to authorize a new funding system for the states; and

Whereas, In 2003, Senate Concurrent Resolution No. 1, House Concurrent Resolution No. 5, and House Resolution No. 9 all memorialized the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs. As the federal government works on the next budget, it is imperative that this issue be kept before policymakers at every level to achieve this long overdue measure of equity; now, therefore, be it

Resolved by the House of Representatives, That we hereby memorialize the Congress of the United States to establish a minimum return rate of 95 percent of Michigan's federal transportation funding for highway and transit programs to bring greater fairness to the federal funding of transportation needs in Michigan; and be it further

Resolved, That we further memorialize Congress to act before the beginning of the 2004 road construction season; 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 and substitute were laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. DeRossett, Casperson, Hummel, DeRoche, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jannick, Gleason, Adamini, Murphy and Elkins

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 11, 2004

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

Absent: Rep. Gaffney

Excused: Rep. Gaffney

The Committee on Senior Health, Security and Retirement, by Rep. Woronchak, Chair, reported

**Senate Bill No. 635, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21311 (MCL 333.21311), as amended by 1984 PA 311.

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. Woronchak, Mortimer, Pappageorge, Rocca, Tabor, Vander Veen, Stallworth, Vagnozzi and Zelenko  
 Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Woronchak, Chair, of the Committee on Senior Health, Security and Retirement, was received and read:

Meeting held on: Thursday, March 11, 2004

Present: Reps. Woronchak, Mortimer, Pappageorge, Rocca, Tabor, Vander Veen, Stallworth, Vagnozzi and Zelenko

**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, March 11:

**House Bill Nos. 5628 5629 5630 5631 5632 5633 5634**

**Introduction of Bills**

Reps. Kooiman, Huizenga, Vander Veen, Voorhees, Richardville, Garfield, Drolet, Stahl, Rocca, Pappageorge, Ehardt, Anderson, Nofs, Robertson, Amos, Nitz, Walker and DeRoche introduced

**House Bill No. 5635, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 7 (MCL 208.7), as amended by 2002 PA 606.

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

Reps. Gaffney, Julian, Tobocman, Brown, Adamini, Sheltroun, Anderson, Accavitti, Murphy, Shackleton, Bieda, Lipsey, Gillard, Sak, Ward, Hune, Wojno, Nofs, Wenke, Plakas, Sheen, Stahl, Hoogendyk, Casperson, Zelenko, Hunter and Daniels introduced

**House Bill No. 5636, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 5 (MCL 15.265), as amended by 1984 PA 167.

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

Reps. Hoogendyk, Howell, Pappageorge, Stahl, Middaugh, Kooiman, Bradstreet, Sheen, Huizenga, Hune, DeRoche, Steil, Wojno, Robertson, Voorhees, Stakoe, Shaffer, Acciavatti, Drolet, DeRossett, Brandenburg, Farhat, Emmons, Hager, Nofs, Mortimer, Caswell, Hummel, Newell, Ruth Johnson, Koetje, O'Neil and Rivet introduced

**House Bill No. 5637, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9141.

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

Reps. Meyer, Rocca, Ehardt, Pappageorge and LaJoy introduced

**House Bill No. 5638, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2000 PA 390.

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

Reps. Daniels, Pappageorge, Garfield, Richardville, Pastor, Kooiman, Ehardt, Rocca, Dennis, Ruth Johnson, Caul, Middaugh, Hart, Shaffer, Voorhees, Hummel, Farrah, Gielegem, Woodward, Wenke, Farhat, Vander Veen, Palmer, Hoogendyk, Stallworth, Waters, Cheeks, Emmons, Gaffney, Hune, Zelenko, DeRoche, Huizenga and Smith introduced

**House Bill No. 5639, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 373 (MCL 380.373), as amended by 2000 PA 230.

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

Reps. Hunter, Tobocman, Gleason, McConico and Rivet introduced

**House Bill No. 5640, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 53 (MCL 24.253), as amended by 1999 PA 262.

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

Reps. Palsrok, Ward and Jamnick introduced

**House Bill No. 5641, entitled**

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 17 (MCL 46.17); and to repeal acts and parts of acts.

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

Rep. Rocca introduced

**House Bill No. 5642, entitled**

A bill to amend 1982 PA 325, entitled "An act to authorize county sheriffs to declare a county jail overcrowding state of emergency; to prescribe the powers and duties of certain judges, county sheriffs, and other county officials; and to provide remedies for a county jail overcrowding state of emergency," by amending section 8 (MCL 801.58), as amended by 1988 PA 399.

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

Reps. LaJoy, Robertson, Stakoe, Casperson, Drolet, Emmons, Taub, Ward, Nitz, Brandenburg, Mortimer, Pastor and Gaffney introduced

**House Bill No. 5643, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 77 (MCL 208.77), as amended by 1999 PA 115.

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

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Rep. Amos moved that the House adjourn.

The motion prevailed, the time being 12:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 16, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives