

No. 49
STATE OF MICHIGAN
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House of Representatives
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REGULAR SESSION OF 2004

House Chamber, Lansing, Tuesday, June 1, 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—present	Murphy—present	Stallworth—excused
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—excused	Hopgood—present	Nitz—present	Stewart—present
Byrum—present	Howell—present	Nofs—present	Tabor—present
Casperson—present	Huizenga—present	O’Neil—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—excused	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

e/d/s = entered during session

Rep. Tupac A. Hunter, from the 9th District, offered the following invocation:

“Our Father, who art in heaven, hallowed be Thy name. Thank You for allowing me to arise once again this morning and live another day. Thank You for the sun, the moon, the stars and every living thing that You’ve created. Thank You for my friends, my family and most of all my beautiful son, Jalen, through whom You have given me an unlimited capacity to love unselfishly and unconditionally. Lord, look over this Chamber and give us the courage and the will to govern with selflessness and compassion. Give us the wisdom to set aside our partisan, racial and geographical differences. Bless our Governor, the leadership of the House and Senate, and every member of this legislature. Let us work together in unity and respect, and do Your will in providing a better way of life for every citizen across this great state. Forgive us for the mistakes we are all bound to make, and let us give all praises to You and Your Holy name. On this day shall every knee bow, and every tongue confess, that You are a benevolent and merciful God. You are omnipresent, omniscient and omnipotent—a God who sits high and looks low. The Alpha and the Omega, the beginning and the end. O, how excellent be Thy name. In the name of the Father, the Son and the Holy Spirit, let us all say, Amen.”

Rep. Waters moved that Reps. Brown, Daniels and Stallworth be excused from today’s session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 262.

A resolution to urge the Governor to ban the import into Michigan of any products that could be hosts for the fungus-like pathogen that causes Sudden Oak Death.

(For text of resolution, see House Journal No. 44, p. 1015.)

(The resolution was reported by the Committee on Agriculture and Resource Management on May 25, with substitute (H-1), consideration of which, under the rules, was postponed until May 26.)

(For substitute, see House Journal No. 46, p. 1073.)

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

House Resolution No. 242.

A resolution to urge the Department of Community Health to work through organizations that provide assistance to senior citizens, such as the Area Agencies on Aging, to provide information on long-term health care options, including community-based services.

(For text of resolution, see House Journal No. 37, p. 842.)

(The resolution was reported by the Committee on Senior Health, Security and Retirement on May 27, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

House Concurrent Resolution No. 56.

A concurrent resolution to urge the Department of Community Health to work through organizations that provide assistance to senior citizens, such as the Area Agencies on Aging, to provide information on long-term health care options, including community-based services.

(For text of concurrent resolution, see House Journal No. 37, p. 844.)

(The concurrent resolution was reported by the Committee on Senior Health, Security and Retirement on May 27, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

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

Messages from the Senate

The Speaker laid before the House

House Bill No. 5134, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 16276. (The bill was received from the Senate on May 25, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 26, see House Journal No. 46, p. 1077.)

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. 413

Yeas—103

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

Nays—2

Drolet	Garfield
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In The Chair: Julian

The House agreed to the full title of the bill.

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

The Speaker laid before the House

House Bill No. 5692, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 539d (MCL 750.539d).

(The bill was received from the Senate on May 25, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 26, see House Journal No. 46, p. 1077.)

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

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

Roll Call No. 414

Yeas—99

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

Nays—7

Adamini	Drolet	Lipsey	Smith
Caswell	Hoogendyk	Minore	

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. Hood moved that Rep. Smith be excused temporarily from today's session.
The motion prevailed.

The Speaker laid before the House

House Bill No. 5693, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2004 PA 2.

(The bill was received from the Senate on May 25, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 26, see House Journal No. 46, p. 1077.)

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

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

Roll Call No. 415

Yeas—101

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

Nays—4

Caswell	Drolet	Hoogendyk	Palmer
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In The Chair: Julian

The House agreed to the full title of the bill.

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

The Speaker laid before the House

House Bill No. 4344, entitled

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize

the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending section 1 (MCL 125.1651), as amended by 1997 PA 202.

(The bill was received from the Senate on May 26, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 27, see House Journal No. 47, p. 1108.)

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

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

Roll Call No. 416**Yeas—106**

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

Nays—0

In The Chair: Julian

The House agreed to the title as amended.

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

The Speaker laid before the House

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 bill was received from the Senate on May 26, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 27, see House Journal No. 47, p. 1109.)

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

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

Roll Call No. 417**Yeas—106**

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

Nays—0

In The Chair: Julian

The House agreed to the title as amended.

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

Second Reading of Bills**House Bill No. 5243, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8 (MCL 125.2688), as amended by 2003 PA 93, and by adding section 8d.

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

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

Rep. Palsrok 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. 5243, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8 (MCL 125.2688), as amended by 2003 PA 93, and by adding section 8d.

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

Roll Call No. 418

Yeas—102

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

Nays—4

Bradstreet	DeRoche	Drolet	Garfield
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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 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as added by 2003 PA 266.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

Senate Bill No. 918, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 539j. 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. 918, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 539j. The bill was read a third time.

The question being on the passage of the bill,

Rep. Van Regenmorter moved to amend the bill as follows:

1. Amend page 2, following line 19, following subsection (4), by inserting:

“(5) This section does not apply to a peace officer of this state or of the federal government, or the officer’s agent, while in the performance of the officer’s duties.” and renumbering the remaining subsection.

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,

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

Roll Call No. 419

Yeas—102

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

Nays—3

Drolet

Garfield

Hoogendyk

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.

Second Reading of Bills**Senate Bill No. 320, entitled**

A bill to amend 1978 PA 90, entitled “Youth employment standards act,” by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

The bill was read a second time.

Reps. Koetje and Minore moved to amend the bill as follows:

1. Amend page 2, line 2, after “**session**,” by striking out “**22**” and inserting “**20**”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 320, entitled**

A bill to amend 1978 PA 90, entitled “Youth employment standards act,” by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Richardville moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.

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

Second Reading of Bills**Senate Bill No. 320, entitled**

A bill to amend 1978 PA 90, entitled “Youth employment standards act,” by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

Rep. Richardville moved to reconsider the vote by which the House adopted the amendment offered previously by Reps. Koetje and Minore.

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

The question being on the adoption of the amendment offered previously by Reps. Koetje and Minore, The amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 320, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

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. 420

Yeas—75

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

Nays—31

Adamini	Gielegem	Kolb	Sheltrown
Anderson	Gleason	Law	Smith
Bieda	Hardman	Lipsey	Vagnozzi
Cheeks	Hart	McConico	Waters
Clack	Hood	Meisner	Whitmer
Condino	Hopgood	Minore	Williams
Dennis	Hunter	Phillips	Zelenko
Farrah	Jamnick	Reeves	

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 provide for the legal employment and protection of minors; to provide for the issuance and revocation of work permits; to provide for the regulation of hours and conditions of employment of minors; to prescribe powers and duties of the departments of labor and education; to provide for the enforcement of this act; to prescribe penalties; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

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

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

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 SB 320, a bill to amend the Youth Employment Standards Act, to permit 16 or 17 year olds to work up to 22 hours a week when school is in session because of concerns that the number of hours students work will dramatically impact on their studies. Because I believe that education should come first, I voted no on SB 320.”

Communications from State Officers

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

May 27, 2004

The Honorable Gary Randall
Clerk of the House of Representatives
P.O. Box 30014
Lansing, MI 48909

Dear Mr. Randall:

I, Terri Lynn Land, Secretary of State of the State of Michigan, certify that the attached proposed law appeared on the legislative initiative petition filed with the Secretary of State on April 15, 2004 by Standing Together To Oppose Partial-birth-abortion (STTOP), P.O. Box 901, Grand Rapids, Michigan 49509-0901. I further certify that on May 27, 2004, the Michigan Board of State Canvassers determined that said initiative petition contains “at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963.” I therefore submit to the Michigan State Legislature said legislative proposal for consideration as provided under Article 2, Section 9, of the Constitution of 1963.

Sincerely,
Terri Lynn Land
Secretary of State

INITIATION OF LEGISLATION

An initiation of Legislation to define legal birth and the commencing of legal personhood and rights; and to provide immunity for certain acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the “legal birth definition act”.

Sec. 2. The following findings are hereby made:

(a) That in *Roe v Wade* the United States supreme court declared that an unborn child is not a person as understood and protected by the constitution, but any born child is a legal person with full constitutional and legal rights.

(b) That in *Roe v Wade* the United States supreme court made no effort to define birth or place any restrictions on the states in defining when a human being is considered born for legal purposes.

(c) That, when any portion of a human being has been vaginally delivered outside his or her mother’s body, that portion of the body can only be described as born and the state has a rational basis for defining that human being as born and as a legal person.

(d) That the state has a compelling interest in protecting the life of a born person.

Sec. 3. (1) A perinate shall be considered a legally born person for all purposes under the law.

(2) A physician or an individual performing an act, task, or function under the delegatory authority of a physician is immune from criminal, civil, or administrative liability for performing any procedure that results in injury or death of a perinate while completing the delivery of the perinate under any of the following circumstances:

(a) If the perinate is being expelled from the mother's body as a result of a spontaneous abortion.

(b) If in that physician's reasonable medical judgment and in compliance with the applicable standard of practice and care, the procedure was necessary in either of the following circumstances:

(i) To save the life of the mother and every reasonable effort was made to preserve the life of both the mother and the perinate.

(ii) To avert an imminent threat to the physical health of the mother, and any harm to the perinate was incidental to treating the mother and not a known or intended result of the procedure performed.

Sec. 4. Nothing in this act shall abrogate any existing right, privilege, or protection under criminal or civil law that applies to an embryo or fetus.

Sec. 5. As used in this act:

(a) "Anatomical part" means any portion of the anatomy of a human being that has not been severed from the body, but not including the umbilical cord or placenta.

(b) "Imminent threat to the physical health" means a physical condition that if left untreated would result in substantial and irreversible impairment of a major bodily function.

(c) "Live" means demonstrating 1 or more of the following biological functions:

(i) A detectable heartbeat.

(ii) Evidence of breathing.

(iii) Evidence of spontaneous movement.

(iv) Umbilical cord pulsation.

(d) "Perinate" means a live human being at any point after which any anatomical part of the human being is known to have passed beyond the plane of the vaginal introitus until the point of complete expulsion or extraction from the mother's body.

(e) "Physician" means an individual licensed by the state to engage in the practice of medicine or osteopathic medicine and surgery under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

CERTIFICATION OF PETITION TO INITIATE LEGISLATION

We, the undersigned members of the Michigan Board of State Canvassers, hereby certify that the legislative initiative petition filed with the Secretary of State on April 15, 2004 by Standing Together To Oppose Partial-birth-abortion (STTOP), P.O. Box 901, Grand Rapids, Michigan 49509-0901, contains at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963. The minimum number of valid signatures required is 254,206.

Dorothy E. Jones, Chairperson
Eric J. Pelton, Vice-Chairperson
Doyle O'Connor, Member
Kathy DeGrow, Member
May 27, 2004

The Initiative Petition was read a first time.

Rep. Richardville moved that the Initiative Petition be placed on the order of Second Reading of Bills.

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Governor

The following veto messages from the Governor were received and read:

Executive Office, Lansing, May 28, 2004

Michigan House of Representatives
State Capitol
Lansing, Michigan 48909-7514

Ladies and Gentleman:

Today, pursuant to Section 33 of Article IV of the Michigan Constitution of 1963, I have acted on several bills, including legislation designed to protect the vitality of Michigan forests and a package of bills intended to provide tax reductions for start-up businesses.

Michigan forests play an important role in providing economic opportunities in this state through tourism, recreation, hunting, and other forestry activities. Protecting forestry jobs, certifying forests, and ensuring their sustainability is vital for both our economy and our environment. Accordingly, I have approved and signed three bills, Enrolled Senate Bills 1023 and 1024 and Enrolled House Bill 5554. I appreciate the manner in which the legislature worked with the administration in shaping these bills.

The development and growth of small, high-tech firms also will play a key role in Michigan's economic future. With that in mind, I have approved and signed Enrolled House Bill 5331, because the single business tax credit under this bill is focused, limited, based on the current financial conditions of a qualifying business, consistent with the need for fiscal responsibility in tight budget times, and without technical deficiencies.

In reviewing the remaining bills in the business start-up package to determine whether they have potential to be effective in the effort to create and retain jobs in Michigan, I considered the following:

1. Will the tax breaks actually reduce taxes for any businesses?
2. Will the tax breaks actually create jobs?
3. Is the business tax reduction related to the current financial condition of a qualifying business? If a tax break intended to be an incentive for a start-up business is realized too long after the business is started, it is not an effective incentive.

4. Are the bills free from technical errors or flaws?

5. Do the bills siphon money from the School Aid Fund without a specific mechanism to replace those dollars?

Based on these factors, I return to the House of Representatives with my objections and without signature **Enrolled House Bills 5335, 5341, 5342, 5343, and 5345**. I have also vetoed and returned to the Senate Enrolled Senate Bills 863, 865, 867, 869, 872, and 875. Several of the bills would provide no actual incentives, doing nothing to create and save jobs. Others provide the tax breaks too late to be effective, and several have technical flaws.

For example, Enrolled House Bill 5342 purports to give tax breaks to start-up businesses located in an enterprise zone. However, provisions allowing businesses to qualify for favorable tax treatment in the underlying enterprise zone law *expired in 2003*. Michigan Economic Development Corporation records show that *not a single business* currently eligible would qualify for the exemption under this bill.

Similarly, Enrolled House Bill 5335 apparently provides no business tax relief and therefore no incentive for job creation. The proposed Neighborhood Enterprise Zone Act tax exemption would apply to taxes levied only on *residential* and not business property. The Senate Fiscal Agency indicated the bill would reduce taxes by an "unknown and likely zero amount."

Enrolled Senate Bill 863 is also technically deficient. The bill would exempt businesses with no business income from the payment of state income taxes under the Income Tax Act of 1967 for five years. However, business entities do not pay state income tax. A business operating as a sole proprietorship with no business income has no income subject to tax under current law. In other words, *this bill purports to provide tax relief—but to businesses with no tax liability*.

Another bill with similar provisions amending the City Income Tax Act, Enrolled House Bill 5345, would provide minimal tax relief at best, and is unlikely to generate any jobs. The Senate Fiscal Agency indicated the revenue effects under this bill are "expected to be negligible."

Under the seven remaining bills in the package, the benefits of a tax credit or exemption are too far removed from the business conditions giving rise to the credit or exemption. For example, Enrolled House Bills 5341 and 5343 and Enrolled Senate Bills 865, 867, 869, 872, and 875 exempt property and utility use from various taxes for a five-year period. However, the five-year tax exemption under these bills generally would not begin until two years after a business initially qualifies for a single business tax reduction under House Bill 5331. As a result, the exemptions under these bills are disconnected for up to seven years from the condition rendering the business eligible for the exemption. To assure needed job creation in Michigan, tax incentives must be more focused and accurately targeted.

I share the goal of job creation in Michigan and applaud the effort to look for ways to grow our economy. I also agree that the development and growth of small, high-tech firms will play a key role in Michigan's economic future. Some of the deficiencies identified in these bills can be fixed and the bills signed into law, if they are strategic and targeted and have the desired effect. I look forward to working with you on them.

Respectfully,
Jennifer M. Granholm
Governor

The question being on the passage of the bills, the objections of the Governor to the contrary notwithstanding, Rep. Richardville moved that consideration of the bills be postponed for the day.

The motion prevailed.

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. Palsrok, LaSata, Middaugh, Pumford, Ehardt, Mortimer, Hager, Nitz, Palmer, Milosch, Acciavatti, Shackleton, Meyer, Stewart, Sheen, Walker, Huizenga, Brown, Gillard, Adamini, Sheltroun, Farhat, Vander Veen and Rivet offered the following resolution:

House Resolution No. 271.

A resolution to memorialize the Congress of the United States to provide increased funding to support research and education on rip currents in the Great Lakes.

Whereas, The Great Lakes are known for their beauty, power, and importance to life in this region. Less well known and understood are the dangers of rip currents, which threaten public safety and can cause deaths of swimmers at beaches along the Great Lakes. While rip currents seem to be better known at the ocean, they are no less serious to bathers along Michigan's shores; and

Whereas, Rip currents, which are sometimes mistakenly referred to as rip tides or undertows, are caused by sandbars offshore that break apart. The current that results can be very strong, taking even an Olympic-caliber swimmer swiftly away from the shore. The "rip" in the sandbar can be the result of high winds or large waves, and it can occur with absolutely no warning. Rip currents can last a few minutes, several hours, or even days. While there often is discoloration to the water that is swept away from the shore by the rip current, this is not always easy to see. Although there is an effective strategy a swimmer can use to return to shore safely, this knowledge must be in place before such an incident occurs to prevent a tragedy; and

Whereas, There is clearly a need for greater public awareness among beach visitors to the Great Lakes and more comprehensive research into rip currents. Research could help determine better responses and quicker notification for swimmers as a rip current situation develops. With the number of people swimming in the Great Lakes each summer, this research could save many lives; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide increased funding to support research and education on rip currents in the Great Lakes; and be it further

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

The resolution was referred to the Committee on Great Lakes and Tourism.

Reps. Middaugh, Accavitti, Bisbee, Bradstreet, Caswell, Caul, DeRossett, Drolet, Ehardt, Farhat, Garfield, Hager, Hoogendyk, Huizenga, Hummel, Kooiman, Meyer, Milosch, Newell, Nitz, Pappageorge, Richardville, Robertson, Sheen, Stakoe, Stewart, Tabor, Vander Veen, Voorhees and Ward offered the following resolution:

House Resolution No. 272.

A resolution to memorialize the Congress of the United States to enact legislation that will sharply reduce the number of gasoline types required to meet local environmental standards.

Whereas, While there are many factors that are contributing to the recent swift rise in pump prices for gasoline, a significant element is the number of gasoline types refineries must produce to meet environmental standards of various metropolitan regions across the country. Over the years, federal mandates to improve air quality in areas with problems have resulted in a complicated patchwork of fuel requirements. The large number of fuels is also the result of the strategies individual states have developed to meet federal standards; and

Whereas, While the goals of cleaner air are important challenges that must be met, it seems inefficient on many levels for refineries to have to develop, produce, and deliver so many different types of gasoline. In the Midwest alone, at least seven types of fuel must be made. The impact of these requirements is to raise costs, delay production, disrupt distribution, and reduce the supply. These problems, as Michigan has learned all too well, become far more severe when any unforeseen events, such as a gasoline pipeline accident or a refinery fire, take place; and

Whereas, Determining a standard that would dramatically reduce the number of gasoline types nationwide and still meet requirements for emissions could bring enormous efficiencies to a process that is of the utmost importance to our nation; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation that will sharply reduce the number of gasoline types required to meet local environmental standards; and be it further

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

The resolution was referred to the Committee on Transportation.

Announcement by the Clerk of Printing and Enrollment

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

Senate Bill Nos. 1253 1254 1255 1256 1257 1258 1259 1260 1261 1262 1263

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, May 28:

House Bill Nos. 5947 5948 5949 5950 5951 5952 5953 5954 5955 5956 5957

The Clerk announced that the following Senate bills had been received on Tuesday, June 1:

Senate Bill Nos. 908 1191

By unanimous consent the House returned to the order of
Reports of Standing Committees

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

House Bill No. 5885, entitled

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," (MCL 288.471 to 288.540) by adding section 33a. 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. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Sheltroun and Spade

Nays: None

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

House Bill No. 5898, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending section 4 (MCL 287.334), as amended by 2003 PA 83.

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. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Sheltroun and Spade

Nays: None

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

House Bill No. 5901, entitled

A bill to amend 1937 PA 284, entitled "An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act," by amending section 3 (MCL 287.123), as amended by 2003 PA 85.

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. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Sheltroun and Spade
Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 1, 2004

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

Absent: Rep. Stahl

Excused: Rep. Stahl

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

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. 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. Ehardt, Vander Veen, Ruth Johnson, Woronchak, Robertson, Gaffney, Ward, Wojno, O'Neil and Gillard
Nays: Rep. Adamini

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 1, 2004

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

Absent: Rep. Van Regenmorter

Excused: Rep. Van Regenmorter

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

House Bill No. 5311, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2155.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

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

House Bill No. 5949, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending the title and sections 1, 3, 4, 5, 6, 6a, 6b, 6c, 6e, 7, 7a, 7b, 8, 10, and 11 (MCL 722.21, 722.23, 722.24, 722.25, 722.26, 722.26a, 722.26b, 722.26c, 722.26e, 722.27, 722.27a, 722.27b, 722.28, 722.30, and 722.31), the title and sections 7a and 7b as amended by 1996 PA 19, sections 3, 5, and 6 as amended and sections 6c and 6e as added by 1993 PA 259, section 4 as amended by 1998 PA 482, section 6a as added by 1980 PA 434, section 6b as amended by 2000 PA 60, section 7 as amended by 2001 PA 108, section 10 as added by 1996 PA 304, and section 11 as added by 2000 PA 422.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 1, 2004

Present: Reps. Howell, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, Wenke, Lipsey, Adamini, Bieda, Condino and Smith

Absent: Reps. LaSata and Van Regenmorter

Excused: Reps. LaSata and Van Regenmorter

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

House Bill No. 5814, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 4 and 16 (MCL 125.2154 and 125.2166), section 4 as amended by 2000 PA 248.

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. Bisbee, DeRoche, Howell, Koetje, Middaugh, Palmer, Hune, Milosch, Palsrok, Wenke, Rivet, O'Neil, McConico, Lipsey, Murphy, Tobocman and Accavitti

Nays: None

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

House Bill No. 5815, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 3 and 18 (MCL 125.1653 and 125.1668), section 3 as amended by 1993 PA 323.

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. Bisbee, DeRoche, Howell, Koetje, Middaugh, Palmer, Hune, Milosch, Palsrok, Wenke, Rivet, O'Neil, McConico, Lipsey, Murphy, Tobocman and Accavitti

Nays: None

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

House Bill No. 5816, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending sections 3 and 17 (MCL 125.1803 and 125.1817), section 3 as amended by 1983 PA 148.

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. Bisbee, DeRoche, Howell, Koetje, Middaugh, Palmer, Hune, Milosch, Palsrok, Wenke, Rivet, O'Neil, McConico, Lipsey, Murphy, Tobocman and Accavitti

Nays: None

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

Senate Bill No. 774, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 21a (MCL 125.2162a), as amended by 2002 PA 575.

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. Bisbee, DeRoche, Howell, Koetje, Middaugh, Palmer, Hune, Milosch, Palsrok, Wenke, Rivet, O'Neil, Lipsey, Murphy, Tobocman and Accavitti

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 1, 2004

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

Absent: Reps. Drolet and Huizenga

Excused: Reps. Drolet and Huizenga

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 1, 2004

Present: Reps. Nofs, Garfield, Richardville, Pappageorge, Ruth Johnson, Casperson, Woodward, Sheltroun, Spade and Elkins

Absent: Rep. Woronchak

Excused: Rep. Woronchak

Messages from the Senate

House Bill No. 4127, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2110b. The Senate has amended the bill as follows:

1. Amend page 1, line 11, after "**insurer**," by striking out "**the existence of**" and inserting "**whether the insurer has**".
2. Amend page 1, line 11, after "**agreement**" by inserting "**with any repair or replacement facility to provide a repair or replacement service or product to an insured**".
3. Amend page 2, line 2, after "**use**" by striking out "**that**" and inserting "**a**".

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 Bill No. 908, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7405 (MCL 333.7405), as amended by 1997 PA 153.

The Senate has passed the bill.

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

Senate Bill No. 1191, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 49 (MCL 338.2249), as amended by 2003 PA 87.

The Senate has passed the bill.

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

Messages from the Governor

Date: May 27, 2004

Time: 10:13 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5241 (Public Act No. 118, I.E.), being

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

(Filed with the Secretary of State May 27, 2004, at 10:58 a.m.)

Date: May 27, 2004

Time: 10:16 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4272 (Public Act No. 119, I.E.), being

An act to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services;

to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 20188; and to repeal acts and parts of acts.

(Filed with the Secretary of State May 27, 2004, at 11:00 a.m.)

Date: May 28, 2004

Time: 2:09 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5554 (Public Act No. 125, I.E.), being

An act 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 the heading to part 525 and section 52501 (MCL 324.52501), as added by 1995 PA 57, and by adding sections 52502, 52503, 52504, 52505, and 52506.

(Filed with the Secretary of State May 28, 2004, at 3:10 p.m.)

Date: May 28, 2004

Time: 2:16 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5331 (Public Act No. 126, I.E.), being

An act to amend 1975 PA 228, entitled “An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,” (MCL 208.1 to 208.145) by adding section 31a.

(Filed with the Secretary of State May 28, 2004, at 3:12 p.m.)

The following message from the Governor was received May 28, 2004 and read:

EXECUTIVE ORDER

No. 2004 - 30

RECOGNIZING MEMORIAL DAY

WHEREAS, Memorial Day was first officially proclaimed on May 5, 1868 by General John A. Logan, Commander-in-Chief of the Grand Army of the Republic, in General Order No. 11, and was first observed on May 30, 1868, when flowers were placed on the graves of soldiers at Arlington National Cemetery;

WHEREAS, in proclaiming Memorial Day General Logan wrote, “Let no vandalism of avarice or neglect, no ravages of time testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic”;

WHEREAS, on Memorial Day we recognize individuals who have died in service to the United States of America, making the ultimate sacrifice to defend the freedoms our Nation holds so dear;

WHEREAS, under Section 6103 of Title 5 of the United States Code, 5 USC 6103, and Section 1 of 1865 PA 124, MCL 435.101, the last Monday in May is set aside as a legal public holiday in observance of Memorial Day;

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, 4 USC 7, on Memorial Day the flag of the United States is to be displayed at half-staff until noon only, then raised to the top of the staff;

WHEREAS, it is appropriate that the flag of the United States of America be flown at half-staff throughout the State of Michigan on Memorial Day morning as a mark of respect for the memory, and in honor of the service, of those killed defending our priceless freedom, peace and security;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, direct and proclaim:

A. On Memorial Day, Monday, May 31, 2004, until 12:00 noon that day, the flag of the United States of America shall be flown at half-staff throughout the State of Michigan and at half-mast on Michigan waters, including at or on all state buildings and facilities.

B. When flown at half-staff or half-mast on Memorial Day, the flag of the United States should be first hoisted to the peak for an instant and then lowered to the half-staff or half-mast position, where it should be flown until noon only, then raised to the top of the staff.

This order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 27th day of May, in the year of our Lord, two thousand and four.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

Communications from State Officers

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

May 26, 2004

The enclosed annual report, *Status of Telecommunications Competition in Michigan*, is submitted on behalf of the Michigan Public Service Commission in accordance with Section 103 of the Michigan Telecommunications Act as amended in July of 2000. This report will be available on the Commission website at www.michigan.gov/mpsc.

Sincerely,

J. Peter Lark, Chair

Michigan Public Service Commission

The communication was referred to the Clerk.

Introduction of Bills

Reps. Huizenga, Murphy, Nitz, Richardville, Tobocman, Sak, Vander Veen and Kooiman introduced

House Bill No. 5958, entitled

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

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

Reps. Wenke, Huizenga, Murphy, Nitz, Vander Veen, Tobocman, Sak, Richardville and Kooiman introduced

House Bill No. 5959, entitled

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

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

Reps. Murphy, Huizenga, Nitz, Vander Veen, Tobocman, Sak, Richardville and Kooiman introduced

House Bill No. 5960, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4y.

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

Reps. Milosch, Robertson, Sheen, Mortimer, Ehardt and Garfield introduced

House Bill No. 5961, 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," (MCL 247.651 to 247.675) by adding section 20b.

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

Rep. Koetje introduced

House Bill No. 5962, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 625a, 681, 1711, and 1724a (MCL 380.625a, 380.681, 380.1711, and 380.1724a), sections 625a and 1724a as added by 1994 PA 258 and section 681 as amended by 2003 PA 299, and by adding section 641.

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

Reps. Moolenaar, Caul, Nofs, Stakoe, Ward, Emmons, Palmer, Pastor, Newell, Wenke, Hummel, Bisbee, Gaffney and Plakas introduced

House Bill No. 5963, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20120a (MCL 324.20120a), as added by 1995 PA 71.

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

Reps. Brown, Adamini, Gillard, Milosch, Shackleton, Sheltroun, Kolb, Byrum, Lipsey, Gielegem, Rivet, Gleason, Hummel, Minore, Sak, Dennis, Wenke and Vagnozzi introduced

House Bill No. 5964, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 9 (MCL 28.609), as amended by 1998 PA 237.

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

Reps. Jamnick, Gleason and Sak introduced

House Bill No. 5965, entitled

A bill to amend 1964 PA 283, entitled "Weights and measures act," by amending section 28b (MCL 290.628b).

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

Reps. Caswell, Palmer, Nitz, LaJoy, Steil, Amos, Brandenburg and Kooiman introduced

House Bill No. 5966, entitled

A bill to amend 1972 PA 251, entitled "An act to provide for the reciprocal exchange of educational services between this state and other states; to provide for reduced or waived tuition, and to designate the state agency for negotiating agreements," by amending sections 1, 3, and 4 (MCL 390.501, 390.503, and 390.504).

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

Reps. Stakoe, Ward, Moolenaar, Howell, Newell, DeRoche, Accavitti, Gleason, Nofs and Gaffney introduced

House Bill No. 5967, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 601 and 906 (MCL 257.601 and 257.906).

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

Reps. Stakoe, Ward, Moolenaar, Wenke, Howell, Newell, DeRoche, Accavitti, Gleason, Nofs and Gaffney introduced

House Bill No. 5968, entitled

A bill to amend 1956 PA 62, entitled "An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code," by amending section 1 (MCL 257.951), as amended by 1998 PA 69.

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

Reps. Voorhees, Vander Veen, Steil, Huizenga, Koetje, Kooiman and Pappageorge introduced

House Bill No. 5969, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 15 and 17 (MCL 257.1815 and 257.1817), section 17 as amended by 2000 PA 49.

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

Rep. Gleason moved that the House adjourn.

The motion prevailed, the time being 3:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, June 2, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives