

No. 51
STATE OF MICHIGAN
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House of Representatives
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House Chamber, Lansing, Thursday, June 3, 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—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—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—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—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
Gaffney—present			

e/d/s = entered during session

Rep. James L. Koetje, from the 86th District, offered the following invocation:

“O, Lord, our Lord, how excellent is Your name in all the earth. All praise and glory be Yours. On this day, as with everyday, may we recognize the truth of Your word. That despite our low and sinful estate, You, through Your love and grace, have made us a little lower than God, and have placed humankind in a unique relationship with Almighty God, above all creation.

May we, because of Your love and abundant grace, serve You today, by extension, seek to serve our fellow persons throughout this great state of Michigan. As we pay special tribute today to our veterans, and a special tribute to and memory of those involved in World War II and D-Day, may we remember and give You praise for our freedoms today. Also, may we remember that true freedom comes through a belief and acceptance of the free gift of salvation through Your Son, in whose name we pray. Amen.”

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

Motions and Resolutions

Reps. Nofs, Gaffney, Walker, Farhat, Hune, Garfield, Acciavatti, Milosch, Caswell, Palmer, Drolet, Shackleton, Ehardt, Amos, Huizenga, Sheen, Hager, Pumford, Middaugh, Caul, Nitz, Rocca, Wojno, Wenke, Sak, Palsrok, Brandenburg, Clack, Bieda, Pastor, Shaffer, Robertson, Vander Veen, Ruth Johnson, LaSata, Howell, Stewart, Sheltrown, Bisbee, Newell, Jamnick, Minore, Van Regenmorter, Moolenaar, Stahl, Hoogendyk, Meisner, Elkins, Taub, Condino, Hunter, Spade, Koetje and Richardville offered the following resolution:

House Resolution No. 274.

A resolution declaring June 6, 2004, as D-Day Remembrance Day in the state of Michigan.

Whereas, June 6, 2004, marks the 60th anniversary of D-Day, the day that began the Allied assault at Normandy, France, during World War II; and

Whereas, The D-Day assault, known as Operation Overlord, was the most amphibious operation ever to occur. On the first day, it involved the operation of 5,000 ships, over 11,000 sorties of Allied aircraft, and 153,000 American, British, and Canadian troops; and

Whereas, Five separate beaches were assaulted. American forces, commanded by Lieutenant General Omar Bradley, attacked Omaha and Utah beaches and British and Canadian forces, commanded by General Miles Dempsey, attacked Gold, Juno, and Sword beaches; and

Whereas, American troops suffered significant losses during the assault, including over 6,500 casualties; and

Whereas, The D-Day assault was among the most critical events of World War II. The success of the Allied landings in Normandy provided the foothold for the liberation of France and the eventual Allied breakthrough into Germany which ultimately led to the Allied victory in Europe; and

Whereas, June 6, 1944, is one of the most significant dates in the history of the United States; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare June 6, 2004, as D-Day Remembrance Day in the state of Michigan; and be it further

Resolved, That the state of Michigan urges all residents to participate in appropriate patriotic exercises to commemorate this day.

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.

Second Reading of Bills

House Bill No. 5865, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled “An act to create the Michigan veterans’ trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district

committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act,” by amending section 1c (MCL 35.601c), as amended by 1980 PA 353.

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

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

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

The motion prevailed.

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

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

Rep. Waters moved that Rep. Rivet be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5865, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled “An act to create the Michigan veterans’ trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act,” by amending section 1c (MCL 35.601c), as amended by 1980 PA 353.

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

Roll Call No. 425

Yeas—106

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

Nays—0

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Richardville moved to amend the title to read as follows:

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by repealing sections 1a, 1b, 1c, 1e, and 1f (MCL 35.601a, 35.601b, 35.601c, 35.601e, and 35.601f).

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. McConico, Woronchak, Anderson, Stewart, Gielegem, Drolet, Woodward, Phillips, Rick Johnson, Minore, Zelenko, Kolb, Jamnick, DeRossett, Richardville, Spade, Lipsey, Bisbee, Murphy, Tabor, Hart, LaSata, Hager, Ehardt, Meyer, Julian, Hummel, Newell, Dennis, Williams, Pumford, Ruth Johnson, Shackleton, Adamini, Brown, Palmer, Stallworth, Hunter, LaJoy, Hopgood, Law, Bieda, Meisner, Wojno, Acciavatti, Condino, Vagnozzi, DeRoche, Taub, Accavitti, Stakoe, Garfield, Hune, Gleason, Robertson, Ward, Emmons, Sak, Nitz, Moolenaar, Palsrok, Gillard and Casperson were named co-sponsors of the bill.

Second Reading of Bills**House Bill No. 5866, entitled**

A bill to establish an undergraduate tuition waiver program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition waiver program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

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

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

Rep. Caul 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. 5866, entitled**

A bill to establish an undergraduate tuition waiver program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition waiver program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

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

Roll Call No. 426**Yeas—107**

Accavitti
Acciavatti
Adamini
Amos

Garfield
Gielegem
Gillard
Gleason

Meyer
Middaugh
Milosch
Minore

Sheltrown
Shulman
Smith
Spade

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Waters, McConico, Woronchak, Anderson, Rocca, Drolet, Shulman, Phillips, Minore, Zelenko, Kolb, Jamnick, Richardville, Spade, Bisbee, Murphy, Hart, Kooiman, Hager, Ehardt, Julian, Newell, Williams, Sheltroun, Shackleton, Brown, Palmer, Cheeks, Hunter, Pastor, Hopgood, Law, Meisner, Wojno, Acciavatti, Condino, Vagnozzi, DeRoche, Taub, Accavitti, Amos, Stakoe, Garfield, Hune, Gleason, Shaffer, Hoogendyk, Ward, Steil, Van Regenmorter, Sak, Nitz, Stahl, Huizenga, Moolenaar, Palsrok, Gillard and Casperson were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5710, entitled

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

The bill was read a second time.

Rep. Meyer 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. 5710, entitled

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

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

Roll Call No. 427**Yeas—72**

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

Nays—33

Anderson	Farrah	Lipsey	Rivet
Bradstreet	Garfield	McConico	Sheltrown
Byrum	Gillard	Meisner	Smith
Caswell	Hood	Minore	Stallworth
Cheeks	Hopgood	Murphy	Tobocman
Clack	Hummel	O'Neil	Vagnozzi
Condino	Hunter	Phillips	Whitmer
Dennis	Law	Plakas	Zelenko
Elkins			

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Minore, 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 passage of this bill because it is so loosely drawn that it is open to abuse and tax evasion; and because it creates a million dollar hole in the budget at a time when this body seems unwilling to raise the revenue to pay for the programs we all feel are necessary for the citizens of this state.”

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

“Mr. Speaker and members of the House:

I voted no on House Bills 5709, 5710 and 5711 because this House cannot continue to give the people's money away in the form of specific tax breaks, no matter how important the issue, at a time of continuing state budget deficits.

The sum total of these three bills will remove over \$30 million from the state treasury, funds that could be used to plug the current year school aid or Medicaid deficits. I cannot in good conscience vote in favor of tax breaks when education and health care continue to be at risk.”

Second Reading of Bills

House Bill No. 5709, entitled

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

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

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

Rep. Amos moved to amend the bill as follows:

1. Amend page 1, line 2, after “**nursery**” by striking out “**dealer**”.
2. Amend page 2, line 10, after ““**nursery**” by striking out “**dealer**”.

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

Rep. Law moved to amend the bill as follows:

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

“Enacting section 1. This amendatory act shall not take effect unless House Bill No. 5603 of the 92nd legislature is enacted into law.”.

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

Rep. Law demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 428

Yeas—46

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

Nays—61

Acciavatti	Hager	Milosch	Shaffer
Amos	Hart	Moolenaar	Sheen
Bisbee	Hoogendyk	Mortimer	Shulman
Bradstreet	Huizenga	Newell	Stahl
Brandenburg	Hummel	Nitz	Stakoe
Casperson	Hune	Nofs	Steil
Caswell	Johnson, Rick	Palmer	Tabor
Caul	Johnson, Ruth	Palsrok	Taub

DeRoche	Julian	Pappageorge	Van Regenmorter
DeRossett	Koetje	Pastor	Vander Veen
Drolet	Kooiman	Pumford	Voorhees
Ehardt	LaJoy	Richardville	Walker
Emmons	LaSata	Robertson	Ward
Farhat	Meyer	Rocca	Wenke
Gaffney	Middaugh	Shackleton	Woronchak
Garfield			

In The Chair: Julian

Rep. Amos 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. 5709, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37g.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 429

Yeas—64

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

Nays—42

Adamini	Elkins	McConico	Sheltrown
Anderson	Farrah	Meisner	Smith
Bieda	Gillard	Minore	Stallworth
Bradstreet	Gleason	Murphy	Tobocman
Brown	Hood	O'Neil	Vagnozzi
Byrum	Hopgood	Pappageorge	Van Regenmorter
Caswell	Hunter	Phillips	Waters
Cheeks	Jamnick	Plakas	Whitmer

Clack
Condino
Dennis

Kolb
Law
Lipsev

Reeves
Rivet

Williams
Zelenko

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Wenke, under Rule 32, made the following statement:

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 429 because of a possible conflict of interest.”

Rep. Minore, 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:

Although sympathetic to the purpose of the legislation, I opposed passage of this bill because it creates a multi-million dollar hole in the budget at a time when members of this body seem unwilling to support the revenue to pay for the programs which our citizens need.”

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 HB 5709 because of the estimated \$12 million dollar cost, and because the bill is poorly drafted because it treats smaller nursery stock dealers unfairly. When you consider that the state has to come up with \$500 million in spending cuts to balance the budget, and when the Senate Republican Majority leader is talking about closing prisons and laying off 170 State Police troopers, it would seem that we as a legislature have to set our priorities a little better.”

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

“Mr. Speaker and members of the House:

My district has experienced the destruction of the Emerald Ash Borer, so it is not out of a lack of sympathy that I oppose this legislation. My basis for opposition is two-fold: (1) many people have already replaced their ash trees and would be unable to reap this benefit, and (2) at a cost of over \$200 million, we have much higher priorities, including healthcare and early education, that require our support. To continue to fritter away revenues through tax expenditures is not a fiscally sound practice.”

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

“Mr. Speaker and members of the House:

I voted no on House Bills 5709, 5710 and 5711 because this House cannot continue to give the people’s money away in the form of specific tax breaks, no matter how important the issue, at a time of continuing state budget deficits.

The sum total of these three bills will remove over \$30 million from the state treasury, funds that could be used to plug the current year school aid or Medicaid deficits. I cannot in good conscience vote in favor of tax breaks when education and health care continue to be at risk.”

Second Reading of Bills

House Bill No. 5711, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 269.

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

The substitute (H-1) was adopted, a majority of the members serving voting therefor.
 Rep. LaJoy moved that the bill be placed on the order of Third Reading of Bills.
 The motion prevailed.
 Rep. Richardville moved that the bill be placed on its immediate passage.
 The motion prevailed, a majority of the members serving voting therefor.

Rep. O'Neil moved that Rep. Plakas be excused temporarily from today's session.
 The motion prevailed.

By unanimous consent the House returned to the order of
Third Reading of Bills

House Bill No. 5711, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.
 Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 430

Yeas—75

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

Nays—31

Adamini	Elkins	Lipsey	Smith
Bieda	Farrah	McConico	Stallworth
Bradstreet	Gillard	Meisner	Tobocman
Brown	Gleason	Minore	Vagnozzi
Caswell	Hart	Murphy	Whitmer
Cheeks	Hopgood	Phillips	Williams
Clack	Hunter	Pumford	Zelenko
Dennis	Law	Reeves	

In The Chair: Julian

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

Rep. Minore, 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 opposed passage of this legislation because it creates a huge hole in the budget at a time when members of this body—or, a majority oft members at least,—seem unwilling to pay to support the revenue to pay for essential programs for our citizens.”

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

“Mr. Speaker and members of the House:

I voted no on House Bills 5709, 5710 and 5711 because this House cannot continue to give the people’s money away in the form of specific tax breaks, no matter how important the issue, at a time of continuing state budget deficits.

The sum total of these three bills will remove over \$30 million from the state treasury, funds that could be used to plug the current year school aid or Medicaid deficits. I cannot in good conscience vote in favor of tax breaks when education and health care continue to be at risk.”

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:

This is another example of a well-intentioned bill that the state simply cannot afford. With an estimated revenue loss of between \$19 and \$190 million dollars, this bill is simply too expensive for the state to absorb at this time. In addition, while restoration of tree canopy after losses due to emerald ash borer is a good goal, this bill would only allow for a \$100 tax credit for the removal and replacement of one or more trees. Interestingly, despite its intent, this bill could serve as a disincentive to removing dead or dying host trees. A property owner could delay removing and replacing trees in order to push the benefit into the next tax year and beyond. I also question the fairness of this bill—there are many property owners in southeast Michigan that have removed and replaced trees due to the emerald ash borer infestation. These taxpayers would be treated unfairly because they acted quickly to address the problem but would not be able to claim the tax credit.

Lastly, and most importantly, with the legislature facing an estimated combined deficit of \$1.05 billion in the current and upcoming years, and with even Republican leaders (as reported in the June 2, 2004 issue of the Michigan Report) suggesting new taxes on entertainment and proposing early release plans for state prisoners, layoffs of 170 State Police troopers and suggested cuts to higher education, community colleges and severe reductions of reimbursement rates to hospitals and doctors, does a \$100 tax credit for an individual with a sick tree make any sense? I think not and thus I voted ‘no’ on HB 5711.”

Second Reading of Bills

Senate Bill No. 296, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3406*l*.

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

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

Rep. Ehardt moved to amend the bill as follows:

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

“(5) **This section does not apply to a health maintenance organization contract.**”.

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. 296, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406*l*.

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

Roll Call No. 431

Yeas—105

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

Nays—2

Drolet

Van Regenmorter

In The Chair: Julian

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

"An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and

the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”

The House agreed to the full title.

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

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Hardman, Richardville, Clack, Hunter, Stallworth, Smith, Tobocman, Cheeks, Wojno, Accavitti, Williams, Condino, Gaffney, Minore, Jamnick, Waters, Hood, Vagnozzi, Sak, Phillips, Dennis, O'Neil, Spade, Bieda, Caul, DeRossett, Garfield, Gielegem, Gleason, Hopgood, Ruth Johnson, Kolb, Pappageorge and Zelenko offered the following resolution:

House Resolution No. 275.

A resolution recognizing September 24, 2004, as National Sarcoidosis Awareness Day in the state of Michigan.

Whereas, Sarcoidosis is an autoimmune systemic disease, with no known cause or cure, that can affect any part of the body; and

Whereas, Sarcoidosis affects between 20 to 50 of every 100,000 individuals in the United States; and

Whereas, Most victims of sarcoidosis range in age between 20 to 40 years, with African Americans affected at least 10 times more often than any other ethnic group in the United States; and

Whereas, Between 10 to 20 percent of individuals stricken with sarcoidosis eventually develop serious disabling conditions caused by damage to vital organs, such as the lungs, heart, and central nervous system; and

Whereas, Sarcoidosis is an enigma in the realm of medicine requiring extensive and ongoing study and research to develop an effective treatment and eventually a cure; and

Whereas, In the United States individuals with sarcoidosis and their family members are seeking treatment and support services to assist in controlling the effects of sarcoidosis; and

Whereas, Grassroots support groups and nonprofit organizations are forming across the United States to encourage public awareness of sarcoidosis; and

Whereas, The establishment of a National Sarcoidosis Awareness Day on September 24, 2004, would encourage public education on sarcoidosis and support research for better treatment options and a cure; and

Whereas, The state of Michigan has a responsibility to lead a nationwide effort to find a cure for sarcoidosis; and

Whereas, The state of Michigan should take the lead on research into the causes of sarcoidosis and make it a greater priority to provide the public with more information about potential treatments for individuals with this life-threatening ailment; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize September 24, 2004, as National Sarcoidosis Awareness Day in the state of Michigan.

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. Farhat, Nofs, Hoogendyk, Tabor, Newell, Kooiman, Ehardt, Pappageorge, Sheen, Emmons, Pastor, Shaffer and Stahl offered the following resolution:

House Resolution No. 276.

A resolution to urge the Environmental Protection Agency to reconsider and reverse its designation of rural areas of Michigan, including Cass County and Muskegon County, as ozone nonattainment areas and to take actions that more realistically assess and deal with air quality in Michigan.

Whereas, The Environmental Protection Agency has recently announced its designations of which counties in the country are ozone nonattainment areas under the federal Clean Air Act. The list of counties that now may be subject to significant restrictions, which may include vehicle inspection requirements and measures that could seriously impede economic development, include several in Michigan that are clearly victims of the transport of pollution from outside this state; and

Whereas, Michigan's location, downwind of Chicago, Milwaukee, and Gary, effectively penalizes the Great Lakes State in all efforts to assess the origins of air pollution. The transport of pollution across Lake Michigan significantly impacts Michigan, especially the rural counties that have been designated as ozone nonattainment areas. In rural nonattainment areas, there are far lower population levels and traffic volumes and fewer industrial activities. Observers have noted that, if all factories and emissions ceased in some of these rural Michigan counties, the air would likely not be improved enough to come into compliance; and

Whereas, The potential restrictions that may now be imposed on nonattainment areas would be an unfair burden to the citizens of these communities. The costs they would bear would clearly not be justified by any commensurate increase in air quality; now, therefore, be it

Resolved by the House of Representatives, That we urge the Environmental Protection Agency to reconsider and reverse its designation of rural areas of Michigan, including Cass County and Muskegon County, as ozone nonattainment areas and to take actions that more realistically assess and deal with air quality in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Environmental Protection Agency.

The resolution was referred to the Committee on Government Operations.

Reports of Standing Committees

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

House Bill No. 4597, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 106 (MCL 400.106), as amended by 1990 PA 145.

With the recommendation that the bill be referred to the Committee on Senior Health, Security and Retirement.

Favorable Roll Call

To Report Out:

Yeas: Reps. Hager, Stahl, Hart, Voorhees, Clack and Elkins

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Senior Health, Security and Retirement.

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

House Bill No. 5417, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by repealing section 14i (MCL 400.14i).

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 2, 2004

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

Absent: Rep. Sheen

Excused: Rep. Sheen

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

House Bill No. 5338, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2912d (MCL 600.2912d), as amended by 1993 PA 78; and to repeal acts and parts of acts.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5905, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2912e (MCL 600.2912e), as amended by 1993 PA 78.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Pappageorge, Voorhees, Gaffney, Garfield, Wenke, Lipsey, Adamini, Bieda, 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: Wednesday, June 2, 2004

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

Absent: Rep. Koetje

Excused: Rep. Koetje

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

House Bill No. 5544, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2002 PA 417.

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, Hune, LaJoy, Ward, Anderson, Jamnick, Tobocman, Adamini and Murphy

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, June 3, 2004

Present: Reps. DeRossett, Casperson, Hune, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Adamini, Murphy and Elkins

Absent: Reps. Hummel, DeRoche, Gaffney and Huizenga

Excused: Reps. Hummel, DeRoche, Gaffney and Huizenga

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, June 1, for her approval of the following bills:

Enrolled House Bill No. 5381 at 3:26 p.m.

Enrolled House Bill No. 5491 at 3:28 p.m.

Enrolled House Bill No. 5671 at 3:30 p.m.

The Clerk announced that the following bill had been printed and placed upon the files of the members on Thursday, June 3:

House Bill No. 5970

The Clerk announced that the following Senate bills had been received on Thursday, June 3:

Senate Bill Nos. 926 928 953 955

By unanimous consent the House returned to the order of

Messages from the Senate

House Concurrent Resolution No. 54.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Capitol Complex Renovations.

(For text of concurrent resolution, see House Journal No. 35, p. 799.)

The Senate has adopted the concurrent resolution and named Senators Allen, Barcia, Birkholz, Cassis, Clarke, Cropsy, Garcia, Jacobs, Jelinek, Kuipers, Prusi, Switalski and Van Woerkom as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

House Bill No. 4984, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2002 PA 475.

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

The House agreed to the full title.

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

House Bill No. 4983, entitled

A bill to regulate certain transactions involved in immigration matters and the providing of services in those matters; to set standards and security requirements involving certain immigration matters and persons engaged in immigration matters; to create a registry; to provide for certain powers and duties for certain state agencies; and to provide for remedies and penalties.

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

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

A bill to regulate certain transactions involved in immigration matters and the providing of services in those matters; to set standards and security requirements involving certain immigration matters and persons engaged in immigration matters; to create a list of immigration clerical assistants; to provide for certain powers and duties for certain state agencies; and to provide for remedies and penalties.

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

House Bill No. 5478, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 166a (MCL 388.1766a), as amended by 2003 PA 158.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5517, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

House Bill No. 5519, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

House Bill No. 5520, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

House Bill No. 5521, entitled

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

Senate Bill No. 926, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111a (MCL 324.40111a), as added by 1999 PA 66; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 928, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 8 (MCL 42.8).

The Senate has passed the bill.

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

Senate Bill No. 953, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.141 to 21.147) by adding section 2g.

The Senate has passed the bill.

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

Senate Bill No. 955, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

The Senate has passed the bill.

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

Messages from the Governor

Date: June 3, 2004

Time: 9:00 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5666 (Public Act No. 127, I.E.), being

An act to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts," by amending section 101 (MCL 388.1701), as amended by 2003 PA 158.

(Filed with the Secretary of State June 3, 2004, at 9:54 a.m.)

Date: June 3, 2004
Time: 9:02 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5105 (Public Act No. 128, I.E.), being

An act to amend 1931 PA 328, entitled “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,” by amending sections 529, 529a, and 530 (MCL 750.529, 750.529a, and 750.530), section 529a as added by 1994 PA 191.

(Filed with the Secretary of State June 3, 2004, at 9:56 a.m.)

Date: June 3, 2004
Time: 9:07 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4867 (Public Act No. 130, 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 section 504 (MCL 324.504), as amended by 1996 PA 171.

(Filed with the Secretary of State June 3, 2004, at 10:00 a.m.)

Introduction of Bills

Reps. Ruth Johnson, Vander Veen, Rocca, Nitz, Shaffer, Garfield, Pappageorge and Taub introduced

House Bill No. 5971, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,” by amending sections 1 and 7 (MCL 691.1401 and 691.1407), section 1 as amended by 2001 PA 131 and section 7 as amended by 2000 PA 318.

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

Reps. Kolb, Dennis, Tobocman, Minore and Plakas introduced

House Bill No. 5972, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 16701, 16702, 16703, 16704, and 16705 (MCL 324.16701, 324.16702, 324.16703, 324.16704, and 324.16705).

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

Reps. Kolb, Dennis, Vagnozzi, Tobocman, Minore and Plakas introduced

House Bill No. 5973, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending the title and section 502 (MCL 37.2502), the title as amended by 1992 PA 258 and section 502 as amended by 1992 PA 124.

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

Reps. Farhat, Nofs, Shackleton, Stahl, Sheen, Milosch, Huizenga, Caul, Nitz, Hune, Julian, Bradstreet, Mortimer, Emmons and Pastor introduced

House Bill No. 5974, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 45 (MCL 24.245), as amended by 2004 PA 23.

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

Reps. Stakoe, Pappageorge, Ward, Taub, Shulman, DeRoche, Sheen, Garfield, Amos, Koetje and Gaffney introduced

House Bill No. 5975, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 22210a.

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

Rep. Hart moved that the House adjourn.

The motion prevailed, the time being 2:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, June 8, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives