

**No. 52**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

---

---

House Chamber, Lansing, Tuesday, June 8, 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—excused
Acciavatti—present	Gieleghem—e/d/s	Meyer—present	Sheltrown—present
Adamini—present	Gillard—present	Middaugh—present	Shulman—present
Amos—present	Gleason—present	Milosch—present	Smith—excused
Anderson—present	Hager—present	Minore—excused	Spade—present
Bieda—present	Hardman—e/d/s	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—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	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present

e/d/s = entered during session

Rep. Larry Julian, from the 85th District, offered the following invocation:

“Heavenly Father, You have been so gracious with each of us. You have given us this beautiful day with encouragement and guidance to do the right thing. We ask that You bless each of us in the decisions that we make today. Lord, we ask that You watch over all of the people serving this great country and our state, to protect us everyday. Watch over the families that remain vigilant in waiting for safe returns of their loved ones. We now ask that You touch each of us with Your blessing, as we go about our daily lives. We ask all of this in Your Son’s name, Jesus Christ. Amen.”

---

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

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

### **Motions and Resolutions**

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following concurrent resolution:

#### **House Concurrent Resolution No. 60.**

A concurrent resolution of tribute offered as a memorial for President Ronald Reagan.

Whereas, With the passing of Ronald Reagan, the 40<sup>th</sup> President of the United States, our nation unites to salute the memory of a beloved leader and celebrate the life of a gentleman who truly embodied the best of the American spirit. With his boundless optimism and clarity of purpose, President Reagan left his mark on history as a leader of unwavering principle and unshakable belief in the noble ideals of our country; and

Whereas, Born and raised amid humble surroundings in Illinois, Ronald Reagan took an unusual career path to the White House. His innate gift for communicating with people—which was to serve him so well in the nation’s highest office—helped to forge convictions on personal responsibility and initiative that shaped his philosophy of what the role of government should and should not be. Two terms as the Governor of California illustrated his determination and vision in incorporating his convictions into public policies for the greater good; and

Whereas, His nomination for the presidency at the 1980 Republican National Convention in Detroit set in motion a new way of approaching the nation’s challenges. He took office at a dark hour in our history, with runaway inflation, unemployment rates at the highest levels since the Great Depression, and grave threats from overseas. Through comprehensive reforms, new attitudes, and the magnetism of his personality, Ronald Reagan left office with the country in far stronger shape; and

Whereas, Most of all, President Reagan’s contagious optimism gave heart to our country and strengthened America’s devotion to the highest ideals of self-government. Where others saw despair, he saw hope. Where others saw problems, he saw opportunity. The collapse of communism in the Soviet Union, the end of the Cold War, and an invigorated commitment to liberty are lasting legacies of the man who reminded us, in both his words and his deeds, of our country’s greatness and its responsibilities. These gifts will long be treasured by a grateful nation, a nation he so loved as the beacon of freedom in the world, a “shining city on a hill”; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we offer our highest expression of tribute to honor the memory of President Ronald Reagan, the 40<sup>th</sup> President of the United States; and be it further

Resolved, That copies of this resolution be transmitted to the Reagan family as evidence of the lasting esteem that the people of Michigan will always hold for the memory of President Reagan.

The question being on the adoption of the concurrent resolution,  
The concurrent resolution was adopted by unanimous standing vote.

### **Second Reading of Bills**

#### **House Bill No. 5823, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 7hh. Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Tax Policy,

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

Rep. Wenke 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. 5823, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 7hh.  
 Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 432**

**Yeas—99**

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

**Nays—4**

Drolet	Lipsey	Meisner	Rivet
--------	--------	---------	-------

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 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 7ii.  
 The motion prevailed.  
 The House agreed to the title as amended.  
 Rep. Richardville moved that the bill be given immediate effect.  
 The motion prevailed, 2/3 of the members serving voting therefor.

Rep. 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:

At a time when our state suffers the effects of a structurally-imbalanced budget, the creation of new tax exemptions is a dangerous thing that will surely make worse a very serious fiscal situation. Before creating more exemptions to our giveaway-ridden tax code, we must undertake a comprehensive review of the tax breaks already on the books to see how they have worked, if at all.”

### Second Reading of Bills

#### House Bill No. 5824, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 9j.

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

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

Rep. Wenke 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. Gielegem entered the House Chambers.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5824, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 9j.

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

#### Roll Call No. 433

#### Yeas—99

Accavitti	Farrah	Law	Shaffer
Acciavatti	Gaffney	McConico	Sheltrown
Adamini	Garfield	Meyer	Shulman
Amos	Gielegem	Middaugh	Spade
Anderson	Gillard	Milosch	Stahl
Bieda	Gleason	Moolenaar	Stakoe
Bisbee	Hager	Mortimer	Steil
Bradstreet	Hart	Murphy	Stewart
Brandenburg	Hood	Newell	Tabor
Brown	Hoogendyk	Nitz	Taub
Byrum	Hopgood	Nofs	Tobocman
Casperson	Howell	O’Neil	Van Regenmorter
Caswell	Huizenga	Palmer	Vander Veen
Caul	Hummel	Palsrok	Voorhees
Cheeks	Hune	Pappageorge	Walker
Clack	Hunter	Pastor	Ward
Condino	Jamnack	Phillips	Waters
Daniels	Johnson, Rick	Plakas	Wenke
Dennis	Johnson, Ruth	Pumford	Whitmer

DeRoche	Julian	Reeves	Williams
DeRossett	Koetje	Richardville	Wojno
Ehardt	Kolb	Robertson	Woodward
Elkins	Kooiman	Rocca	Woronchak
Emmons	LaJoy	Sak	Zelenko
Farhat	LaSata	Shackleton	

**Nays—5**

Drolet	Meisner	Rivet	Vagnozzi
Lipse			

In The Chair: Julian

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

**Second Reading of Bills****Senate Bill No. 241, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 1073.

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

The substitute (H-2) 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. 241, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 1073.

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

**Roll Call No. 434****Yeas—104**

Accavitti	Farrah	Lipse	Shackleton
Acciavatti	Gaffney	McConico	Shaffer
Adamini	Garfield	Meisner	Sheltrown
Amos	Gielegem	Meyer	Shulman
Anderson	Gillard	Middaugh	Spade
Bieda	Gleason	Milosch	Stahl
Bisbee	Hager	Moolenaar	Stakoe
Bradstreet	Hart	Mortimer	Steil
Brandenburg	Hood	Murphy	Stewart

Brown	Hoogendyk	Newell	Tabor
Byrum	Hopgood	Nitz	Taub
Casperson	Howell	Nofs	Tobocman
Caswell	Huizenga	O'Neil	Vagnozzi
Caul	Hummel	Palmer	Van Regenmorter
Cheeks	Hune	Palsrok	Vander Veen
Clack	Hunter	Pappageorge	Voorhees
Condino	Jamnick	Pastor	Walker
Daniels	Johnson, Rick	Phillips	Ward
Dennis	Johnson, Ruth	Plakas	Waters
DeRoche	Julian	Pumford	Wenke
DeRossett	Koetje	Reeves	Whitmer
Drolet	Kolb	Richardville	Williams
Ehardt	Kooiman	Rivet	Wojno
Elkins	LaJoy	Robertson	Woodward
Emmons	LaSata	Rocca	Woronchak
Farhat	Law	Sak	Zelenko

### Nays—0

In The Chair: Julian

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

“An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,”

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. 1074, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” by amending section 17 (MCL 250.1017).

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. 1074, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” by amending section 17 (MCL 250.1017).

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

### Roll Call No. 435

### Yeas—104

Accavitti	Farrah	Lipsey	Shackleton
Acciavatti	Gaffney	McConico	Shaffer
Adamini	Garfield	Meisner	Sheltrown
Amos	Gielegthem	Meyer	Shulman
Anderson	Gillard	Middaugh	Spade

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

### Nays—0

In The Chair: Julian

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

“An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,”

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. 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.

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

The substitute (H-1) 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. 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.

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

**Roll Call No. 436****Yeas—104**

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

**Nays—0**

In The Chair: Julian

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

“An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing,”

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****House Bill No. 5551, entitled**

A bill to amend 1953 PA 189, entitled “An act to provide for the taxation of lessees and users of tax-exempt property,” by amending section 2 (MCL 211.182).

The bill was read a second time.

Rep. Ward 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. Hardman entered the House Chambers.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 5551, entitled**

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 2 (MCL 211.182).

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

**Roll Call No. 437**

**Yeas—105**

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

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills**

**House Bill No. 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.

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

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

Rep. Julian 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. 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.

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

**Roll Call No. 438**

**Yeas—105**

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

**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 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2003 PA 152.

The motion prevailed.

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

By unanimous consent the House returned to the order of  
**Messages from the Senate**

The Speaker laid before the House  
**House Bill No. 5029, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40103 (MCL 324.40103), as amended by 2000 PA 191, and by adding section 40110a.

(The bill was received from the Senate on March 31, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until April 1, see House Journal No. 29, p. 608.)

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. 439****Yeas—65**

Acciavatti	Farrah	LaSata	Shaffer
Adamini	Garfield	Meyer	Sheltrown
Amos	Gillard	Milosch	Shulman
Bisbee	Gleason	Moolenaar	Stahl
Bradstreet	Hager	Mortimer	Stakoe
Brandenburg	Hart	Newell	Stewart
Brown	Hoogendyk	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	Palmer	Van Regenmorter
Caul	Hummel	Palsrok	Vander Veen
DeRoche	Hune	Pastor	Voorhees
DeRossett	Johnson, Rick	Richardville	Walker
Drolet	Julian	Rivet	Ward
Ehardt	Koetje	Robertson	Wenke
Elkins	Kooiman	Rocca	Williams
Emmons	LaJoy	Shackleton	Zelenko
Farhat			

**Nays—40**

Accavitti	Gielegem	McConico	Sak
Anderson	Hardman	Meisner	Spade
Bieda	Hood	Middaugh	Steil
Byrum	Hopgood	Murphy	Tobocman
Cheeks	Hunter	O'Neil	Vagnozzi
Clack	Jamnick	Pappageorge	Waters
Condino	Johnson, Ruth	Phillips	Whitmer
Daniels	Kolb	Plakas	Wojno
Dennis	Law	Pumford	Woodward
Gaffney	Lipsey	Reeves	Woronchak

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. Phillips, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 5029 (S-1) because:

This bill does nothing to improve the non-hunting public’s perspective of hunting. In fact it casts hunters in a bad light and is damaging to their image. The vast majority of the Michigan public views the mourning dove as a songbird, not a target for hunting. Mourning doves are enjoyed by millions of residents in their backyards. Just because these birds are hunted elsewhere is no reason for them to be hunted in Michigan. According to a public opinion survey by EPIC/MRA, a majority of the State’s residents, including 54% of hunters surveyed, opposed the hunting of mourning doves. There are plenty of other species for hunters to shoot in Michigan.”

#### **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, June 2:

**Senate Bill Nos. 1273 1274 1275 1276**

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, June 3, for her approval of the following bills:

**Enrolled House Bill No. 4344 at 11:30 a.m.**

**Enrolled House Bill No. 5134 at 11:32 a.m.**

**Enrolled House Bill No. 5586 at 11:34 a.m.**

**Enrolled House Bill No. 5692 at 11:36 a.m.**

**Enrolled House Bill No. 5693 at 11:38 a.m.**

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

**House Bill Nos. 5971 5972 5973 5974 5975**

The Clerk announced the enrollment printing and presentation to the Governor on Monday, June 7, for her approval of the following bills:

**Enrolled House Bill No. 4984 at 2:47 p.m.**

**Enrolled House Bill No. 5307 at 2:49 p.m.**

The Clerk announced that the following Senate bills had been received on Tuesday, June 8:

**Senate Bill Nos. 1194 1244 1261 1262 1263**

By unanimous consent the House returned to the order of

#### **Messages from the Senate**

#### **Senate Bill No. 626, entitled**

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

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 1, line 4, after “is” by striking out the balance of the line through “**instruction**” on line 5 and inserting “**an eligible postsecondary institution under rules promulgated by the Michigan higher education assistance authority**”.

The Senate has concurred in the House substitute (H-1) as amended.

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

**Senate Bill No. 1194, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 2003 PA 236.

The Senate has passed the bill.

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

**Senate Bill No. 1244, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," (MCL 700.1101 to 700.8102) by adding section 3619.

The Senate has passed the bill.

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

**Senate Bill No. 1261, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 6111 (MCL 500.6111), as added by 1992 PA 174.

The Senate has passed the bill.

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

**Senate Bill No. 1262, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 422 (MCL 330.1422), as added by 1995 PA 290.

The Senate has passed the bill.

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

**Senate Bill No. 1263, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter IV (MCL 764.1), as amended by 1990 PA 41.

The Senate has passed the bill.

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

**Messages from the Governor**

Date: June 5, 2004

Time: 5:15 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5500 (Public Act No. 134, I.E.), being**

An act to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending section 1113 (MCL 436.2113), as amended by 1998 PA 416, and by adding section 1114.

(Filed with the Secretary of State June 7, 2004, at 11:20 a.m.)

The following message from the Governor was received June 4, 2004 and read:

**EXECUTIVE ORDER**  
**No. 2004 - 31**

**STATE AMERICANS WITH DISABILITIES ACT COORDINATOR**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided in the Constitution;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible to take care that the laws be faithfully executed;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor shall transact all necessary business with the officers of state government and may require information in writing from all executive administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices;

WHEREAS, under Section 10 of Article V of the Michigan Constitution of 1963, the Governor shall have the power and it shall be the duty of the Governor to inquire into the condition and administration of any public office;

WHEREAS, in Michigan there are approximately 1.9 million persons with disabilities;

WHEREAS, it has long been the policy of the State of Michigan and this Governor to ensure that all persons, including those persons with disabilities, are given equal participation opportunities in all aspects of public life;

WHEREAS, the federal Americans with Disabilities Act of 1990, 42 USC 12101 to 12213 ("ADA") prohibits discrimination against a qualified individual with a disability on the basis of the disability;

WHEREAS, under the ADA, a qualified individual may not be excluded from participating in, or be denied the benefits of any program, service, or activity offered by the State of Michigan;

WHEREAS, the polices embodied in the ADA are also reflected in Michigan law, including the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607;

WHEREAS, the State of Michigan's compliance with state and federal laws protecting the rights of persons with disabilities can be enhanced through better coordination of the development and implementation of public policy and the design and delivery of services and assistance for persons with disabilities;

WHEREAS, it is in the interest of efficient administration to designate one state official with the responsibility of facilitating executive branch compliance with the ADA and other laws protecting the rights of persons with disabilities;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor under the Michigan Constitution of 1963 and Michigan law, order the following:

**I. ESTABLISHMENT OF STATE ADA COORDINATOR**

A. The Governor shall designate a state employee or officer within the executive branch of state government as the State ADA Coordinator.

B. The State ADA Coordinator shall be responsible for coordinating, on behalf of the Governor, programs, activities, and services of all state departments and agencies within the executive branch related to compliance with state and federal disability rights laws, including, but not limited to, each of the following:

1. The federal Americans with Disabilities Act of 1990, 42 USC 12101 to 12213.
2. Section 504 of the federal Rehabilitation Act of 1973, 29 USC 794.
3. The Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.

C. Except as provided in Section I.D, the State ADA Coordinator shall:

1. Serve as the State of Michigan's primary liaison with state departments and agencies on compliance issues with state and federal disability rights laws.

2. Provide information and technical assistance to departments and agencies related to compliance with state and federal disability rights laws.

3. Identify resources and best practices for compliance.

4. Provide guidance to departments and agencies to assist in assuring that public activities sponsored by the executive branch of state government, including but not limited to, meetings, training sessions, workshops, conferences, departmental functions, and public hearings, are accessible.

5. Facilitate the education and training of state employees and officers on issues relating to compliance with the ADA and other disability issues.

6. Coordinate and collaborate with Departmental ADA Coordinators designated under Section II on disability rights and accessibility issues.

7. Communicate to interested individuals information regarding compliance with state and federal disability rights laws, including contact information for the Departmental ADA Coordinators designated under Section II.

8. Advise the Governor, the Director of the Department of Civil Rights, and the Office of the State Employer on issues relating to with state and federal disability laws.

9. Represent the Governor at hearings, conferences, and proceedings involving disability issues.
10. Provide other assistance and advice on disability issues, as requested by the Governor.

D. The Office of the State Employer shall retain primary responsibility for compliance with state and federal disability rights laws on matters relating to state employment. The Office of the State Employer and the State ADA Coordinator shall coordinate their implementation of this Order.

E. Nothing in this Order shall be construed to modify the responsibilities of the Civil Service Commission under Section 5 of Article XI of the Michigan Constitution of 1963, the Civil Rights Commission under Section 29 of Article V of the Michigan Constitution of 1963, or the Civil Rights Commission or Department of Civil Rights under the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.

## II. DESIGNATION OF DEPARTMENTAL ADA COORDINATORS

A. The director of each department of state government shall designate a Departmental ADA Coordinator as the primary coordinator of departmental compliance with state and federal disability rights laws, including, but not limited to each of the following:

1. The federal Americans with Disabilities Act of 1990, 42 USC 12101 to 12213.
2. Section 504 of the federal Rehabilitation Act of 1973, 29 USC 794.
3. The Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.

B. Each Departmental ADA Coordinator shall cooperate and coordinate efforts with the State ADA Coordinator.

## III. ASSISTANCE OF DEPARTMENTS AND AGENCIES

A. Departments and agencies shall assist the State ADA Coordinator in implementing the requirements of this Order.

B. The Department of Civil Rights, Office of the State Employer, the Office of Rehabilitation Services within the Department of Labor and Economic Growth, the Commission for the Blind, the Commission on Disability Concerns and its Division on Deaf and Hard of Hearing shall provide support and technical assistance to the State ADA Coordinator in meeting the requirements of this Order.

C. The Department of Civil Rights shall provide the State ADA Coordinator and Departmental ADA Coordinators with information on state and federal disability rights laws, including updates on changes in the law and court decisions.

D. The Office of the State Employer shall provide Departmental ADA Coordinators with guidance, training, education, and technical assistance on workplace accommodations for employees with disabilities. These activities will be conducted in cooperation with the State ADA Coordinator.

## IV. RESCISSIONS

A. Executive Directive 1987-1 is rescinded in its entirety.

B. Executive Order 1988-11 is rescinded in its entirety, the requirements under that order having been satisfied.

## V. MISCELLANEOUS

A. Nothing in this Order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units in a manner requiring the force of law.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 3rd day of June, 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.

## Introduction of Bills

Reps. Jamnick, Plakas, Murphy and Anderson introduced

### House Bill No. 5976, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1137b. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Gaffney, Waters, McConico, Tobocman, Hunter, Stallworth, Smith, Cheeks, Reeves and Hood introduced

### House Bill No. 5977, entitled

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 6 (MCL 397.556), as amended by 2001 PA 65.

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

Reps. Gielegem, Bieda, Woodward, Spade, Adamini, Tobocman, Sak, Meisner, Jamnick, Smith, Lipsey, Hunter, Murphy, Hardman, Cheeks, Condino, Gillard, Brown, O'Neil and Hopgood introduced

**House Bill No. 5978, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1279g. The bill was read a first time by its title and referred to the Committee on Education.

Rep. Pappageorge moved that Rep. Ehardt be excused temporarily from today's session.  
The motion prevailed.

By unanimous consent the House returned to the order of  
**Messages from the Senate**

The Speaker laid before the House

**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 list of immigration clerical assistants; to provide for certain powers and duties for certain state agencies; and to provide for remedies and penalties.

(The bill was received from the Senate on June 3, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 51, p. 1193.)

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

Rep. Tobocman moved to amend the Senate substitute (S-1) as follows:

1. Amend page 16, following line 8, by inserting:

"Enacting section 1. This act takes effect October 1, 2004."

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

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

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

**Roll Call No. 440**

**Yeas—97**

Accavitti	Gillard	Meyer	Shaffer
Acciavatti	Gleason	Middaugh	Sheltrown
Adamini	Hager	Milosch	Shulman
Amos	Hardman	Moolenaar	Spade
Anderson	Hart	Mortimer	Stakoe
Bieda	Hood	Murphy	Steil
Bisbee	Hopgood	Newell	Stewart
Brandenburg	Howell	Nitz	Tabor
Brown	Huizenga	Nofs	Taub
Byrum	Hummel	O'Neil	Tobocman
Casperson	Hunter	Palmer	Vagnozzi
Caul	Jamnick	Palsrok	Van Regenmorter
Cheeks	Johnson, Rick	Pappageorge	Vander Veen
Clack	Johnson, Ruth	Pastor	Voorhees
Condino	Julian	Phillips	Walker
Daniels	Koetje	Plakas	Ward
Dennis	Kolb	Pumford	Waters



DeRossett	Kooiman	Reeves	Wenke
Elkins	LaJoy	Richardville	Whitmer
Emmons	LaSata	Rivet	Williams
Farhat	Law	Robertson	Wojno
Farrah	Lipsey	Rocca	Woodward
Gaffney	McConico	Sak	Woronchak
Garfield	Meisner	Shackleton	Zelenko
Gielegem			

### Nays—7

Bradstreet	DeRoche	Hoogendyk	Stahl
Caswell	Drolet	Hune	

In The Chair: Julian

The House agreed to the title as amended.

By unanimous consent the House returned to the order of

### Motions and Resolutions

THIS RESOLUTION COMPLIES WITH THE PROVISIONS OF ARTICLE XI, SECTION 5 OF *THE CONSTITUTION OF THE STATE OF MICHIGAN OF 1963*

Reps. Newell, Julian, Nofs, Huizenga, Mortimer and Farhat offered the following concurrent resolution:

#### House Concurrent Resolution No. 61.

A concurrent resolution to waive the legislative notice requirement for increases in rates of compensation for certain employees in the state classified service.

Whereas, *The Constitution of the State of Michigan of 1963* provides in Article XI, Section 5:

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.  
; and

Whereas, As a result of recently completed negotiations, a settlement has been reached on a three-year contract between the state and the Michigan State Police Troopers Association regarding compensation and other terms and conditions of employment. This settlement, which will be retroactive to its effective date of October 1, 2002, was reached past the time when the governor could transmit the increase as part of the budget; and

Whereas, The acting State Personnel Director, with the consent of the Chair of the Civil Service Commission, granted interim approval of the collective bargaining agreement on May 18, 2004; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, pursuant to Article XI, Section 5 of *The Constitution of the State of Michigan of 1963*, the Michigan Legislature waives the prior notice requirement to permit increases in rates of compensation for certain members of the Department of State Police as set in the contract settled between the Michigan State Police Troopers Association and the state and the Civil Service Commission; and be it further

Resolved, That copies of this resolution be transmitted to the Civil Service Commission.

Pending the reference of the concurrent resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

Rep. Richardville moved that consideration of the concurrent resolution be postponed for the day.

The motion prevailed.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 277.**

A resolution of tribute offered as a memorial for President Ronald Reagan.

Whereas, With the passing of Ronald Reagan, the 40<sup>th</sup> President of the United States, our nation unites to salute the memory of a beloved leader and celebrate the life of a gentleman who truly embodied the best of the American spirit. With his boundless optimism and clarity of purpose, President Reagan left his mark on history as a leader of unwavering principle and unshakable belief in the noble ideals of our country; and

Whereas, Born and raised amid humble surroundings in Illinois, Ronald Reagan took an unusual career path to the White House. His innate gift for communicating with people—which was to serve him so well in the nation’s highest office—helped to forge convictions on personal responsibility and initiative that shaped his philosophy of what the role of government should and should not be. Two terms as the Governor of California illustrated his determination and vision in incorporating his convictions into public policies for the greater good; and

Whereas, His nomination for the presidency at the 1980 Republican National Convention in Detroit set in motion a new way of approaching the nation’s challenges. He took office at a dark hour in our history, with runaway inflation, unemployment rates at the highest levels since the Great Depression, and grave threats from overseas. Through comprehensive reforms, new attitudes, and the magnetism of his personality, Ronald Reagan left office with the country in far stronger shape; and

Whereas, Most of all, President Reagan’s contagious optimism gave heart to our country and strengthened America’s devotion to the highest ideals of self-government. Where others saw despair, he saw hope. Where others saw problems, he saw opportunity. The collapse of communism in the Soviet Union, the end of the Cold War, and an invigorated commitment to liberty are lasting legacies of the man who reminded us, in both his words and his deeds, of our country’s greatness and its responsibilities. These gifts will long be treasured by a grateful nation, a nation he so loved as the beacon of freedom in the world, a “shining city on a hill”; now, therefore, be it

Resolved by the House of Representatives, That we offer our highest expression of tribute to honor the memory of President Ronald Reagan, the 40<sup>th</sup> President of the United States; and be it further

Resolved, That copies of this resolution be transmitted to the Reagan family as evidence of the lasting esteem that the people of Michigan will always hold for the memory of President Reagan.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

Reps. Richardville, Kolb, Accavitti, Adamini, Anderson, Byrum, Condino, Daniels, Ehardt, Elkins, Farrah, Gleason, Hopgood, Jamnick, LaJoy, Law, Lipsey, Meyer, Middaugh, Milosch, O’Neil, Pappageorge, Pastor, Phillips, Sak, Shaffer, Sheltroun, Spade, Tobocman, Vagnozzi, Vander Veen, Woronchak, Zelenko, Acciavatti, Bradstreet, Brandenburg, Brown, Casperson, Caul, Clack, DeRossett, Farhat, Gielegem, Gillard, Hager, Hood, Howell, Huizenga, Koetje, Kooiman, McConico, Murphy, Newell, Palmer, Plakas, Rocca, Shulman, Stakoe, Tabor, Taub, Voorhees and Waters offered the following resolution:

**House Resolution No. 278.**

A resolution recognizing and congratulating the 2003-2004 University of Michigan Wolverines basketball team and their victory in the 2004 National Invitation Tournament.

Whereas, It is a great privilege and an honor to salute the 2003-2004 University of Michigan basketball team on their victory in the 2004 National Invitation Tournament by defeating Rutgers University 62-55 on April 1, 2004; and

Whereas, The Wolverines, under the leadership of Coach Tommy Amaker and his staff, led their team to an 18-11 regular season record finishing fifth in the Big Ten Conference with an 8-8 conference record and accepted a bid to enter the National Invitation Tournament; and

Whereas, The Wolverines defeated the University of Missouri 65-64, Oklahoma University 63-52, the University of Hawaii 88-73, the University of Oregon 78-53 and then advanced to the championship game where they completed their perfect 5-0 record with a triumph over Rutgers to capture the National Invitation Tournament trophy; and

Whereas, Many of the talents and characteristics they exhibited in reaching this goal will help them in all aspects of their lives; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize the 2003-2004 University of Michigan Wolverines basketball team and their victory in the 2004 National Invitation Tournament; and be it further

Resolved, We congratulate Coach Tommy Amaker and the 2004 Wolverines basketball team; and be it further

Resolved, That a copy of this resolution be transmitted to Coach Tommy Amaker, the University of Michigan basketball team and University of Michigan President Mary Sue Coleman as evidence of our admiration and esteem.

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.

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

### Reports of Standing Committees

The Committee on Appropriations, by Rep. Shulman, Chair, reported

**Senate Bill No. 1062, entitled**

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2004 and for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak, Zelenko and O'Neil

Nays: None

The Committee on Appropriations, by Rep. Shulman, Chair, reported

**Senate Bill No. 1066, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker and Brandenburg

Nays: Reps. Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak, Zelenko and O'Neil

The Committee on Appropriations, by Rep. Shulman, Chair, reported

**Senate Bill No. 1068, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak, Zelenko and O'Neil

Nays: Reps. Hoogendyk, Brandenburg and Mortimer

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, June 3, 2004

Present: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak, Zelenko and O'Neil

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

**House Bill No. 5801, entitled**

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation," by amending section 12 (MCL 254.322), as amended by 2003 PA 176.

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. Howell, LaSata, Van Regenmorter, Bradstreet, Voorhees, Gaffney, Wenke, Lipsey, Adamini, Bieda and Condino

Nays: Rep. Garfield

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

**Senate Bill No. 1051, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1105, 2114, 2301, 2714, 2902, 3715, 3803, 3917, 3918, 3920, 3923, 7303, 7307, 7406, and 7408 (MCL 700.1105, 700.2114, 700.2301, 700.2714, 700.2902, 700.3715, 700.3803, 700.3917, 700.3918, 700.3920, 700.3923, 700.7303, 700.7307, 700.7406, and 700.7408), sections 1105, 2114, 3917, and 7303 as amended by 2000 PA 54, and by adding section 7410.

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

1. Amend page 5, line 15, by striking out all of subparagraph (vi) and inserting:

**"(c) A child who is not conceived or born during a marriage is an individual born in wedlock if the child's parents marry after the conception or birth of the child."**

2. Amend page 10, following line 26, by inserting:

"Sec. 2910. (1) The right to disclaim property is barred by any of the following events that occur after the event giving rise to the right to disclaim and before the disclaimer is perfected:

(a) An assignment, conveyance, encumbrance, pledge, or transfer of the property, or a contract for such a transaction.

(b) A written waiver of the right to disclaim.

(c) An acceptance of the disclaimable interest or a benefit under the disclaimable interest after actual knowledge that a property right has been conferred.

(d) A sale of the property under judicial sale.

(e) The expiration of the permitted applicable perpetuities period.

(2) The right to disclaim is barred to the extent provided by other applicable law. A partial bar does not preclude the disclaimant from disclaiming all or any part of the balance of the property if the disclaimant has received a portion of the property and there still remains an interest that the disclaimant is yet to receive. An act that bars the right to disclaim a present interest in joint property does not bar the right to disclaim a future interest in joint property.

~~(3) A spouse who is the beneficiary of a property interest for which a marital deduction is claimed under the internal revenue code of 1986 cannot disclaim his or her interest after 9 months after the date on which the governing instrument containing the transfer is irrevocable.”.~~

The bill and amendments 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, Pappageorge, Voorhees, Gaffney, Garfield, Wenke, Lipsey, Adamini, Bieda and Condino

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 8, 2004

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

Absent: Reps. Koetje and Smith

Excused: Reps. Koetje and Smith

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

#### **House Bill No. 5919, entitled**

A bill to designate an official cookie of this state.

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, Hager, Casperson, Hune, Stahl, Sheltroun, Spade and Law

Nays: Rep. Rivet

#### 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 8, 2004

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

Absent: Rep. DeRossett

Excused: Rep. DeRossett

The Committee on Appropriations, by Rep. Shulman, Chair, reported

#### **House Bill No. 4402, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 11 (MCL 388.1611), as amended by 2002 PA 521.

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. Shulman, Emmons, Caul, Pumford, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Reeves, Williams, Cheeks, Sak, Zelenko and O'Neil

Nays: None

The Committee on Appropriations, by Rep. Shulman, Chair, reported

**Senate Bill No. 1063, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg and Mortimer

Nays: Reps. Whitmer, Brown, Kolb, Phillips, Reeves, Williams, Cheeks, Hunter, Sak, Zelenko and O'Neil

The Committee on Appropriations, by Rep. Shulman, Chair, reported

**Senate Bill No. 1064, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Reeves, Williams, Cheeks, Hunter, Sak, Zelenko and O'Neil

Nays: None

The Committee on Appropriations, by Rep. Shulman, Chair, reported

**Senate Bill No. 1067, entitled**

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2004 and for the fiscal year ending September 30, 2005; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Williams, Sak, Zelenko and O'Neil

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Shulman, Chair, of the Committee on Appropriations, was received and read:  
Meeting held on: Tuesday, June 8, 2004

Present: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Reeves, Williams, Cheeks, Hunter, Sak, Zelenko and O'Neil

Absent: Rep. Plakas

Excused: Rep. Plakas

## Communications from State Officers

The following communication from the Auditor General was received and read:

June 3, 2004

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of the Bureau of Driver Safety,  
Department of State  
June 2004

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

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

By unanimous consent the House returned to the order of  
**Notices**

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 1194**.

Rep. Rick Johnson

Rep. Hardman moved that the House adjourn.  
The motion prevailed, the time being 4:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, June 9, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

