

**No. 61**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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House Chamber, Lansing, Tuesday, July 15, 2003.

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	Meyer—present	Sheen—present
Acciavatti—present	Gieleghem—present	Middaugh—present	Sheltrown—present
Adamini—present	Gillard—present	Milosch—present	Shulman—present
Amos—present	Gleason—present	Minore—present	Smith—present
Anderson—present	Hager—present	Moolenaar—present	Spade—present
Bieda—present	Hardman—present	Mortimer—present	Stahl—present
Bisbee—present	Hart—excused	Murphy—present	Stakoe—present
Bradstreet—present	Hood—present	Newell—present	Stallworth—present
Brandenburg—present	Hoogendyk—e/d/s	Nitz—present	Steil—present
Brown—present	Hopgood—present	Nofs—present	Stewart—present
Byrum—present	Howell—present	O’Neil—present	Tabor—present
Casperson—present	Huizenga—present	Paletko—present	Taub—excused
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—e/d/s	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—e/d/s	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	Meisner—present		

e/d/s = entered during session

Rep. Daniel S. Paletko, from the 17th District, offered the following invocation:

“Almighty God, You have made the world and everything in it. You are Lord of heaven and earth. Work powerfully through the Michigan House of Representatives so that we, Your servants, may do good to all, and be channels of Your mercy and grace. Enlighten us all to uphold Your standards of right and wrong, and guide us as we establish rules of justice and peace for the whole Michigan family, so that all may enjoy that harmony which is a foretaste of Your heavenly kingdom. We ask this of You, Lord, the God of love and mercy. Amen.”

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Rep. Palmer moved that Reps. Hart and Taub be excused from today's session.  
The motion prevailed.

### **Motions and Resolutions**

Reps. Pumford, Accavitti, Acciavatti, Adamini, Anderson, Bieda, Bradstreet, Brandenburg, Brown, Byrum, Caswell, Condino, Dennis, DeRoche, DeRossett, Drolet, Ehardt, Elkins, Emmons, Farhat, Farrah, Gaffney, Garfield, Gielegem, Gillard, Hager, Hardman, Hopgood, Howell, Huizenga, Hummel, Hune, Jamnick, Koetje, Kooiman, LaJoy, LaSata, Lipsey, McConico, Meyer, Middaugh, Milosch, Minore, Newell, Nitz, Nofs, O'Neil, Paletko, Palmer, Palsrok, Pappageorge, Pastor, Plakas, Richardville, Rivet, Robertson, Rocca, Sak, Shaffer, Sheen, Sheltroun, Shulman, Spade, Stahl, Stakoe, Stallworth, Steil, Stewart, Tabor, Tobocman, Van Regenmorter, Vander Veen, Voorhees, Walker, Waters, Wojno, Woronchak and Zelenko offered the following resolution:

#### **House Resolution No. 102.**

A resolution in memory of Michigan State Police Trooper Kevin Marshall.

Whereas, It is with deep regret that the members of the Michigan Legislature unite with all the citizens of our Great Lakes State to mourn the tragic death of Kevin Marshall, dedicated Department of Michigan State Police Trooper, devoted husband to Angela and father to Anthony and Danielle. We extend our sincerest condolences to the family of this loyal law enforcement officer; and

Whereas, Trooper Marshall's death in the line of duty reminds us how fragile life can be. On life's highway, there is no compass that tells us what direction to take and no road map to guide our decision making. We face the unforeseen every day in our world of demands and deadlines. However, Kevin Marshall lived life with purpose and optimism. He felt strongly that with care and hard work, individual men and women could make a difference; and

Whereas, The job of a Michigan State Police Trooper is to ensure our streets, schools, homes, and neighborhoods are safe. The perilous nature of the law enforcement profession exposes its members to potential hazard and harm at any time or place. Trooper Marshall accepted the risks of his profession and responded to duty with courage and commitment. He brought energy and enthusiasm to the Newaygo State Police Post and will be deeply missed by his fellow officers. Truly, our state has lost a fine young man; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body offer this resolution as a memorial for Kevin Marshall; and be it further

Resolved, That a copy of this resolution be transmitted to his family as a reflection of how deeply the people of Michigan share in their loss.

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Richardville moved that a letter be sent to the Senate agreeing with the request that the Governor return  
**Enrolled Senate Bill No. 391.**

The motion prevailed.

**Announcements by the Clerk**

July 15, 2003

Ms. Carol Morey Viventi  
Secretary of the Senate  
Capitol Building  
Lansing, MI 48909

Dear Ms. Viventi:

This is to notify you that the House of Representatives has agreed with the request of the Senate that the Governor return Enrolled Senate Bill No. 391.

Very respectfully,  
Gary L. Randall  
Clerk of the House of Representatives

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

**House Bill No. 4192, entitled**

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending sections 35, 37, 43, and 62a (MCL 205.735, 205.737, 205.743, and 205.762a), section 35 as amended by 2000 PA 165, section 37 as amended by 1996 PA 505, and section 43 as amended and section 62a as added by 1994 PA 254.

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. 4300, entitled**

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act," by amending the title and section 2 (MCL 123.872), the title as amended and section 2 as added by 1985 PA 9.

The Senate has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4502, entitled**

A bill to amend 1981 PA 230, entitled "Michigan economic and social opportunity act of 1981," by amending the title and sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 (MCL 400.1103, 400.1104, 400.1105, 400.1106, 400.1107, 400.1108, 400.1109, 400.1110, and 400.1111), section 11 as amended by 1998 PA 76; and to repeal acts and parts of acts.

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. 4516, entitled**

A bill to amend 1982 PA 415, entitled "Correctional officers' training act of 1982," by amending the title and sections 2, 3, 4, 5, and 15 (MCL 791.502, 791.503, 791.504, 791.505, and 791.515); and to repeal acts and parts of acts.

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. 4522, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 826, 845, and 933 (MCL 168.826, 168.845, and 168.933), as amended by 1999 PA 217, and by adding section 848.

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. 4579, entitled**

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 1135 (MCL 491.1135), as added by 2002 PA 185.

The Senate has passed the bill by a 2/3 vote, 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. 4580, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending section 4406 (MCL 487.14406), as added by 2002 PA 183.

The Senate has passed the bill by a 2/3 vote, 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. 4581, entitled**

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending section 514 (MCL 487.3514), as added by 2002 PA 247.

The Senate has passed the bill by a 2/3 vote, 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. 4582, entitled**

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," by amending section 16c (MCL 490.16c), as added by 2002 PA 184.

The Senate has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

**House Bill No. 4657, entitled**

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 4 (MCL 290.644), as amended by 1986 PA 127.

The Senate has concurred in the House amendment to the Senate amendment.

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

**House Bill No. 4704, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 85 (MCL 259.85), as amended by 2002 PA 258; and to repeal acts and parts of acts.

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. 4154, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 719 and 720 (MCL 257.719 and 257.720), section 719 as amended by 2002 PA 453 and section 720 as amended by 2002 PA 535.

The Senate has amended the bill as follows:

1. Amend page 5, line 27, after "**The**" by striking out "**provision in subsection (2)(a)**" and inserting "**provisions in subsections (2)(a) and (3)(b)**".

2. Amend page 13, line 13, after "**section**" by inserting "**and a waiver of the tiedown requirements under 49 C.F.R. 393.116 is authorized by the United States department of transportation, federal motor carrier safety administration**".

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

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

**Senate Bill No. 537, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74117 (MCL 324.74117), as added by 1995 PA 58; and to repeal acts and parts of acts.

The Senate has amended the House amendment as follows:

1. Amend House Amendment No. 1, page 2, following line 25, subsection (4) after "**obtained**" by striking out the balance of the amendment and inserting "**an annual motor vehicle permit under this section for a recreational vehicle to be used as a stationary primary camping shelter camped legally in and not moved from a state park campground during the period of the camping stay may obtain a duplicate motor vehicle permit for a towed second motor vehicle present at the time of entry for a fee of \$10.00 effective for the duration of camping stay.**"

(5) **The department shall provide an annual report to the standing committees in the senate and house of representatives along with the appropriate budget subcommittees that primarily consider natural resources issues that detail the revenue stream generated by the fee structure under this section. This report shall be presented not later than December 31 each year and shall include information on the impact of the revenue stream on the Michigan state parks endowment fund created in section 35a of article IX of the state constitution of 1963 and provided for in section 74119, the use of the general fund for funding the state park system, and other relevant issues that impact funding needs for the state park system.**" and renumbering the remaining subsections.

The Senate has concurred in the House amendment as amended, ordered that the bill be given immediate effect and agreed to the full title.

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

**Senate Bill No. 575, entitled**

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 2002 PA 679.

The Senate has nonconcurred in the House substitute (H-1) and appointed Senators Sikkema, Johnson and Emerson as conferees.

The message was referred to the Clerk for record.

**House Concurrent Resolution No. 17.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Kellogg Community College relative to the Kellogg Community College Career Development Center/Science Building Renovations.

(For text of concurrent resolution, see House Journal No. 52, p. 865.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Clarke, Jelinek, Schauer and Switalski as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 18.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Jackson Community College relative to the Jackson Community College Lenawee Extension Center.

(For text of concurrent resolution, see House Journal No. 52, p. 866.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Clarke, Jelinek, Schauer and Switalski as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 19.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Southwestern Michigan College relative to the Southwestern Michigan College Instructional Resource Center.

(For text of concurrent resolution, see House Journal No. 52, p. 866.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Clarke, Jelinek, Schauer and Switalski as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 20.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Northwestern Michigan College relative to the Northwestern Michigan College West Bay Reconstruction Project.

(For text of concurrent resolution, see House Journal No. 52, p. 867.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Clarke, Jelinek, Schauer and Switalski as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 21.**

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 Natural Resources State Fish Hatchery Renovations Platte Project.

(For text of concurrent resolution, see House Journal No. 54, p. 963.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Clarke, Jelinek, Schauer and Switalski as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 22.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Western Michigan University relative to the Western Michigan University Health and Human Services Building.

(For text of concurrent resolution, see House Journal No. 54, p. 964.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Clarke, Jelinek, Schauer and Switalski as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 23.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Lake Michigan College relative to the Lake Michigan College Van Buren Center.

(For text of concurrent resolution, see House Journal No. 54, p. 965.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Clarke, Jelinek, Schauer and Switalski as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

By unanimous consent the House returned to the order of  
**Motions and Resolutions**

Rep. Richardville moved that Rule 45 be suspended.  
 The motion prevailed, 3/5 of the members present voting therefor.

Rep. Drolet moved that the Committee on Employment Relations, Training and Safety be discharged from further consideration of **House Bill No. 4945**.

The motion prevailed, a majority of the members serving voting therefor.  
 The bill was placed on the order of Second Reading of Bills and laid over one day.

### Reports of Standing Committees

The Speaker laid before the House  
**House Resolution No. 82.**

A resolution to memorialize the Congress of the United States not to enact any legislation that would ban bear baiting on federal lands.

(For text of resolution, see House Journal No. 50, p. 787.)

(The resolution was reported by the Committee on Conservation and Outdoor Recreation on July 2, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,  
 The resolution was adopted.

### Second Reading of Bills

#### **House Bill No. 4599, entitled**

A bill to repeal local acts restricting hunting on Sundays in the counties of Tuscola, Lenawee, Hillsdale, and St. Clair.  
 The bill was read a second time.

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

The question being on the adoption of the substitute (H-3) offered by Rep. Spade,

Rep. Spade demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-3) offered by Rep. Spade,

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

#### **Roll Call No. 430**

#### **Yeas—45**

Accavitti	Elkins	Milosch	Spade
Acciavatti	Farrah	Murphy	Stahl
Adamini	Gillard	O'Neil	Stallworth
Anderson	Hood	Paletko	Stewart
Bieda	Hopgood	Pumford	Tobocman
Brown	Kolb	Rivet	Vagnozzi
Byrum	Law	Rocca	Whitmer
Caswell	Lipsey	Sak	Williams
Cheeks	Meisner	Shaffer	Wojno
Clack	Meyer	Sheen	Woodward
Condino	Middaugh	Sheltrown	Zelenko
Dennis			

**Nays—46**

Amos	Hardman	Moolenaar	Shackleton
Bradstreet	Howell	Mortimer	Shulman
Brandenburg	Huizenga	Newell	Stakoe
Casperson	Hummel	Nitz	Steil
DeRoche	Hune	Nofs	Tabor
DeRossett	Johnson, Rick	Palmer	Van Regenmorter
Drolet	Julian	Palsrok	Vander Veen
Ehardt	Koetje	Pappageorge	Walker
Farhat	Kooiman	Pastor	Ward
Gaffney	LaJoy	Richardville	Wenke
Garfield	LaSata	Robertson	Woronchak
Hager	McConico		

In The Chair: Julian

Rep. Spade moved to reconsider the vote by which the House did not adopt the substitute.  
The motion did not prevail, a majority of the members present not voting therefor.

Rep. Spade moved to substitute (H-2) the bill.

The question being on the adoption of the substitute (H-2) offered by Rep. Spade,

Rep. Spade demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-2) offered by Rep. Spade,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 431****Yeas—43**

Accavitti	Farrah	Meisner	Shulman
Adamini	Gielegem	Middaugh	Spade
Anderson	Gillard	Minore	Stallworth
Bieda	Gleason	Murphy	Tobocman
Brown	Hager	O'Neil	Vagnozzi
Byrum	Hood	Paletko	Whitmer
Caswell	Hopgood	Phillips	Wojno
Clack	Johnson, Ruth	Rivet	Woodward
Condino	Kolb	Sak	Woronchak
Dennis	Law	Shaffer	Zelenko
Elkins	Lipsey	Sheltrown	

**Nays—57**

Acciavatti	Garfield	Milosch	Rocca
Amos	Hardman	Moolenaar	Shackleton
Bisbee	Howell	Mortimer	Sheen
Bradstreet	Huizenga	Newell	Stahl
Brandenburg	Hummel	Nitz	Stakoe
Casperson	Hune	Nofs	Steil
Caul	Johnson, Rick	Palmer	Stewart
Cheeks	Julian	Palsrok	Tabor



DeRoche	Koetje	Pappageorge	Van Regenmorter
DeRossett	Kooiman	Pastor	Vander Veen
Drolet	LaJoy	Pumford	Voorhees
Ehardt	LaSata	Reeves	Walker
Emmons	McConico	Richardville	Ward
Farhat	Meyer	Robertson	Wenke
Gaffney			

In The Chair: Julian

Rep. Caswell moved to substitute (H-4) the bill.

The motion did not prevail and the substitute (H-4) was not adopted, a majority of the members serving not voting therefor.

Rep. Richardville moved to amend the bill as follows:

1. Amend page 1, following line 6, by inserting:

“Enacting section 2. This act does not take effect unless House Bill No. 4011 of the 92nd Legislature is enacted into law.”.

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.

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Rep. Brown moved that Rep. Adamini be excused temporarily from today’s session.

The motion prevailed.

Rep. Hunter entered the House Chambers.

By unanimous consent the House returned to the order of

### **Third Reading of Bills**

#### **House Bill No. 4599, entitled**

A bill to repeal local acts restricting hunting on Sundays in the counties of Tuscola, Lenawee, Hillsdale, and St. Clair.

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—88**

Acciavatti	Farrah	Meisner	Robertson
Amos	Gaffney	Meyer	Rocca
Bieda	Garfield	Milosch	Sak
Bisbee	Gielegem	Minore	Shackleton
Bradstreet	Gillard	Moolenaar	Shaffer
Brandenburg	Gleason	Mortimer	Sheen
Brown	Hager	Murphy	Sheltrown
Byrum	Hardman	Newell	Shulman
Casperson	Hood	Nitz	Stahl
Caswell	Howell	Nofs	Stakoe
Caul	Huizenga	O’Neil	Stallworth

Cheeks	Hummel	Paletko	Steil
Clack	Hune	Palmer	Stewart
Condino	Hunter	Palsrok	Tabor
Dennis	Johnson, Rick	Pappageorge	Vander Veen
DeRoche	Julian	Pastor	Walker
DeRossett	Koetje	Phillips	Ward
Drolet	Kooiman	Plakas	Waters
Ehardt	LaJoy	Pumford	Wenke
Elkins	LaSata	Reeves	Williams
Emmons	Law	Richardville	Wojno
Farhat	McConico	Rivet	Woronchak

### Nays—15

Accavitti	Kolb	Tobocman	Whitmer
Anderson	Lipsey	Vagnozzi	Woodward
Hopgood	Middaugh	Van Regenmorter	Zelenko
Jamnack	Spade	Voorhees	

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.

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Rep. Zelenko, 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 HB4599 because I believe that this bill takes away local control. Many of these communities have voted to maintain the Sunday hunting ban and this bill overrides the vote of the people.”

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Rep. Tobocman moved that Rep. Smith be excused temporarily from today’s session.

The motion prevailed.

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

The motion prevailed.

Rep. Palmer moved that Rep. Rick Johnson be excused temporarily from today’s session.

The motion prevailed.

Rep. Daniels entered the House Chambers.

### Second Reading of Bills

#### House Bill No. 4011, entitled

A bill to repeal 1927 LA 9, entitled “An act to prohibit hunting on Sunday in the county of Washtenaw and to prescribe penalties for the violation thereof.”.

The bill was read a second time.

Reps. Jamnick and Kolb moved to substitute (H-3) the bill.

The question being on the adoption of the substitute (H-3) offered by Reps. Jamnick and Kolb,

Rep. Jamnick demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-3) offered by Reps. Jamnick and Kolb,

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 433****Yeas—52**

Accavitti	Gielegem	Meisner	Spade
Adamini	Gillard	Middaugh	Stahl
Anderson	Gleason	Minore	Stallworth
Bieda	Hardman	Mortimer	Tobocman
Brown	Hood	Murphy	Vagnozzi
Caswell	Hopgood	O'Neil	Van Regenmorter
Cheeks	Hunter	Paletko	Waters
Clack	Jamnick	Phillips	Whitmer
Condino	Johnson, Ruth	Plakas	Williams
Daniels	Kolb	Reeves	Wojno
Dennis	Law	Rivet	Woodward
Elkins	Lipsey	Sak	Woronchak
Farrah	McConico	Shaffer	Zelenko

**Nays—52**

Acciavatti	Gaffney	Milosch	Shackleton
Amos	Garfield	Moolenaar	Sheen
Bisbee	Hager	Newell	Sheltrown
Bradstreet	Howell	Nitz	Shulman
Brandenburg	Huizenga	Nofs	Stakoe
Casperson	Hummel	Palmer	Steil
Caul	Hune	Palsrok	Stewart
DeRoche	Julian	Pappageorge	Tabor
DeRossett	Koetje	Pastor	Vander Veen
Drolet	Kooiman	Pumford	Voorhees
Ehardt	LaJoy	Richardville	Walker
Emmons	LaSata	Robertson	Ward
Farhat	Meyer	Rocca	Wenke

In The Chair: Julian

Rep. Richardville moved to amend the bill as follows:

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

“Enacting section 2. This act does not take effect unless House Bill No. 4599 of the 92nd Legislature is enacted into law.”.

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

Rep. DeRossett 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.

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Rep. Sak moved that Rep. Adamini 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. 4011, entitled**

A bill to repeal 1927 LA 9, entitled "An act to prohibit hunting on Sunday in the county of Washtenaw and to prescribe penalties for the violation thereof."

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—78**

Acciavatti	Emmons	Meyer	Rocca
Amos	Farhat	Milosch	Sak
Bieda	Farrah	Moolenaar	Shackleton
Bisbee	Gaffney	Mortimer	Shaffer
Bradstreet	Garfield	Newell	Sheen
Brandenburg	Gillard	Nitz	Sheltrown
Brown	Gleason	Nofs	Shulman
Byrum	Hager	O'Neil	Stahl
Casperson	Howell	Paletko	Stakoe
Caswell	Huizenga	Palmer	Steil
Caul	Hummel	Palsrok	Stewart
Cheeks	Hune	Pappageorge	Tabor
Condino	Johnson, Rick	Pastor	Vander Veen
Daniels	Julian	Plakas	Voorhees
Dennis	Koetje	Pumford	Walker
DeRoche	Kooiman	Reeves	Ward
DeRossett	LaJoy	Richardville	Wenke
Drolet	LaSata	Rivet	Wojno
Ehardt	Law	Robertson	Woronchak
Elkins	Meisner		

**Nays—27**

Accavitti	Hunter	Murphy	Van Regenmorter
Anderson	Jamnick	Phillips	Waters
Clack	Kolb	Smith	Whitmer
Gielegem	Lipsey	Spade	Williams
Hardman	McConico	Stallworth	Woodward
Hood	Middaugh	Tobocman	Zelenko
Hopgood	Minore	Vagnozzi	

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

"Mr. Speaker and members of the House:

I voted no on HB 4011 because I believe that this bill takes away local control. Many of these communities have voted to maintain the Sunday hunting ban and this bill overrides the vote of the people."

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

By unanimous consent the House returned to the order of

**Messages from the Senate**

**House Bill No. 4247, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 303, 310d, 310e, 319, 320a, 624b, 625, 625a, 625c, 625f, 625g, 625i, 625k, 625l, 625m, and 904d (MCL 257.303, 257.310d, 257.310e, 257.319, 257.320a, 257.624b, 257.625, 257.625a, 257.625c, 257.625f, 257.625g, 257.625i, 257.625k, 257.625l, 257.625m, and 257.904d), section 303 as amended by 2002 PA 422, sections 310d and 625g as amended by 1999 PA 73, section 310e as amended by 2002 PA 554, section 319 as amended by 2002 PA 534, section 320a as amended by 2002 PA 149, section 624b as amended by 1998 PA 349, sections 625 and 625m as amended by 2000 PA 460, section 625a as amended by 1998 PA 351, section 625c as amended by 1998 PA 350, section 625f as amended by 1994 PA 450, section 625i as amended by 1998 PA 354, sections 625k and 625l as amended by 1998 PA 340, and section 904d as amended by 2001 PA 159, and by adding section 1d.

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

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

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

Rep. Richardville moved that Rule 45 be suspended.

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

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

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

**Roll Call No. 435**

**Yeas—104**

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

**Nays—0**

In The Chair: Julian

The House agreed to the full title of the bill.

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

Rep. Hoogendyk entered the House Chambers.

**House Bill No. 4248, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 12f, 22, 33, and 48 of chapter XVII (MCL 777.12f, 777.22, 777.33, and 777.48), section 12f as added by 2002 PA 34, section 22 as amended by 2002 PA 143, and sections 33 and 48 as amended by 2000 PA 279.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), 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.

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

Rep. Van Regenmorter moved to substitute (H-4) the Senate substitute (S-4).

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Van Regenmorter moved to amend the Senate substitute (S-4), as substituted (H-4), as follows:

1. Amend page 9, line 7, after “of” by striking out “not less than”.

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-4) made to the bill by the Senate,

The substitute (S-4), as substituted (H-4), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 436****Yeas—107**

Accavitti	Garfield	Meyer	Sheen
Acciavatti	Gielegem	Middaugh	Sheltrown
Amos	Gillard	Milosch	Shulman
Anderson	Gleason	Minore	Smith
Bieda	Hager	Moolenaar	Spade
Bisbee	Hardman	Mortimer	Stahl
Bradstreet	Hood	Murphy	Stakoe
Brandenburg	Hoogendyk	Newell	Stallworth
Brown	Hopgood	Nitz	Steil
Byrum	Howell	Nofs	Stewart
Casperson	Huizenga	O’Neil	Tabor
Caswell	Hummel	Paletko	Tobocman
Caul	Hune	Palmer	Vagnozzi
Cheeks	Hunter	Palsrok	Van Regenmorter
Clack	Jamnick	Pappageorge	Vander Veen
Condino	Johnson, Rick	Pastor	Voorhees
Daniels	Johnson, Ruth	Phillips	Walker
Dennis	Julian	Plakas	Ward

DeRoche	Koetje	Pumford	Waters
DeRossett	Kolb	Reeves	Wenke
Drolet	Kooiman	Richardville	Whitmer
Ehardt	LaJoy	Rivet	Williams
Elkins	LaSata	Robertson	Wojno
Emmons	Law	Rocca	Woodward
Farhat	Lipsey	Sak	Woronchak
Farrah	McConico	Shackleton	Zelenko
Gaffney	Meisner	Shaffer	

**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 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 12f, 14h, 22, 33, and 48 of chapter XVII (MCL 777.12f, 777.14h, 777.22, 777.33, and 777.48), section 12f as added by 2002 PA 34, section 14h as added by 2002 PA 29, section 22 as amended by 2002 PA 143, and sections 33 and 48 as amended by 2000 PA 279.

The motion prevailed.

The House agreed to the title as amended.

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

Rep. Woronchak moved that Reps. Rick Johnson and Shulman be excused temporarily from today’s session.  
The motion prevailed.

Rep. Waters moved that Rep. Lipsey be excused temporarily from today’s session.  
The motion prevailed.

**Quorum Call**

Rep. Richardville questioned the presence of a quorum and moved that the roll be called and printed in the Journal.  
The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

**Roll Call No. 437****Yeas—105**

Accavitti	Gaffney	Meyer	Shaffer
Acciavatti	Garfield	Middaugh	Sheen
Adamini	Gieleghem	Milosch	Sheltrown
Amos	Gillard	Minore	Smith
Anderson	Gleason	Moolenaar	Spade
Bieda	Hager	Mortimer	Stahl
Bisbee	Hardman	Murphy	Stakoe
Bradstreet	Hood	Newell	Stallworth
Brandenburg	Hoogendyk	Nitz	Steil
Brown	Hopgood	Nofs	Stewart

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

In The Chair: Julian

By unanimous consent the House returned to the order of  
**Motions and Resolutions**

Rep. Richardville moved that a respectful message be sent to the Senate requesting the return of **Senate Bill No. 391**.  
 The motion prevailed.

Rep. Adamini, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 432, 434-436. Had I been present, I would have voted ‘yea’.”

### Notices

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 575**,  
 Reps. Pumford, Pappageorge and Whitmer.

### Announcement by the Clerk of Printing and Enrollment

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

**Senate Bill No. 605**

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

**Senate Bill Nos. 189 540**

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, July 8, for her approval  
 of the following bills:

**Enrolled House Bill No. 4125 at 1:04 p.m.**

**Enrolled House Bill No. 4126 at 1:06 p.m.**



**Enrolled House Bill No. 4224 at 1:08 p.m.**  
**Enrolled House Bill No. 4133 at 1:10 p.m.**  
**Enrolled House Bill No. 4238 at 1:12 p.m.**  
**Enrolled House Bill No. 4479 at 1:14 p.m.**  
**Enrolled House Bill No. 4524 at 1:16 p.m.**  
**Enrolled House Bill No. 4606 at 1:18 p.m.**  
**Enrolled House Bill No. 4732 at 1:20 p.m.**  
**Enrolled House Bill No. 4733 at 1:22 p.m.**  
**Enrolled House Bill No. 4735 at 1:24 p.m.**  
**Enrolled House Bill No. 4736 at 1:26 p.m.**  
**Enrolled House Bill No. 4741 at 1:28 p.m.**  
**Enrolled House Bill No. 4743 at 1:30 p.m.**  
**Enrolled House Bill No. 4745 at 1:32 p.m.**  
**Enrolled House Bill No. 4746 at 1:34 p.m.**  
**Enrolled House Bill No. 4749 at 1:36 p.m.**  
**Enrolled House Bill No. 4750 at 1:38 p.m.**

### Messages from the Governor

Date: July 7, 2003  
Time: 9:35 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4032 (Public Act No. 39, I.E.), being**

An act to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts. (Filed with the Secretary of State July 8, 2003, at 8:50 a.m.)

Date: July 14, 2003  
Time: 9:05 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4281 (Public Act No. 41, I.E.), being**

An act to amend 1980 PA 350, entitled “An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts,” (MCL 550.1101 to 550.1704) by adding section 401i. (Filed with the Secretary of State July 14, 2003, at 9:53 a.m.)

Date: July 11, 2003  
Time: 5:54 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4519 (Public Act No. 42, I.E.), being**

An act to require certain notices regarding the transmission of unsolicited commercial e-mail; to establish procedures for e-mail service providers; to allow recipients of e-mail to be excluded from receiving future unsolicited commercial e-mail; and to prescribe penalties and remedies.

(Filed with the Secretary of State July 14, 2003, at 9:55 a.m.)

Date: July 11, 2003  
Time: 5:56 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4408 (Public Act No. 43, 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 82101 (MCL 324.82101), as amended by 1997 PA 102.

(Filed with the Secretary of State July 14, 2003, at 9:57 a.m.)

Date: July 11, 2003  
Time: 5:50 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4565 (Public Act No. 45, I.E.), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 12 (MCL 206.12), as amended by 1996 PA 484.

(Filed with the Secretary of State July 14, 2003, at 10:01 a.m.)

Date: July 11, 2003  
Time: 5:48 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4564 (Public Act No. 46, I.E.), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 451 (MCL 206.451), as amended by 2002 PA 581.

(Filed with the Secretary of State July 14, 2003, at 10:03 a.m.)

Date: July 11, 2003  
Time: 5:46 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4563 (Public Act No. 47, I.E.), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 365 (MCL 206.365), as amended by 1996 PA 448.

(Filed with the Secretary of State July 14, 2003, at 10:05 a.m.)

Date: July 11, 2003  
Time: 5:44 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4562 (Public Act No. 48, I.E.), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 355 (MCL 206.355), as amended by 1991 PA 82.

(Filed with the Secretary of State July 14, 2003, at 10:07 a.m.)

Date: July 11, 2003  
Time: 5:41 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4560 (Public Act No. 49, I.E.), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 315 (MCL 206.315).

(Filed with the Secretary of State July 14, 2003, at 10:09 a.m.)

Date: July 11, 2003  
Time: 5:39 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4559 (Public Act No. 50, I.E.), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 26 (MCL 206.26).

(Filed with the Secretary of State July 14, 2003, at 10:11 a.m.)

Date: July 11, 2003  
Time: 5:37 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4558 (Public Act No. 51, I.E.), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 22 (MCL 206.22), as amended by 1996 PA 484.

(Filed with the Secretary of State July 14, 2003, at 10:13 a.m.)

Date: July 11, 2003  
Time: 5:35 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4557 (Public Act No. 52, I.E.), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 4 (MCL 206.4).

(Filed with the Secretary of State July 14, 2003, at 10:15 a.m.)

Date: July 11, 2003  
Time: 5:33 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4326 (Public Act No. 53, I.E.), being**

An act to amend 1969 PA 306, entitled “An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date,” by amending sections 55 and 59 (MCL 24.255 and 24.259), as amended by 1999 PA 262.

(Filed with the Secretary of State July 14, 2003, at 10:17 a.m.)

Date: July 11, 2003  
Time: 5:29 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4081 (Public Act No. 55, I.E.), being**

An act to amend 1917 PA 167, entitled “An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation of this act,” by amending sections 139, 141, and 142 (MCL 125.539, 125.541, and 125.542), as amended by 1992 PA 144.

(Filed with the Secretary of State July 14, 2003, at 10:21 a.m.)

Date: July 11, 2003  
Time: 5:26 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4145 (Public Act No. 56, I.E.), being**

An act to enter into the interstate compact for the supervision or return of certain juveniles, delinquents, and status offenders and for related purposes; and to repeal acts and parts of acts.

(Filed with the Secretary of State July 14, 2003, at 10:23 a.m.)

Date: July 11, 2003  
Time: 5:23 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4077 (Public Act No. 57, I.E.), being**

An act to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties

of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 1204 (MCL 339.1204), as amended by 1997 PA 97.

(Filed with the Secretary of State July 14, 2003, at 10:25 a.m.)

Date: July 11, 2003

Time: 5:58 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4280 (Public Act No. 58, I.E.), being**

An act to amend 1980 PA 350, entitled "An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts," (MCL 550.1101 to 550.1704) by adding sections 420a, 422a, and 422b.

(Filed with the Secretary of State July 14, 2003, at 2:10 p.m.)

By unanimous consent the House returned to the order of

**Reports of Standing Committees**

The Committee on Land Use and Environment, by Rep. Ruth Johnson, Chair, reported

**House Bill No. 4284, entitled**

A bill to provide for joint land use planning by certain local units of government; and to provide for the establishment, powers, and duties of joint planning commissions.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Ruth Johnson, LaJoy, DeRossett, Milosch, Nitz, Ward, Gielegem, Dennis and Law

Nays: None

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Tuesday, July 15, 2003, at 9:00 a.m.

Present: Reps. Ruth Johnson, LaJoy, DeRossett, Milosch, Nitz, Ward, Gielegem, Dennis and Law

Absent: Reps. Ehardt and Farrah

Excused: Reps. Ehardt and Farrah

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

**Senate Bill No. 399, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 1993 PA 325.

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.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Emmons, Pumford, Shackleton, Kooiman, Newell, Acciavatti, Amos, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Brandenburg, Whitmer, Brown, Kolb, Plakas, Reeves, Williams, Cheeks, Paletko, Sak and Zelenko

Nays: Rep. Walker

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, July 15, 2003, at 9:00 a.m.

Present: Reps. Shulman, Emmons, Pumford, Shackleton, Kooiman, Newell, Acciavatti, Amos, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Plakas, Reeves, Williams, Cheeks, Paletko, Sak and Zelenko

Absent: Reps. Caul, Stewart, Caswell, Taub, Phillips and Hunter

Excused: Reps. Caul, Stewart, Caswell, Taub, Phillips and Hunter

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Koetje, Chair of the Committee on Government Operations, was received and read:

Meeting held on: Tuesday, July 15, 2003, at 9:00 a.m.

Present: Reps. Koetje, Tobocman and Lipsey

Absent: Reps. Drolet and Howell

**Second Reading of Bills**

Rep. Richardville moved that Rule 48 be suspended.

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

**House Bill No. 4945, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 64 (MCL 421.64), as amended by 1993 PA 275.

The bill was read a second time.

Rep. Farrah moved to substitute (H-1) the bill.

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

Rep. Farrah moved to amend the bill as follows:

1. Amend page 27, line 14, after "**(c)(ii)**" by striking out the balance of the line through "**107-147**," on line 19 and inserting "**applies to claimants who qualify**".

2. Amend page 27, line 19, after "**2003**" by inserting "**and before the week ending December 27, 2003 for benefits payable beginning the week after the effective date of this subdivision**".

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

Rep. Farrah moved to amend the bill as follows:

1. Amend page 23, line 2, after "**8%**," by inserting "**but no later than December 27, 2003**,".

2. Amend page 33, line 4, by inserting:

"**(9)** Notwithstanding the provisions of subsection (1)(b), an individual who established a benefit year under section 46a on or after January 2, 1983, shall be eligible to receive extended benefits only if the individual earned wages in an amount exceeding 40 times the individual's most recent weekly benefit rate during the base period of the benefit year which is used to establish the individual's extended benefit account under subsection (2)."

3. Amend page 33, line 12, by striking out "**(9)**" and inserting:

"**(10)** This subsection shall be effective for weeks of unemployment beginning after October 30, 1982.".

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

Rep. Farrah 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.

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Rep. Caul moved that Rep. LaSata be excused temporarily from today's session.  
The motion prevailed.

Rep. Brown moved that Rep. Whitmer be excused temporarily from today's session.  
The motion prevailed.

Rep. Dennis moved that Reps. Byrum, Vagnozzi and Sak be excused temporarily from today's session.  
The motion prevailed.

Rep. Palmer moved that Reps. Bisbee, Rick Johnson and Ward be excused temporarily from today's session.  
The motion prevailed.

Rep. Richardville moved that Rep. Shulman 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. 4945, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 64 (MCL 421.64), as amended by 1993 PA 275.

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—94**

Accavitti	Farrah	McConico	Rocca
Acciavatti	Gaffney	Meisner	Shackleton
Adamini	Gielegem	Meyer	Shaffer
Amos	Gillard	Middaugh	Sheltrown
Anderson	Gleason	Minore	Smith
Bieda	Hager	Moolenaar	Spade
Bradstreet	Hardman	Murphy	Stahl
Brandenburg	Hood	Newell	Stakoe
Brown	Hoogendyk	Nitz	Stallworth
Casperson	Hopgood	Nofs	Steil
Caswell	Howell	O'Neil	Stewart
Caul	Huizenga	Paletko	Tabor
Cheeks	Hummel	Palmer	Tobocman
Clack	Hune	Palsrok	Van Regenmorter
Condino	Hunter	Pappageorge	Vander Veen
Daniels	Jamnack	Pastor	Voorhees
Dennis	Johnson, Ruth	Phillips	Walker
DeRoche	Julian	Plakas	Waters
DeRossett	Koetje	Pumford	Williams
Drolet	Kolb	Reeves	Wojno

Ehardt	Kooiman	Richardville	Woodward
Elkins	LaJoy	Rivet	Woronchak
Emmons	Law	Robertson	Zelenko
Farhat	Lipsey		

#### Nays—4

Garfield	Milosch	Sheen	Wenke
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In The Chair: Julian

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

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

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending sections 3, 17, 20, and 64 (MCL 421.3, 421.17, 421.20, and 421.64), sections 3 and 20 as amended by 2002 PA 192, section 17 as amended by 1996 PA 535, and section 64 as amended by 1993 PA 275.

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. Hardman, O’Neil, Rocca, Woodward, Pappageorge, Jannick, DeRossett, Middaugh, Hager, Meyer, Hummel, Newell, Vander Veen, Howell, Caul, Pumford, Sheltroun, Shackleton, Pastor, LaJoy, Brandenburg, Acciavatti, Clack, Amos, Robertson, Caswell, Shaffer, Emmons, Nitz, Stahl, Huizenga, Farhat, Palsrok, Walker and Casperson were named co-sponsors of the bill.

#### Second Reading of Bills

##### Senate Bill No. 554, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 217a, 217d, 307, 312e, 312h, 320e, 801, 801d, 802, 803b, 803m, 804, 806, 807, 810, 811, 811c, 811h, and 812 (MCL 257.217a, 257.217d, 257.307, 257.312e, 257.312h, 257.320e, 257.801, 257.801d, 257.802, 257.803b, 257.803m, 257.804, 257.806, 257.807, 257.810, 257.811, 257.811c, 257.811h, and 257.812), section 217a as amended by 1988 PA 419, section 217d as amended by 2000 PA 78, section 307 as amended by 2002 PA 534, section 312e as amended by 2002 PA 652, section 312h as amended by 1989 PA 299, section 320e as amended by 1998 PA 346, section 801 as amended by 2002 PA 417, section 801d as amended by 1984 PA 123, section 802 as amended by 1998 PA 396, section 803b as amended by 1996 PA 142, section 803m as amended and section 811c as added by 1994 PA 332, section 804 as amended and section 811h as added by 2000 PA 77, section 806 as amended by 2002 PA 497, section 807 as amended by 1998 PA 384, section 810 as amended by 1987 PA 238, section 811 as amended by 2000 PA 456, and section 812 as amended by 1989 PA 280, and by adding sections 803r and 810b; 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 Transportation,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Shulman moved to substitute (H-7) the bill.

The motion prevailed and the substitute (H-7) was adopted, a majority of the members serving voting therefor.

Rep. Shulman moved to amend the bill as follows:

1. Amend page 37, line 26, by striking out “**a fee**” and inserting “**the tax**”.
2. Amend page 43, line 9, after “trailer,” by striking out “**a fee**” and inserting “**the tax**”.

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

Rep. Shackleton moved to amend the bill as follows:

1. Amend page 43, line 20, after “**trailers.**” by inserting “**If the secretary of state reissues a new registration plate for all trailers, a person who has once paid the fee for a vehicle under this subdivision shall not be required**”



**to pay the fee for that vehicle a second time, but shall be required to pay only the cost of the reissued plate at the rate provided in section 804(2) for a standard plate.”**

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. 554, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 217a, 217d, 307, 312e, 312h, 320e, 801, 801d, 802, 803b, 803m, 804, 806, 807, 810, 811, 811c, 811h, and 812 (MCL 257.217a, 257.217d, 257.307, 257.312e, 257.312h, 257.320e, 257.801, 257.801d, 257.802, 257.803b, 257.803m, 257.804, 257.806, 257.807, 257.810, 257.811, 257.811c, 257.811h, and 257.812), section 217a as amended by 1988 PA 419, section 217d as amended by 2000 PA 78, section 307 as amended by 2002 PA 534, section 312e as amended by 2002 PA 652, section 312h as amended by 1989 PA 299, section 320e as amended by 1998 PA 346, section 801 as amended by 2002 PA 417, section 801d as amended by 1984 PA 123, section 802 as amended by 1998 PA 396, section 803b as amended by 1996 PA 142, section 803m as amended and section 811c as added by 1994 PA 332, section 804 as amended and section 811h as added by 2000 PA 77, section 806 as amended by 2002 PA 497, section 807 as amended by 1998 PA 384, section 810 as amended by 1987 PA 238, section 811 as amended by 2000 PA 456, and section 812 as amended by 1989 PA 280, and by adding sections 803r and 810b; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Caul moved to amend the bill as follows:

1. Amend page 72, following line 15, by inserting:

**“(4) Of the funds deposited to the fund as described in subsection (2), \$1,800,000.00 shall annually be transferred to the trooper recruit school fund created under section 819b.”**

2. Amend page 72, line 16, by striking out **“(4) The”** and inserting: **“(5) Except as otherwise provided in subsection (4), the”**.

3. Amend page 72, following line 21, by inserting:

**“Sec. 819b. (1) The trooper recruit school fund is created within the state treasury.**

**(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.**

**(3) Money in an amount of not more than \$5,000,000.00 in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. Any amount greater than \$5,000,000.00 at the close of the fiscal year shall be credited to the traffic law enforcement and safety fund created under section 819a.**

**(4) The department of state police shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:**

**(a) Conduct a trooper recruit school to recruit and train new troopers.**

**(b) Conduct retraining schools for new troopers during the trooper probationary period.”**

The motion was seconded.

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

Rep. Caul demanded the yeas and nays.

The demand was supported.

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

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

The motion prevailed.

Rep. Vagnozzi, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 438. Had I been present, I would have voted ‘yea.’”

Rep. Ward, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 438. Had I been present, I would have voted ‘yea’.”

By unanimous consent the House returned to the order of

**Messages from the Senate**

**House Bill No. 4748, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 321, 880, 880a, 880b, 1027, 2529, 2538, 5756, 8371, and 8420 (MCL 600.321, 600.880, 600.880a, 600.880b, 600.1027, 600.2529, 600.2538, 600.5756, 600.8371, and 600.8420), section 321 as amended by 1997 PA 182, sections 880 and 880b as amended by 2000 PA 56, section 880a as added and sections 5756 and 8420 as amended by 1993 PA 189, section 1027 as added by 1996 PA 388, sections 2529 and 8371 as amended by 2002 PA 605, and section 2538 as amended by 1999 PA 151, and by adding sections 171 and 244.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), 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.

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 439**

**Yeas—78**

Accavitti	Hager	Mortimer	Smith
Adamini	Hardman	Murphy	Spade
Brown	Hood	Newell	Stakoe
Byrum	Hopgood	Nitz	Stallworth
Casperson	Howell	Nofs	Steil
Caul	Hunter	O’Neil	Stewart
Cheeks	Jamnick	Paletko	Tabor
Clack	Johnson, Rick	Palsrok	Tobocman
Condino	Koetje	Pappageorge	Vagnozzi
Daniels	Kolb	Phillips	Van Regenmorter
Dennis	Kooiman	Plakas	Walker
DeRossett	LaJoy	Pumford	Ward
Elkins	LaSata	Reeves	Waters
Emmons	Law	Rivet	Wenke
Farhat	Lipsey	Rocca	Williams
Farrah	McConico	Sak	Wojno
Gaffney	Meisner	Shackleton	Woodward
Gielegghem	Meyer	Sheen	Woronchak
Gillard	Minore	Sheltrown	Zelenko
Gleason	Moolenaar		

**Nays—27**

Acciavatti	Caswell	Hune	Richardville
Amos	DeRoche	Johnson, Ruth	Robertson
Anderson	Drolet	Julian	Shaffer

Bieda  
Bisbee  
Bradstreet  
Brandenburg

Ehardt  
Garfield  
Huizenga  
Hummel

Middaugh  
Milosch  
Palmer  
Pastor

Stahl  
Vander Veen  
Voorhees

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.

### House Bill No. 4806, entitled

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

The Senate has substituted (S-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.

Rep. Richardville moved that Rule 45 be suspended.

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

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. 440

### Yeas—107

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

Emmons  
Farhat  
Farrah

Law  
Lipsey  
McConico

Rocca  
Sak  
Shackleton

Woronchak  
Zelenko

### Nays—0

In The Chair: Julian

Rep. Richardville moved to reconsider the vote by which the House concurred in the Senate substitute (S-1). The motion prevailed, 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,

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

1. Amend page 9, following line 9, by inserting:

**“(ix) An expenditure in an amount not greater than \$50,000.00 authorized by a municipality before July 31, 1994, to purchase real estate, which expenditure was made with the intention that the municipality would be reimbursed by the authority.”.**

The motion did not prevail, a majority of the members serving not voting therefor.

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. 441

### Yeas—107

Accavitti  
Acciavatti  
Adamini  
Amos  
Anderson  
Bieda  
Bisbee  
Bradstreet  
Brandenburg  
Brown  
Byrum  
Casperson  
Caswell  
Caul  
Cheeks  
Clack  
Condino  
Daniels  
Dennis  
DeRoche  
DeRossett  
Drolet  
Ehardt  
Elkins  
Emmons  
Farhat  
Farrah

Gaffney  
Garfield  
Gielegem  
Gillard  
Gleason  
Hager  
Hood  
Hoogendyk  
Hopgood  
Howell  
Huizenga  
Hummel  
Hune  
Hunter  
Jammnick  
Johnson, Rick  
Johnson, Ruth  
Julian  
Koetje  
Kolb  
Kooiman  
LaJoy  
LaSata  
Law  
Lipsey  
McConico  
Meisner

Meyer  
Middaugh  
Milosch  
Minore  
Moolenaar  
Mortimer  
Murphy  
Newell  
Nitz  
Nofs  
O’Neil  
Paletko  
Palmer  
Palsrok  
Pappageorge  
Pastor  
Phillips  
Plakas  
Pumford  
Reeves  
Richardville  
Rivet  
Robertson  
Rocca  
Sak  
Shackleton  
Shaffer

Sheen  
Sheltrown  
Shulman  
Smith  
Spade  
Stahl  
Stakoe  
Stallworth  
Steil  
Stewart  
Tabor  
Tobocman  
Vagnozzi  
Van Regenmorter  
Vander Veen  
Voorhees  
Walker  
Ward  
Waters  
Wenke  
Whitmer  
Williams  
Wojno  
Woodward  
Woronchak  
Zelenko

**Nays—0**

In The Chair: Julian

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

**Third Reading of Bills**

The House returned to the consideration of

**House Bill No. 4945, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 64 (MCL 421.64), as amended by 1993 PA 275.

(The bill was considered earlier today, see today’s Journal p. 1285.)

Rep. Richardville moved to reconsider the vote by which the House passed the bill.

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

The question being on the passage of the bill,

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

**Roll Call No. 442****Yeas—104**

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

**Nays—4**

Garfield

Hoogendyk

Sheen

Wenke

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 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 3, 17, 20, and 64 (MCL 421.3, 421.17, 421.20, and 421.64), sections 3 and 20 as amended by 2002 PA 192, section 17 as amended by 1996 PA 535, and section 64 as amended by 1993 PA 275.

The motion prevailed.

The House agreed to the title as amended.

Rep. Huizenga moved that Rep. Rick Johnson be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

### Messages from the Senate

#### House Bill No. 4515, entitled

A bill to improve the training and education of local corrections officers; to provide for the certification of local corrections officers and the development of standards and requirements for local corrections officers; to provide for the creation of a sheriffs coordinating and training office and a local corrections advisory board; and to prescribe the powers and duties of certain local and state officers and 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.

Rep. Richardville moved that Rule 45 be suspended.

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

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. 443

#### Yeas—103

Accavitti	Gielegem	Milosch	Sheltrown
Acciavatti	Gillard	Minore	Shulman
Adamini	Gleason	Moolenaar	Smith
Amos	Hager	Mortimer	Spade
Anderson	Hardman	Murphy	Stahl
Bieda	Hood	Newell	Stakoe
Bisbee	Hopgood	Nitz	Stallworth
Brandenburg	Howell	Nofs	Steil
Brown	Huizenga	O'Neil	Stewart
Byrum	Hummel	Paletko	Tabor
Casperson	Hune	Palmer	Tobocman
Caswell	Hunter	Palsrok	Vagnozzi
Caul	Jamnick	Pappageorge	Van Regenmorter
Cheeks	Johnson, Ruth	Pastor	Vander Veen
Clack	Julian	Phillips	Voorhees
Condino	Koetje	Plakas	Walker
Daniels	Kolb	Pumford	Ward
Dennis	Kooiman	Reeves	Waters
DeRoche	LaJoy	Richardville	Wenke
DeRossett	LaSata	Rivet	Whitmer
Ehardt	Law	Robertson	Williams

Elkins	Lipsey	Rocca	Wojno
Emmons	McConico	Sak	Woodward
Farhat	Meisner	Shackleton	Woronchak
Farrah	Meyer	Shaffer	Zelenko
Gaffney	Middaugh	Sheen	

**Nays—4**

Bradstreet	Drolet	Garfield	Hoogendyk
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In The Chair: Julian

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

**House Bill No. 4517, entitled**

A bill to amend 1846 RS 171, entitled “Of county jails and the regulation thereof,” (MCL 801.1 to 801.27) by adding section 4b.

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.

Rep. Richardville moved that Rule 45 be suspended.

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

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. 444****Yeas—105**

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

Farrah  
Gaffney  
Garfield

Meisner  
Meyer

Shackleton  
Shaffer

Woronchak  
Zelenko

### Nays—2

Bradstreet

Drolet

In The Chair: Julian

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

### House Bill No. 4708, entitled

A bill to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 10 (MCL 224.10), as amended by 1989 PA 251.

The Senate has amended the bill as follows:

1. Amend page 3, line 1, by striking out all of subsection (4) and renumbering the remaining subsections.
  2. Amend page 3, line 16, after “**years**” by inserting “**or the useful life of the property acquired, whichever is less**”.
- The Senate has passed the bill as amended and ordered that it be given immediate effect.

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

Rep. Richardville moved that Rule 45 be suspended.

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

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

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

### Roll Call No. 445

### Yeas—108

Accavitti  
Acciavatti  
Adamini  
Amos  
Anderson  
Bieda  
Bisbee  
Bradstreet  
Brandenburg  
Brown  
Byrum  
Casperson  
Caswell  
Caul  
Cheeks  
Clack  
Condino

Gaffney  
Garfield  
Gielegem  
Gillard  
Gleason  
Hager  
Hardman  
Hood  
Hoogendyk  
Hopgood  
Howell  
Huizenga  
Hummel  
Hune  
Hunter  
Jamnick  
Johnson, Rick

Meisner  
Meyer  
Middaugh  
Milosch  
Minore  
Moolenaar  
Mortimer  
Murphy  
Newell  
Nitz  
Nofs  
O’Neil  
Paletko  
Palmer  
Palsrok  
Pappageorge  
Pastor

Shaffer  
Sheen  
Sheltrown  
Shulman  
Smith  
Spade  
Stahl  
Stakoe  
Stallworth  
Steil  
Stewart  
Tabor  
Tobocman  
Vagnozzi  
Van Regenmorter  
Vander Veen  
Voorhees



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

### Nays—0

In The Chair: Julian

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

### Messages from the Governor

The following line items veto message from the Governor was received and read:

Executive Office, Lansing, July 7, 2003

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48909

Ladies and Gentlemen:

Today I have signed **Enrolled House Bill 4032**. However, I am returning it to you because of several items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State.

This supplemental budget bill provides funding of \$357.4 million (**negative** \$5.6 million general fund) for fiscal year 2003. Among other items, this bill appropriates new federal monies for a variety of purposes including the eradication of the Emerald Ash Borer, bioterrorism efforts, the Low-income Energy Assistance Program, implementation of the Help America Vote Act, Homeland Security, and local bridge and road construction.

This bill also provides general fund **reductions** of \$1.1 million for the Judiciary and \$1.8 million for the Legislature to implement fiscal year 2003 appropriation reductions that cannot legally be made by an Executive Order.

My action today also provides for the veto of the following items:

I have vetoed the \$50,000 general fund reduction for the Focus: HOPE program in the Department of Career Development. Reducing this program would require immediate reductions to critical job training programs such as the High School Advance Placement Program, First Step Fast Track Program, and the Center for Advanced Technology. Reductions this close to the end of the fiscal year would place an undue burden on these important programs.

I have vetoed the \$1.5 million from the cleanup and redevelopment trust fund to cover a shortfall in the current year appropriation for payments in lieu of taxes. Payment of taxes is not a legally appropriate use of this restricted fund. I will continue to work with the Legislature to identify an appropriate fund source.

I have vetoed the \$2.2 million general fund appropriation for disaster relief and associated boilerplate for storm related clean up costs in Oakland County. The April 4, 2003 storm did not meet the disaster or emergency criteria specified in PA 390 of 1976 and therefore, no declaration of emergency was made by the Governor.

I have vetoed the \$800,000 appropriation contained within boilerplate section 275, which increases the Attorney General budget during a time of economic difficulties. The enhanced use of these funds to support the Attorney General budget is the subject of ongoing fiscal year 2004 budget discussions.

I have vetoed section 800 and the thirty-four individual road and bridge projects for the Department of Transportation. Although I have vetoed these items, I continue to work with the Legislature to identify priority road projects.

In addition, boilerplate section 351 provides for a \$1.0 million general fund penalty reduction for the Department of Education. There is no appropriation in this bill to the Department of Education; therefore, section 351 is unenforceable. Similarly, boilerplate section 601 for the Michigan Strategic Fund is unenforceable as it attempts to amend the fund's fiscal year 2003 budget act.

I thank the Legislature for your work on these supplemental appropriations for fiscal year 2003.

Sincerely,  
Jennifer M. Granholm  
Governor

The bill was signed by the Governor July 7, 2003, at 9:35 a.m.

The bill was filed with the Secretary of State, July 8, 2003, at 8:50 a.m., and assigned Public Act No. 39, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

Rep. Richardville moved that the bill be re-referred to the Committee on Appropriations.

The motion prevailed.

The following veto message from the Governor was received and read:

Executive Office, Lansing, July 11, 2003

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

Ladies and Gentlemen:

Today I return with my objections **Enrolled House Bill 4456**, pursuant to Section 33 of Article IV of the Michigan Constitution of 1963. I have vetoed House Bill 4456 for the following reasons:

1. Subdivision 2(e) of the bill provides for the appointment in certain circumstances of "a resident within that 1/2 mile area who is willing to serve on the county parks and recreation commission" but fails to define the 1/2 mile area.

2. Subdivision 2(e) of the bill requires the board of commissioners of a county with a population greater than 750,000 but less than 1,000,000 to appoint a new member to the county parks and recreation commission. Currently only Macomb County is within that population threshold. While an additional county may meet the threshold in the future, House Bill 4456 does not adequately provide for additional appointments in other counties after the first appointment made under Subdivision 2(e).

Regardless of the merits of this legislation, I cannot sign a bill containing these technical deficiencies. If the House of Representatives were in session, I would ask the chamber to consider requesting the return of House Bill 4456 for correction. Unfortunately, while I am required to act on the bill by July 14, the House of Representatives has adjourned until July 15. Accordingly, I return Enrolled House Bill 4456 without signature, but look forward to working with the Legislature to correct these problems.

Respectfully,  
Jennifer M. Granholm  
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,  
Rep. Richardville moved that the bill be re-referred to the Committee on Local Government and Urban Policy.  
The motion prevailed.

The following veto message from the Governor was received and read:

Executive Office, Lansing, July 11, 2003

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

Ladies and Gentlemen:

Today I return with my objections **Enrolled House Bill 4511**, pursuant to Section 33 of Article IV of the Michigan

Constitution of 1963. The bill amends the Administrative Procedures Act of 1969 (APA) to lengthen the current 21-day period for legislative review of proposed administrative rules. The rationale advanced in support of this bill is that the 21-day review period under current law is insufficient.

I disagree, and instead concur with a description of the 1999 amendments to the APA creating the current legislative review process, as published by your Joint Committee on Administrative Rules (JCAR) earlier this year:

“The amendments give JCAR members greater opportunity for involvement and inquiry during the rulemaking process. From an agency’s initiation of the rulemaking process by Request for Rulemaking (RFR), to the final 21-day JCAR review period, Committee members can track and take an active role in the development of administrative rules. Ultimately, the new JCAR review process gives legislators a chance to be proactive and allows them to help shape the many agency rules that affect Michigan residents.”

The current review process is sufficient. House Bill 4511 does not contribute to the efficient and effective administration of state government.

Accordingly, I return Enrolled House Bill 4511 without signature.

Respectfully,  
Jennifer M. Granholm  
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Richardville moved that the bill be re-referred to the Committee on Government Operations. The motion prevailed.

By unanimous consent the House returned to the order of

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

#### **Senate Bill No. 509, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 732a. The Senate has amended the House substitute (H-6) as follows:

1. Amend page 2, line 27, after “(6),” by striking out the balance of the subparagraph and inserting “(7), or (8).”

The Senate has concurred in the House substitute (H-6) as amended, ordered that the bill be given immediate effect and agreed to the full title.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the amendment to the House substitute (H-6) made to the bill by the Senate,

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

The motion prevailed.

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Rep. Richardville moved that when the House adjourns today it stand adjourned until Wednesday, July 16, at 10:00 a.m. The motion prevailed.

By unanimous consent the House returned to the order of

#### **Motions and Resolutions**

Reps. Phillips, Accavitti, Adamini, Anderson, Bieda, Bradstreet, Brown, Byrum, Clack, Condino, Dennis, DeRoche, DeRossett, Drolet, Ehardt, Elkins, Emmons, Farhat, Farrah, Garfield, Gillard, Hager, Hardman, Hopgood, Huizenga,

Jamnack, Kooiman, Lipsey, McConico, Minore, Newell, Nofs, O'Neil, Paletko, Palsrok, Pappageorge, Pastor, Richardville, Rivet, Rocca, Shaffer, Spade, Stahl, Stakoe, Stallworth, Tobocman, Voorhees, Waters, Wojno, Woronchak and Zelenko offered the following resolution:

**House Resolution No. 103.**

A resolution to urge the Department of Corrections and the Family Independence Agency to work together to develop a protocol to ensure that threats of domestic violence by prison inmates are immediately channeled to proper state and local agencies and law enforcement units.

Whereas, The numbing tragedy of the triple homicide in Pontiac has shocked and saddened our state. The sorrow over the brutal slayings of a mother and two young daughters has also given way to frustration that apparent calls for help fell through the fabric of our social safety net. The realization that a more effective system of responding to calls for protection could possibly have helped has led many to urge that we reexamine how threats of domestic violence are handled; and

Whereas, While there is a key mechanism available to people who have reason to fear domestic violence in the form of a personal protection order obtained from the court, the Pontiac case reveals clear inadequacies in how communications are handled before an order is issued. A Department of Corrections email system operated solely for the purpose of reporting domestic violence threats by prison inmates will generate a more comprehensive response to the urgent need of protection for a family. A message or phone call channeled to the Domestic Violence Prevention and Treatment unit of the Family Independence Agency and local police, for example, could have averted this tragedy; and

Whereas, It may be more effective if concerns expressed to state agencies, including the Department of Corrections, were examined by social workers and local police were notified. The development of a toll-free THREATS hotline and THREATS email address may also prove to be a better way to encourage frightened people to reach out for help that could save their lives and those of their children; now, therefore, be it

Resolved by the House of Representatives, That we urge the Department of Corrections and the Family Independence Agency to work together to develop a protocol to ensure that threats of domestic violence by prison inmates are immediately channeled to proper state and local agencies and law enforcement units; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor, the Family Independence Agency, and the Department of Corrections.

The resolution was referred to the Committee on Criminal Justice.

Reps. Woronchak, Sak, Accavitti, Acciavatti, Adamini, Anderson, Bieda, Bradstreet, Brandenburg, Brown, Byrum, Caswell, Condino, Dennis, DeRoche, DeRossett, Drolet, Ehardt, Elkins, Emmons, Farhat, Farrah, Garfield, Gielegem, Gillard, Hager, Hardman, Hopgood, Howell, Huizenga, Hune, Jamnack, Koetje, Kooiman, LaJoy, LaSata, Lipsey, McConico, Meyer, Milosch, Minore, Newell, Nitz, Nofs, O'Neil, Paletko, Palmer, Palsrok, Pappageorge, Pastor, Richardville, Rivet, Robertson, Rocca, Shaffer, Sheen, Sheltroun, Shulman, Spade, Stahl, Stakoe, Stallworth, Steil, Stewart, Tabor, Tobocman, Van Regenmorter, Vander Veen, Voorhees, Walker, Wojno and Zelenko offered the following resolution:

**House Resolution No. 104.**

A resolution to honor the 87<sup>th</sup> Armored Field Artillery Battalion who fought to defend our freedom during World War II as they gather for their 60<sup>th</sup> anniversary reunion of their journey through the European Theatre and to memorialize those brave young men who gave their lives in service to our great nation.

*We who are living shall return to our homes with a sense of satisfaction, and the knowledge of a 'job' well done and a vital interest to maintain the four freedoms.*

Whereas, Freedom is not free. We honor those brave soldiers who fought to defend the freedoms that today are all too often taken for granted. We pause to recognize the 20 members of the 87<sup>th</sup> Armored Field Artillery Battalion who lost their lives and 104 who were wounded in combat protecting our freedoms during World War II; and

Whereas, Members of the 87<sup>th</sup> Armored Field Artillery Battalion received the following honors: 104 awarded Purple Heart Medals; 18 awarded Purple Heart Ribbons; 10 awarded Purple Heart Ribbons by the 3<sup>rd</sup> Armored Division; 14 awarded Silver Star Medals; 20 awarded Air Medals; 28 awarded Bronze Star Medals; 56 awarded Meritorious Service Medals; and one man, Robert C. Keeler, was awarded the Distinguished Service Medal; and

Whereas, Members of the 87<sup>th</sup> Armored Field Artillery Battalion began their journey together on July 15, 1940, at Fort William in the jungles of Panama. They were later rushed to Fort Knox and to England for training specifically for D-Day. Their journey ultimately led them to Belgium and France through the beaches of Normandy, Omaha and Utah and beyond into the shattered heart of Hitler's Germany. On January 10, 1944, they arrived in Adderbury, Oxfordshire, England and began specialized assault training for the fierce fighting that began on June 6, 1944, at D-Day and continued until May 1945 when the first members of the 87<sup>th</sup> were discharged with full military honor and sent back to the United States; and

Whereas, During World War II the 87<sup>th</sup> Armored Field Artillery Battalion, code name "Jeopard," became known throughout the European Theatre of Operations as the "Bushmasters," synonymous with rapid, accurate artillery fire. The 87<sup>th</sup> Armored Field Artillery Battalion expended 161,716 rounds of 105mm ammunition in combat. The bond that these men developed has been the driving force which leads them to gather annually around the United States for a reunion; and

Whereas, We welcome the living heroes of the 87<sup>th</sup> Armored Field Artillery Battalion and their families to the great state of Michigan for their 60<sup>th</sup> anniversary reunion of their journey through the European Theatre, held in Southgate, Michigan from September 4-7, 2003, and extend our highest regard and heartfelt thanks for your service to our country; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body join together in honoring the 87<sup>th</sup> Armored Field Artillery Battalion who fought to defend our freedom during World War II as they gather for their 60<sup>th</sup> anniversary reunion of their journey through the European Theatre; and be it further

Resolved, That a copy of this resolution is transmitted to the living heroes of the 87<sup>th</sup> Armored Field Artillery Battalion as evidence of our sincere gratitude to those who were willing to make the ultimate sacrifice to protect freedom and liberty.

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. Tabor offered the following resolution:

**House Resolution No. 105.**

A resolution to recognize and commemorate August 9, 2003, as the 100<sup>th</sup> anniversary of Michigan's State Forestry System and to encourage the continued sustainable management of Michigan forests into the next 100 years.

Whereas, Michigan has a long and rich tradition of forestry dating back to the establishment by the Michigan Forestry Commission of the first state forest in 1903. Prior to this, and as farming had mostly failed on the poor sandy soils of northern Michigan, the landscape had been left with dead wood and vulnerable to intense forest fires. In 1871, fires burned approximately 2.5 million acres, and over 1 million acres burned in the Thumb Area in 1881. Fires destroyed trees and habitat, killed wildlife, and accelerated erosion and river/stream degradation; and

Whereas, In an effort to avoid future similar fires, in 1887, the state of Michigan established a Forestry Commission to preserve, protect, and restore Michigan's forests. The Forestry Commission started nurseries for seedlings and stressed that fire protection as imperative to good forest management. In 1902, Michigan Agricultural College (now Michigan State University) established a forestry curriculum for education, training, and research; and

Whereas, In 1903, the Forestry Commission established the first state forest in Crawford and Roscommon Counties. Over the next 100 years, the state forest system grew from 34,000 acres to nearly 4 million acres. It changed dramatically as well, transforming from cutover and burned-over abandoned land to a vibrant, healthy, growing forest; and

Whereas, Today, Michigan's landscape is again dominated by forests. These 19.3 million acres of forestland support a diversity of ecosystems, trees, animals, birds, and fish; provide outdoor recreation; protect air and water quality; support local communities and forest industry; and enhance the quality of life in Michigan; and

Whereas, Michigan's state forest system is the largest in the country. The efforts of many people and organizations have guided its stewardship and kept it healthy and growing; and

Whereas, It is fitting that we recognize and commemorate 100 years of Michigan forestry management with a celebration on August 9, 2003, at the North Higgins Lake State Park CCC Nursery; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize August 9, 2003, as the 100<sup>th</sup> anniversary of Michigan's State Forest System and applaud the work of all those who have contributed to this rich tradition of conservation of one of our state's most important resources; and be it further

Resolved, That we continue to explore and develop new methods for the sustainable management of the forests as we head into the next 100 years; and be it further

Resolved, That a copy of this resolution be transmitted to the Natural Resources Commission as a token of our 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.

Reps. Rocca, Hopgood, Nitz, Bieda, Byrum, Spade, Wojno, Sak, Gleason, Anderson, Woronchak, Stahl, Ruth Johnson, Caul, Vander Veen, Richardville, Phillips, Accavitti, Acciavatti, Bradstreet, Brandenburg, Brown, Caswell, Clack, Condino, Dennis, DeRoche, DeRossett, Drolet, Ehardt, Elkins, Emmons, Farhat, Farrah, Garfield, Gielegem, Hager, Howell, Huizenga, Hummel, Hune, Jamnick, Koetje, Kooiman, LaJoy, McConico, Meyer, Milosch, Minore, Newell, Nofs, O'Neil, Paletko, Palmer, Palsrok, Pappageorge, Pastor, Shaffer, Sheen, Sheltroun, Shulman, Stakoe, Stallworth, Tabor, Tobocman, Van Regenmorter and Voorhees offered the following concurrent resolution:

**House Concurrent Resolution No. 24.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation to grant a federal charter to the Korean War Veterans Association.

Whereas, As our nation witnesses once again the sacrifices of our fellow citizens taking up arms to preserve liberties, we have reawakened our sensitivity to the importance of service to veterans from all of America's wars. Organizations that work to help and advocate on behalf of veterans help fulfill a promise between our country and its defenders; and

Whereas, The Korean War Veterans Association is the only veterans organization comprised exclusively of Korean War veterans. This group has established an excellent record of service to those who served and suffered in Korea and their families; and

Whereas, However, the Korean War Veterans Association is one of the few veterans groups of its size operating without a federal charter. Legislation is currently pending in Congress in both the House of Representatives (H.R. 1043) and the Senate (S. 478) to grant a federal charter; and

Whereas, The long overdue granting of a federal charter would enable the association to significantly enhance its efforts to help needy Korean War veterans and their families. With a charter, which would extend to it the same status as other veterans groups, the Korean War Veterans Association would be able to further its work and participate more fully with other groups. A federal charter also would permit the organization to assist in processing claims for benefits; and

Whereas, As our nation marks the fiftieth anniversary of the end of military hostilities on the Korean Peninsula, granting the federal charter would be most appropriate; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to grant a federal charter to the Korean War Veterans Association; and be it further

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

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

### Messages from the Senate

**House Bill No. 4248, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 12f, 14h, 22, 33, and 48 of chapter XVII (MCL 777.12f, 777.14h, 777.22, 777.33, and 777.48), section 12f as added by 2002 PA 34, section 14h as added by 2002 PA 29, section 22 as amended by 2002 PA 143, and sections 33 and 48 as amended by 2000 PA 279.

The Senate has concurred in the House substitute (H-4) to the Senate substitute (S-4) and agreed to the title of the bill as amended.

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

The Senate returned, in accordance with the request of the House

**Senate Bill No. 391, entitled**

A bill to amend 1964 PA 265, entitled "An act to enact the uniform securities act relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to make uniform the law with reference to securities; and to repeal acts and parts of acts," by amending section 202 (MCL 451.602), as amended by 2000 PA 494.

**Senate Bill No. 189, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16263, 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 (MCL 333.16263, 333.18501, 333.18503, 333.18505, 333.18507, 333.18509, 333.18511, 333.18513, and 333.18515), section 16263 as amended by 2001 PA 139 and sections 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 as added by 2000 PA 11, and by adding sections 18504, 18506, and 18516.

The Senate has passed the bill.

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

**Senate Bill No. 540, entitled**

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2003 and the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; 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 Appropriations.

**Senate Concurrent Resolution No. 26**

A concurrent resolution to memorialize the Congress of the United States to work with the appropriate federal agencies in adopting guidelines on beach maintenance activities as defined in 2003 PA 14 and to encourage the United States Army Corps of Engineers to work with property owners on the stewardship of beaches.

Whereas, The most effective stewardship of our environment includes both public and private participation. Michigan has recently taken an important step in the direction of caring for our shorelines and beaches with the enactment of legislation permitting shoreline property owners to take certain actions to maintain beaches within specific guidelines; and

Whereas, With the reduction in lake levels, shoreline property has changed dramatically in many areas. In many instances, beaches have been transformed by vegetation, which has led property owners to seek authority to groom the beaches. However, the potential for conflict with the long-term integrity of shore lands and habitat required extensive discussions to develop an effective and responsible strategy; and

Whereas, As a result of the input of individual property owners, local landowner and environmental groups, state officials, and lawmakers, Michigan has enacted legislation, 2003 PA 14 (Enrolled House Bill No. 4257), that will allow property owners to remove vegetation and debris from beaches. These actions are limited in scope and strike a workable balance between legitimate recreational concerns and environmental considerations; and

Whereas, The effective compromise established with regard to maintenance on Michigan beaches will be far more productive than contentiousness between property owners and governmental regulators. This legislation capitalizes on the shared commitment private and public interests have in the quality and the appearances of our beaches; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to work with the appropriate federal agencies in adopting guidelines on beach maintenance activities as defined in 2003 PA 14. We also encourage the United States Army Corps of Engineers to work cooperatively with property owners on the stewardship of beaches; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the Environmental Protection Agency, the United States Army Corps of Engineers, the Office of the Governor, the Michigan Department of Environmental Quality, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The Senate has adopted the concurrent resolution.

Reps. Acciavatti, Bieda, Brandenburg, Brown, Byrum, DeRoche, DeRossett, Drolet, Ehardt, Elkins, Farhat, Farrah, Garfield, Gillard, Hager, Huizenga, Hummel, Jamnick, Kooiman, Lipsey, Meyer, Newell, Nofs, Paletko, Palmer, Palsrok, Pappageorge, Pastor, Richardville, Rocca, Sheltroun, Stahl, Stakoe, Stallworth, Tabor and Walker were named co-sponsors of the concurrent resolution.

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

**Communications from State Officers**

The following communications from the Secretary of State were received and read:

Notices of Filing  
Administrative Rules

June 23, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:20 A.M. this date, administrative rule (03-06-01) for the Department of Environmental Quality, Air Quality Division, entitled "*Part 1. General Provisions*", effective 7 days hereafter.

June 23, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:22 A.M. this date, administrative rule (03-06-02) for the Department of Environmental Quality, Air Quality Division, entitled "*Part 2. Air Use Approval*", effective 7 days hereafter.

Sincerely,  
Terri Lynn Land  
Secretary of State  
Elena L. Beasley, Manager  
Office of the Great Seal

The communications were referred to the Clerk.

### Introduction of Bills

Rep. Ward introduced

**House Bill No. 4950, entitled**

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 10 (MCL 42.10).

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

Reps. Stakoe, Garfield, Acciavatti, Vander Veen, Brandenburg, Stahl and Pastor introduced

**House Bill No. 4951, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 274 (MCL 206.274), as amended by 1997 PA 82.

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

Reps. Wojno, Accavitti, Spade, Rocca, Gaffney, Richardville, Condino, Bieda, Tobocman, Kolb, Law, Shaffer and Gielegem introduced

**House Bill No. 4952, entitled**

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

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

Reps. Richardville, Accavitti, Spade, Rocca, Wojno, Gaffney, Condino, Bieda, Tobocman, Kolb, Law, Shaffer and Gielegem introduced

**House Bill No. 4953, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2002 PA 271.

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

Rep. Stewart introduced

**House Bill No. 4954, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 804 (MCL 339.804), as amended by 1995 PA 217; and to repeal acts and parts of acts.

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

Rep. Stewart introduced

**House Bill No. 4955, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 442 and 447 (MCL 750.442 and 750.447).

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



Rep. Stewart introduced

**House Bill No. 4956, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2002 PA 123.

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

Rep. Stewart introduced

**House Bill No. 4957, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b. The bill was read a first time by its title and referred to the Committee on Education.

Rep. Accavitti introduced

**House Bill No. 4958, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 1 (MCL 207.1001).

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

Rep. Accavitti introduced

**House Bill No. 4959, entitled**

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

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

Rep. Woronchak introduced

**House Bill No. 4960, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11521 (MCL 324.11521).

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

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Rep. Moolenaar moved that the House adjourn.

The motion prevailed, the time being 7:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, July 16, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives

