

**No. 14**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Wednesday, February 18, 2004.

1:00 p.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Accavitti—present	Garfield—excused	Meisner—present	Sheen—present
Acciavatti—present	Gieleghem—present	Meyer—present	Sheltrown—present
Adamini—present	Gillard—present	Middaugh—present	Shulman—present
Amos—present	Gleason—present	Milosch—present	Smith—present
Anderson—present	Hager—present	Minore—present	Spade—present
Bieda—present	Hardman—present	Moolenaar—present	Stahl—present
Bisbee—present	Hart—excused	Mortimer—present	Stakoe—present
Bradstreet—present	Hood—present	Murphy—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—present	Hopgood—present	Nitz—present	Stewart—present
Byrum—present	Howell—present	Nofs—present	Tabor—present
Casperson—present	Huizenga—present	O’Neil—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—excused	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—excused	Koetje—present	Reeves—present	Waters—present
DeRossett—excused	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—excused	Shaffer—present	Zelenko—present
Gaffney—present			

e/d/s = entered during session

Rep. Steve Bieda, from the 25th District, offered the following invocation:

“Almighty God, we thank You for the blessings of this day and for the honor of serving the people of this great state. With heavy hearts, we remember Detroit police officers, Matthew Bowens and Jennifer Fettig, who gave their lives in the line of duty. With humility, we ask for Your divine guidance as we seek to build a better life for all people. Give us the courage and strength to begin this task today. Grant us the wisdom to meet the challenges of these times and to act with mind, heart and soul. Forgive us our frailties and lift us to a higher level of understanding and accepting of our fellow men and women. We ask this in Your holy name, Amen.”

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

Rep. Palmer moved that Reps. DeRossett, Garfield, Hart and DeRoche be excused from today’s session.  
The motion prevailed.

### Second Reading of Bills

#### House Bill No. 5021, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 1615.

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

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

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

The motion prevailed.

Rep. Kooiman 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. Woronchak moved that Rep. LaSata be excused temporarily from today’s session.  
The motion prevailed.

Rep. Waters moved that Rep. Stallworth 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. 5021, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 1615.

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

#### Roll Call No. 59

#### Yeas—101

Accavitti	Gillard	Milosch	Sheltrown
Acciavatti	Gleason	Minore	Shulman
Adamini	Hager	Moolenaar	Smith
Amos	Hardman	Mortimer	Spade
Anderson	Hood	Murphy	Stahl

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

### Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Stewart, Minore, Richardville, Voorhees, Farrah, Bieda, Acciavatti, Vagnozzi, Taub, Stakoe, Robertson, Milosch, Emmons, Elkins, Moolenaar and Gillard were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4261, entitled

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

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Tax Policy,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4261, entitled

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

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

### Roll Call No. 60

### Yeas—101

Accavitti	Gillard	Milosch	Sheltrown
Acciavatti	Gleason	Minore	Shulman

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

### 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 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Hardman, Woronchak, Anderson, Jamnick, Richardville, Kooiman, Voorhees, Meyer, Julian, Vander Veen, Pastor, LaJoy, Brandenburg, Acciavatti, Taub, Stakoe, Caswell, Ward, Emmons, Steil, Stahl, Huizenga and Moolenaar were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4525, entitled

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

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Tax Policy,

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4525, entitled

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

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

**Roll Call No. 61****Yeas—101**

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

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Hardman, Plakas, O'Neil, Gielegem, Phillips, Minore, Jamnick, Richardville, Koetje, Adamini, Brown, Hunter, Clack, Vagnozzi, Accavitti, Sak and Gillard were named co-sponsors of the bill.

**Second Reading of Bills****Senate Bill No. 588, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2006 (MCL 500.2006), as amended by 2002 PA 316.

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

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

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

The motion prevailed.

Rep. Kooiman 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. 588, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2006 (MCL 500.2006), as amended by 2002 PA 316.

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

**Roll Call No. 62**

**Yeas—100**

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

**Nays—1**

Drolet

In The Chair: Julian

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

"An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out

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

The House agreed to the full title.

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

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

### Second Reading of Bills

#### House Bill No. 5116, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Kooiman moved to reconsider the vote by which the House did not adopt the substitute (H-1) previously recommended by the Committee on Health Policy.

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

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

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

Rep. Richardville moved to amend the bill as follows:

1. Amend page 1, line 6, after "**been**" by striking out the balance of the line through "**hazards**" on line 7 and inserting "**abated of or have had interim controls performed to control lead-based paint hazards as determined**".

2. Amend page 1, line 8, after "**assessor**" by inserting "**certified under this part**".

3. Amend page 2, line 1, after "**been**" by striking out "**determined to be free of**" and inserting "**abated of or has had interim controls performed to control**".

4. Amend page 2, line 1, after "**hazards**" by inserting "**as determined**".

5. Amend page 2, line 3, after "**assessor**" by inserting "**certified under this part**".

6. Amend page 2, line 10, by striking out "**clearance professional**" and inserting "**certified risk assessor certified under this part**".

The motion prevailed and the amendments were 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. Kooiman moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5116, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a.

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

**Roll Call No. 63****Yeas—91**

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

**Nays—10**

Bradstreet	Hoogendyk	Palmer	Sheen
Caul	Middaugh	Pastor	Stahl
Drolet	Milosch		

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 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474b.

The motion prevailed.

The House agreed to the title as amended.

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

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

**Second Reading of Bills**

Pending the Second Reading of  
**House Bill No. 4808, entitled**

A bill to regulate watercraft manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate their dealings with dealers and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal acts and parts of acts.

Rep. Kooiman moved that the bill be re-referred to the Committee on Regulatory Reform.

The motion prevailed.



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

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

Reps. Hune, Adamini, Brandenburg, Brown, Dennis, Ehardt, Gillard, Lipsey, Meyer, Murphy, Phillips, Sak, Shaffer, Stallworth and Tobocman offered the following resolution:

**House Resolution No. 202.**

A resolution to memorialize the Congress of the United States to support phasing out the reduced-cost lunch program to ensure that all children under 185 percent of the poverty line receive free meals.

Whereas, The federal nutrition programs, including the school lunch and breakfast programs, are important to the health and education of the children of Michigan; and

Whereas, Reduced-price school meals are offered, in participating schools, to children with family income between 130 percent of the poverty line and 185 percent of the poverty line; and

Whereas, Many families in the reduced-price income category are finding it difficult to pay the reduced fee, and for some families the fee is an insurmountable barrier to participation. The Special Supplemental Food Program for Women, Infants and Children (WIC) provides free benefits to all participants with family income below 185 percent of poverty; and

Whereas, Legislation has been introduced in Congress to phase out the reduced-price meal program, harmonizing school meals with WIC; now, therefore, be it

Resolved by the House of Representatives, That we support the reauthorization of all federal child nutrition programs and memorialize the Congress of the United States to eliminate the reduced-price school meals program and provide free meals for all children with incomes below 185 percent of the poverty level; and be it further

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

The resolution was referred to the Committee on Government Operations.

**Reports of Standing Committees**

The Committee on Tax Policy, by Rep. Wenke, Chair, reported

**House Bill No. 5241, entitled**

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

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Palmer, Nofs, Stakoe, O'Neil, Farrah, Bieda, Zelenko and Condino

Nays: None

The Committee on Tax Policy, by Rep. Wenke, Chair, reported

**House Bill No. 5533, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 2002 PA 618.

With the recommendation that the bill be referred to the Committee on Transportation.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Meyer, Drolet, Hummel, Palmer, Nofs, Stakoe, O'Neil, Farrah, Bieda, Zelenko and Condino

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Transportation.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 18, 2004

Present: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Nofs, Stakoe, O'Neil, Minore, Farrah, Bieda, Zelenko and Condino

Absent: Rep. Milosch

Excused: Rep. Milosch

The Committee on Insurance, by Rep. Julian, Chair, reported

**House Bill No. 5281, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 410a.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Julian, Hune, Bisbee, Ehardt, Middaugh, Mortimer, Hummel, Robertson, Sheen, Woodward, Wojno, Gillard and Condino

Nays: Rep. Anderson

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 18, 2004

Present: Reps. Julian, Hune, Bisbee, Ehardt, Middaugh, Mortimer, Hummel, Robertson, Sheen, Woodward, Anderson, Wojno, Hood, Gillard and Condino

Absent: Reps. Garfield and Daniels

Excused: Reps. Garfield and Daniels

The Committee on Conservation and Outdoor Recreation, by Rep. Milosch, Vice-Chair, reported

**House Bill No. 5427, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 12 (MCL 28.432), as amended by 2000 PA 381.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Tabor, Milosch, Bradstreet, Nitz, Farrah, Sheltroun and Accavitti

Nays: None

The Committee on Conservation and Outdoor Recreation, by Rep. Milosch, Vice-Chair, reported

**House Bill No. 5428, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 9 (MCL 28.429), as amended by 1996 PA 169.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Tabor, Milosch, Bradstreet, Nitz, Gillard, Farrah, Sheltroun and Accavitti

Nays: None

The Committee on Conservation and Outdoor Recreation, by Rep. Milosch, Vice-Chair, reported

**House Bill No. 5429, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2 (MCL 28.422), as amended by 1994 PA 338.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Tabor, Milosch, Bradstreet, Nitz, Gillard, Farrah, Sheltroun and Accavitti

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Milosch, Vice-Chair, of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Wednesday, February 18, 2004

Present: Reps. Tabor, Milosch, Bradstreet, Ehardt, Rocca, Nitz, Gillard, Farrah, Sheltroun and Accavitti

Absent: Rep. Richardville

Excused: Rep. Richardville

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 5174, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 16 and 18 (MCL 750.16 and 750.18), section 16 as amended by 2002 PA 672.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 5175, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16226, 17763, and 17764 (MCL 333.16221, 333.16226, 333.17763, and 333.17764), section 16221 as amended by 2002 PA 402, section 16226 as amended by 2002 PA 643, and section 17763 as amended by 1997 PA 153.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 5176, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as added by 2002 PA 30.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 5177, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter XVII (MCL 777.16a), as amended by 2000 PA 279.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 5178, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2002 PA 670.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

**Senate Bill No. 681, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 11a to chapter VI.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair, of the Committee on Criminal Justice, was received and read:

Meeting held on: Wednesday, February 18, 2004

Present: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 17, 2004

Present: Reps. Palmer, Hummel, Meyer, Bradstreet, Hager, Ruth Johnson, Voorhees, Vander Veen, Nofs, Stahl, Gielegem, Vagnozzi, Spade, Smith, Hopgood, Meisner and Clack

Absent: Reps. Hart and Tabor

Excused: Reps. Hart and Tabor

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 18, 2004

Present: Reps. Bisbee, Howell, Koetje, Middaugh, Drolet, Palmer, Hune, Palsrok, Wenke, Rivet, O'Neil, Murphy and Accavitti

Absent: Reps. DeRoche, Huizenga, Milosch, McConico, Lipsey and Tobocman

Excused: Reps. DeRoche, Huizenga, Milosch, McConico, Lipsey and Tobocman

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, February 18, 2004

Present: Reps. Bradstreet, Middaugh, Bisbee, LaSata, Casperson, LaJoy, Nitz, Palsrok, Stahl, Rivet, Woodward, Hopgood, Murphy and Stallworth

Absent: Reps. Huizenga, DeRoche, Garfield, McConico and Daniels

Excused: Reps. Huizenga, DeRoche, Garfield, McConico and Daniels

### Messages from the Senate

#### House Bill No. 5154, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8303, 8304, 8306, and 8316 (MCL 324.8303, 324.8304, 324.8306, and 324.8316), sections 8303, 8304, and 8306 as amended by 2002 PA 418.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), 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.

### 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 Thursday, February 12:

**Senate Bill No. 973**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, February 13:

**Senate Bill Nos. 974 975 976 977 978 979 980 981 982 983 984 985 986 987  
988 989 990 991**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, February 18:

**House Bill Nos. 5543 5544 5545 5546 5547 5548 5549 5550 5551 5552 5553 5554**

### Messages from the Governor

Date: February 17, 2004

Time: 5:05 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

#### **Enrolled House Bill No. 4236 (Public Act No. 3, I.E.), being**

An act to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16131, 16186, and 16263 (MCL 333.16131, 333.16186, and 333.16263), sections 16131 and 16263 as amended by 2001 PA 139 and section 16186 as amended by 2002 PA 643, and by adding section 16344 and part 187.

(Filed with the Secretary of State February 18, 2004, at 8:58 a.m.)

### Introduction of Bills

Reps. Pastor, Brandenburg, Stahl, Daniels, Taub and Farhat introduced

**House Bill No. 5555, entitled**

A bill to amend 1941 PA 207, entitled "Fire prevention code," (MCL 29.1 to 29.34) by adding section 19a. The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Reps. Pastor, Hune, Brandenburg, Stahl, Daniels, LaJoy, Taub, Sak, Casperson and Sheen introduced

**House Bill No. 5556, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811q. The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Pastor, Hune, Brandenburg, Stahl, Daniels, LaJoy, Taub, Sak, Casperson, Sheen and Farhat introduced

**House Bill No. 5557, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81e. The bill was read a first time by its title and referred to the Committee on Criminal Justice.

Reps. Walker, Huizenga, Ward, Moolenaar, Hummel, Nofs, Farhat, Pastor and Richardville introduced

**House Bill No. 5558, entitled**

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending section 8 (MCL 54.268), as amended by 2002 PA 489.

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

Reps. Accavitti, Daniels, Wojno and Tobocman introduced

**House Bill No. 5559, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

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

Reps. Accavitti, Vagnozzi, Condino, Daniels and Tobocman introduced

**House Bill No. 5560, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 1990 PA 159, and by adding sections 1258 and 1259.

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

Rep. Shulman introduced

**House Bill No. 5561, entitled**

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

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

Rep. Shulman introduced

**House Bill No. 5562, entitled**

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

Rep. Shulman introduced

**House Bill No. 5563, entitled**

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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

Rep. Shulman introduced

**House Bill No. 5564, entitled**

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

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

Rep. Shulman introduced

**House Bill No. 5565, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to adult corrections for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by state agencies.

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

Rep. Shulman introduced

**House Bill No. 5566, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Shulman introduced

**House Bill No. 5567, entitled**

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

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

Rep. Shulman introduced

**House Bill No. 5568, entitled**

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Shulman introduced

**House Bill No. 5569, entitled**

A bill to make appropriations for the legislature, the judiciary, the executive, the department of attorney general, the department of state, the department of treasury, the department of management and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

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

Rep. Shulman introduced

**House Bill No. 5570, entitled**

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2005; and to provide for the expenditures of the appropriations.

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



Rep. Shulman introduced

**House Bill No. 5571, entitled**

A bill to make appropriations for the department of history, arts, and libraries and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Rep. Shulman introduced

**House Bill No. 5572, entitled**

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

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

Rep. Shulman introduced

**House Bill No. 5573, entitled**

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Rep. Shulman introduced

**House Bill No. 5574, entitled**

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

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

Rep. Shulman introduced

**House Bill No. 5575, entitled**

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

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

Rep. Shulman introduced

**House Bill No. 5576, entitled**

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

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

Rep. Shulman introduced

**House Bill No. 5577, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2003 PA 236 and section 17b as amended by 2000 PA 297.

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

Rep. Shulman introduced

**House Bill No. 5578, entitled**

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

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

Rep. Shulman introduced

**House Bill No. 5579, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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

Rep. Shulman introduced

**House Bill No. 5580, entitled**

A bill to make appropriations for the state transportation department and certain state purposes from the funds designated in this act for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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

Rep. Moolenaar introduced

**House Bill No. 5581, entitled**

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 3 (MCL 388.1903).

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

Rep. Moolenaar introduced

**House Bill No. 5582, entitled**

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513), as amended by 1997 PA 178.

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

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Rep. Wojno moved that the House adjourn.

The motion prevailed, the time being 4:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 19, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives