

No. 7
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
92nd Legislature
REGULAR SESSION OF 2004

House Chamber, Lansing, Tuesday, February 3, 2004.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Mary D. Waters, from the 4th District, offered the following invocation:

“O Lord, our God, how excellent is Your name. Before the mountains were brought forth or ever Thou hast created the heavens and earth from everlasting, Thou art God. For a thousand years in Thy sight is like an evening past or a watch in the night. Gracious Master and our God, this day we ask that You might have mercy upon the state of Michigan. Continue to bless our state with an abundance of natural resources: from the top of the Upper Peninsula to the bottom of the bottom half of the state, bless us with clean water, natural gas, and electricity. Continue to bless our state with a workforce, which is prepared and desirous of work. Grant that we who are charged with the responsibility of representing every sector of this great state, might expand our vision to look beyond individual district boundaries and political parties that we might do what is best for the entire state. Humble us this day as we consider the awesome responsibility the citizens of Michigan have given to us. Make efforts to find mutual solutions to common problems, courteous in how we interact with one another, sensitive to the needs of the poor and downtrodden, tenacious in our support for individual local districts and big enough to grasp issues which affect the entire state. God bless the citizens of Michigan. God bless our Governor. God bless the state legislature. God bless our judiciary and Constitution. God bless the people of the nation and world. Amen.”

Rep. Waters moved that Rep. Stallworth be excused from this week’s session.
The motion prevailed.

Rep. Palmer moved that Reps. Casperson, Shulman and Woronchak be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5307, entitled

A bill to enact the uniform principal and income act; to prescribe the manner in which receipts and expenditures of trusts and estates are credited and charged between income and principal, and the manner in which income is apportioned among beneficiaries at the beginning and upon the termination of a trust or estate; to make uniform the law with respect to principal and income allocation; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Judiciary (for amendments, see House Journal No. 2, p. 13),

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

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

1. Amend page 7, line 5, after “or” by striking out “estate” and inserting “will”.

2. Amend page 8, line 5, after “they” by inserting “would”.

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

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

The motion prevailed.

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

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

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

Rep. Nitz moved that Rep. Bradstreet 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. 5307, entitled

A bill to enact the uniform principal and income act; to prescribe the manner in which receipts and expenditures of trusts and estates are credited and charged between income and principal, and the manner in which income is apportioned among beneficiaries at the beginning and upon the termination of a trust or estate; to make uniform the law with respect to principal and income allocation; and to repeal acts and parts of acts.

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

Roll Call No. 6

Yeas—102

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 5148, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 9501 and 9525 (MCL 440.9501 and 440.9525), section 9501 as amended and section 9525 as added by 2000 PA 348.

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

The substitute (H-3) was adopted, a majority of the members serving voting therefor.
Rep. Shackleton moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

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

House Bill No. 5148, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9501 (MCL 440.9501), as amended by 2000 PA 348.

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

Roll Call No. 7

Yeas—103

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

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 1962 PA 174, entitled "Uniform commercial code," by amending sections 9501 and 9525 (MCL 440.9501 and 440.9525), section 9501 as amended and section 9525 as added by 2000 PA 348.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 5375, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10e (MCL 247.660e), as amended by 1998 PA 87.

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

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

Rep. Koetje moved to amend the bill as follows:

1. Amend page 3, line 10, after "legislature" by striking out "pursuant to the state transportation program approved by the commission".

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5375, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment

and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10e (MCL 247.660e), as amended by 1998 PA 87.

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

Roll Call No. 8**Yeas—103**

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Adamini entered the House Chambers.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Taub, LaJoy, Garfield, Tabor, Bradstreet, Acciavatti, Milosch, Pastor, Walker, Shackleton, Meyer, Nofs, Gaffney, Stahl, Pappageorge, Emmons, Van Regenmorter, Vander Veen, Voorhees, Stakoe, Newell, Caul, Murphy, Clack, DeRoche, Anderson, Jamnick, Kolb, Moolenaar, Kooiman, Nitz, Caswell, Farhat, Ruth Johnson, Palmer, Hardman, Accavitti, Ehardt and Hager offered the following resolution:

House Resolution No. 191.

A resolution to memorialize the Congress of the United States and the Transportation Security Administration to make changes to certain procedures regarding the inspection of baggage.

Whereas, The effort to increase security throughout our country has included a wide range of new procedures and policies. Our country's swift and strong response to the new realities include many forward-thinking measures, many of which are handled by the new Transportation Security Administration; and

Whereas, One area where further modifications may be necessary relates to the activity of screening baggage for airplane travel. Under current policies, when screeners find it necessary to go into a suitcase or other baggage, air travelers are informed of this inspection by a notice that is placed in the bag before it is closed up again. The effectiveness of this notification system would be strengthened considerably if the written notice included the identification of the TSA inspector. Adding this information would increase accountability and protect further the rights and property of airline travelers; and

Whereas, As our country continues to shape policies to combat the threat of terrorism in our society, flexibility in refining and adjusting practices will be a key to ensuring full cooperation and safeguarding our people in the most effective manner possible; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the Transportation Security Administration to make changes to procedures regarding the inspection of baggage to ensure that TSA personnel who inspect the contents of luggage are identified in the notification that is put in the bag; 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, the members of the Michigan congressional delegation, and the Transportation Security Administration.

The resolution was referred to the Committee on Government Operations.

Reps. Murphy, Accavitti, Anderson, Brown, Byrum, Cheeks, Condino, Dennis, DeRossett, Ehardt, Farhat, Farrah, Gielegghem, Gillard, Gleason, Hager, Hardman, Hood, Jamnick, Kolb, Kooiman, Lipsey, Phillips, Rivet, Sak, Sheltrown, Smith, Spade, Tobocman, Vagnozzi, Waters and Zelenko offered the following resolution:

House Resolution No. 192.

A resolution recognizing Saturday, February 7, 2004, as National Black HIV/AIDS Information and Awareness Day.

Whereas, The Black community in the state of Michigan has been disproportionately affected by the HIV/AIDS epidemic; and

Whereas, Members of the Black community represent 14 percent of Michigan's population, yet make up 58 percent of HIV/AIDS cases; and

Whereas, The Michigan Department of Community Health (MDCH) estimates that as many as one out of 100 black males and one out of 300 black females may be HIV infected; and

Whereas, Black HIV/AIDS Awareness and Information Day is intended to mobilize efforts in the African American community to educated, tested, and get involved in the fight against HIV/AIDS in their community; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize Saturday, February 7, 2004, as National Black HIV/AIDS Information and Awareness Day; and be it further

Resolved, That a copies of this resolution be transmitted to the Lansing Area AIDS Network (LAAN) and the African American Task Force (AATF) as a token of our respect for the work they have contributed.

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.

Reports of Standing Committees

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported

Senate Bill No. 780, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2003 PA 20.

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. Ward, Robertson, Hager, Drolet, Stakoe and Wenke

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ward, Chair, of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Tuesday, February 3, 2004

Present: Reps. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Wenke, Jamnick, Hardman, Tobocman and Accavitti

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

Senate Bill No. 826, entitled

A bill to repeal 1903 LA 540, entitled "An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties."

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Voorhees, Gaffney, Garfield, Lipsey, Adami, Bieda, Condino and Smith

Nays: None

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

House Concurrent Resolution No. 44.

A concurrent resolution to memorialize the Congress of the United States to affirm support of state-empowered individual property rights and to urge the Congress and the Secretary of the Interior to take certain actions related to the Stupak-Thrall Court case originating in Gogebic County.

(For text of concurrent resolution, see House Journal No. 96 of 2003, p. 2554.)

With the recommendation that the concurrent resolution be adopted.

The concurrent resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Voorhees, Gaffney, Garfield, Lipsey, Adami, Bieda, Condino and Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 3, 2004

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

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

Senate Bill No. 275, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 6 (MCL 125.2686), as amended by 2003 PA 93.

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. Bisbee, DeRoche, Middaugh, Drolet, Palmer, Milosch, Palsrok, O'Neil, McConico, Murphy, Tobocman and Accavitti

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 3, 2004

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

Absent: Reps. Hune, Rivet and Lipsey

Excused: Reps. Hune, Rivet and Lipsey

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

House Bill No. 4443, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Rocca, Hart, Van Regenmorter, Robertson, Gaffney, Ward, Gillard and Clack

Nays: Rep. Hardman

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

House Bill No. 5126, entitled

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

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Rocca, Hart, Van Regenmorter, Robertson, Gaffney, Ward, Gillard and Clack

Nays: Rep. Hardman

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

House Bill No. 5134, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16276. 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. Ehardt, Vander Veen, Rocca, Hart, Van Regenmorter, Robertson, Gaffney, Ward, Adamini, Hardman, O'Neil, Gillard and Clack

Nays: None

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

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.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Hart, Van Regenmorter, Robertson, Gaffney, Ward, Adamini, Hardman, O'Neil, Gillard and Clack

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 3, 2004

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

Absent: Reps. Woronchak and Hune

Excused: Reps. Woronchak and Hune

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 3, 2004

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

Absent: Reps. Casperson and Rivet

Excused: Reps. Casperson and Rivet

Messages from the Senate

House Bill No. 4236, entitled

A bill 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 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.

The Senate has concurred in the House amendments to the Senate substitute (S-1).

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

House Bill No. 4802, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 540c (MCL 750.540c), as amended by 2002 PA 672.

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. 4916, 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 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. 4340, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 61 (MCL 38.1361), as amended by 2001 PA 30.

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

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

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

House Bill No. 5120, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 1d, 65, 310d, 319b, 321a, 625, 625b, 727, and 732 (MCL 257.1d, 257.65, 257.310d, 257.319b, 257.321a, 257.625, 257.625b, 257.727, and 257.732), section 1d as added and sections 310d and 625 as amended by 2003 PA 61, section 65 as amended by 1994 PA 449, sections 319b and 732 as amended by 2002 PA 534, section 321a as amended by 2002 PA 741, section 625b as amended by 1998 PA 357, and section 727 as amended by 1998 PA 348.

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 amended the title to read as follows:

A bill to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of

specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 1d, 65, 310d, 319b, 320a, 321a, 625, 625b, 627, 727, 732, 733, and 907 (MCL 257.1d, 257.65, 257.310d, 257.319b, 257.320a, 257.321a, 257.625, 257.625b, 257.627, 257.727, 257.732, 257.733, and 257.907), section 1d as added and sections 310d and 625 as amended by 2003 PA 61, section 65 as amended by 1994 PA 449, sections 319b and 732 as amended by 2002 PA 534, sections 320a and 627 as amended by 2003 PA 315, section 321a as amended by 2002 PA 741, section 625b as amended by 1998 PA 357, section 727 as amended by 1998 PA 348, section 733 as amended by 1994 PA 50, and section 907 as amended by 2003 PA 73, and by adding section 79e; and to repeal acts and parts of acts.

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

House Bill No. 5129, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1301a, 1303a, 1304, 1304a, 1305, 1307a, 1308, 1309, 1310, 1312, 1313, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1329, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1345, 1346, 1347, 1372, and 1375 (MCL 600.1301a, 600.1303a, 600.1304, 600.1304a, 600.1305, 600.1307a, 600.1308, 600.1309, 600.1310, 600.1312, 600.1313, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1329, 600.1331, 600.1332, 600.1333, 600.1334, 600.1335, 600.1336, 600.1337, 600.1338, 600.1339, 600.1340, 600.1341, 600.1342, 600.1343, 600.1345, 600.1346, 600.1347, 600.1372, and 600.1375), sections 1301a, 1304, 1310, 1312, and 1375 as amended by 1986 PA 104 and section 1307a as amended by 2002 PA 739; and to repeal acts and parts of acts.

The Senate has amended the bill as follows:

1. Amend page 23, line 15, by striking out "January 1, 2004" and inserting "June 1, 2004".

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.

Notices

February 2, 2004

Mr. Gary Randall
Clerk of the House
P.O. Box 30014
Lansing, MI 48909

Dear Mr. Randall:

This letter serves as my authorization for Representative William O'Neil to be appointed as a member of the House of Representatives Appropriations Committee.

This will take effect on February 3, 2004. If you have any further questions regarding this matter please feel free to contact me at 373-1747.

Sincerely,
Rick Johnson
Speaker of the House

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, January 22:

Senate Bill Nos. 922 923 924

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, January 23:

Senate Bill Nos. 925 926 927 928

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

House Bill Nos. 5427 5428 5429 5430 5431 5432 5433 5434 5435 5436 5437 5438 5439 5440

Communications from State Officers

The following communication from the Office of the Great Lakes was received and read:

January 26, 2004

Attached is a list of four research projects approved for funding under the Michigan Great Lakes Protection Fund (MGLPF) in compliance with Act 156 of the Public Acts of 1989. Section 10(1) of PA 156 requires that this list be submitted annually to the legislature.

The Office of the Great Lakes (OGL) did not release a request for new proposals in 2003 due to funding constraints. Executive Order 2002-22 supplanted \$400,000 general fund from the OGL budget and substituted funding from the MGLPF for OGL administrative costs. In addition, there has not been a revenue allocation from the Regional Great Lakes Protection Fund in the past two years. Therefore, the MGLPF is only providing funding to four ongoing projects. These projects were previously recommended by the MGLPF Technical Advisory Board after extensive review. Funding for the projects was approved under the Department of Environmental Quality's (DEQ) FY 2004 appropriations. A list of guidelines used in listing and assigning priority of the proposed grants is also attached.

If you have any questions, please contact Ms. Emily Finnell of my staff at 517-241-7927, or you may contact me.

Sincerely,
Ken DeBeaussaert,
Director
517-335-4056

The communication was referred to the Clerk.

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

January 30, 2004

On behalf of the Michigan Automobile Theft Prevention Authority (ATPA) Board of Directors, I am pleased to submit our 2003 Annual Report to the House. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Granholm and the Secretary of the Senate. Furthermore, individual reports are being mailed to all members of the legislature.

If you would like additional copies, please feel free to contact the ATPA at (517) 336-6197.

Sincerely,
Tadarial J. Sturdivant
Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Pastor, Amos, Milosch, Robertson, LaJoy, Hager, Drolet, Hoogendyk, Stahl, Vander Veen, Caswell, Shaffer, Nofs, Stakoe, Wenke, Nitz, Casperson, Brandenburg, Garfield, Hummel, Palmer, Farhat, Meyer, Steil, Shackleton, Pappageorge, Gaffney, Ward, Moolenaar, Van Regenmorter, Ehardt, Acciavatti, Emmons, Bradstreet, DeRoche, Kooiman, Huizenga, Ruth Johnson, Mortimer, Howell, Hune, Sheen, Rocca, Newell, Pumford, Palsrok, Tabor and Voorhees introduced

House Bill No. 5441, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30305 (MCL 324.30305), as amended by 2003 PA 14.

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

Reps. Pastor, Hager, Hoogendyk, Stahl, Shaffer, Nofs, Stakoe, Wenke, Middaugh, Caul, Brandenburg, Garfield, Hummel, Shackleton, Gaffney, Ward, Ehardt, Rocca, Farhat, Meyer, Kooiman, Sheen, Pumford, Newell, Palsrok and Voorhees introduced

House Bill No. 5442, entitled

A bill to amend 1996 PA 305, entitled "Acknowledgment of parentage act," by repealing section 6 (MCL 722.1006). The bill was read a first time by its title and referred to the Committee on Family and Children Services.

Rep. Shulman introduced

House Bill No. 5443, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5505 (MCL 324.5505).

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

Rep. Drolet introduced

House Bill No. 5444, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 4 (MCL 208.4), as amended by 2003 PA 240; and to repeal acts and parts of acts.

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

Reps. Huizenga and Lipsey introduced

House Bill No. 5445, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37c (MCL 208.37c), as amended by 2003 PA 251.

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

Rep. Ward introduced

House Bill No. 5446, entitled

A bill to amend 1945 PA 282, entitled "An act to provide for county planning; the creation, organization, powers and duties of county planning commissions," by amending section 2 (MCL 125.102).

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

Rep. Voorhees moved that the House adjourn.

The motion prevailed, the time being 4:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 4, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives