

**No. 18**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Thursday, February 26, 2004.

10:00 a.m.

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

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

Rep. Rick Shaffer, from the 59th District, offered the following invocation:

“Gracious Father in heaven, we are thankful for the beauties of this and other days. We are thankful that we can be here as servants of Thine serving in this great legislative chamber. So we would ask a blessing upon all the legislators, staff and individuals that help support Michigan government. I pray in Jesus’ name, Amen.”

**Reports of Standing Committees**

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

**House Bill No. 4234, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 9j. 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, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs and Stakoe

Nays: Reps. Woronchak, O’Neil, Minore, Farrah, Bieda, Zelenko and Condino

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 25, 2004

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

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, February 26, for her approval of the following bill:

**Enrolled House Bill No. 5154 at 9:47 a.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, February 26:

**House Bill Nos. 5597 5598**

### Introduction of Bills

Reps. Hoogendyk, Shaffer, Stahl, DeRossett, Drolet, Kooiman, Huizenga, Brandenburg, Garfield, Vander Veen, Pastor, Bradstreet, LaJoy and Sheen introduced

**House Bill No. 5599, entitled**

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 6 (MCL 408.476).

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Rep. DeRossett introduced

**House Bill No. 5600, 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 5j (MCL 28.425j), as amended by 2002 PA 719.

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

Reps. Ward, Gaffney, Moolenaar, Steil, Amos, Hune, Nofs, Stahl, Caswell and Stakoe introduced

**House Bill No. 5601, entitled**

A bill to designate an official state prisoner of war and missing in action monument.

The bill was read a first time by its title and referred to the Committee on Veterans Affairs and Homeland Security.

Reps. Gaffney, Nofs, Ward, LaSata, Meyer, Gleason, Plakas, Smith, Elkins, Hunter and Daniels introduced

**House Bill No. 5602, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3009a.

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

Reps. Law, Spade, Plakas, Tobocman, Hopgood, Farrah, O'Neil, Anderson, Kolb, Jamnick, Minore, Gillard, Elkins, Gleason, Bieda, Lipsey, Adamini, Gielegem and Wojno introduced

**House Bill No. 5603, entitled**

A bill to amend 1945 PA 72, entitled "An act to prevent the importation from other states, and the spread within this state, of all serious insect pests and contagious plant diseases and to provide for their repression and control, imposing certain powers and duties on the commissioner of agriculture; to prescribe penalties for the violation of the provisions of this act; and to repeal certain acts and parts of acts," by amending sections 6 and 9 (MCL 286.256 and 286.259).

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

Reps. Law, Spade, Plakas, Farrah, Tobocman, O'Neil, Anderson, Kolb, Jamnick, Minore, Gillard, Elkins, Gleason, Bieda, Lipsey, Adamini, Gielegem, Hopgood and Wojno introduced

**House Bill No. 5604, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12m of chapter XVII (MCL 777.12m), as amended by 2002 PA 421.

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

Rep. Phillips introduced

**House Bill No. 5605, 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; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

Rep. Whitmer introduced

**House Bill No. 5606, entitled**

A bill to make appropriations for certain capital outlay programs and state departments and agencies for the fiscal year ending September 30, 2005; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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

Rep. Kolb introduced

**House Bill No. 5607, entitled**

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers; and to repeal acts and parts of acts.

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

Rep. Williams introduced

**House Bill No. 5608, entitled**

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

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

Rep. Reeves introduced

**House Bill No. 5609, entitled**

A bill to make appropriations for the department of history, arts and libraries for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income

received by the state agencies; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

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

Rep. Hunter introduced

**House Bill No. 5610, 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. Whitmer introduced

**House Bill No. 5611, 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 those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

Rep. Williams introduced

**House Bill No. 5612, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

Rep. Williams introduced

**House Bill No. 5613, 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 those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

Rep. Whitmer introduced

**House Bill No. 5614, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2005; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; 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. Sak introduced

**House Bill No. 5615, entitled**

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

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

Rep. Whitmer introduced

**House Bill No. 5616, entitled**

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

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

Rep. Whitmer introduced

**House Bill No. 5617, entitled**

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

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

Rep. Plakas introduced

**House Bill No. 5618, 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; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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

Rep. Whitmer introduced

**House Bill No. 5619, 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 those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Whitmer introduced

**House Bill No. 5620, entitled**

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

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

Rep. Whitmer introduced

**House Bill No. 5621, entitled**

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

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

Rep. Plakas introduced

**House Bill No. 5622, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11b, 11f, 11g, 11j, 13, 15, 18, 18a, 19, 20, 20j, 21b, 22a, 22b, 24, 26, 26a, 31a, 31d, 32c, 32d, 32f, 32j, 39a, 41, 41a, 51a, 51c,

51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 104a, 107, 147, 152, 158b and 163 (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611b, 388.1611f, 388.1611g, 388.1611j, 388.1613, 388.1615, 388.1618, 388.1618a, 388.1619, 388.1620, 388.1620j, 388.1621b, 388.1622a, 388.1622b, 388.1624, 388.1626, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1632f, 388.1632j, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1747, 388.1752, 388.1758b and 388.1763), sections 11 and 26a as amended by 2003 PA 236, sections 11b, 32j, 41a, and 98b as added and sections 3, 6, 11f, 11g, 11j, 18, 19, 20, 22a, 22b, 24, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 101, 104a, 107, and 147 as amended by 2003 PA 158, and section 32f as amended by 2002 PA 521, and section 20j as amended by 2001 PA 121, and sections 21b, 152 and 163 as amended by 2000 PA 297, and section 13 as amended by 1999 PA 119; and section 26 as amended by 1997 PA 93, and sections 15 and 18a as amended by 1996 PA 300, and section 4 as amended by 1995 PA 130, and section 158b as added by 1994 PA 283, and by adding sections 20l, 32, 61b and 107b; and to repeal acts and parts of acts.

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

Reps. Tobocman, Hunter and Meisner introduced

**House Bill No. 5623, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 3a (MCL 125.583a).

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

Reps. Hoogendyk, Shaffer, Stahl, DeRossett, Drolet, Kooiman, Huizenga, Brandenburg, Garfield, Vander Veen and Pastor introduced

**House Bill No. 5624, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 9, 39e, and 73 (MCL 208.9, 208.39e, and 208.73), section 9 as amended by 2001 PA 230, section 39e as amended by 2002 PA 622, and section 73 as amended by 1995 PA 80.

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

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

GARY L. RANDALL  
Clerk of the House of Representatives