

No. 46
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House of Representatives
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House Chamber, Lansing, Tuesday, May 25, 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—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—present	Mortimer—present	Stakoe—present
Bradstreet—present	Hood—excused	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—excused	Van Regenmorter—present
Clack—present	Jamnack—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—excused	Voorhees—present
Daniels—present	Johnson, Ruth—excused	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—excused	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present

e/d/s = entered during session

Rep. Barbara A. Farrah, from the 13th District, offered the following invocation:

“God bless us today as we gather in this Chamber. Guide over us and watch over us, as we make the laws to govern our state. Guide us and help us make the best decisions to make this state the great place that we know it can be. Please bless those that were victims of the floods across our state. Watch over them and protect their families. In God’s name, we pray. Amen.”

Rep. Palmer moved that Reps. Ruth Johnson and Pappageorge be excused from today’s session.
The motion prevailed.

Rep. Waters moved that Reps. Hood, Phillips and Reeves be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5660, 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.

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

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

Rep. LaJoy moved to amend the bill as follows:

1. Amend page 4, line 12, after “**expansion**” by striking “**or renovation**”.
2. Amend page 4, line 13, after “**expansion**” by striking “**or renovation**”.
3. Amend page 4, line 22, after “**exceeds**” by striking out “**the actual and necessary costs incurred by the local zoning authority for its activities**” and inserting “**\$250 for an applicable administrative review or \$1500 for total costs incurred by a local zoning authority**”.
4. Amend page 5, following line 1, by inserting:
“**(9) As used in subsections (4) to (8), “local zoning authority” means the zoning authority for the jurisdiction in which the construction or expansion of a school is to occur.**”.

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

Rep. Pumford moved to amend the bill as follows:

1. Amend page 4, line 8, by striking out all of subdivision **(b)** and relettering the remaining subdivisions.

The question being on the adoption of the amendment offered by Rep. Pumford,

Rep. Pumford demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Pumford,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 385

Yeas—54

Accavitti	Farrah	Lipsey	Spade
Adamini	Gaffney	McConico	Stallworth
Anderson	Gielegem	Meisner	Stewart
Bieda	Gillard	Minore	Tobocman
Brown	Gleason	Murphy	Vagnozzi
Byrum	Hager	O’Neil	Walker
Caswell	Hardman	Palsrok	Waters

Caul	Hart	Plakas	Whitmer
Cheeks	Hopgood	Pumford	Williams
Clack	Hunter	Rivet	Wojno
Condino	Jamnack	Sak	Woodward
Daniels	Kolb	Sheltrown	Woronchak
Dennis	LaSata	Smith	Zelenko
Elkins	Law		

Nays—47

Acciavatti	Hoogendyk	Milosch	Sheen
Amos	Howell	Moolenaar	Stahl
Bisbee	Huizenga	Newell	Stakoe
Bradstreet	Hummel	Nitz	Steil
Brandenburg	Hune	Nofs	Tabor
Casperson	Johnson, Rick	Palmer	Taub
DeRoche	Julian	Pastor	Van Regenmorter
DeRossett	Koetje	Richardville	Vander Veen
Drolet	Kooiman	Robertson	Voorhees
Emmons	LaJoy	Rocca	Ward
Farhat	Meyer	Shackleton	Wenke
Garfield	Middaugh	Shaffer	

In The Chair: Julian

Rep. LaJoy 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. 5660, 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.

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

Roll Call No. 386**Yeas—55**

Acciavatti	Gaffney	Milosch	Sheen
Amos	Garfield	Moolenaar	Shulman
Bisbee	Hoogendyk	Mortimer	Stahl
Bradstreet	Howell	Newell	Stakoe
Brandenburg	Huizenga	Nitz	Steil
Casperson	Hummel	Nofs	Tabor
Caswell	Hune	Palmer	Taub
Caul	Johnson, Rick	Palsrok	Van Regenmorter
DeRoche	Julian	Pastor	Vander Veen
DeRossett	Koetje	Richardville	Voorhees
Drolet	Kooiman	Robertson	Walker
Ehardt	LaJoy	Rocca	Ward

Emmons
Farhat

Meyer
Middaugh

Shackleton
Shaffer

Wenke

Nays—48

Accavitti
Adamini
Anderson
Bieda
Brown
Byrum
Cheeks
Clack
Condino
Daniels
Dennis
Elkins

Farrah
Gieleghem
Gillard
Gleason
Hager
Hardman
Hart
Hopgood
Hunter
Jammnick
Kolb
LaSata

Law
Lipsey
McConico
Meisner
Minore
Murphy
O'Neil
Plakas
Pumford
Sak
Sheltrown
Smith

Spade
Stallworth
Stewart
Tobocman
Vagnozzi
Waters
Whitmer
Williams
Wojno
Woodward
Woronchak
Zelenko

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.

Reps. Zelenko, Law and Hopgood, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 5660 for the simple reason that it discriminates against traditional public schools. Although there is merit to the idea of providing a process for local zoning authorities to have input in school construction decisions, it is only fair that all schools are subject to that process. There is no reason that charter schools should be exempt from the planning process provided in the bill.”

Rep. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

While I found some merit in HB 5660, particularly the idea of providing a process for local zoning authorities to have input in school construction decisions, I voted no on passage for the simple reason that it discriminates against traditional public schools. It is only fair that all schools are subject to that process. There is no reason that charter schools should be exempt from the planning process provided in the bill. As the amendment which would have addressed this discrepancy was not adopted by the House, I voted no on this bill.”

Second Reading of Bills

Senate Bill No. 912, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), as added by 2002 PA 31.

The bill was read a second time.

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

The motion prevailed.

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

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

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

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

Senate Bill No. 912, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as added by 2002 PA 31.

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

Roll Call No. 387

Yeas—103

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

Nays—0

In The Chair: Julian

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

"An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal

offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,"

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 913, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 5 (MCL 28.295), as amended by 1984 PA 335.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 913, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 5 (MCL 28.295), as amended by 1984 PA 335.

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

Roll Call No. 388

Yeas—104

Accavitti	Farrah	McConico	Sheltrown
Acciavatti	Gaffney	Meisner	Shulman
Adamini	Garfield	Meyer	Smith
Amos	Gielegem	Middaugh	Spade
Anderson	Gillard	Milosch	Stahl
Bieda	Gleason	Minore	Stakoe
Bisbee	Hager	Moolenaar	Stallworth
Bradstreet	Hardman	Mortimer	Steil
Brandenburg	Hart	Murphy	Stewart
Brown	Hoogendyk	Newell	Tabor
Byrum	Hopgood	Nitz	Taub
Casperson	Howell	Nofs	Tobocman
Caswell	Huizenga	O'Neil	Vagnozzi
Caul	Hummel	Palmer	Van Regenmorter
Cheeks	Hune	Palsrok	Vander Veen
Clack	Hunter	Pastor	Voorhees
Condino	Jamnick	Plakas	Walker
Daniels	Johnson, Rick	Pumford	Ward
Dennis	Julian	Richardville	Waters
DeRoche	Koetje	Rivet	Wenke
DeRossett	Kolb	Robertson	Whitmer

Drolet	Kooiman	Rocca	Williams
Ehardt	LaJoy	Sak	Wojno
Elkins	LaSata	Shackleton	Woodward
Emmons	Law	Shaffer	Woronchak
Farhat	Lipsey	Sheen	Zelenko

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. 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. Woronchak, Farrah, Accavitti, Bieda, Condino, Gillard, Hummel, Jamnick, Lipsey, Milosch, Palsrok, Sheltrown, Spade, Vagnozzi, Wojno, Brandenburg, Byrum, DeRossett, Ehardt, Gielegem, Hopgood, Koetje, Kooiman, Law, Meyer, Middaugh, Minore, O'Neil, Palmer, Richardville, Robertson, Sak, Shaffer, Sheen, Taub, Vander Veen, Voorhees, Zelenko, Garfield, Pastor, Stallworth, Acciavatti, Adamini, Anderson, Brown, Caswell, Daniels, Dennis, Elkins, Emmons, Gleason, Hardman, Huizenga, Murphy, Nitz, Nofs, Shulman, Stakoe, Stewart, Tabor, Tobocman, Woodward and Caul offered the following resolution:

House Resolution No. 266.

A resolution honoring the 596th Signal Aircraft Warning Battalion of the 5th Air Force who fought to defend our freedom during World War II.

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

Whereas, Freedom is not free! We honor those brave soldiers who fought to defend the freedoms that today are all too often taken for granted. We pause to recognize the members of the 596th Signal Aircraft Warning Battalion of the 5th Air Force who lost their lives and those who were wounded in combat protecting our freedoms during World War II as they gather once again for a remembrance of their; and

Whereas, Members of the 596th began their journey together on July 11, 1943, training at Camp Weatherhead in Bradenton, Florida. As they began they could not have known of the true scale of what they were about to embark on. Following training, they soon found themselves in the South Pacific. Frequenting such hotbeds of conflict as New Guinea and Wake Island, the 596th was essential in the fight against tyranny and oppression, before returning back to the United States in January of 1946; and

Whereas, Winston Churchill once said, "Never in the field of human conflict was so much owed by so many to so few." Surely, the cause of freedom was greatly enriched by the sacrifices of these selfless men. Each citizen in the free world owes each of them a debt of gratitude. Perhaps just as important, however, are the bonds of friendship that were built between them. Driven by common experiences and a genuine care for each other, this group of men make it a priority to periodically meet at locations around the United States for a reunion; and

Whereas, We welcome the living heroes of the 596th Signal Aircraft Warning Battalion of the 5th Air Force and their families to the great state of Michigan for their 61st anniversary of their journey through the Pacific Theater. We wish to extend our highest regard and heartfelt thanks for your service to our country; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the 596th Signal Aircraft Warning Battalion who fought to defend our freedom during World War II as they reunite for the 28th time. We wish to extend our highest regard and heartfelt thanks for their service to our country; and be it further

Resolved, That a copy of this resolution is transmitted to the living heroes of the 596th Signal Aircraft Warning Battalion as evidence of our sincere gratitude to those who were willing to pay the ultimate price to protect our freedom and liberty.

Pending the reference of the resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Gielegem, Accavitti, Bieda, Condino, Farrah, Gillard, Jamnick, Lipsey, Sheltroun, Spade, Vagnozzi, Wojno, Brandenburg, Byrum, DeRossett, Ehardt, Hopgood, Kooiman, Law, Minore, O'Neil, Richardville, Sak, Taub, Voorhees, Zelenko, Garfield, Plakas, Stallworth, Acciavatti, Adamini, Anderson, Brown, Daniels, Dennis, Elkins, Emmons, Gleason, Hardman, Murphy, Shulman, Stakoe, Stewart, Tobocman and Woodward offered the following resolution:

House Resolution No. 267.

A resolution commemorating June 2004 as Michigan Trails and Greenways Month and June 12, 2004, as Michigan Trails and Greenways Day in Michigan.

Whereas, The Michigan Trails and Greenways System is a statewide system of protected open space corridors throughout Michigan's communities and countryside, many featuring broad-surfaced trails perfect for varied recreational activities and accessible to everyone; and

Whereas, Trails and Greenways preserve important natural landscapes and protect plant and animal species. Many of these paths follow inactive railroad lines, natural shorelines, and other corridors. Linking together whenever possible, the statewide network of trails and greenways will connect our communities, parks, public lands, and historic and natural resources; and

Whereas, This statewide network, known as the Discover Michigan Trail System, encompasses over 2,000 miles of locally controlled trails, creating a web of activity that stretches from Lake Huron to Lake Michigan, from the southern state line to the Mackinac Straits and across the Upper Peninsula; and

Whereas, Nine regional initiatives of local governments across Michigan are collaborating across multiple jurisdictions to interconnect their individual trails into the statewide system; and

Whereas, This system offers an unlimited potential for year-round recreation. Often surrounded by attractive natural areas, they're great places for the people of our communities to bicycle, walk, run, hike, ski, ride horses, and even snowmobile; and

Whereas, As the trailway system expands and becomes well-known, Michigan's reputation as a leader in great outdoor recreation will grow along with it. Visitors drawn to our state by the system will benefit the entire state's tourism economy. It is appropriate to commemorate and designate June 2004 as Michigan's Trails and Greenways Month; and

Whereas, It is clear that many generations to come will enjoy the trails and greenways and make it part of their lives and the memories of their best times with family and friends; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate June 2004 as Michigan Trails and Greenways Month, and June 12, 2004, as Michigan Trails and Greenways Day in Michigan. We encourage all citizens to support the efforts of these trails and greenways resources in their communities.

Pending the reference of the resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Spade, Accavitti, Bieda, Condino, Farrah, Gillard, Jamnick, Lipsey, Milosch, Palsrok, Sheltroun, Vagnozzi, Wojno, Brandenburg, Byrum, DeRossett, Ehardt, Gielegem, Hopgood, Kooiman, Law, Minore, O'Neil, Richardville, Sak, Taub, Voorhees, Zelenko, Clack, Garfield, Plakas, Stallworth, Acciavatti, Adamini, Anderson, Brown, Caswell, Daniels, Dennis, Elkins, Emmons, Gleason, Hardman, Murphy, Nitz, Shulman, Stakoe, Stewart, Tabor, Tobocman and Woodward offered the following resolution:

House Resolution No. 268.

A resolution commemorating May 24 through May 30, 2004, as Emerald Ash Borer Awareness Week in the state of Michigan.

Whereas, There are 700 million ash trees that blanket the great state of Michigan contributing to air quality, natural landscapes, recreational destinations, wildlife habitats, tourism, manufacturing, commerce and property/land values; and

Whereas, Increasing public awareness and understanding of the Emerald Ash Borer (EAB), a destructive exotic beetle, benefits the state of Michigan by curtailing the artificial spread of the beetle through the movement of firewood thus reducing the need for government, businesses, industry and citizens to expend additional resources to control and eradicate new EAB infestations; and

Whereas, Fostering a cooperative spirit and encouraging environmental stewardship throughout the state ultimately reduces the risk to the ash resource of Michigan and enables the redirection of financial and human resources to support the current Emerald Ash Borer Task Force and its response efforts; and

Whereas, Spring and Memorial Day weekend mark the beginning of the travel and tourism season in Michigan; and

Whereas, Emerald Ash Borer Awareness Week is an opportunity for government to join forces with business, industry, environmental groups, community organizations and citizens to take action against the artificial spread and introduction of EAB; and

Whereas, By citizens understanding and becoming aware of the EAB quarantine, they will contribute to the protection of Michigan's forests and reduce the spread of the EAB's costly damage; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate May 24 through May 30, 2004, as Emerald Ash Borer Awareness Week in the state of Michigan; and be it further;

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Agriculture.

The resolution was referred to the Committee on Agriculture and Resource Management.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, May 19:

Senate Bill Nos. 1244 1245 1246 1247 1248 1249

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, May 20, for her approval of the following bills:

Enrolled House Bill No. 4867 at 3:41 p.m.

Enrolled House Bill No. 5331 at 3:43 p.m.

Enrolled House Bill No. 5341 at 3:45 p.m.

Enrolled House Bill No. 5666 at 3:47 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, May 21:

House Bill Nos. 5928 5929 5930 5931 5932

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, May 25, for her approval of the following bills:

Enrolled House Bill No. 5105 at 9:55 a.m.

Enrolled House Bill No. 5500 at 9:57 a.m.

The Clerk announced that the following Senate bills had been received on Tuesday, May 25:

Senate Bill Nos. 151 722 723 736

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

House Bill No. 5034, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2a and 34c (MCL 211.2a and 211.34c), section 2a as amended by 1982 PA 539 and section 34c as amended by 2002 PA 620; and to repeal acts and parts of acts.

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. Ward, DeRossett, Hager, Stakoe, Jamnick and Accavitti

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, May 25, 2004

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

Absent: Reps. Robertson, Wenke and Hardman

Excused: Reps. Robertson, Wenke and Hardman

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

House Bill No. 5928, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 350a and 430 (MCL 750.350a and 750.430), section 350a as amended by 1996 PA 14 and section 430 as amended by 2003 PA 235.

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, Bradstreet, Voorhees, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

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

House Bill No. 5932, entitled

A bill to amend 1925 PA 289, entitled "An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act," by amending section 3 (MCL 28.243), as amended by 2002 PA 694.

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

1. Amend page 6, line 25, by striking out subdivision (g).

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, Koetje, Voorhees, Gaffney, Lipsey, Adamini, 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, May 25, 2004

Present: Reps. Howell, Bradstreet, Koetje, Voorhees, Gaffney, Lipsey, Adamini, Bieda, Condino and Smith

Absent: Reps. LaSata, Van Regenmorter, Pappageorge, Garfield and Wenke

Excused: Reps. LaSata, Van Regenmorter, Pappageorge, Garfield and Wenke

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported
House Bill No. 4930, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 515 (MCL 436.1515).

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

1. Amend page 1, line 8, by striking out "**class C**" and inserting "**tavern**".

The bill and amendment 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. Rocca, Gaffney, Bisbee, Julian, Palsrok, Sheen, Wojno, Meisner, Hoppood and Gielegghem

Nays: Rep. DeRoche

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported
House Bill No. 5492, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 514a.

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. Rocca, Gaffney, Julian, Palsrok, Sheen, Wojno, Meisner, Hoppood and Gielegghem

Nays: Rep. DeRoche

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported
House Bill No. 5658, entitled

A bill to amend 1965 PA 285, entitled "Private detective license act," by amending section 26 (MCL 338.846), as amended by 2002 PA 474, and by adding section 26a.

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. Rocca, Gaffney, Bisbee, Julian, DeRoche, Palsrok and Sheen

Nays: None

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported
Senate Bill No. 874, entitled

A bill to amend 1998 PA 492, entitled "An act to authorize the state administrative board to convey certain parcels of state owned property in Oakland county and Genesee county; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to that property; to prescribe conditions for the conveyances; and to provide for disposition of the revenue derived from the conveyances; and to alter certain use restrictions," by amending section 3.

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. Rocca, Gaffney, Bisbee, Julian, DeRoche, Palsrok, Sheen, Wojno and Meisner

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, May 25, 2004

Present: Reps. Rocca, Gaffney, Bisbee, Julian, DeRoche, Palsrok, Sheen, Wojno, Meisner, Hopgood and Gielegem

The Committee on Veterans Affairs and Homeland Security, by Rep. Nofs, Chair, reported

House Bill No. 5601, entitled

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

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. Nofs, Garfield, Richardville, Woronchak, Casperson, Spade and Elkins

Nays: None

The Committee on Veterans Affairs and Homeland Security, by Rep. Nofs, Chair, reported

House Bill No. 5865, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by amending section 1c (MCL 35.601c), as amended by 1980 PA 353.

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. Nofs, Garfield, Woronchak, Casperson, Sheltroun, Spade and Elkins

Nays: None

The Committee on Veterans Affairs and Homeland Security, by Rep. Nofs, Chair, reported

House Bill No. 5866, entitled

A bill to establish an undergraduate tuition waiver program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition waiver program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

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. Nofs, Garfield, Woronchak, Casperson, Sheltroun, Spade and Elkins

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Tuesday, May 25, 2004

Present: Reps. Nofs, Garfield, Richardville, Woronchak, Casperson, Sheltroun, Spade and Elkins

Absent: Reps. Pappageorge, Ruth Johnson and Woodward

Excused: Reps. Pappageorge, Ruth Johnson and Woodward

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported
House Bill No. 5709, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37g. 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. Meyer, Nitz, DeRossett, Hager, Casperson and Stahl

Nays: None

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported
House Bill No. 5710, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37f. Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Meyer, Nitz, DeRossett, Hager, Casperson and Stahl

Nays: None

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported
House Bill No. 5711, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269. 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. Meyer, Nitz, DeRossett, Hager, Casperson, Stahl and Law

Nays: Rep. Sheltroun

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported
House Resolution No. 262.

A resolution to urge the Governor to ban the import into Michigan of any products that could be hosts for the fungus-like pathogen that causes Sudden Oak Death.

(For text of resolution, see House Journal No. 44, p. 1015.)

With the recommendation that the following substitute (H-1) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 262.

A resolution to urge the United States Department of Agriculture and the Michigan Department of Agriculture to expedite all efforts to prevent the spread of Sudden Oak Death into Michigan.

Whereas, Several states, most notably California, are presently dealing with a serious threat to plant life known as Sudden Oak Death (SOD). This disease, which is caused by a fungus-like pathogen called *Phyophthora ramorum*, represents a potentially devastating situation for many species of trees and shrubs important to Michigan and much of the country. In addition to being found in several counties in California and in Oregon, the disease may also have spread to several other states. This disease is also a notable concern in Europe; and

Whereas, The SOD fungus-like pathogen prefers wet climates, and its spores apparently can be spread through the air or through water. With these characteristics, Michigan and its forestlands would seem to be quite vulnerable to SOD. This is an issue with ramifications that extend far beyond nurseries in our state; and

Whereas, Nearly 60 plant species have been identified by the USDA as either associated with or confirmed hosts of *Phytophthora ramorum*, the fungus-like pathogen that causes Sudden Oak Death. The federal government has initiated a variety of efforts to deal with this problem, including an emergency order (April 2004) restricting interstate movement of all California nursery stock and inspection and survey initiatives to monitor conditions. The Michigan Department of Agriculture is actively involved in this work; and

Whereas, With the diversity of Michigan's plant life, the seemingly favorable conditions of our climate, and the devastation that could result if this disease were to become established here, Michigan clearly needs to be extremely vigilant and take full advantage of all available federal funding to ensure that Sudden Oak Death does not become established in our state; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Department of Agriculture and the Michigan Department of Agriculture to expedite all efforts to prevent the spread of Sudden Oak Death into Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Agriculture and the Michigan Department of Agriculture.

The resolution and substitute were laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Meyer, Nitz, DeRossett, Hager, Casperson, Stahl, Sheltroun, Spade and Law

Nays: None

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, May 25, 2004

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

Absent: Rep. Hune

Excused: Rep. Hune

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

House Bill No. 5243, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8 (MCL 125.2688), as amended by 2003 PA 93, and by adding section 8d.

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. Bisbee, Howell, Koetje, Middaugh, Palmer, Huizenga, Hune, Milosch, Palsrok, Wenke, Rivet, O'Neil, McConico, Lipsey, Tobocman and Accavitti

Nays: None

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

House Bill No. 5877, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 6 and 9i (MCL 290.646 and 290.649i), as amended by 2002 PA 13.

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, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Milosch, Palsrok and Wenke
Nays: Reps. O'Neil, McConico, Lipsey, Tobocman and Accavitti

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

House Bill No. 5883, entitled

A bill to amend 1965 PA 285, entitled "Private detective license act," by amending sections 9, 11, and 26 (MCL 338.829, 338.831, and 338.846), as amended by 2002 PA 474.

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, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Milosch, Palsrok and Wenke

Nays: Reps. O'Neil, McConico, Lipsey, Tobocman and Accavitti

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

House Bill No. 5891, entitled

A bill to amend 1986 PA 135, entitled "Asbestos abatement contractors licensing act," by amending sections 209 and 211 (MCL 338.3209 and 338.3211), section 209 as amended by 1993 PA 55 and section 211 as amended by 1998 PA 132.

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, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Milosch, Palsrok and Wenke

Nays: Reps. O'Neil, McConico, Lipsey, Tobocman and Accavitti

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

House Bill No. 5902, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 207, 405, 409, and 411 (MCL 339.207, 339.405, 339.409, and 339.411), section 405 as added by 1988 PA 463 and sections 409 and 411 as amended by 2002 PA 611.

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, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Milosch, Palsrok and Wenke

Nays: Reps. O'Neil, McConico, Lipsey, Tobocman and Accavitti

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

House Bill No. 5904, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending section 4a (MCL 408.754a), as amended by 1986 PA 277.

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, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Milosch, Palsrok and Wenke

Nays: Reps. O'Neil, McConico, Lipsey, Tobocman and Accavitti

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

Senate Bill No. 320, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

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, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Milosch, Palsrok, Wenke, Rivet, O'Neil, Tobocman and Accavitti

Nays: Reps. McConico and Lipsey

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 25, 2004

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

Absent: Rep. Murphy

Excused: Rep. Murphy

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

House Bill No. 5328, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17753.

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, Woronchak, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil and Gillard

Nays: None

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

House Bill No. 5549, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2001 PA 231.

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. Ehardt, Vander Veen, Rocca, Hart, Woronchak, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil and Gillard

Nays: None

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

Senate Bill No. 296, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406l. 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, Woronchak, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil and Gillard

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, May 25, 2004

Present: Reps. Ehardt, Vander Veen, Rocca, Hart, Woronchak, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil and Gillard

Absent: Reps. Ruth Johnson, Van Regenmorter and Clack

Excused: Reps. Ruth Johnson, Van Regenmorter and Clack

Messages from the Senate

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. The Senate has amended the bill as follows:

1. Amend page 1, line 5, after "to" by striking out the balance of the line and inserting "any of the following:

(a) A licensed physician.

(b) A licensed physician's assistant who performs such a procedure in a health care facility.

(c) A certified nurse practitioner who performs such a procedure in a health care facility.".

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.

House Bill No. 5692, entitled

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

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. 5693, 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 2004 PA 2.

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.

Senate Bill No. 151, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 6 of chapter V (MCL 765.6), as amended by 1988 PA 46.

The Senate has passed the bill.

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

Senate Bill No. 722, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 14501 (MCL 324.14501), as amended by 1998 PA 289, and by adding section 14514.

The Senate has passed the bill.

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

Senate Bill No. 723, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 14513 (MCL 324.14513), as added by 1998 PA 289.

The Senate has passed the bill.

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

Senate Bill No. 736, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 717 (MCL 257.717), as amended by 2002 PA 552.

The Senate has passed the bill.

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

Messages from the Governor

Date: May 20, 2004

Time: 9:07 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4937 (Public Act No. 103, I.E.), being

An act to amend 1965 PA 290, entitled "An act to regulate the use, construction, installation and repair of boilers; to create a board of boiler rules; to prescribe uniform rules and regulations for boilers; to provide for the licensing of boiler inspectors, installers and repairers; to provide fees for licenses, permits, inspections and certificates; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts," by amending sections 2, 3, and 7a (MCL 408.752, 408.753, and 408.757a), sections 2 and 3 as amended by 1986 PA 277 and section 7a as amended by 1982 PA 176.

(Filed with the Secretary of State May 20, 2004, at 10:52 a.m.)

Date: May 20, 2004

Time: 9:09 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5026 (Public Act No. 104, I.E.), being

An act to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 411a (MCL 750.411a), as amended by 2002 PA 672.

(Filed with the Secretary of State May 20, 2004, at 10:54 a.m.)

Date: May 20, 2004

Time: 9:11 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5182 (Public Act No. 105, I.E.), being

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be

brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 5714, 5735, and 5744 (MCL 600.5714, 600.5735, and 600.5744), section 5714 as amended by 1990 PA 310 and section 5735 as amended by 2001 PA 162.

(Filed with the Secretary of State May 20, 2004, at 10:56 a.m.)

Date: May 20, 2004

Time: 9:13 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5197 (Public Act No. 106, I.E.), being

An act to amend 1846 RS 66, entitled "Of estates in dower, by the curtesy, and general provisions concerning real estate," by amending section 34 (MCL 554.134), as amended by 1990 PA 311.

(Filed with the Secretary of State May 20, 2004, at 10:58 a.m.)

Date: May 20, 2004

Time: 9:17 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5545 (Public Act No. 108, I.E.), being

An act to amend 1993 PA 331, entitled "An act to provide for the levy and collection of a state education tax; to provide for the distribution of the tax; and to prescribe the duties of certain local officials and state officers," by amending section 5b (MCL 211.905b), as added by 2002 PA 244.

(Filed with the Secretary of State May 20, 2004, at 11:02 a.m.)

Date: May 20, 2004

Time: 9:19 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5093 (Public Act No. 109, I.E.), being

An act to amend 1943 PA 240, entitled "An act to provide for a state employees' retirement system; to create a state employees' retirement board and prescribe its powers and duties; to establish certain funds in connection with the retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; to prescribe and make appropriations for the retirement system; and to prescribe penalties and provide remedies," by amending sections 17g, 23, 27, 33, and 67a (MCL 38.17g, 38.23, 38.27, 38.33, and 38.67a), sections 17g, 23, and 27 as amended by 1987 PA 241, section 33 as amended by 2002 PA 93, and section 67a as added by 1996 PA 487, and by adding section 27a.

(Filed with the Secretary of State May 20, 2004, at 11:04 a.m.)

Date: May 21, 2004

Time: 8:45 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5281 (Public Act No. 113, I.E.), being

An act to amend 1956 PA 218, entitled "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," (MCL 500.100 to 500.8302) by adding section 410a.

(Filed with the Secretary of State May 21, 2004, at 9:26 a.m.)

Communications from State Officers

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

Notices of Filing Administrative Rules

April 21, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:20 P.M. this date, administrative rule (04-04-01) for the Department of Community Health, Bureau of Children and Family Programs, entitled "*Hearing Screening of Preschool and School-age Children*", effective 7 days after filing with the Secretary of State.

April 21, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:24 P.M. this date, administrative rule (04-04-02) for the Department of Labor and Economic Growth, Director's Office, entitled "*Part II. Premanufactured Units*", effective June 1, 2004.

May 12, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:31 P.M. this date, administrative rule (04-05-01) for the Department of Environmental Quality, Air Quality Division, entitled "*Part 8. Emission of Oxides of Nitrogen From Stationary Sources*", effective 7 days after filing with the Secretary of State.

May 12, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:33 P.M. this date, administrative rule (04-05-02) for the Department of Community Health, Director's Office, entitled "*EMS – Personnel Licensure and Regulation Rules*", effective 7 days after filing with the Secretary of State.

May 12, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:35 P.M. this date, administrative rule (04-05-03) for the Department of Community Health, Director's Office, entitled "*EMS – Organization Licensure Rules*", effective 7 days after filing with the Secretary of State.

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

The communications were referred to the Clerk.

Introduction of Bills

Reps. Hoogendyk, Milosch, Wenke, DeRossett, Huizenga, Sheen, Ehardt, Wojno, O'Neil, Lipsey, Reeves, Gielegghem and LaSata introduced

House Bill No. 5933, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 35 and 37 (MCL 791.235 and 791.237), section 35 as amended by 1998 PA 315 and section 37 as amended by 1994 PA 217, and by adding section 34b.

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

Reps. LaSata, Hoogendyk, Milosch, Wenke, DeRossett, Huizenga, Sheen, Ehardt, Wojno, O'Neil, Lipsey and Gielegghem introduced

House Bill No. 5934, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 67 (MCL 791.267), as amended by 1996 PA 565.

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

Reps. Reeves, LaSata, Hoogendyk, Milosch, Wenke, DeRossett, Huizenga, Ehardt, Wojno, O'Neil, Lipsey and Gielegghem introduced

House Bill No. 5935, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 37a.

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

Reps. Lipsey, Hoogendyk, Milosch, Wenke, DeRossett, Huizenga, Pappageorge, Sheen, Ehardt, Wojno, O'Neil, Reeves, Gielegghem and LaSata introduced

House Bill No. 5936, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2004 PA 52.

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

Reps. Wenke, Hoogendyk, LaSata, Milosch, Huizenga, Sheen, Ehardt, Wojno, O'Neil, Lipsey, Reeves and Gielegghem introduced

House Bill No. 5937, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 1 (MCL 28.291), as amended by 1997 PA 99.

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

Reps. Lipsey, Hopgood, Bieda, Wenke, Wojno, Palsrok, Howell, Law, Kolb, Gleason, Gaffney, Huizenga, Nitz, Accavitti and Minore introduced

House Bill No. 5938, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending the title and sections 2, 4, 4a, 12, 14, and 24 (MCL 408.752, 408.754, 408.754a, 408.762, 408.764, and 408.774), sections 2 and 4a as amended by 1986 PA 277 and section 4 as amended by 1980 PA 274, and by adding sections 13a, 13b, 13c, and 13d.

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

Reps. Ehardt, Brandenburg, Drolet, Rocca, Kooiman, Caul, Stahl, Bradstreet, Hart, Vander Veen, DeRoche, Hummel, Hager, Sheen, Milosch, Shackleton, Huizenga, Palsrok, Tabor, Robertson, Wenke, Shaffer, Casperson, Hoogendyk, Farhat, Koetje, O'Neil, Sheltroun, Rivet, Spade and Richardville introduced

House Bill No. 5939, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

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

Reps. Farhat, Brandenburg, Drolet, Garfield, Rocca, Kooiman, Caul, Hummel, Acciavatti, LaJoy, Ehardt, Bradstreet, Sheen, Milosch, Shackleton, Huizenga, Palsrok, Tabor, Robertson, Wenke, Shaffer, Casperson, Hoogendyk, Koetje, Stahl, O'Neil, Sheltroun, Rivet, Spade and Richardville introduced

House Bill No. 5940, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407c.

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

Reps. Sheen, Brandenburg, Drolet, Garfield, Rocca, Kooiman, Caul, Stahl, Bradstreet, Hart, Vander Veen, DeRoche, Milosch, Shackleton, Huizenga, Palsrok, Tabor, Robertson, Wenke, Shaffer, Casperson, Hoogendyk, Farhat, Koetje, O'Neil, Sheltroun, Rivet, Spade and Richardville introduced

House Bill No. 5941, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402d.

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

Reps. Nitz, Julian, Caswell, Garfield, Brandenburg, Hune, Meyer, Huizenga, Milosch, Stahl, Walker, Tabor, Sheen, Emmons, Plakas, Gleason, Zelenko, Richardville, Gillard, O'Neil, Lipsey, Pumford, Ehardt, Newell, DeRossett, Voorhees, Moolenaar, Hager, Kooiman and Vander Veen introduced

House Bill No. 5942, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 2, 3, and 5 (MCL 290.642, 290.643, and 290.645), section 2 as amended by 1993 PA 236 and sections 3 and 5 as amended by 2002 PA 13.

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

Reps. Nitz, Richardville, Caswell, Casperson, Julian, Garfield, Drolet, Brandenburg, Hune, Meyer, Ward, Huizenga, Milosch, Stahl, Wenke, Tabor, Sheen, Emmons, Daniels, Vagnozzi, Spade, Plakas, Gleason, Zelenko, Sheltroun, Elkins, Rivet, Rocca, Pastor, Lipsey, Shackleton, Shaffer, Van Regenmorter, Bisbee, Acciavatti, Hoogendyk, Bradstreet, Woronchak, Stakoe, Nofs, Ehardt, Newell, DeRossett, Amos, Voorhees, Moolenaar, Farhat, Walker, Kooiman, Caul and Vander Veen introduced

House Bill No. 5943, entitled

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

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

Rep. Garfield moved that the House adjourn.
The motion prevailed, the time being 3:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, May 26, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

