

No. 50
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House Chamber, Lansing, Wednesday, June 2, 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—present	Murphy—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—present	Hopgood—present	Nitz—present	Stewart—present
Byrum—present	Howell—present	Nofs—present	Tabor—present
Casperson—present	Huizenga—present	O’Neil—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—excused	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—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—excused	Shaffer—present	Zelenko—present
Gaffney—present			

e/d/s = entered during session

Rep. Ruth Ann Jammick, from the 54th District, offered the following invocation:

“These are the words of Christopher Walker:

Take The Word Of God With You

Take the word of God with you as you go.
Take the seeds of God’s word and make them grow.

Take the peace of God with you as you go.
Take the seeds of God’s peace and make them grow.

Take the joy of God with you as you go.
Take the seeds of God’s joy and make them grow.

Take the love of God with you as you go.
Take the seeds of God’s love and make them grow.

Go in peace to serve the world.
Take the love of God with you as you go.

Thank you.”

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

Rep. Spade moved that Rep. Clack be excused temporarily from today’s session.
The motion prevailed.

Rep. Nitz moved that Rep. Mortimer be excused temporarily from today’s session.
The motion prevailed.

Messages from the Senate

The Speaker laid before the House

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.

(The bill was received from the Senate on May 4, with amendments and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 5, see House Journal No. 37, p. 827.)

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

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

Roll Call No. 421

Yeas—104

Accavitti
Acciavatti
Adamini
Amos

Garfield
Gielegthem
Gillard
Gleason

Meisner
Meyer
Middaugh
Milosch

Sheltrown
Shulman
Smith
Spade

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

Nays—0

In The Chair: Julian

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

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 421. Had I been present, I would have voted ‘yea’.”

Second Reading of Bills

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.

The bill was read a second time.

Rep. Gaffney moved to amend the bill as follows:

1. Amend page 4, line 19, after “altered” by striking out the balance of the subsection and inserting “**or modified in the transmission process. The provider of electronic transmission service may retain an electronically transmitted prescription received under this subsection or subsection (8) in a confidential archive. The information retained shall not be used for commercial or marketing purposes.**”.

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

Rep. Gaffney 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. 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.

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

Roll Call No. 422

Yeas—95

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

Nays—10

Bisbee	Drolet	Meyer	Palmer
Brandenburg	Garfield	Nitz	Sheen
Caswell	Hoogendyk		

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. 5799, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to

prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 11 (MCL 247.911), as amended by 1993 PA 149.

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

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

Rep. Brown 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. Hune moved that Rep. DeRoche be excused from the balance of today’s session.

The motion prevailed.

Rep. Pappageorge moved that Rep. Rocca 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. 5799, entitled

A bill to amend 1987 PA 231, entitled “An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 11 (MCL 247.911), as amended by 1993 PA 149.

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

Roll Call No. 423

Yeas—70

Acciavatti	Gillard	Minore	Sheen
Adamini	Hager	Moolenaar	Sheltrown
Bisbee	Hart	Mortimer	Spade
Bradstreet	Hoogendyk	Murphy	Stahl
Brown	Howell	Newell	Steil
Byrum	Huizenga	Nitz	Stewart
Casperson	Hummel	Nofs	Tabor
Caswell	Hune	O’Neil	Tobocman
Caul	Jamnick	Palsrok	Van Regenmorter
Clack	Johnson, Rick	Pappageorge	Vander Veen
Dennis	Julian	Plakas	Voorhees
DeRossett	Koetje	Pumford	Walker
Ehardt	Kolb	Richardville	Ward
Elkins	Kooiman	Rivet	Wenke
Emmons	LaSata	Sak	Whitmer
Farhat	Lipsey	Shackleton	Williams
Farrah	Meyer	Shaffer	Zelenko
Gaffney	Milosch		

Nays—34

Accavitti	Gielegem	Meisner	Stakoe
Amos	Gleason	Middaugh	Stallworth

Anderson	Hardman	Palmer	Taub
Bieda	Hood	Pastor	Vagnozzi
Brandenburg	Hopgood	Phillips	Waters
Cheeks	Hunter	Robertson	Wojno
Condino	Johnson, Ruth	Shulman	Woodward
Drolet	LaJoy	Smith	Woronchak
Garfield	Law		

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. DeRossett, Richardville, Bisbee, Murphy, Hager, Meyer, Julian, Hummel, Newell, Howell, Williams, Caul, Nofs, Wenke, Emmons, Farhat, Elkins, Moolenaar, Walker and Gillard were named co-sponsors of the bill.

Reps. Law, Phillips 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 chose to vote no on House Bills 5799 and 5800 because while the intent of helping rural areas with road projects to promote economic development is a good one, it should not be done at the expense of communities like those in my district. These bills would result in a reduction of funds to the Michigan Transportation Fund—those funds are earmarked for counties, cities and villages statewide - communities in my district. No matter how small the amount, at a time when road funds are limited, my county cannot afford to lose critical road dollars.”

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:

I voted against House Bills 5799 and 5800 because while I support the intent of helping rural areas with road projects to promote economic development is a good one, it should not be done at the expense of established and older communities such as Warren and Sterling Heights. Both bills would result in a reduction of funds to the Michigan Transportation Fund which currently are earmarked for counties, cities and villages statewide. My county simply cannot afford to lose critical road dollars—especially as our need is great.”

Second Reading of Bills

House Bill No. 5800, 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 10 (MCL 247.660), as amended by 2003 PA 151.

The bill was read a second time.

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.

Rep. Sak moved that Rep. Plakas 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. 5800, 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 10 (MCL 247.660), as amended by 2003 PA 151.

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

Roll Call No. 424

Yeas—68

Acciavatti
Adamini

Gillard
Hager

Milosch
Minore

Sheen
Sheltrown

Bisbee	Hart	Moolenaar	Spade
Bradstreet	Hoogendyk	Mortimer	Stahl
Brown	Howell	Murphy	Steil
Byrum	Huizenga	Newell	Stewart
Casperson	Hummel	Nitz	Tabor
Caswell	Hune	Nofs	Tobocman
Caul	Jamnick	O'Neil	Van Regenmorter
Dennis	Johnson, Rick	Palsrok	Vander Veen
DeRossett	Julian	Pappageorge	Voorhees
Ehardt	Koetje	Pumford	Walker
Elkins	Kolb	Richardville	Ward
Emmons	Kooiman	Rivet	Wenke
Farhat	LaSata	Sak	Whitmer
Farrah	Lipsey	Shackleton	Williams
Gaffney	Meyer	Shaffer	Zelenko

Nays—36

Accavitti	Garfield	Law	Smith
Amos	Gielegem	Meisner	Stakoe
Anderson	Gleason	Middaugh	Stallworth
Bieda	Hardman	Palmer	Taub
Brandenburg	Hood	Pastor	Vagnozzi
Cheeks	Hopgood	Phillips	Waters
Clack	Hunter	Robertson	Wojno
Condino	Johnson, Ruth	Rocca	Woodward
Drolet	LaJoy	Shulman	Woronchak

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. Bisbee, Murphy, Meyer, Julian, Hummel, Newell, Howell, Adamini, Hune, Nofs, Emmons, Farhat, Elkins, Moolenaar and Gillard were named co-sponsors of the bill.

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

“Mr. Speaker and members of the House:

I chose to vote no on House Bills 5799 and 5800 because while the intent of helping rural areas with road projects to promote economic development is a good one, it should not be done at the expense of communities like those in my district. These bills would result in a reduction of funds to the Michigan Transportation Fund—those funds are earmarked for counties, cities and villages statewide - communities in my district. No matter how small the amount, at a time when road funds are limited, my county cannot afford to lose critical road dollars.”

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:

I voted against House Bill 5800 because while I support the intent of helping rural areas with road projects to promote economic development is a good one, it should not be done at the expense of established and older communities such as Warren and Sterling Heights. Thus I voted no on both HB 5800 and HB 5799.”

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. Bisbee, Accavitti, Adamini, Bradstreet, Brown, Caswell, Dennis, DeRossett, Ehardt, Gillard, Hager, Hopgood, Huizenga, Jammick, Koetje, Kolb, LaJoy, Meyer, Milosch, Palmer, Pastor, Sak, Shaffer, Shulman, Spade, Tabor, Taub, Vagnozzi, Voorhees, Zelenko, Gleason, Lipsey and Nitz offered the following resolution:

House Resolution No. 273.

A resolution commemorating Wednesday, June 9, 2004, as Jeff Gordon Day in the state of Michigan.

Whereas, We congratulate Jeff Gordon on his incredible NASCAR career thus far, including his four Nextel Cup Championships. As members of the Jackson and Lenawee County communities gather at the Michigan International Speedway, where Jeff Gordon has won twice, we are proud to add our voice to commend everyone who works to make his success possible; and

Whereas, Jeff Gordon has been one of the most accomplished drivers in the Nextel Cup Series since his rookie year in 1993, placing him among NASCAR's top 10 for the tenth straight year. Jeff Gordon ranks seventh on the all-time win list with 66 victories; and

Whereas, Cooperation is the key to success in any endeavor as is clearly evident in Jeff Gordon's team headed by crew chief Robbie Loomis. Every component that makes up the #24 DuPont Chevrolet car, from the pit crew to the spotters above the track, work as one unit to produce the best outcome on race day; and

Whereas, In addition to his duties as a NASCAR driver, Jeff Gordon has gone above and beyond the call of duty as a community leader as well. The Jeff Gordon Foundation, founded in 1999, primarily supports charities working on behalf of children in need. The Foundation supports the Leukemia and Lymphoma Society, the Make-A-Wish Foundation, the Hendricks Bone Marrow Foundation, and Riley Hospital for Children in Indianapolis. Jeff Gordon, along with Darrell Waltrip, was named 1997's NASCAR Person of the Year by Winston Cup Illustrated Magazine, and was the recipient of the True Value Man of the Year award in 1996 for his work on behalf of Leukemia research; and

Whereas, On June 9, 2004, we join with the representatives from the Michigan International Speedway and the entire Jackson and Lenawee County communities in recognizing the numerous accomplishments, including those as a community leader, of Jeff Gordon; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate June 9, 2004, as Jeff Gordon Day in the state of Michigan and express appreciation for his valuable contributions to this state; and be it further

Resolved, That a copy of this resolution be transmitted to Jeff Gordon and the management and workers of the Michigan International Speedway.

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 Government Operations, by Rep. Koetje, Chair, reported

House Bill No. 5656, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 237c.

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. Koetje, Drolet, Howell and Lipsey

Nays: None

The Committee on Government Operations, by Rep. Koetje, Chair, reported

House Bill No. 5882, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 13 (MCL 400.713), as amended by 2004 PA 59.

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. Koetje, Drolet and Howell

Nays: None

The Committee on Government Operations, by Rep. Koetje, Chair, reported

House Bill No. 5886, entitled

A bill to amend 1988 PA 440, entitled "Asbestos workers accreditation act," by amending sections 11 and 14 (MCL 338.3411 and 338.3414), as amended by 1998 PA 133.

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. Koetje, Drolet and Howell

Nays: None

The Committee on Government Operations, by Rep. Koetje, Chair, reported

House Bill No. 5887, entitled

A bill to amend 1972 PA 295, entitled "Forensic polygraph examiners act," by amending sections 7 and 15 (MCL 338.1707 and 338.1715).

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. Koetje, Drolet and Howell

Nays: None

The Committee on Government Operations, by Rep. Koetje, Chair, reported

House Bill No. 5888, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 4 (MCL 492.104) and by adding section 6a.

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. Koetje, Drolet and Howell

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 1, 2004

Present: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

The Committee on Education, by Rep. Palmer, Chair, reported

House Bill No. 5875, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 623a and 1274 (MCL 380.623a and 380.1274), section 623a as amended by 1990 PA 159 and section 1274 as amended by 1994 PA 416.

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. Palmer, Hummel, Meyer, Bradstreet, Hager, Hart, Tabor, Voorhees, Vander Veen, Nofs, Gielegem, Vagnozzi, Spade, Smith, Hopgood, Meisner and Clack

Nays: None

The Committee on Education, by Rep. Palmer, Chair, reported

House Bill No. 5913, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 263 (MCL 18.1263).

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. Palmer, Hummel, Meyer, Bradstreet, Hager, Hart, Tabor, Voorhees, Vander Veen, Nofs, Gielegem, Vagnozzi, Spade, Smith, Hopgood, Meisner and Clack

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 1, 2004

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

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

House Bill No. 5534, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2002 PA 615.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Minore, Farrah, Bieda and Condino

Nays: None

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

House Bill No. 5535, entitled

A bill to amend 1967 PA 156, entitled "Optional retirement act of 1967," by amending section 3 (MCL 38.383).
With the recommendation that the bill be referred to the Committee on Senior Health, Security and Retirement.

Favorable Roll Call

To Report Out:

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

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Senior Health, Security and Retirement.

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

House Bill No. 5551, entitled

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 2 (MCL 211.182).

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

Nays: None

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

House Bill No. 5629, entitled

A bill to amend 1967 PA 156, entitled "Optional retirement act of 1967," by amending section 2 (MCL 38.382), as amended by 1994 PA 296.

With the recommendation that the bill be referred to the Committee on Senior Health, Security and Retirement.

Favorable Roll Call

To Report Out:

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

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Senior Health, Security and Retirement.

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

House Bill No. 5782, entitled

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2, 7, 8, and 9 (MCL 390.1472, 390.1477, 390.1478, and 390.1479), as amended by 2001 PA 215.

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. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Minore, Farrah, Bieda and Condino

Nays: None

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

House Bill No. 5783, entitled

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending sections 6, 7, and 8 (MCL 390.1426, 390.1427, and 390.1428); and to repeal acts and parts of acts.

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. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Minore, Farrah, Bieda and Condino

Nays: None

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, June 2, 2004

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

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

House Bill No. 5930, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 8115a.

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. Julian, Hune, Bisbee, Ehardt, Middaugh, Hummel, Garfield, Robertson, Sheen, Woodward, Anderson, Wojno and Condino

Nays: None

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

House Bill No. 5931, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 834 (MCL 500.834), as amended by 2000 PA 378.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 2, 2004

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

Absent: Reps. Daniels and Hood

Excused: Reps. Daniels and Hood

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

Senate Bill No. 885, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 32j (MCL 388.1632j), as added by 2003 PA 158.

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. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Whitmer, Brown, Kolb, Phillips, Plakas, Williams, Cheeks, Sak, Zelenko and O'Neil

Nays: None

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

Senate Bill No. 1065, 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.

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. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Plakas, Williams, Cheeks, Sak, Zelenko and O'Neil

Nays: None

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

Senate Bill No. 1069, 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, 18a, 19, 20, 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 166a (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611b, 388.1611f, 388.1611g, 388.1611j, 388.1613, 388.1615, 388.1618a, 388.1619, 388.1620, 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 388.1766a), sections 3, 6, 11f, 11g, 11j, 19, 20, 22a, 22b, 24, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 98, 99, 101, 104a, 107, 147, and 166a as amended and sections 32j, 41a, and 98b as added by 2003 PA 158, section 4 as amended by 1995 PA 130, sections 11, 11b, and 26a as amended by 2003 PA 236, section 13 as amended by 1999 PA 119, sections 15 and 18a as amended by 1996 PA 300, sections 21b and 152 as amended by 2000 PA 297, section 26 as amended by 1997 PA 93, section 32f as amended by 2002 PA 521, section 94a as amended by 2003 PA 180, and section 158b as added by 1994 PA 283, and by adding section 146; and to repeal acts and parts of acts.

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. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Plakas, Williams, Sak, Zelenko and O'Neil

Nays: Rep. Cheeks

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Shulman, Chair, of the Committee on Appropriations, was received and read:
Meeting held on: Wednesday, June 2, 2004

Present: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Plakas, Williams, Cheeks, Sak, Zelenko and O'Neil

Absent: Reps. Reeves and Hunter

Excused: Reps. Reeves and Hunter

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

House Bill No. 5842, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 617 and 619 (MCL 257.617 and 257.619), section 617 as amended by 2001 PA 159 and section 619 as amended by 1999 PA 73.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 2, 2004

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

Absent: Reps. Nofs and Hood

Excused: Reps. Nofs and Hood

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 2, 2004

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

Absent: Reps. Huizenga, LaSata, McConico, Daniels and Stallworth

Excused: Reps. Huizenga, LaSata, McConico, Daniels and Stallworth

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 2, 2004

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

Absent: Rep. Ehardt

Excused: Rep. Ehardt

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, May 27:

Senate Bill Nos. 1264 1265 1266 1267

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

Senate Bill Nos. 1268 1269 1270 1271 1272

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, June 2:

House Bill Nos. 5958 5959 5960 5961 5962 5963 5964 5965 5966 5967 5968 5969

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

House Bill No. 5509, 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 Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

House Bill No. 5516, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; 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; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

House Bill No. 5522, 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 Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

House Bill No. 5526, 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 certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

Senate Bill No. 943, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1169 and 1507 (MCL 380.1169 and 380.1507), as amended by 1993 PA 335, and by adding section 1507b.

The Senate has amended the House substitute (H-2) as follows:

1. Amend page 3, line 11, after "subsection" by striking out "(6)" and inserting "(7)".
2. Amend page 3, line 23, after the first "the" by striking out "class" and inserting "course".
3. Amend page 3, line 23, after the third "the" by striking out "class" and inserting "course".

4. Amend page 3, line 25, after "the" by striking out "class" and inserting "course".
5. Amend page 3, line 26, after "class." by striking out "**If a class is part of a course, then the requirements of this subsection may be met for the entire course by notifying the pupil's parent or guardian in advance of the course and the content of the course, giving the pupil's parent or guardian a prior opportunity to review the materials to be used in the course, and notifying the pupil's parent or guardian of his or her right to have the pupil excused from the course.**".
6. Amend page 4, line 26, after "by" by striking out "the" and inserting "a".
7. Amend page 4, line 27, after the second "district" by striking out the balance of the line through "also" on line 1 of page 5 and inserting "shall".
8. Amend page 6, line 23, after "hours," by inserting "within a course of instruction".
9. Amend page 6, line 24, after "assembly" by striking out the balance of the subdivision and inserting "**or small group presentation.**".
10. Amend page 7, line 13, after "following" by striking out "if age-appropriate".
11. Amend page 8, line 24, after "for" by striking out "at least" and inserting "up to".

The Senate has concurred in the House substitute (H-2) as amended, ordered that the bill be given immediate effect and agreed to the full title.

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

Notices

Pursuant to Rule 44, the Speaker has made the following reassignment:
House Bill No. 5962 referred to the Committee on Education.

Public Hearing

Select Committee on the Detroit Water and Sewerage Department

Date: Monday, June 7, 2004
 Time: 6:30 - 8:00 p.m.
 Place: Bloomfield Township Public Library
 1099 Lone Pine Road
 Bloomfield, MI 48302

Rep. Shelly Taub,
 Chair

Agenda: Detroit Water and Sewerage Department rate setting process and any/or all business properly before this committee.

Introduction of Bills

Reps. Newell, Farhat, Walker, Ward, Caswell, Stakoe, Wojno, Hune, Hummel and Middaugh introduced
House Bill No. 5970, entitled

A bill to amend 1984 PA 323, entitled "The health care false claim act," by amending section 4 (MCL 752.1004).
 The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Hager moved that the House adjourn.
 The motion prevailed, the time being 3:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, June 3, at 10:00 a.m.

GARY L. RANDALL
 Clerk of the House of Representatives

