

**No. 43**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Tuesday, May 18, 2004.

1:00 p.m.

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

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

Accavitti—present	Garfield—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—excused
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—present	Hopgood—present	Nitz—present	Stewart—present
Byrum—present	Howell—present	Nofs—present	Tabor—present
Casperson—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	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—excused	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. Lauren M. Hager, from the 81st District, offered the following invocation:

“Our Father in Heaven, what an opportunity, what a great opportunity it is to come before You today. We just thank You for this haven of communication that we have with You in prayer. Our Father, today we ask for wisdom. We thank You for Your promise and Your word, for You told us, if anyone lacks, let them ask of God who giveth to all men. As we work together on legislation before this body today, let us do so with Thy will in our heart and in our minds. Let us do what is good and proper. For Your glory, and for the fulfillment of citizens of the state of Michigan. We ask this in Your name. Amen.”

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

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

Rep. Shackleton moved that Rep. Rick Johnson be excused temporarily from today’s session.  
The motion prevailed.

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 4867, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 504, 43510, and 43516 (MCL 324.504, 324.43510, and 324.43516), section 504 as amended by 1996 PA 171, section 43510 as amended by 1996 PA 585, section 43516 as added by 1995 PA 57.

(The bill was received from the Senate on May 11, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 12, see House Journal No. 40, p. 895.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 343

#### Yeas—102

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

Drolet	Kolb	Rivet	Williams
Ehardt	Kooiman	Robertson	Wojno
Elkins	LaJoy	Rocca	Woodward
Emmons	LaSata	Sak	Woronchak
Farhat	Law	Shackleton	Zelenko
Farrah	Lipsey		

**Nays—2**

Tobocman	Vagnozzi
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In The Chair: Julian

The House agreed to the title as amended.

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

The Speaker laid before the House

**House Bill No. 5331, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 31a.

(The bill was received from the Senate on May 13, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 42, p. 961.)

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. 344****Yeas—104**

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

**Nays—2**

Hopgood

Meisner

In The Chair: Julian

The House agreed to the full title of the bill.

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

Rep. Meisner, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I continue in opposition to this legislation on the basis that it, like so many others, will make worse the instability of our budget situation by piling tax exemptions on top of the billions in breaks we give away each year without any notice given to the effectiveness of previous efforts.”

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Rep. Richardville moved to vacate the enrollment of **House Bill No. 4867**.

The motion prevailed.

**Messages from the Senate****House Bill No. 4867, entitled**

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 504 (MCL 324.504), as amended by 1996 PA 171.

(The bill was enrolled earlier today, see today’s Journal, p. 966.)

Rep. Richardville moved to reconsider the vote by which the House concurred in the Senate substitute (S-2).

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

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 345****Yeas—104**

Accavitti	Farrah	Law	Shackleton
Acciavatti	Gaffney	Lipsey	Shaffer
Adamini	Garfield	McConico	Sheen
Amos	Gielegthem	Meisner	Sheltrown
Anderson	Gillard	Meyer	Shulman
Bieda	Gleason	Middaugh	Smith
Bisbee	Hager	Milosch	Spade
Bradstreet	Hardman	Minore	Stahl
Brandenburg	Hart	Moolenaar	Stakoe
Brown	Hood	Mortimer	Steil
Byrum	Hoogendyk	Murphy	Stewart
Casperson	Hopgood	Newell	Tabor

Caswell	Howell	Nitz	Taub
Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	O'Neil	Vander Veen
Clack	Hune	Palmer	Voorhees
Condino	Hunter	Palsrok	Walker
Daniels	Jamnack	Pappageorge	Ward
Dennis	Johnson, Rick	Pastor	Waters
DeRoche	Johnson, Ruth	Phillips	Wenke
DeRossett	Julian	Pumford	Whitmer
Drolet	Koetje	Richardville	Williams
Ehardt	Kolb	Rivet	Wojno
Elkins	Kooiman	Robertson	Woodward
Emmons	LaJoy	Rocca	Woronchak
Farhat	LaSata	Sak	Zelenko

### Nays—2

Tobocman                      Vagnozzi

In The Chair: Julian

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

The Speaker laid before the House

#### House Bill No. 5341, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7hh. (The bill was received from the Senate on May 13, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 42, p. 961.)

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

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

### Roll Call No. 346

### Yeas—78

Acciavatti	Garfield	Milosch	Sheltrown
Amos	Gillard	Moolenaar	Shulman
Bieda	Hager	Mortimer	Spade
Bisbee	Hart	Newell	Stahl
Bradstreet	Hoogendyk	Nitz	Stakoe
Brandenburg	Howell	Nofs	Steil
Brown	Huizenga	Palmer	Stewart
Casperson	Hummel	Palsrok	Tabor
Caswell	Hune	Pappageorge	Taub
Caul	Hunter	Pastor	Tobocman
Condino	Johnson, Rick	Pumford	Vagnozzi
Dennis	Johnson, Ruth	Richardville	Van Regenmorter
DeRoche	Julian	Rivet	Vander Veen
DeRossett	Koetje	Robertson	Voorhees
Drolet	Kolb	Rocca	Walker
Ehardt	Kooiman	Sak	Ward
Elkins	LaJoy	Shackleton	Wenke
Emmons	LaSata	Shaffer	Wojno

Farhat  
GaffneyMeyer  
Middaugh

Sheen

Woronchak

**Nays—28**Accavitti  
Adamini  
Anderson  
Byrum  
Cheeks  
Clack  
DanielsFarrah  
Gielegem  
Gleason  
Hardman  
Hood  
Hopgood  
JamnickLaw  
Lipsey  
McConico  
Meisner  
Minore  
Murphy  
O'NeilPhillips  
Smith  
Waters  
Whitmer  
Williams  
Woodward  
Zelenko

In The Chair: Julian

The House agreed to the full title of the bill.

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

Rep. Law, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted against HB 5341 due to fiscal concerns for local communities revenue base. Even though communities are not mandated to provide the tax breaks and have the opt out option, I am concerned that this information will not be as readily available to them in their decision making process. Other tax incentive programs may also be adversely impacted and for these reasons I voted no.”

The Speaker laid before the House

**House Bill No. 5666, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2003 PA 158.

(The bill was received from the Senate on May 13, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 42, p. 961.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 347****Yeas—106**Accavitti  
Acciavatti  
Adamini  
Amos  
Anderson  
Bieda  
Bisbee  
Bradstreet  
Brandenburg  
Brown  
ByrumGaffney  
Garfield  
Gielegem  
Gillard  
Gleason  
Hager  
Hardman  
Hart  
Hood  
Hoogendyk  
HopgoodMcConico  
Meisner  
Meyer  
Middaugh  
Milosch  
Minore  
Moolenaar  
Mortimer  
Murphy  
Newell  
NitzSheen  
Sheltrown  
Shulman  
Smith  
Spade  
Stahl  
Stakoe  
Steil  
Stewart  
Tabor  
Taub

Casperson	Howell	Nofs	Tobocman
Caswell	Huizenga	O'Neil	Vagnozzi
Caul	Hummel	Palmer	Van Regenmorter
Cheeks	Hune	Palsrok	Vander Veen
Clack	Hunter	Pappageorge	Voorhees
Condino	Jamnack	Pastor	Walker
Daniels	Johnson, Rick	Phillips	Ward
Dennis	Johnson, Ruth	Pumford	Waters
DeRoche	Julian	Richardville	Wenke
DeRossett	Koetje	Rivet	Whitmer
Drolet	Kolb	Robertson	Williams
Ehardt	Kooiman	Rocca	Wojno
Elkins	LaJoy	Sak	Woodward
Emmons	LaSata	Shackleton	Woronchak
Farhat	Law	Shaffer	Zelenko
Farrah	Lipsey		

### Nays—0

In The Chair: Julian

The House agreed to the full title of the bill.

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

### Second Reading of Bills

#### Senate Bill No. 991, entitled

A bill to amend 1945 PA 47, entitled “An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies,” by amending section 2 (MCL 331.2).

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. 991, entitled

A bill to amend 1945 PA 47, entitled “An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and

related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending section 2 (MCL 331.2).

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

**Roll Call No. 348****Yeas—106**

Accavitti	Gaffney	McConico	Sheen
Acciavatti	Garfield	Meisner	Sheltrown
Adamini	Gielegem	Meyer	Shulman
Amos	Gillard	Middaugh	Smith
Anderson	Gleason	Milosch	Spade
Bieda	Hager	Minore	Stahl
Bisbee	Hardman	Moolenaar	Stakoe
Bradstreet	Hart	Mortimer	Steil
Brandenburg	Hood	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	Pappageorge	Voorhees
Condino	Jamnick	Pastor	Walker
Daniels	Johnson, Rick	Phillips	Ward
Dennis	Johnson, Ruth	Pumford	Waters
DeRoche	Julian	Richardville	Wenke
DeRossett	Koetje	Rivet	Whitmer
Drolet	Kolb	Robertson	Williams
Ehardt	Kooiman	Rocca	Wojno
Elkins	LaJoy	Sak	Woodward
Emmons	LaSata	Shackleton	Woronchak
Farhat	Law	Shaffer	Zelenko
Farrah	Lipsev		

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills****House Bill No. 5698, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and



gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 5j (MCL 28.425j), as amended by 2002 PA 719.

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

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

Rep. Rocca 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. 5698, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 5j (MCL 28.425j), as amended by 2002 PA 719.

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

#### Roll Call No. 349

#### Yeas—106

Accavitti	Gaffney	McConico	Sheen
Acciavatti	Garfield	Meisner	Sheltrown
Adamini	Gielegghem	Meyer	Shulman
Amos	Gillard	Middaugh	Smith
Anderson	Gleason	Milosch	Spade
Bieda	Hager	Minore	Stahl
Bisbee	Hardman	Moolenaar	Stakoe
Bradstreet	Hart	Mortimer	Steil
Brandenburg	Hood	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	Pappageorge	Voorhees
Condino	Jamnack	Pastor	Walker
Daniels	Johnson, Rick	Phillips	Ward
Dennis	Johnson, Ruth	Pumford	Waters
DeRoche	Julian	Richardville	Wenke
DeRossett	Koetje	Rivet	Whitmer
Drolet	Kolb	Robertson	Williams
Ehardt	Kooiman	Rocca	Wojno
Elkins	LaJoy	Sak	Woodward
Emmons	LaSata	Shackleton	Woronchak
Farhat	Law	Shaffer	Zelenko
Farrah	Lipsey		

### 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.

Reps. Hardman, Waters, Stewart, Drolet, Pappageorge, Zelenko, DeRossett, Richardville, Bisbee, Tabor, Voorhees, LaSata, Middaugh, Hummel, Newell, Vander Veen, Ruth Johnson, Sheltroun, Adamini, Brown, Palmer, Brandenburg, Bieda, Meisner, Wojno, Acciavatti, Taub, Accavitti, Stakoe, Garfield, Gleason, Milosch, Caswell, Ward, Emmons, Sak, Nitz, Stahl, Huizenga, Moolenaar, Palsrok and Gillard were named co-sponsors of the bill.

### Notices

Rep. Stewart, 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 Nos. 335-342. Had I been present, I would have voted ‘yea’.”

By unanimous consent the House returned to the order of

### Second Reading of Bills

#### House Bill No. 5538, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27a (MCL 211.27a), as amended by 2000 PA 260, and by adding section 7gg.

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

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

Rep. Wenke moved to amend the bill as follows:

1. Amend page 5, line 3, after “**34c**” by inserting a comma and “**except hunting lands located in an area used predominantly for recreational purposes that are classified as residential real property pursuant to section 34c(2)(e)(ii)**”.

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

Rep. Koetje moved to amend the bill as follows:

1. Amend page 1, line 1, after “**December 31, 2004,**” by inserting “**except as otherwise limited under subsection (9),**”.

2. Amend page 4, following line 17, by inserting:

“**(9) Residential development property shall not be exempt under this section for more than 3 years from the issuance of an occupancy permit.**” and renumbering the remaining subsection.

3. Amend page 6, line 17, after “**means**” by striking out “**that term as defined in**” and inserting “**real property exempt under**”.

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

Rep. Hune 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. 5538, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27a (MCL 211.27a), as amended by 2000 PA 260, and by adding section 7gg.

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

**Roll Call No. 350****Yeas—58**

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

**Nays—48**

Accavitti	Farrah	LaSata	Sheltrown
Adamini	Gielegem	Law	Smith
Anderson	Gillard	Lipsey	Spade
Bieda	Gleason	McConico	Tobocman
Brown	Hager	Meisner	Vagnozzi
Byrum	Hardman	Minore	Waters
Cheeks	Hart	Murphy	Whitmer
Clack	Hood	O'Neil	Williams
Condino	Hopgood	Phillips	Wojno
Daniels	Hunter	Pumford	Woodward
Dennis	Jamnick	Rivet	Woronchak
Elkins	Kolb	Sak	Zelenko

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Richardville moved to amend the title to read as follows:

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding sections 7ii and 7jj.

The motion prevailed.

The House agreed to the title as amended.

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

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

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Rep. Jamnick, 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 voted no on HB 5538 because of the negative impact on our schools, local governments and state budgets."

Rep. Meisner, 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:

The basis for my opposition does not rest in opposition to the work of the homebuilding industry this tax change would benefit. To the contrary, I am sympathetic to the needs of those who build homes for us all to live in, low, middle

or higher income. That said, an additional tax exemption at a time when our state suffers the effects of a structural deficit is ill-advised. The timing is wrong, as is the cost this bill would create for our school aid budget.”

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 HB 5538 (H-2) because of its enormous negative impact on the State School Aid Fund, on local schools, and on cities, townships and county government. This tweaking of Proposal A is hardly an efficient means of promoting affordable housing. More likely, it will provide a huge tax loophole to the detriment of the provision of local services such as police and fire protection and other essential city services, including the funding of public schools, and will do nothing to promote smart growth. The owners of unoccupied houses still rely on government services—police and fire protection immediately come to mind—but other services are utilized as well. It is simply unfair to existing home-owners (taxpayers) to be asked to subsidize these new properties.”

Rep. Dennis, 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 voted no on final passage of House Bill 5538 because the bill would simply be an enormous tax break for developers that would have negative consequences for local schools, local governments, and the School Aid Fund. In their most recent report, the US Census and Department of Housing and Urban Development (HUD) report that both housing starts and new building permits for March 2004 were 15 percent higher than comparable data from one year ago. This is hardly a suffering industry.

In addition, the argument that unoccupied homes do not use government services is specious. New developments require fire and police availability, and roads both leading to and sometimes within the development. The promise of good schools and the availability of local parks are both major selling points for new homes.

Finally, proponents argue that the bill is a way to keep housing costs lower by reducing the cost to developers who hold land. This is, however, hardly an efficient means of promoting affordable housing. Rather, it is an enormous ‘tweak’ to Proposal A that will ultimately require homeowners to pay more taxes in order to maintain vital government services. For all these reasons, I voted no on final passage of House Bill 5538.”

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:

The plan to tweak proposal A at this time is fiscally irresponsible. Peroration letters are going to State schools this week due to budget short falls and this Republican sponsored tax break for housing development flies in the face of reasonable legislation. As stated on the floor, this is a solution in search of a problem. The no vote I cast for HB 5538 is a reasonable response to this bad policy.”

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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. Acciavatti, Brandenburg, Ruth Johnson, Huizenga, Rivet, Hager, Law, Gielegem, Accavitti, Bieda, Caswell, DeRossett, Ehardt, Elkins, Gleason, Jamnick, Kooiman, Lipsey, Milosch, Nofs, O’Neil, Rocca, Sak, Shulman, Stahl, Stewart, Taub, Vander Veen and Woronchak offered the following resolution:

**House Resolution No. 261.**

A resolution to urge the Ontario Minister of the Environment to establish new landfills and landfill expansions.

Whereas, For many years, Michigan and other states and provinces have wrestled with finding the best strategies to manage solid waste to protect the environment and achieve the highest standards of health and safety. This formidable task has been made more challenging by court decisions that have complicated lines of authority, especially with regard to the transport of solid waste across state and national borders; and

Whereas, Michigan has been especially frustrated by increasing volumes of imported trash. Fully one-fourth of trash deposited in Michigan landfills originates outside the state. While issues of commerce, authority, and, more recently, security enter the discussions about imported trash across our international border, it is essential that long-term environmental concerns remain at the heart of this debate; and

Whereas, Our neighbors in Ontario have faced difficulties with regard to the disposal of solid waste because no new landfill capacity has been established in many years. According to leaders in key communities in Ontario, this situation could be addressed by actions that can be taken by the Ontario Minister of the Environment. Ontario regulations promulgated under Canada's Environmental Protection Act clearly set standards for new or expanding landfills. Using these requirements for site design, operation, closure, and financial assurance to create new landfills and expand existing facilities will help the people of Ontario deal with this issue in an effective and farsighted manner; and

Whereas, In an effort to protect our waters, communities, and land, Michigan is in the process of establishing tougher standards of solid waste management. In doing so, our state is taking strong steps to reduce significantly the volume of materials that take up landfill space and to increase the protections for our environment. When our Ontario neighbors take similar actions by increasing their landfill capacity and meeting rigid standards, people on both sides of our shared border will benefit for many years to come; now, therefore, be it

Resolved by the House of Representatives, That we urge the Ontario Minister of the Environment to establish new landfills and landfill expansions in Ontario; and be it further

Resolved, That copies of this resolution be transmitted to the Premier of Ontario, the Office of the Legislative Assembly of Ontario, and the Ontario Minister of the Environment.

The resolution was referred to the Committee on Land Use and Environment.

### Reports of Standing Committees

The Committee on Transportation, by Rep. DeRossett, Chair, reported

#### **House Bill No. 5364, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252g and 907 (MCL 257.252g and 257.907), section 252g as added by 1981 PA 104 and section 907 as amended by 2003 PA 73, and by adding sections 252h, 252i, 252j, 252k, 252l, 252m, 252n, 252o, 252p, 252q, and 252r; 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. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Hune, Huizenga, LaJoy, Robertson, Anderson, Jamnick, Gleason, Tobocman, Adamini, Murphy and Elkins

Nays: None

The Committee on Transportation, by Rep. DeRossett, Chair, reported

#### **House Bill No. 5802, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8a, 65, 204a, 208, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320a, 321a, 323c, 732, 812, and 904 (MCL 257.8a, 257.65, 257.204a, 257.208, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320a, 257.321a, 257.323c, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, section 65 as amended by 1994 PA 449, section 204a as amended by 1999 PA 73, section 208 as amended by 1997 PA 100, sections 303, 310e, and 319 as amended by 2003 PA 61, sections 306, 309, 312f, 319b, 319c, 323c, 732, and 904 as amended by 2002 PA 534, section 307 as amended by 2004 PA 52, section 312b as amended by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, section 320a as amended by 2003 PA 315, and section 321a as amended by 2002 PA 741; 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. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Hune, Huizenga, LaJoy, Robertson, Anderson, Jamnick, Gleason, Tobocman and Adamini

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 13, 2004

Present: Reps. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Hune, Huizenga, LaJoy, Robertson, Anderson, Jamnick, Gleason, Tobocman, Adamini, Murphy and Elkins

Absent: Rep. Ward

Excused: Rep. Ward

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

**Senate Bill No. 724, entitled**

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 2 (MCL 52.202), as amended by 2001 PA 26.

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, Hart, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Hardman, O'Neil, Gillard and Clack

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 18, 2004

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

Absent: Rep. Woronchak

Excused: Rep. Woronchak

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

**House Bill No. 5876, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 3113, 3503, 4105, 6516, 6517, 6521, 8308, 8310, 8504, 9112, 11509, 11511, 11512, 11516, 11542, 11703, 11704, 11709, 30104, 30105, 30113, 30304, 30307, 31509, 31512, 32312, 32503, 32515, 32606, 35304, 36505, 41702, 41709, 42101, 42501, 42702, 44513, 44517, 45503, 45902, 45903, 45906, 51311, 61525, 62509, 63103c, 63524, 63525, 63704, 63708, 72108, 76105, 76109, 76504, and 80159 (MCL 324.3104, 324.3113, 324.3503, 324.4105, 324.6516, 324.6517, 324.6521, 324.8308, 324.8310, 324.8504, 324.9112, 324.11509, 324.11511, 324.11512, 324.11516, 324.11542, 324.11703, 324.11704, 324.11709, 324.30104, 324.30105, 324.30113, 324.30304, 324.30307, 324.31509, 324.31512, 324.32312, 324.32503, 324.32515, 324.32606, 324.35304, 324.36505, 324.41702, 324.41709, 324.42101,

324.42501, 324.42702, 324.44513, 324.44517, 324.45503, 324.45902, 324.45903, 324.45906, 324.51311, 324.61525, 324.62509, 324.63103c, 324.63524, 324.63525, 324.63704, 324.63708, 324.72108, 324.76105, 324.76109, 324.76504, and 324.80159), sections 3104, 30104, and 32312 as amended by 2003 PA 163, sections 3503, 6521, and 8504 as added by 1995 PA 60, sections 6516 and 6517 as amended by 1996 PA 166, section 8310 as amended by 2002 PA 418, section 9112 as amended by 2000 PA 504, sections 11509 and 11511 as amended by 1996 PA 358, sections 11512 and 11516 as amended by 2003 PA 153, section 11542 as amended by 1996 PA 359, section 30105 as amended by 1999 PA 106, section 30113 as amended by 1995 PA 171, sections 30304, 31509, 31512, 32515, and 35304 as added by 1995 PA 59, section 30307 as amended by 1998 PA 228, section 32503 as amended by 2002 PA 148, section 32606 as added by 2000 PA 278, section 36505 as amended by 1998 PA 470, section 41702 as amended by 2001 PA 23, sections 41709, 42101, 42501, 44513, 44517, 45503, 45903, 51311, 63525, 63704, and 63708 as added by 1995 PA 57, section 42702 as amended by 2000 PA 191, section 45902 as amended by 1996 PA 200, section 45906 as amended by 2003 PA 270, section 61525 as amended by 1998 PA 303, section 62509 as amended by 1998 PA 467, section 63103c as added by 1997 PA 149, sections 63524 and 76504 as amended by 2001 PA 78, sections 72108 and 80159 as added by 1995 PA 58, and sections 76105 and 76109 as amended by 2001 PA 75, and by adding sections 1301, 1303, 1305, 1307, 1309, 1311, and 1313.

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, Hager, Casperson, Hune and Stahl

Nays: None

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

**House Bill No. 5884, entitled**

A bill to amend 2001 PA 267, entitled "Manufacturing milk law of 2001," (MCL 288.561 to 288.740) by adding section 110a.

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, Hager, Casperson, Hune and Stahl

Nays: None

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

**House Bill No. 5897, entitled**

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," by amending section 9 (MCL 286.209), as amended by 2003 PA 104.

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, Hager, Casperson, Hune and Stahl

Nays: None

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

**House Bill No. 5899, entitled**

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amending section 7 (MCL 285.67), as amended by 2002 PA 80.

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, Hager, Casperson, Hune and Stahl

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 18, 2004

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

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

**House Bill No. 5878, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 525 (MCL 436.1525), as amended by 2002 PA 76.

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 and Palsrok

Nays: Rep. O'Neil

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

**House Bill No. 5879, entitled**

A bill to amend 2000 PA 92, entitled "Food law of 2000," (MCL 289.1101 to 289.8111) by adding section 4116.

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 and Palsrok

Nays: Rep. O'Neil

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

**House Bill No. 5889, entitled**

A bill to amend 2002 PA 733, entitled "State plumbing act," by amending section 31 (MCL 338.3541).

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 and Palsrok

Nays: Rep. O'Neil



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

**House Bill No. 5890, entitled**

A bill to amend 1967 PA 227, entitled "An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts," by amending sections 15 and 16 (MCL 408.815 and 408.816).

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 and Palsrok

Nays: Rep. O'Neil

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

**House Bill No. 5893, entitled**

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending sections 9, 11, and 25 (MCL 338.1059, 338.1061, and 338.1075), sections 9 and 25 as amended by 2002 PA 473 and section 11 as amended by 2000 PA 411.

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 and Palsrok

Nays: Rep. O'Neil

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

**House Bill No. 5894, entitled**

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending sections 6 and 10 (MCL 338.976 and 338.980), section 10 as amended by 1997 PA 119.

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 and Palsrok

Nays: Rep. O'Neil

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

**House Bill No. 5895, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20162 (MCL 333.20162) and by adding section 20935.

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 and Palsrok  
 Nays: Rep. O'Neil

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

**House Bill No. 5900, entitled**

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 3 (MCL 338.883), as amended by 1997 PA 120.

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 and Palsrok  
 Nays: Rep. O'Neil

## 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 18, 2004

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

Absent: Reps. Wenke and Lipsey

Excused: Reps. Wenke and Lipsey

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

**House Bill No. 5494, entitled**

A bill to create the Michigan law enforcement officers memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; and to provide for dissolution of the commission and monument fund.

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. Howell, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Lipsey, Adami, Bieda, Condino and Smith

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 18, 2004

Present: Reps. Howell, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Lipsey, Adami, Bieda, Condino and Smith

Absent: Reps. LaSata, Garfield and Wenke

Excused: Reps. LaSata, Garfield and Wenke

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

**Senate Bill No. 1167, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending the title and sections 4, 4a, 5a, 7, and 9 (MCL 28.724, 28.724a, 28.725a, 28.727, and 28.729), section 4 as amended by 1999 PA 85 and section 4a as added and sections 5a, 7, and 9 as amended by 2002 PA 542, and by adding section 5b.

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, Pumford, Shackleton, Kooiman, Newell, Stewart, Amos, Caswell, Farhat, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Williams, Cheeks, Hunter, Sak, Zelenko and O'Neil

Nays: None

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

**House Concurrent Resolution No. 54.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Capitol Complex Renovations.

(For text of concurrent resolution, see House Journal No. 35, p. 799.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 18, 2004

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

Absent: Reps. Hoogendyk, Plakas and Reeves

Excused: Reps. Hoogendyk, Plakas and Reeves

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

**House Bill No. 5845, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 351 (MCL 206.351), as amended by 2003 PA 22.

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. Drolet, Howell and Lipsey

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, May 18, 2004

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

## 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 18, 2004

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

Absent: Reps. Wenke and Hardman

Excused: Reps. Wenke and Hardman

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 18, 2004

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

Absent: Rep. Tabor

Excused: Rep. Tabor

**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 12:

**Senate Bill Nos. 1186 1187 1188 1189 1190 1191 1192**

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, May 13, for her approval of the following bills:

**Enrolled House Bill No. 4434 at 3:52 p.m.****Enrolled House Bill No. 5281 at 3:54 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, May 14:

**House Bill Nos. 5905 5906 5907 5908 5909 5910 5911**

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, May 18, for her approval of the following bills:

**Enrolled House Bill No. 4244 at 9:41 a.m.****Enrolled House Bill No. 4272 at 9:43 a.m.****Enrolled House Bill No. 5241 at 9:45 a.m.****Enrolled House Bill No. 5335 at 9:47 a.m.****Enrolled House Bill No. 5342 at 9:49 a.m.**

**Enrolled House Bill No. 5343 at 9:51 a.m.**  
**Enrolled House Bill No. 5345 at 9:53 a.m.**  
**Enrolled House Bill No. 5554 at 9:55 a.m.**

The Clerk announced that the following Senate bill had been received on Tuesday, May 18:  
**Senate Bill No. 296**

### Messages from the Governor

Date: May 13, 2004  
Time: 8:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4172 (Public Act No. 98, I.E.), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 5129 (MCL 333.5129), as amended by 1995 PA 253.

(Filed with the Secretary of State May 13, 2004, at 10:55 a.m.)

Date: May 13, 2004  
Time: 8:42 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5427 (Public Act No. 99, I.E.), being**

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

(Filed with the Secretary of State May 13, 2004, at 10:57 a.m.)

Date: May 13, 2004  
Time: 8:44 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5428 (Public Act No. 100, I.E.), being**

An act to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain

circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 9 (MCL 28.429), as amended by 1996 PA 169.

(Filed with the Secretary of State May 13, 2004, at 10:59 a.m.)

Date: May 13, 2004

Time: 8:46 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5429 (Public Act No. 101, I.E.), being**

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

(Filed with the Secretary of State May 13, 2004, at 11:01 a.m.)

Date: May 13, 2004

Time: 8:48 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5648 (Public Act No. 102, I.E.), being**

An act to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties," by amending sections 18 and 18m of chapter XIII (MCL 712A.18 and 712A.18m), section 18 as amended and section 18m as added by 2003 PA 71.

(Filed with the Secretary of State May 13, 2004, at 11:03 a.m.)

By unanimous consent the House returned to the order of

**Messages from the Senate**

**House Bill No. 5500, entitled**

A bill to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending section 1113 (MCL 436.2113), as amended by 1998 PA 416, and by adding section 1114.

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

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

**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. The Senate has passed the bill.

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

**Senate Concurrent Resolution No. 35.**

A concurrent resolution to memorialize the Congress of the United States and the federal government to work with Michigan officials to align the ownership of mineral rights and surface rights on state and federal lands in Michigan and to express our intent to take actions to achieve this goal.

Whereas, State-owned land in Michigan amounts to approximately 12 percent of the acreage, and the federal government manages another 8 percent of Michigan's surface area. This large percentage of state and federal land ownership is especially significant in the situations in which ownership of mineral rights is not consistent with the ownership of the surface rights; and

Whereas, The degree to which the rights to minerals do not align with rights to the surface of the land is cause for considerable litigation and frustration in Michigan. This frustration is felt by citizen groups, energy companies, local units of government, and all consumers of gas and oil; and

Whereas, The state of Michigan has jurisdiction over both mineral and surface rights on 3.8 million acres of land and mineral rights alone on another 2.1 million acres. Maps showing ownership of property in Michigan reflect a crazy quilt of ownership. The common situation of surface land ownership differing from ownership of the mineral rights below presents many problems to our state. This nonalignment of ownership makes it difficult to protect land from development and difficult to develop to extract the energy that our society needs. Instead, expensive and minimally productive litigation can be the result; and

Whereas, It would be far more productive for the state and federal governments to work together to do all possible to minimize conflicts in ownership between surface rights and mineral rights; now, therefore, be it

Resolved by the Senate (the House of Representative concurring), That we memorialize the Congress of the United States, the Department of Interior, the Bureau of Land Management, the National Forest Service, and the Department of Energy to work with Michigan officials to exchange property to align the ownership of mineral rights and surface rights on state and federal lands in Michigan and to express our intent to take actions to achieve this goal; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Bureau of Land Management, the Department of Interior, the National Forest Service, and the Department of Energy.

The Senate has adopted the concurrent resolution.

Reps. Bieda, DeRossett, Ehardt, Elkins, Gillard, Huizenga, Koetje, Kooiman, Lipsey, Meyer, Milosch, Richardville, Sheltrown, Shulman, Stewart, Vander Veen and Voorhees were named co-sponsors of the concurrent resolution.

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

**Introduction of Bills**

Reps. Ehardt, Mortimer, Hummel, Garfield, Sheen, Middaugh, Gleason, Vander Veen and Voorhees introduced

**House Bill No. 5912, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1307a (MCL 600.1307a), as amended by 2004 PA 12.

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

Reps. LaJoy, Moolenaar, Taub, Caswell, Palmer, Acciavatti, Milosch, Garfield, Tabor, Casperson, Bradstreet, Robertson, Nofs, Newell, Caul, Hager, Middaugh, Emmons, Gaffney, Stewart, Kooiman, Vander Veen, Huizenga, Mortimer, Ward, Palsrok, Pastor, Walker, Ehardt, Brandenburg, Sheen, DeRoche, Voorhees and Julian introduced

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

Reps. Rivet, Minore, Adamini, Bradstreet and Accavitti introduced

**House Bill No. 5914, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40116 (MCL 324.40116), as amended by 1996 PA 154.

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

Reps. Rivet and Bieda introduced

**House Bill No. 5915, 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. Rivet introduced

**House Bill No. 5916, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 634 (MCL 257.634), as amended by 1988 PA 346.

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

Reps. Gielegem, Bieda, Adamini, Plakas, Accavitti, Phillips, Minore and Law introduced

**House Bill No. 5917, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1238.

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

Reps. Adamini, Bradstreet, Gleason, Brown, Minore, Sak, Gillard, Gielegem, Shackleton, Casperson and Rivet introduced

**House Bill No. 5918, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2123 and 2124 (MCL 324.2123 and 324.2124), as added by 1995 PA 60.

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

Reps. Gaffney, Ward, Nofs, Emmons, Hune, Gleason, Wojno, Accavitti, DeRoche, Stahl, Voorhees, Walker, Palsrok and Tobocman introduced

**House Bill No. 5919, entitled**

A bill to designate an official cookie of this state.

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

Reps. Kooiman, Steil, Pappageorge, Huizenga, Voorhees, Gaffney, Hune, Vander Veen and Stahl introduced

**House Bill No. 5920, entitled**

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending section 8 (MCL 207.218), as amended by 1996 PA 584.

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

Reps. Ruth Johnson, Voorhees, Vander Veen and Rocca introduced

**House Bill No. 5921, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 612 (MCL 380.612) and by adding section 634.

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

Reps. Ruth Johnson, Caul, Phillips, Jamnick, Voorhees, Vander Veen and Rocca introduced

**House Bill No. 5922, entitled**

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in certain governmental units of this state; and to prescribe certain powers and duties of certain local governmental units and state agencies," by amending the title and sections 1, 2, 3, 5, 8, 9, 10, 11, 13, 18, and 19 (MCL 446.201, 446.202, 446.203, 446.205, 446.208, 446.209, 446.210, 446.211, 446.213, 446.218, and 446.219), the title and sections 1, 2, 3, 5, 8, and 19 as amended by 2002 PA 469 and sections 9, 10, and 11 as amended by 1998 PA 233, and by adding section 11a; and to repeal acts and parts of acts.

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



Rep. Huizenga introduced

**House Bill No. 5923, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 438. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Huizenga introduced

**House Bill No. 5924, entitled**

A bill to establish the Amanda's fund for breast cancer research in the department of community health; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

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

Reps. Pastor, Ruth Johnson, Taub, Kooiman and Pappageorge introduced

**House Bill No. 5925, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124.

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

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Rep. Farhat moved that the House adjourn.

The motion prevailed, the time being 4:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, May 19, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

