

No. 17
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
92nd Legislature
REGULAR SESSION OF 2004

House Chamber, Lansing, Wednesday, February 25, 2004.

1:00 p.m.

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

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

Accavitti—present	Garfield—excused	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—excused	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—excused	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—excused	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present
Gaffney—present			

e/d/s = entered during session

Rep. Jack Brandenburg, from the 24th District, offered the following invocation:

“Open my lips, O Lord, and my mouth shall proclaim Your praise. Create in me a clean heart, O God, and renew a right spirit within me. Cast me not away from Your presence and take not Your holy spirit from me. Give me the joy of Your saving help again and sustain me with Your bountiful spirit. Glory to the Father, and to the Son, and to the Holy Spirit, as it was in the beginning, is now, and will be forever. Amen.”

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

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

Second Reading of Bills

House Bill No. 5427, 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 12 (MCL 28.432), as amended by 2000 PA 381.

The bill was read a second time.

Rep. Acciavatti 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. 5427, 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 12 (MCL 28.432), as amended by 2000 PA 381.

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

Roll Call No. 79

Yeas—105

Accavitti	Gillard	Middaugh	Sheltrown
Acciavatti	Gleason	Milosch	Shulman
Adamini	Hager	Minore	Smith
Amos	Hardman	Moolenaar	Spade

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

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. Stewart, Minore, Zelenko, Jamnick, Richardville, Kooiman, Hager, Newell, Howell, Shackleton, Adamini, Accavitti, Stakoe, Gleason, Robertson, Shaffer, Ward, Huizenga, Elkins, Moolenaar, Palsrok and Gillard were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5428, 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 9 (MCL 28.429), as amended by 1996 PA 169.

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. Amos 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. 5428, 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 9 (MCL 28.429), as amended by 1996 PA 169.

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

Roll Call No. 80

Yeas—104

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 5429, 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 2 (MCL 28.422), as amended by 1994 PA 338.

The bill was read a second time.

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

The motion prevailed.

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

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

Rep. Waters moved that Rep. Reeves 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. 5429, 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 2 (MCL 28.422), as amended by 1994 PA 338.

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

Roll Call No. 81

Yeas—104

Accavitti	Gieleghem	Meyer	Sheltrown
Acciavatti	Gillard	Middaugh	Shulman
Adamini	Gleason	Milosch	Smith
Amos	Hager	Minore	Spade
Anderson	Hardman	Moolenaar	Stahl
Bieda	Hart	Mortimer	Stakoe
Bisbee	Hood	Murphy	Stallworth
Bradstreet	Hoogendyk	Newell	Steil
Brandenburg	Hopgood	Nitz	Stewart
Byrum	Howell	Nofs	Tabor
Casperson	Huizenga	O’Neil	Taub
Caswell	Hummel	Palmer	Tobocman
Caul	Hune	Palsrok	Vagnozzi
Clack	Hunter	Pappageorge	Van Regenmorter
Condino	Jamnick	Pastor	Vander Veen

Daniels	Johnson, Ruth	Phillips	Voorhees
Dennis	Julian	Plakas	Walker
DeRoche	Koetje	Pumford	Ward
DeRossett	Kolb	Richardville	Waters
Drolet	Kooiman	Rivet	Wenke
Ehardt	LaJoy	Robertson	Whitmer
Elkins	LaSata	Rocca	Williams
Emmons	Law	Sak	Wojno
Farhat	Lipsey	Shackleton	Woodward
Farrah	McConico	Shaffer	Woronchak
Gaffney	Meisner	Sheen	Zelenko

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 5174, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 16 and 18 (MCL 750.16 and 750.18), section 16 as amended by 2002 PA 672.

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

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

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

1. Amend page 2, line 13, after “**life**” by inserting “**or any term of years or a fine of not more than \$40,000.00, or both**”.

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

Rep. Robertson 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. 5174, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 16 and 18 (MCL 750.16 and 750.18), section 16 as amended by 2002 PA 672.

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

Roll Call No. 82

Yeas—105

Accavitti	Gillard	Middaugh	Sheltrown
Acciavatti	Gleason	Milosch	Shulman
Adamini	Hager	Minore	Smith
Amos	Hardman	Moolenaar	Spade

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

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. 5175, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16226, 17763, and 17764 (MCL 333.16221, 333.16226, 333.17763, and 333.17764), section 16221 as amended by 2002 PA 402, section 16226 as amended by 2002 PA 643, and section 17763 as amended by 1997 PA 153.

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

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Nofs 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. 5175, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16226, 17763, and 17764 (MCL 333.16221, 333.16226, 333.17763, and 333.17764), section 16221 as amended by 2002 PA 402, section 16226 as amended by 2002 PA 643, and section 17763 as amended by 1997 PA 153.

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

Roll Call No. 83**Yeas—104**

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

Nays—0

In The Chair: Julian

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

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

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16226, 17763, and 17764 (MCL 333.16221, 333.16226, 333.17763, and 333.17764), sections 16221 and 16226 as amended by 2003 PA 234 and section 17763 as amended by 1997 PA 153.

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.

Reps. Hardman, Voorhees, Vander Veen, Farrah, Bieda, Taub, Accavitti, Shaffer, Huizenga and Farhat were named co-sponsors of the bill.

Second Reading of Bills**House Bill No. 5176, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as added by 2002 PA 30.

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

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

Rep. Farhat 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. 5176, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13n of chapter XVII (MCL 777.13n), as added by 2002 PA 30.

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

Roll Call No. 84

Yeas—105

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

Nays—0

In The Chair: Julian

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

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

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2003 PA 309.

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.

Reps. Hardman, Voorhees, Middaugh, Bieda, Gleason, Sak and Palsrok were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5177, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter XVII (MCL 777.16a), as amended by 2000 PA 279.

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

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

Rep. Ehardt 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. Hart moved that Rep. Pumford 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. 5177, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter XVII (MCL 777.16a), as amended by 2000 PA 279.

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

Roll Call No. 85

Yeas—104

Accavitti	Gielegem	Meyer	Sheltrown
Acciavatti	Gillard	Middaugh	Shulman
Adamini	Gleason	Milosch	Smith
Amos	Hager	Minore	Spade
Anderson	Hardman	Moolenaar	Stahl
Bieda	Hart	Mortimer	Stakoe
Bisbee	Hood	Murphy	Stallworth
Bradstreet	Hoogendyk	Newell	Steil
Brandenburg	Hopgood	Nitz	Stewart
Byrum	Howell	Nofs	Tabor
Casperson	Huizenga	O'Neil	Taub
Caswell	Hummel	Palmer	Tobocman
Caul	Hune	Palsrok	Vagnozzi
Clack	Hunter	Pappageorge	Van Regenmorter
Condino	Jamnack	Pastor	Vander Veen
Daniels	Johnson, Ruth	Phillips	Voorhees
Dennis	Julian	Plakas	Walker
DeRoche	Koetje	Reeves	Ward
DeRossett	Kolb	Richardville	Waters

Drolet	Kooiman	Rivet	Wenke
Ehardt	LaJoy	Robertson	Whitmer
Elkins	LaSata	Rocca	Williams
Emmons	Law	Sak	Wojno
Farhat	Lipsey	Shackleton	Woodward
Farrah	McConico	Shaffer	Woronchak
Gaffney	Meisner	Sheen	Zelenko

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 5178, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2002 PA 670.

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

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

Rep. Casperson 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. 5178, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2002 PA 670.

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

Roll Call No. 86**Yeas—105**

Accavitti	Gillard	Middaugh	Sheltrown
Acciavatti	Gleason	Milosch	Shulman
Adamini	Hager	Minore	Smith
Amos	Hardman	Moolenaar	Spade
Anderson	Hart	Mortimer	Stahl
Bieda	Hood	Murphy	Stakoe
Bisbee	Hoogendyk	Newell	Stallworth
Bradstreet	Hopgood	Nitz	Steil
Brandenburg	Howell	Nofs	Stewart
Byrum	Huizenga	O'Neil	Tabor
Casperson	Hummel	Palmer	Taub
Caswell	Hune	Palsrok	Tobocman
Caul	Hunter	Pappageorge	Vagnozzi

Clack	Jamnick	Pastor	Van Regenmorter
Condino	Johnson, Ruth	Phillips	Vander Veen
Daniels	Julian	Plakas	Voorhees
Dennis	Koetje	Pumford	Walker
DeRoche	Kolb	Reeves	Ward
DeRossett	Kooiman	Richardville	Waters
Drolet	LaJoy	Rivet	Wenke
Ehardt	LaSata	Robertson	Whitmer
Elkins	Law	Rocca	Williams
Emmons	Lipsey	Sak	Wojno
Farhat	McConico	Shackleton	Woodward
Farrah	Meisner	Shaffer	Woronchak
Gaffney	Meyer	Sheen	Zelenko
Gielegem			

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. 5386, entitled

A bill to authorize the state administrative board to transfer certain parcels of property in Jackson county.
 The bill was read a second time.

Rep. Bisbee 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. Nitz moved that Rep. Stakoe 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. 5386, entitled

A bill to authorize the state administrative board to transfer certain parcels of property in Jackson county.
 Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 87

Yeas—104

Accavitti	Gielegem	Meyer	Sheen
Acciavatti	Gillard	Middaugh	Sheltrown
Adamini	Gleason	Milosch	Shulman
Amos	Hager	Minore	Smith
Anderson	Hardman	Moolenaar	Spade
Bieda	Hart	Mortimer	Stahl

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Senate Bill No. 703, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80205 (MCL 324.80205), as added by 2000 PA 229; and to repeal acts and parts of acts.

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. 703, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80205 (MCL 324.80205), as added by 2000 PA 229; and to repeal acts and parts of acts.

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

Roll Call No. 88

Yeas—105

Accavitti	Gillard	Middaugh	Sheltrown
Acciavatti	Gleason	Milosch	Shulman
Adamini	Hager	Minore	Smith

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

Nays—0

In The Chair: Julian

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

“An act to 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.”

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved that pursuant to House Rule 20, the Clerk of the House be authorized to enroll House bills while the House is not in session.

The motion prevailed.

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

The motion prevailed.

Reps. Palmer, Sak, Vagnozzi, Hoogendyk, Kooiman, Koetje, Steil, Dennis, O'Neil, Byrum, Plakas, Farrah, Voorhees, Emmons, Farhat, Gleason, Vander Veen, Richardville, Accavitti, Acciavatti, Adamini, Anderson, Bieda, Bradstreet, Brandenburg, Casperson, Caswell, Caul, DeRossett, Ehardt, Elkins, Gillard, Hopgood, Howell, Huizenga, Hummel, Hune, Jamnick, Ruth Johnson, LaJoy, LaSata, Law, Lipsey, Meyer, Middaugh, Minore, Murphy, Newell,

Nitz, Nofs, Palsrok, Pappageorge, Pastor, Phillips, Pumford, Robertson, Shackleton, Shaffer, Sheltroun, Shulman, Spade, Stahl, Stakoe, Stallworth, Stewart, Tabor, Taub, Tobocman, Wojno, Woodward, Zelenko, Clack, Gielegem, Kolb, Rivet, Hardman and Rocca offered the following resolution:

House Resolution No. 207.

A resolution recognizing March 2004, as Reading Month in the state of Michigan.

Whereas, The members of the Michigan House of Representatives are dedicated to providing a quality education to all the children in Michigan; and

Whereas, The citizens of Michigan recognize reading as fundamental to children's education; and

Whereas, Research shows that children who read regularly, especially with adults, have greater success in schools; and

Whereas, Reading is essential to everyday life, both inside and outside of the classroom. Also, reading can open doors and allow children to explore the entire world and beyond. Reading is also a cornerstone to building productive, contributing citizens; and

Whereas, Theodor Geisel, also known as Dr. Seuss, is a beloved children's author who has written 137 children's books and whose use of rhyme makes his books an effective tool for teaching young children the basic skills they need to be successful readers; and

Whereas, "Read Across America" a national celebration of Dr. Seuss 100th birthday on March 2nd, promotes reading and adult involvement in the education of our children; and

Whereas, The Michigan House of Representatives recognizes and promotes the importance of community and parental involvement in every child's success in school; and

Whereas, The Michigan House of Representatives is committed to making Michigan's children, and America's children, the best readers in the world; now, therefore, be it

Resolved, That the members of this legislative body recognize March 2004, as Reading Month in the state of Michigan.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Sak, Palmer, Vagnozzi, Hoogendyk, Kooiman, Koetje, Steil, Dennis, O'Neil, Byrum, Plakas, Farrah, Voorhees, Emmons, Farhat, Gleason, Vander Veen, Richardville, Accavitti, Acciavatti, Adamini, Anderson, Bieda, Bradstreet, Brandenburg, Casperson, Caswell, Caul, DeRossett, Ehardt, Elkins, Gillard, Hopgood, Howell, Huizenga, Hune, Jamnick, Ruth Johnson, LaJoy, LaSata, Law, Lipsey, Meyer, Middaugh, Minore, Newell, Nitz, Nofs, Palsrok, Pappageorge, Pastor, Phillips, Pumford, Robertson, Shackleton, Shaffer, Sheltroun, Shulman, Spade, Stahl, Stakoe, Stallworth, Stewart, Tabor, Taub, Tobocman, Wojno, Woodward, Zelenko, Clack, Gielegem, Kolb, Rivet, Hardman, Waters and Rocca offered the following resolution:

House Resolution No. 208.

A resolution recognizing March 2, 2004, as "Reps. Read Across Michigan Day."

Whereas, The members of the Michigan House of Representatives are dedicated to providing a quality education to all the children in Michigan; and

Whereas, The citizens of Michigan recognize reading as fundamental to children's education; and

Whereas, Research shows that children who read regularly, especially with adults, have greater success in schools; and

Whereas, Reading is essential to everyday life, both inside and outside of the classroom. Also, reading can open doors and allow children to explore the entire world and beyond. Reading is also a cornerstone to building productive, contributing citizens; and

Whereas, Theodor Geisel, also known as Dr. Seuss, is a beloved children's author who has written 137 children's books and whose use of rhyme makes his books an effective tool for teaching young children the basic skills they need to be successful readers; and

Whereas, "Read Across America" a national celebration of Dr. Seuss' 100th birthday on March 2nd, promotes reading and adult involvement in the education of our children; and

Whereas, The Michigan House of Representatives recognizes and promotes the importance of community and parental involvement in every child's success in school; and

Whereas, The Michigan House of Representatives is committed to making Michigan's children, and America's children, the best readers in the world; now, therefore, be it

Resolved, That the members of this legislative body recognize March 2, 2004, as "Reps. Read Across Michigan Day."

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 Education, by Rep. Palmer, Chair, reported

House Resolution No. 196.

A resolution to encourage Michigan's high schools to put a priority on teaching state and local government from a Michigan perspective.

(For text of resolution, see House Journal No. 10, p. 125.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palmer, Meyer, Bradstreet, Hager, Hart, Tabor, Voorhees, Vander Veen, Stahl, Vagnozzi, Spade, 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, February 24, 2004

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

Absent: Rep. Hummel

Excused: Rep. Hummel

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

House Bill No. 4983, entitled

A bill to regulate certain transactions involved in certain immigration matters; to set standards involving certain immigration matters and persons engaged in immigration matters; to provide for certain powers and duties for certain state and local agencies; to provide for the imposition of certain fees; and to provide for remedies and penalties.

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, Nofs, Meisner, Condino and Hood

Nays: None

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

House Bill No. 4984, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2002 PA 475.

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. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

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, February 25, 2004

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 25, 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, Kolb, Plakas, Reeves, Williams, Sak, Zelenko and O'Neil

Absent: Reps. Brown, Phillips, Cheeks and Hunter

Excused: Reps. Brown, Phillips, Cheeks and Hunter

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, February 19:

Senate Bill Nos. 1001 1002 1003 1004

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, February 20:

Senate Bill Nos. 1005 1006

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, February 25:

House Bill Nos. 5587 5588 5589 5590 5591 5592 5593 5594 5595 5596

The Clerk announced that the following Senate bill had been received on Wednesday, February 25:

Senate Bill No. 788

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5199, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 9 and 9a of chapter X (MCL 770.9 and 770.9a), section 9a as amended by 2002 PA 483, and by adding section 9b to chapter X.

The Senate has amended the bill as follows:

1. Amend page 3, following line 24, by inserting:

"Enacting section 1. This amendatory act takes effect June 30, 2004."

The Senate has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 788, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 518 (MCL 600.518), as amended by 2001 PA 256.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Garfield, Nofs, Milosch, Brandenburg, Bradstreet, Acciavatti, Taub, LaJoy, Ward, Moolenaar, Stakoe, Plakas and Smith introduced

House Bill No. 5597, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1424. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Caswell, Brandenburg, Palmer, Drolet, Milosch, Nitz, Garfield, Bradstreet, Emmons, LaJoy, Taub, Tabor, Wenke, Stakoe, Casperson, Voorhees, Kooiman, Meyer, Caul, Pappageorge, Hummel, Mortimer and Sheen introduced

House Bill No. 5598, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 42 (MCL 421.42).

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

Rep. Accavitti moved that the House adjourn.
The motion prevailed, the time being 4:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 26, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives