

No. 32
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House Chamber, Lansing, Wednesday, April 21, 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—excused	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—excused	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—e/d/s	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. Judy Emmons, from the 70th District, offered the following invocation:

“Heavenly Father, we thank You for this glorious day and for the privileges that we enjoy. Always remind us of the responsibilities that are tied to those very privileges. We thank You for the opportunity, those of us who are serving in this body, and for the honor, and the responsibility that goes with that. Help us to be ever mindful that we need to keep Your will and Your wishes in the forefront, as we deliberate and make decisions that effect all of our constituents and the citizens in the state of Michigan. We would ask that You be with us, ask that You protect those who are out there in our great state, working doing the jobs that You provide, and make possible all things through You. We ask these things in the name of Jesus. Amen.”

Rep. Waters moved that Reps. Daniels and Stallworth be excused from this week’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 4468, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 136b (MCL 750.136b), as amended by 1999 PA 273.

(The bill was read a second time, committee substitute (H-2) offered and bill postponed temporarily on April 1, see House Journal No. 30, p. 623.)

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. Van Regenmorter 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. Sheen 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. 4468, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 136b (MCL 750.136b), as amended by 1999 PA 273.

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

Roll Call No. 253

Yeas—104

Accavitti
Acciavatti
Adamini
Amos
Anderson

Gielegem
Gillard
Gleason
Hager
Hardman

Meisner
Meyer
Middaugh
Milosch
Minore

Shaffer
Sheltrown
Shulman
Smith
Spade

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

Notices

Rep. Sheltroun, 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. 216-217 and 219-244. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 216-217, 219-225, 227-230, 233-238, 240-242 and 244 and ‘nay’ on Roll Call Nos. 226, 231-232, 239 and 243.”

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 4584, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

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. Sak 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. 4584, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

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

Roll Call No. 254

Yeas—104

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

Nays—1

Sheen

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Ehardt entered the House Chambers.

Second Reading of Bills

House Bill No. 5278, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406r.

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

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

Rep. Hummel moved to amend the bill as follows:

1. Amend page 1, line 3, after "on" by striking out "professional,".

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

Rep. Hummel 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. DeRossett be excused temporarily from today's session.

The motion prevailed.

Rep. Hune moved that Rep. DeRoche be excused temporarily from today's session.

The motion prevailed.

Rep. Caswell moved that Reps. Bisbee and Drolet 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. 5278, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406r.

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

Roll Call No. 255

Yeas—66

Acciavatti	Howell	Nitz	Sheltrown
Amos	Huizenga	Nofs	Shulman
Bradstreet	Hummel	O'Neil	Spade
Brandenburg	Hune	Palmer	Stahl
Brown	Johnson, Rick	Palsrok	Stakoe
Casperson	Johnson, Ruth	Pappageorge	Steil
Caswell	Julian	Pastor	Stewart
Caul	Koetje	Pumford	Tabor
Ehardt	Kooiman	Richardville	Taub
Emmons	LaJoy	Rivet	Van Regenmorter
Farhat	LaSata	Robertson	Vander Veen
Gaffney	Meyer	Rocca	Voorhees
Garfield	Middaugh	Sak	Walker
Gleason	Milosch	Shackleton	Ward
Hager	Moolenaar	Shaffer	Wenke

Hart
Hoogendyk

Mortimer
Newell

Sheen

Woronchak

Nays—36

Accavitti
Adamini
Anderson
Bieda
Byrum
Clack
Condino
Dennis
Elkins

Farrah
Gielegem
Gillard
Hardman
Hood
Hopgood
Hunter
Jammnick
Kolb

Law
Lipsey
McConico
Meisner
Minore
Murphy
Phillips
Plakas
Reeves

Smith
Tobocman
Vagnozzi
Waters
Whitmer
Williams
Wojno
Woodward
Zelenko

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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 5277 and 5278 because these organizations already can decide not to offer a particular service, or coverage for a particular service, and that this legislation is not needed.”

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

“Mr. Speaker and members of the House:

I voted ‘No’ on House Bills 5006, 5276, 5277, and 5278 because these bills would hinder access to health care services in Michigan, particularly in rural areas. These bills allow individual health care providers’ interests to trump patient care. These bills also do not require health care providers to refer or counsel patients on their full health care options if the health care provider conscientiously objects to one of the possible treatments or procedures. The Michigan State Medical Society has stated that protecting a health care provider from referring a patient to potential medical procedures or counseling them on all possible treatments violates a doctor’s code of ethics in caring for their patient. A patient needs to know all possible treatments available to them, regardless of whether that physician can or will provide them, in order to make informed decisions about their care. These bills also ignore current accreditation rules requiring hospitals to have procedures in place to accommodate employees’ conscientious objections through the Joint Commission on Accreditation of Healthcare Organizations (JACHO) standards.

People in Michigan who choose to be health care providers should not be able to restrict the services available to those they are licensed to care for.”

Rep. Kolb, 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 ‘No’ on House Bills 5006, and the other bills in this legislative package (5276, 5277, and 5278) because these bills would hinder access to health care services in Michigan. This bill and the other bills allow health care providers (and insurers) to refuse to provide health care, to people in need, that violates the health provider’s ethical, moral or religious principals. This legislation would allow individual health care providers’ interests to trump patient care. I oppose this legislation and worry that its passage into law would hinder access to health care services, especially in rural areas. This legislation also does not require health care providers to refer or counsel patients on their full health care options if the health care provider conscientiously objects to one of the possible treatments or procedures. The

Michigan State Medical Society has stated that protecting a health care provider from referring a patient to potential medical procedures or counseling them on all possible treatments violates a doctor's code of ethics in caring for their patient. A patient needs to know all possible treatments available to them, regardless of whether that physician can or will provide them, in order to make informed decisions about their care. Current accreditation rules already require hospitals to have procedures in place to accommodate employees' conscientious objections through the Joint Commission on Accreditation of Healthcare Organizations (JACHO) standards.

People in Michigan who choose to be health care providers should not be able to restrict the services available to those they are licensed to care for. This bill allows health care providers to deny needed health care services to any individual not currently protected from discrimination under the state's Elliot-Larsen civil rights act. Thus, a health provider could refuse health care to an individual based upon a patient's actual or perceived sexual orientation. I adamantly oppose this legislation and believe that this is a very dangerous path for Michigan to travel down."

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

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 255. Had I been present, I would have voted 'yea'."

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

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 255. Had I been present, I would have voted 'yea'."

Second Reading of Bills

House Bill No. 5277, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 409a.

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

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

Rep. Hummel moved to amend the bill as follows:

1. Amend page 1, line 3, after "on" by striking out "professional,".

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

Rep. Hummel 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. 5277, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 409a.

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

Roll Call No. 256

Yeas—69

Acciavatti
Amos

Hoogendyk
Howell

Newell
Nitz

Sheen
Sheltrown

Bradstreet	Huizenga	Nofs	Shulman
Brandenburg	Hummel	O'Neil	Spade
Brown	Hune	Palmer	Stahl
Casperson	Johnson, Rick	Palsrok	Stakoe
Caswell	Johnson, Ruth	Pappageorge	Steil
Caul	Julian	Pastor	Stewart
DeRoche	Koetje	Phillips	Tabor
Drolet	Kooiman	Pumford	Taub
Ehardt	LaJoy	Richardville	Van Regenmorter
Emmons	LaSata	Rivet	Vander Veen
Farhat	Meyer	Robertson	Voorhees
Gaffney	Middaugh	Rocca	Walker
Garfield	Milosch	Sak	Ward
Gleason	Moolenaar	Shackleton	Wenke
Hager	Mortimer	Shaffer	Woronchak
Hart			

Nays—35

Accavitti	Farrah	Law	Tobocman
Adamini	Gielegem	Lipsey	Vagnozzi
Anderson	Gillard	McConico	Waters
Bieda	Hardman	Meisner	Whitmer
Byrum	Hood	Minore	Williams
Clack	Hopgood	Murphy	Wojno
Condino	Hunter	Plakas	Woodward
Dennis	Jamnack	Reeves	Zelenko
Elkins	Kolb	Smith	

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. 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 5277 and 5278 because these organizations already can decide not to offer a particular service, or coverage for a particular service, and that this legislation is not needed.”

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

“Mr. Speaker and members of the House:

I voted ‘No’ on House Bills 5006, 5276, 5277, and 5278 because these bills would hinder access to health care services in Michigan, particularly in rural areas. These bills allow individual health care providers’ interests to trump patient care. These bills also do not require health care providers to refer or counsel patients on their full health care options if the health care provider conscientiously objects to one of the possible treatments or procedures. The Michigan State Medical Society has stated that protecting a health care provider from referring a patient to potential medical procedures or counseling them on all possible treatments violates a doctor’s code of ethics in caring for their patient. A patient needs to know all possible treatments available to them, regardless of whether that physician can or

will provide them, in order to make informed decisions about their care. These bills also ignore current accreditation rules requiring hospitals to have procedures in place to accommodate employees' conscientious objections through the Joint Commission on Accreditation of Healthcare Organizations (JACHO) standards.

People in Michigan who choose to be health care providers should not be able to restrict the services available to those they are licensed to care for."

Rep. Kolb, 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 'No' on House Bills 5006, and the other bills in this legislative package (5276, 5277, and 5278) because these bills would hinder access to health care services in Michigan. This bill and the other bills allow health care providers (and insurers) to refuse to provide health care, to people in need, that violates the health provider's ethical, moral or religious principals. This legislation would allow individual health care providers' interests to trump patient care. I oppose this legislation and worry that its passage into law would hinder access to health care services, especially in rural areas. This legislation also does not require health care providers to refer or counsel patients on their full health care options if the health care provider conscientiously objects to one of the possible treatments or procedures. The Michigan State Medical Society has stated that protecting a health care provider from referring a patient to potential medical procedures or counseling them on all possible treatments violates a doctor's code of ethics in caring for their patient. A patient needs to know all possible treatments available to them, regardless of whether that physician can or will provide them, in order to make informed decisions about their care. Current accreditation rules already require hospitals to have procedures in place to accommodate employees' conscientious objections through the Joint Commission on Accreditation of Healthcare Organizations (JACHO) standards.

People in Michigan who choose to be health care providers should not be able to restrict the services available to those they are licensed to care for. This bill allows health care providers to deny needed health care services to any individual not currently protected from discrimination under the state's Elliot-Larsen civil rights act. Thus, a health provider could refuse health care to an individual based upon a patient's actual or perceived sexual orientation. I adamantly oppose this legislation and believe that this is a very dangerous path for Michigan to travel down."

Second Reading of Bills

House Bill No. 5276, entitled

A bill to allow certain health facilities to object to providing or participating in certain procedures under certain circumstances; to provide for protection from certain liability; and to provide for remedies.

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

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

Rep. Richardville moved to amend the bill as follows:

1. Amend page 3, line 12, after "on" by striking out "professional,".

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

Rep. Condino moved to amend the bill as follows:

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

"(c) In the event of an emergency where a patient's condition, in the reasonable medical judgment of an attending physician or medical director, requires immediate action to avert serious injury, harm, impairment, or death or is such that a delay would create a serious risk of substantial and irreversible impairment of a major bodily function to that patient."

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

Rep. Bieda moved to amend the bill as follows:

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

"(3) This act does not relieve a health care facility from a duty that exists under another statute or other law pertaining to medical standards of acceptable health care practice and procedures." and renumbering the remaining subsection.

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

Rep. Gleason 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. 5276, entitled

A bill to allow certain health facilities to object to providing or participating in certain procedures under certain circumstances; and to provide for protection from certain liability; and to provide for remedies.

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

Roll Call No. 257

Yeas—72

Acciavatti	Gleason	Moolenaar	Sheen
Amos	Hager	Mortimer	Sheltrown
Bieda	Hart	Newell	Shulman
Bradstreet	Hoogendyk	Nitz	Spade
Brandenburg	Howell	Nofs	Stahl
Brown	Huizenga	O'Neil	Stakoe
Casperson	Hummel	Palmer	Steil
Caswell	Hune	Palsrok	Stewart
Caul	Johnson, Rick	Pappageorge	Tabor
Condino	Johnson, Ruth	Pastor	Taub
DeRoche	Julian	Pumford	Van Regenmorter
Drolet	Koetje	Richardville	Vander Veen
Ehardt	Kooiman	Rivet	Voorhees
Emmons	LaJoy	Robertson	Walker
Farhat	LaSata	Rocca	Ward
Gaffney	Meyer	Sak	Wenke
Garfield	Middaugh	Shackleton	Wojno
Gillard	Milosch	Shaffer	Woronchak

Nays—32

Accavitti	Gielegem	Lipsey	Smith
Adamini	Hardman	McConico	Tobocman
Anderson	Hood	Meisner	Vagnozzi
Byrum	Hopgood	Minore	Waters
Clack	Hunter	Murphy	Whitmer
Dennis	Jamnick	Phillips	Williams
Elkins	Kolb	Plakas	Woodward
Farrah	Law	Reeves	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 allow certain health facilities to object to providing or participating in certain procedures under certain circumstances; and to provide for protection from certain liability.

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

“Mr. Speaker and members of the House:

I voted ‘No’ on House Bills 5006, 5276, 5277, and 5278 because these bills would hinder access to health care services in Michigan, particularly in rural areas. These bills allow individual health care providers’ interests to trump patient care. These bills also do not require health care providers to refer or counsel patients on their full health care options if the health care provider conscientiously objects to one of the possible treatments or procedures. The Michigan State Medical Society has stated that protecting a health care provider from referring a patient to potential medical procedures or counseling them on all possible treatments violates a doctor’s code of ethics in caring for their patient. A patient needs to know all possible treatments available to them, regardless of whether that physician can or will provide them, in order to make informed decisions about their care. These bills also ignore current accreditation rules requiring hospitals to have procedures in place to accommodate employees’ conscientious objections through the Joint Commission on Accreditation of Healthcare Organizations (JACHO) standards.

People in Michigan who choose to be health care providers should not be able to restrict the services available to those they are licensed to care for.”

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

Second Reading of Bills

House Bill No. 5006, entitled

A bill to provide standards for personnel policies to protect the right of conscience of health care providers who conscientiously object to providing or participating in certain health care services under certain circumstances; to provide for protection from certain liability; and to provide for penalties and remedies.

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

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

Rep. Richardville moved to amend the bill as follows:

1. Amend page 3, line 25, after “on” by striking out “professional,”.
2. Amend page 4, line 9, after “adopts” by striking out “a” and inserting “an”.
3. Amend page 4, line 10, by striking out “professional,”.

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

Rep. Ruth Johnson moved to amend the bill as follows:

1. Amend page 1, line 4, after the first “medication” by striking out “or device”.
2. Amend page 1, line 5, by striking out “or device”.
3. Amend page 2, line 12, after “medication” by striking out “or device”.

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

Rep. Whitmer moved to amend the bill as follows:

1. Amend page 1, following line 6, by inserting:

“(b) “Emergency contraceptive medication or device” means a medication or combination of medications or device approved by the federal drug administration that prevent pregnancy by preventing ovulation or fertilization of an egg that is taken or used after sexual intercourse.” and relettering the remaining subdivisions.

2. Amend page 2, line 12, after “device” by inserting “or an emergency contraceptive medication or device”.

The question being on the adoption of the amendments offered by Rep. Whitmer,

Rep. Whitmer demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Whitmer,

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

Roll Call No. 258**Yeas—34**

Accavitti	Farrah	Law	Smith
Adamini	Gillard	Lipsey	Tobocman
Anderson	Gleason	McConico	Vagnozzi
Bieda	Hardman	Meisner	Waters
Byrum	Hood	Minore	Whitmer
Clack	Hopgood	Murphy	Williams
Condino	Hunter	Phillips	Woodward
Dennis	Jamnick	Plakas	Zelenko
Elkins	Kolb		

Nays—68

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

In The Chair: Julian

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**House Bill No. 5006, entitled**

A bill to provide standards for personnel policies to protect the right of conscience of health care providers who conscientiously object to providing or participating in certain health care services under certain circumstances; to provide for protection from certain liability; and to provide for penalties and remedies.

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

Roll Call No. 259**Yeas—69**

Acciavatti	Hart	Mortimer	Sheen
Amos	Hoogendyk	Newell	Sheltrown
Bieda	Howell	Nitz	Shulman

Bradstreet	Huizenga	Nofs	Spade
Brandenburg	Hummel	O'Neil	Stahl
Brown	Hune	Palmer	Stakoe
Casperson	Johnson, Rick	Palsrok	Steil
Caswell	Johnson, Ruth	Pappageorge	Tabor
Caul	Julian	Pastor	Taub
DeRoche	Koetje	Pumford	Van Regenmorter
Drolet	Kooiman	Richardville	Vander Veen
Ehardt	LaJoy	Rivet	Voorhees
Emmons	LaSata	Robertson	Walker
Farhat	Meyer	Rocca	Ward
Gaffney	Middaugh	Sak	Wenke
Garfield	Milosch	Shackleton	Wojno
Gleason	Moolenaar	Shaffer	Woronchak
Hager			

Nays—35

Accavitti	Gielegem	Lipsey	Stewart
Adamini	Gillard	McConico	Tobocman
Anderson	Hardman	Meisner	Vagnozzi
Byrum	Hood	Minore	Waters
Clack	Hopgood	Murphy	Whitmer
Condino	Hunter	Phillips	Williams
Dennis	Jamnick	Plakas	Woodward
Elkins	Kolb	Reeves	Zelenko
Farrah	Law	Smith	

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. Shulman, Rick Johnson, Tabor, Hager, Ehardt, Julian, Newell, Howell, Shackleton, DeRoche, Stakoe, Hune, Wenke, Emmons, Van Regenmorter, Nitz and Palsrok were named co-sponsors of the bill.

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:

In order to become a physician, individuals must take the Hippocratic Oath, which lays out the credo of physicians as derived from Hippocrates, the father of medicine. All who take the oath say, among other things, the following: ‘I will remember that I do not treat a fever chart, a cancerous growth, but a sick human being, whose illness may affect the person’s family and economic stability.’ Nowhere in the oath does it say that physicians shall not treat people whose ethnicity, sexual orientation, or beliefs they may not agree with or approve of. This package of bills would amend the Hippocratic Oath in a way that takes rights away from people in the name of protecting the rights of others. We do not have the moral or professional standing to do either.”

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

“Mr. Speaker and members of the House:

I voted ‘No’ on House Bills 5006, 5276, 5277, and 5278 because these bills would hinder access to health care services in Michigan, particularly in rural areas. These bills allow individual health care providers’ interests to trump

patient care. These bills also do not require health care providers to refer or counsel patients on their full health care options if the health care provider conscientiously objects to one of the possible treatments or procedures. The Michigan State Medical Society has stated that protecting a health care provider from referring a patient to potential medical procedures or counseling them on all possible treatments violates a doctor's code of ethics in caring for their patient. A patient needs to know all possible treatments available to them, regardless of whether that physician can or will provide them, in order to make informed decisions about their care. These bills also ignore current accreditation rules requiring hospitals to have procedures in place to accommodate employees' conscientious objections through the Joint Commission on Accreditation of Healthcare Organizations (JACHO) standards.

People in Michigan who choose to be health care providers should not be able to restrict the services available to those they are licensed to care for."

Rep. Kolb, 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 'No' on House Bills 5006, and the other bills in this legislative package (5276, 5277, and 5278) because these bills would hinder access to health care services in Michigan. This bill and the other bills allow health care providers (and insurers) to refuse to provide health care, to people in need, that violates the health provider's ethical, moral or religious principals. This legislation would allow individual health care providers' interests to trump patient care. I oppose this legislation and worry that its passage into law would hinder access to health care services, especially in rural areas. This legislation also does not require health care providers to refer or counsel patients on their full health care options if the health care provider conscientiously objects to one of the possible treatments or procedures. The Michigan State Medical Society has stated that protecting a health care provider from referring a patient to potential medical procedures or counseling them on all possible treatments violates a doctor's code of ethics in caring for their patient. A patient needs to know all possible treatments available to them, regardless of whether that physician can or will provide them, in order to make informed decisions about their care. Current accreditation rules already require hospitals to have procedures in place to accommodate employees' conscientious objections through the Joint Commission on Accreditation of Healthcare Organizations (JACHO) standards.

People in Michigan who choose to be health care providers should not be able to restrict the services available to those they are licensed to care for. This bill allows health care providers to deny needed health care services to any individual not currently protected from discrimination under the state's Elliot-Larsen civil rights act. Thus, a health provider could refuse health care to an individual based upon a patient's actual or perceived sexual orientation. I adamantly oppose this legislation and believe that this is a very dangerous path for Michigan to travel down."

Rep. Adamini, 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 'No' on House Bill 5006 because these bills would hinder access to health care services in Michigan, particularly in rural areas. These bills allow individual health care providers' interests to trump patient care. These bills also do not require health care providers to refer or counsel patients on their full health care options if the health care provider conscientiously objects to one of the possible treatments or procedures. The Michigan State Medical Society has stated that protecting a health care provider from referring a patient to potential medical procedures or counseling them on all possible treatments violates a doctor's code of ethics in caring for their patient. A patient needs to know all possible treatments available to them, regardless of whether that physician can or will provide them, in order to make informed decisions about their care. These bills also ignore current accreditation rules requiring hospitals to have procedures in place to accommodate employees' conscientious objections through the Joint Commission on Accreditation of Healthcare Organizations (JACHO) standards.

People in Michigan who choose to be health care providers should not be able to restrict the services available to those they are licensed to care for."

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved that Rule 45(c) be suspended.

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

Rep. Rick Johnson moved that the Committee on Commerce be discharged from further consideration of **House Bill No. 5632** and motion postponed for the day on March 23, see House Journal No. 25, p. 473.

(For first notice see House Journal No. 24, p. 461.)

The question being on the motion made previously by Rep. Rick Johnson,

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

The bill was placed on the order of Second Reading of Bills and laid over one day.

Rep. Richardville moved that Rule 45(c) be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Richardville moved that the Committee on Tax Policy be discharged from further consideration of **House Bill No. 5708**.

(For first notice see House Journal No. 31, p. 703.)
The question being on the motion made by Rep. Richardville,
The motion prevailed, a majority of the members serving voting therefor.
The bill was placed on the order of Second Reading of Bills and laid over one day.

Rep. Richardville moved that Rule 45(c) be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Richardville moved that the Committee on Regulatory Reform be discharged from further consideration of **House Bill No. 4865**.

(For first notice see House Journal No. 31, p. 703.)
The question being on the motion made by Rep. Richardville,
The motion prevailed, a majority of the members serving voting therefor.
The bill was placed on the order of Second Reading of Bills and laid over one day.

Reports of Standing Committees

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported **House Resolution No. 200**.

A resolution to urge the Federal Communications Commission to develop and enforce stronger measures to restrict indecency in radio and television broadcasting.

(For text of resolution, see House Journal No. 12, p. 185.)

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

Substitute for House Resolution No. 200.

A resolution to urge the Federal Communications Commission to continue its strong enforcement against entities that violate indecency and profanity regulations in radio and television broadcasting.

Whereas, Over the past few years, the number of radio and television broadcasts that seem far beyond any acceptable standard of decency have increased significantly. Some of the individual occurrences are remarkable in the level of crudity and offensiveness. They are, however, very believable to anyone who has channel surfed with a young child nearby or anyone who knows of the "shock jock" mentality that seems pervasive on some radio stations. Incidents during the 2004 Super Bowl Halftime Show, the 2003 Golden Globes awards, and broadcasts of indecent material in connection with the Howard Stern Show and other programs have served to focus national attention on this problem; and

Whereas, The FCC has both statutory authority, under Chapter 18, Section 1464 of the USC, and promulgated regulatory authority, under 73.3999 (47 CFR), to administer sanctions to deal with indecent broadcasting. The commission's recent actions against entities violating such provisions have served warning for future broadcasts; and

Whereas, On April 7, 2004, the FCC imposed a \$495,000 fine in connection with the willful broadcasting of indecent material on the Howard Stern Show. This figure represented a maximum statutory \$27,500 fine for each of the eighteen total violations. In addition, on March 3, 2004, the FCC overruled an earlier decision that had previously held that isolated or fleeting use of the "F-word" was not indecent. Because of the FCC's reversal, broadcasters are now on clear notice that, in the future, they will be subject to strong enforcement action for any broadcast of the "F-word," such as was broadcast during the 2003 Golden Globe awards. Furthermore, FCC Chairman Michael K. Powell recently testified before Congress to assure lawmakers that the FCC had already launched an extensive investigation of the 2004 Super Bowl Halftime Show that would be thorough and swift; and

Whereas, The FCC's recent enforcement actions responding to the concerns and sentiments of countless citizens who have voiced verbal and written complaints against the broadcasting of indecency and profanity are welcomed and encouraged; now, therefore, be it

Resolved by the House of Representatives, That we urge the Federal Communications Commission to continue to take decisive actions to restrict indecency and profanity in radio and television broadcasting; and be it further

Resolved, That copies of this resolution be transmitted to the Federal Communications Commission.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 21, 2004

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

Absent: Reps. Huizenga, LaSata, Daniels and Stallworth

Excused: Reps. Huizenga, LaSata, Daniels and Stallworth

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported

House Bill No. 5313, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2102 and 52706 (MCL 324.2102 and 324.52706), section 2102 as added by 1995 PA 60 and section 52706 as amended by 2002 PA 356, and by adding section 2154a.

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

1. Amend page 2, line 2, after the second "**the**" by striking out "**2003**" and inserting "**2004**".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Tabor, Milosch, Bradstreet, Richardville, Gillard, Farrah and Sheltroun

Nays: None

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported

House Bill No. 5681, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 76505 and 76507 (MCL 324.76505 and 324.76507), as added by 1995 PA 58, and by adding section 76507a.

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

Nays: None

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported

Senate Bill No. 221, entitled

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

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 21, 2004

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

Absent: Rep. Ehardt

Excused: Rep. Ehardt

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

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.

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. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Palmer, Milosch, Nofs, Stakoe, Bieda, Zelenko and Condino

Nays: None

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

House Bill No. 5335, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

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

Nays: Reps. O'Neil and Minore

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

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 7gg.

With the recommendation that the substitute (H-5) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: Reps. O'Neil and Bieda

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

House Bill No. 5342, entitled

A bill to amend 1985 PA 224, entitled "Enterprise zone act," by amending section 21c (MCL 125.2121c), as amended by 1998 PA 242.

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. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe and Condino

Nays: Reps. O'Neil and Minore

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

House Bill No. 5343, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 10 (MCL 125.2790).

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: Rep. O'Neil

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

House Bill No. 5345, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 635a.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: Rep. O'Neil

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

Senate Bill No. 863, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51f.

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. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Palmer, Milosch, Nofs, Stakoe and Condino

Nays: Rep. O'Neil

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

Senate Bill No. 865, entitled

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," (MCL 211.181 to 211.182) by adding section 1a.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: Reps. O'Neil and Minore

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

Senate Bill No. 867, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 51105 (MCL 324.51105), as amended by 1996 PA 451.

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

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

Favorable Roll Call

To Report Out:

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

Nays: Rep. O'Neil

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

Senate Bill No. 872, entitled

A bill to amend 1984 PA 385, entitled "Technology park development act," by amending section 12 (MCL 207.712), as amended by 1996 PA 445.

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

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

Favorable Roll Call

To Report Out:

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

Nays: Rep. O'Neil

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

Senate Bill No. 875, entitled

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending section 5 of chapter 1 (MCL 141.1155), as amended by 1998 PA 241.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: Rep. O'Neil

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 21, 2004

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 20, 2004

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 21, 2004

Present: Reps. Stakoe, Howell, Nofs, Meisner, Condino and Hood

Absent: Reps. Van Regenmorter, LaSata and Gaffney

Excused: Reps. Van Regenmorter, LaSata and Gaffney

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 21, 2004

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

Absent: Reps. Daniels and Gillard

Excused: Reps. Daniels and Gillard

Second Reading of Bills

Rep. Kooiman moved that Rule 48 be suspended.

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

House Bill No. 5708, entitled

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending sections 32, 33, 52, and 56 (MCL 205.232, 205.233, 205.252, and 205.256), sections 32, 33, and 52 as added by 1993 PA 54 and section 56 as amended by 1998 PA 277, and by adding section 32a.

The bill was read a second time.

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

The motion prevailed.

Rep. Kooiman 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. 5708, entitled

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending sections 32, 33, 52, and 56 (MCL 205.232, 205.233, 205.252, and 205.256), sections 32, 33, and 52 as added by 1993 PA 54 and section 56 as amended by 1998 PA 277, and by adding section 32a.

The bill was read a third time and not passed, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 260

Yeas—33

Accavitti
Anderson

Hardman
Hood

Meisner
Minore

Sheltrown
Smith

Byrum	Hopgood	Murphy	Tobocman
Clack	Hunter	Phillips	Waters
Condino	Jamnick	Plakas	Whitmer
Dennis	Kolb	Reeves	Williams
Farrah	Lipsey	Rivet	Wojno
Gielegghem	McConico	Sak	Zelenko
Gleason			

Nays—70

Acciavatti	Hager	Moolenaar	Shulman
Amos	Hart	Mortimer	Spade
Bieda	Hoogendyk	Newell	Stahl
Bradstreet	Howell	Nitz	Stakoe
Brandenburg	Huizenga	Nofs	Steil
Brown	Hummel	O'Neil	Stewart
Casperson	Hune	Palmer	Tabor
Caswell	Johnson, Rick	Palsrok	Taub
Caul	Johnson, Ruth	Pappageorge	Vagnozzi
DeRoche	Julian	Pastor	Van Regenmorter
Drolet	Koetje	Pumford	Vander Veen
Ehardt	Kooiman	Richardville	Voorhees
Elkins	LaJoy	Robertson	Walker
Emmons	LaSata	Rocca	Ward
Farhat	Law	Shackleton	Wenke
Gaffney	Meyer	Shaffer	Woodward
Garfield	Middaugh	Sheen	Woronchak
Gillard	Milosch		

In The Chair: Julian

Second Reading of Bills

Rep. Kooiman moved that Rule 48 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

House Bill No. 4865, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 221 and 233 (MCL 436.1221 and 436.1233).

The bill was read a second time.

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

The motion prevailed.

Rep. Kooiman 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. 4865, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 221 and 233 (MCL 436.1221 and 436.1233).

The bill was read a third time and not passed, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 261**Yeas—22**

Accavitti	Hardman	Minore	Sheltrown
Adamini	Hood	Murphy	Waters
Anderson	Jamnick	O'Neil	Whitmer
Byrum	Kolb	Phillips	Williams
Clack	Lipsey	Reeves	Zelenko
Condino	Meisner		

Nays—81

Acciavatti	Hager	Milosch	Shulman
Amos	Hart	Moolenaar	Smith
Bieda	Hoogendyk	Mortimer	Spade
Bradstreet	Hopgood	Newell	Stahl
Brandenburg	Howell	Nitz	Stakoe
Brown	Huizenga	Nofs	Steil
Casperson	Hummel	Palmer	Stewart
Caswell	Hune	Palsrok	Tabor
Caul	Hunter	Pappageorge	Taub
DeRoche	Johnson, Rick	Pastor	Tobocman
Drolet	Johnson, Ruth	Plakas	Vagnozzi
Ehardt	Julian	Pumford	Van Regenmorter
Elkins	Koetje	Richardville	Vander Veen
Emmons	Kooiman	Rivet	Voorhees
Farhat	LaJoy	Robertson	Walker
Farrar	LaSata	Rocca	Ward
Gaffney	Law	Sak	Wenke
Garfield	McConico	Shackleton	Wojno
Gielegem	Meyer	Shaffer	Woodward
Gillard	Middaugh	Sheen	Woronchak
Gleason			

In The Chair: Julian

Rep. Hunter, 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 reluctantly oppose this bill because I am fearful of the economic harm that may be caused the many liquor retailers across the state that include the bars, restaurants and other entertainment establishments in my district. I wholeheartedly support the state’s funding of fire protection grants in order to assist the fire departments across the state. However, I believe that there is a another way for this legislature to fund fire protection grants without negatively impacting what I believe to be a key component of many local economies. I stand committed to working to find such a solution to ensure that local fire departments get the financial resources that they need to protect and serve every community across the state.”

Rep. Kooiman, 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 the increase in the liquor tax because Michigan already has higher excise taxes on liquor than any other Midwestern state and I don’t believe we should be increasing taxes at this time. While I understand that a portion of the liquor tax increase would have gone toward Fire Protection grants, I am convinced that we can find \$3.7 million elsewhere to provide that level of funding.”

Rep. Kooiman 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. Whitmer, Elkins, Phillips, Plakas, Sheltrown, Zelenko, Sak, Spade, Accavitti, Lipsey, Murphy, Waters, Brandenburg, Adamini, Brown, Condino, Gielegem, Gillard, Hopgood, Jamnick, Kolb, Milosch, Tobocman, Bieda, Pappageorge, Pastor, Smith, Clack, Hood, Rocca, Minore, Gleason, Byrum, Wojno and Dennis offered the following concurrent resolution:

House Concurrent Resolution No. 50.

A concurrent resolution to memorialize the Congress of the United States to provide for an extension of federal assistance to the states to address Medicaid costs.

Whereas, Across the country, state governments have faced deep and prolonged financial challenges during the national economic slowdown. Although there are many facets to the fiscal problems the states have experienced, a key factor has been increasing burdens the states bear in administering Medicaid. Michigan, with a Medicaid caseload that has risen with our high unemployment, has felt a substantial strain because of the health costs of Medicaid; and

Whereas, In 2003, Congress and the President enacted a temporary federal relief package. Under this temporary legislation, the federal government increased its share of Medicaid program funding costs. This package was of great benefit to the states and to our entire country, as more severe cuts to Medicaid or essential state programs were avoided; and

Whereas, With a February 2004 Medicaid caseload of 1.4 million, including an increase of 11,000 new cases, Michigan remains in a very difficult financial situation. Of the estimated budgetary shortfall of approximately \$1 billion for the next fiscal year, half of this amount is expected to be from the loss of federal Medicaid funds; and

Whereas, Health care facilities in Michigan, as well as those across the country, are concerned about their ability to maintain a proper level of care without a renewal of additional federal funding to address Medicaid costs; and

Whereas, The federal relief extended to the states represents one of the most effective means not only to provide needed health care, but also to stimulate the economy; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to provide for an extension of federal assistance to the states to address Medicaid costs; 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, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Government Operations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH ARTICLE 5, SECTION 2 OF THE CONSTITUTION OF THE STATE OF MICHIGAN.

Reps. Casperson, Bradstreet, Palsrok, Hummel, Middaugh, Vander Veen, Emmons, Shulman, Caul, Nofs, Stahl, Mortimer, Kooiman, Sheen, Hune, Farhat, DeRoche, Caswell, Meyer, Julian, Garfield, Brandenburg, Gillard, Milosch, Stakoe, Pastor, Shaffer and Voorhees offered the following concurrent resolution:

House Concurrent Resolution No. 51.

A concurrent resolution to disapprove Executive Order No. 2004-3, setting forth changes in the organization of the executive branch.

Whereas, Article 5, Section 2 of the Constitution of the State of Michigan provides that the governor may make changes in the organization of the executive branch or in the assignment of functions within the executive units. Where these changes require the force of law, they must be set forth in executive orders that are submitted to the legislature. The legislature shall have 60 calendar days of a regular session to disapprove each executive order by a resolution concurred in by a majority of the members elected and serving in each house of the legislature; and

Whereas, Governor Granholm has issued an executive order proposing the reorganization of the executive branch relative to the regulation of privately owned cervidae livestock facilities and operations. Executive Order No. 2004-3 was signed on April 15, 2004. This reorganization order includes the transfer of regulatory authority for cervidae livestock facilities and operations from the Department of Agriculture to the Department of Natural Resources; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we hereby disapprove Executive Order No. 2004-3, issued April 15, 2004, and proposing the reorganization of the executive branch of government relative to transferring the regulation of privately owned cervidae livestock facilities and operations from the Department of Agriculture to the Department of Natural Resources; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

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

Reps. Whitmer, Elkins, Phillips, Plakas, Sheltroun, Zelenko, Sak, Spade, Accavitti, Garfield, Lipsey, Murphy, O'Neil, Waters, Brandenburg, Adamini, Brown, Condino, Gielegem, Gillard, Hopgood, Jamnick, Kolb, Milosch, Tobocman, Bieda, Pappageorge, Pastor, Smith, Richardville, Clack, Hood, Rocca, Minore, Gleason, Byrum, Wojno and Dennis offered the following resolution:

House Resolution No. 235.

A resolution to memorialize the Congress of the United States to provide for an extension of federal assistance to the states to address Medicaid costs.

Whereas, Across the country, state governments have faced deep and prolonged financial challenges during the national economic slowdown. Although there are many facets to the fiscal problems the states have experienced, a key factor has been increasing burdens the states bear in administering Medicaid. Michigan, with a Medicaid caseload that has risen with our high unemployment, has felt a substantial strain because of the health costs of Medicaid; and

Whereas, In 2003, Congress and the President enacted a temporary federal relief package. Under this temporary legislation, the federal government increased its share of Medicaid program funding costs. This package was of great benefit to the states and to our entire country, as more severe cuts to Medicaid or essential state programs were avoided; and

Whereas, With a February 2004 Medicaid caseload of 1.4 million, including an increase of 11,000 new cases, Michigan remains in a very difficult financial situation. Of the estimated budgetary shortfall of approximately \$1 billion for the next fiscal year, half of this amount is expected to be from the loss of federal Medicaid funds; and

Whereas, Health care facilities in Michigan, as well as those across the country, are concerned about their ability to maintain a proper level of care without a renewal of additional federal funding to address Medicaid costs; and

Whereas, The federal relief extended to the states represents one of the most effective means not only to provide needed health care, but also to stimulate the economy; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide for an extension of federal assistance to the states to address Medicaid costs; 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, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Government Operations.

Reps. Byrum, Waters, Sheltroun, Adamini, Brown, Sak, Dennis, Bieda, Phillips, Whitmer, O'Neil, Kolb, Anderson, Plakas, Farrah, Spade, Clack, Vagnozzi, Condino, Tobocman, Smith, Wojno, Law, Hopgood, Hood, Gaffney, Accavitti, Lipsey, Gleason, Meisner, Elkins, Reeves, Woodward, Zelenko, Minore, Gielegem, McConico, Rivet, Jamnick, Hardman, DeRossett, Julian, Garfield, Murphy, Gillard, Milosch, Pappageorge, Shulman, Richardville, Rocca and LaSata offered the following resolution:

House Resolution No. 236.

A resolution honoring the life of Mildred "Millie" McWilliams Jeffery, who lived from 1910 to 2004, for her services to the state of Michigan.

Whereas, The citizens of Michigan wish to express their deepest sadness over the death Mildred Jeffery; and

Whereas, The recognition of her lifelong efforts on behalf of labor, women, minorities, and liberal causes earned her the nation's highest civilian honor, the Presidential Medal of Freedom in 2000; and

Whereas, Jeffery grew up in Minneapolis and attended the University of Minnesota, where she joined the YWCA, which was controversial at that time because it sponsored interracial dances and promoted integration. Jeffery's involvement with the YWCA and the Women's International League for Peace and Freedom exposed her to the plight of female factory workers who received low wages and worked long hours; and

Whereas, In the 1930s, Jeffery earned a graduate degree in social work from Bryn Mawr College; and

Whereas, Jeffery became an organizer for the Amalgamated Clothing Workers of America and married fellow union organizer Homer Jeffery. The two of them traveled throughout the south and the east, organizing textile workers; and

Whereas, During World War II, the Jefferys worked in Washington as consultants to the War Labor Board and befriended Walter and Victor Reuther, who had helped form the United Auto Workers in 1935; and

Whereas, The couple moved to Detroit in 1944 when Victor Reuther offered Jeffery a job as director of the newly formed UAW Women's Bureau. Jeffery was the first woman to head a United Auto Workers department and worked for 30 years behind the scenes in state and national Democratic politics. Jeffery worked for the union until her retirement in 1976; and

Whereas, In the 1940s, Jeffery joined the NAACP and helped organize Americans for Democratic Action; and

Whereas, In the 1960s, Jeffery marched with Martin Luther King Jr., James Meredith, and other activists in the Deep South; and

Whereas, Jeffery managed Robert F. Kennedy's 1968 presidential campaign in Michigan and was active in helping Geraldine Ferraro win the vice presidential nomination on the 1984 democratic ticket; and

Whereas, Jeffery helped establish the National Women's Political Caucus (NWPC). The NWPC lobbied for child care, equal pay legislation, and ratification of the Equal Rights Amendment; and

Whereas, Jeffery was a co-founder and former president of the Michigan Women's Foundation and was a member of the Michigan Women's Hall of Fame; and

Whereas, Jeffery was elected to the Wayne State University Board of Governors in 1974, where she served until 1990; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body offer tribute and honor life the of Mildred "Millie" McWilliams Jeffrey for her services to the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Jeffery family as evidence of our lasting esteem for her services.

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. Wojno, Sak, Vander Veen, Caswell, DeRossett, Elkins, Julian, Phillips, Plakas, Sheltroun, Zelenko, Spade, Accavitti, Garfield, Kooiman, Lipsey, Murphy, O'Neil, Waters, Whitmer, Brandenburg, Adamini, Brown, Condino, Gieleghem, Gillard, Hopgood, Jamnick, Kolb, Milosch, Stakoe, Tobocman, Bieda, Pappageorge, Pastor, Shaffer, Shulman, Smith, Voorhees, Richardville, Casperson, Clack, Farhat, Hood, Rocca, Minore, Gleason, Byrum, Hummel, LaSata and Dennis offered the following resolution:

House Resolution No. 237.

A resolution recognizing the week of May 6-12, 2004, as National Nurses Week in Michigan.

Whereas, Over 114,000 registered nurses in Michigan comprise the largest group of licensed health care professionals in Michigan; and

Whereas, Registered nurses provide the most direct and continuous care to populations of every age and in every environment of care; and

Whereas, The depth and breadth of the registered nursing profession meets the different and emerging health care needs in a wide range of settings; and

Whereas, The Michigan Nurses Association celebrates its 100th anniversary as the voice for the registered nurses of the great state of Michigan; and

Whereas, The Michigan Nurses Association is working to ensure safe patient care, and an improved health status for all Michigan citizens; and

Whereas, Professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

Whereas, The cost-effective, safe and quality health care services provided by registered nurses will be an ever more important component of Michigan's health care delivery system in the future; and

Whereas, The demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

Whereas, The development and maintenance of a vital nursing workforce in Michigan is of concern to all of our residents; and

Whereas, More registered nurses are needed to meet the increasingly complex needs of health care consumers in Michigan; and

Whereas, The Michigan Nurses Association celebrates the week of May 6-12, 2004, as National Nurses Week with a year-long theme of "Safe Patient Care" in recognition of the ways in which registered nurses strive to ensure safe and high quality patient care in all settings; and

Whereas, National Nurses Week provides an excellent opportunity to extend our appreciation and gratitude to the registered nurses of Michigan who serve twenty-four hours a day, seven days a week throughout the state; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body recognize the week of May 6-12, 2004, as National Nurses Week in Michigan and ask that all residents of Michigan join in honoring Michigan's registered nurses who strive to ensure safe patient care for all of us; and be it further

Resolved, That the residents of Michigan celebrate registered nurse's accomplishments and efforts to improve the safety and quality of our health care system, and show our appreciation for the registered nurses not just during this week, but at every opportunity throughout the year.

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. Meisner, Gillard, Plakas, Sak, Vagnozzi, Spade, Lipsey, Woodward, Williams, Hopgood, Stallworth, Law, Zelenko, Waters, Anderson, Whitmer, Murphy, Adamini, Brown, Tobocman, Kolb, Farrah, Condino, Gleason, Hood, Cheeks, Elkins, Dennis, Jamnick, Byrum, McConico, Gielegem, Sheltrown, Accavitti, O'Neil, Milosch, Bieda, Smith and Minore offered the following resolution:

House Resolution No. 238.

A resolution to renounce recent comments made by the United States Secretary of Education.

Whereas, In remarks made before a meeting of governors from across the United States, the nation's top education official referred to the country's largest teachers union as a "terrorist organization." These remarks, made in the context of disagreements among many parties over education funding and the No Child Left Behind program, have been most distressing to teachers, parents, and citizens all across the country; and

Whereas, Subsequent explanations of the inappropriate choice of words and pronouncements of admiration for teachers have done little to assure teachers of the Secretary's support. Even in his explanatory remarks, Secretary Rod Paige criticized what he called the union's "obstructionist scare tactics." The terrorist references are a source of serious concern and have shocked and disheartened many Americans, including many who have devoted their lives to one of the most difficult and important of tasks—teaching the rising generations; and

Whereas, To liken the National Education Association to terrorists who murder is an affront not only to every professional educator who ever had to manage a classroom, explain algebra to reluctant scholars, or spend an entire weekend correcting papers, but also to every American citizen who understands the critical role of education in shaping our shared future. Our country will not make the progress it needs to make, in the classroom or elsewhere, if serious policy disagreements generate divisive remarks rather than productive work to solve problems; now, therefore, be it

Resolved by the House of Representatives, That we renounce recent comments made by United States Secretary of Education Rod Paige that referred to the nation's largest teachers union as a "terrorist organization"; and be it further Resolved, That copies of this resolution be transmitted to the United States Secretary of Education.

The resolution was referred to the Committee on Education.

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, April 1:

Senate Bill Nos. 1137 1138

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

Senate Bill Nos. 1139 1140 1141 1142 1143 1144 1145

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

House Bill Nos. 5773 5774 5775 5776

The Clerk announced that the following Senate bills had been received on Wednesday, April 21:

Senate Bill Nos. 912 913 1051

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5466, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5103 (MCL 700.5103), as amended by 2000 PA 54.

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

The House agreed to the full title.

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

House Bill No. 5307, entitled

A bill to enact the uniform principal and income act; to prescribe the manner in which receipts and expenditures of trusts and estates are credited and charged between income and principal, and the manner in which income is

apportioned among beneficiaries at the beginning and upon the termination of a trust or estate; to make uniform the law with respect to principal and income allocation; and to repeal acts and parts of acts.

The Senate has amended the bill as follows:

1. Amend page 34, line 14, after "effect" by striking out "May 1" and inserting "September 1".

The Senate has passed the bill as amended and ordered that it be given immediate effect.

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

Senate Bill No. 727, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

The Senate has nonconcurrent in the House substitute (H-2) and appointed Senators Sanborn, Patterson and Clark-Coleman as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Howell, Gaffney and Lipsey.

The message was referred to the Clerk for record.

Senate Bill No. 912, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 913, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 1051, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1105, 2114, 2301, 2714, 2902, 3715, 3803, 3917, 3918, 3920, 3923, 7303, 7307, 7406, and 7408 (MCL 700.1105, 700.2114, 700.2301, 700.2714, 700.2902, 700.3715, 700.3803, 700.3917, 700.3918, 700.3920, 700.3923, 700.7303, 700.7307, 700.7406, and 700.7408), sections 1105, 2114, 3917, and 7303 as amended by 2000 PA 54, and by adding section 7410.

The Senate has passed the bill.

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

Messages from the Governor

The following message from the Governor was received April 20, 2004 and read:

**(Amended)
EXECUTIVE ORDER
No. 2004 - 11**

SECCHIA COMMISSION ON TOTAL QUALITY GOVERNMENT

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, the Secchia Commission was created under Executive Order 1994-5 on February 15, 1994, was charged with reporting its recommendations to the Governor by December 31, 1994, and has completed the work for which it was created;

WHEREAS, it is necessary in the interests of reengineering government and making its services more efficient to abolish the Secchia Commission;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

A. The Secchia Commission created under Executive Order 1994-5 is abolished.

B. Executive Order 1994-5 is rescinded in its entirety.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of April, in the year of our Lord, two thousand four.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received April 20, 2004 and read:

(Amended)
EXECUTIVE ORDER
No. 2004 - 26

**TASK FORCE ON REVITALIZATION OF AGRICULTURE
THROUGH RESEARCH AND EDUCATION**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, the Task Force on Revitalization of Agriculture through Research and Education was created under Executive Order 1986-16 on October 10, 1986, was charged with making recommendations to the Governor, and has completed the work for which it was organized;

WHEREAS, it is in the interests of efficient and effective government that the Task Force on Revitalization of Agriculture through Research and Education be abolished;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the powers and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

A. The Task Force on Revitalization of Agriculture through Research and Education created under Executive Order 1986-16 is abolished.

B. Executive Order 1986-16 is rescinded in its entirety.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of April, in the year of our Lord, two thousand and four.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

Date: April 20, 2004

Time: 7:33 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4929 (Public Act No. 72, I.E.), being

An act 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 3112a (MCL 324.3112a), as amended by 2000 PA 286.

(Filed with the Secretary of State April 20, 2004, at 10:08 a.m.)

Date: April 20, 2004

Time: 7:36 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5087 (Public Act No. 73, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1179 (MCL 380.1179), as added by 2000 PA 10.

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

Date: April 21, 2004

Time: 9:10 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4472 (Public Act No. 79, I.E.), being

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 9f (MCL 211.9f), as amended by 2000 PA 415.

(Filed with the Secretary of State April 21, 2004, at 9:48 a.m.)

Introduction of Bills

Rep. Whitmer introduced

House Bill No. 5777, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 628 (MCL 257.628), as amended by 2003 PA 65.

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

Rep. Whitmer introduced

House Bill No. 5778, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2891 (MCL 333.2891), as amended by 2001 PA 31.

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

Rep. Whitmer introduced

House Bill No. 5779, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 408 (MCL 484.1408), as amended by 2003 PA 244.

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

Rep. Lipsey introduced

House Bill No. 5780, entitled

A bill to amend 2000 PA 330, entitled "Structured settlement protection act," by amending section 2 (MCL 691.1192).

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

Rep. Lipsey introduced

House Bill No. 5781, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 821 (MCL 418.821), as amended by 1982 PA 282.

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

Rep. DeRossett introduced

House Bill No. 5782, entitled

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

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

Rep. DeRossett introduced

House Bill No. 5783, entitled

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

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

Rep. Murphy introduced

House Bill No. 5784, entitled

A bill to provide for the transfer between state departments of certain state property in Ingham and Clinton counties.

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

Rep. Reeves introduced

House Bill No. 5785, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2003 PA 234.

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

Rep. Minore introduced

House Bill No. 5786, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44a (MCL 211.44a), as added by 1993 PA 313.

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

Rep. Minore introduced

House Bill No. 5787, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 11 (MCL 141.911), as amended by 2003 PA 168.

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

Reps. Kolb, Lipsey, Tobocman, Vagnozzi and Bieda introduced

House Bill No. 5788, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding section 9d.

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

Reps. Spade, Sheltroun, Garfield, Bieda, Dennis, Clack, Tobocman, Gleason, Farrah, Milosch and Anderson introduced

House Bill No. 5789, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

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

Reps. Spade, Sheltroun, Garfield, Bieda, Dennis, Gleason, Nitz, Farrah, Brown, Milosch and Anderson introduced

House Bill No. 5790, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 11 and 23 (MCL 432.11 and 432.23), as amended by 1996 PA 167.

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

Reps. Hoogendyk, Palmer, Vander Veen, Brandenburg, Drolet, Garfield, Meyer, Sheen, Stahl, Bradstreet, Voorhees, Ruth Johnson, Nofs, Pastor, DeRoche, Kooiman, Moolenaar and Richardville introduced

House Bill No. 5791, entitled

A bill to establish a higher education enrollment option grant program for certain students; to prescribe certain duties of public schools; and to prescribe certain powers and duties of certain postsecondary educational institutions and state departments, officials, and agencies.

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

Reps. Palmer, Hoogendyk, Stahl, Moolenaar, Drolet, Voorhees and Ruth Johnson introduced

House Bill No. 5792, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1561 (MCL 380.1561), as amended by 1996 PA 339.

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

Reps. Drolet, Robertson, Brandenburg, Garfield, Nofs, Casperson, Woronchak, Richardville, LaJoy, Stahl and Acciavatti introduced

House Bill No. 5793, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 74101 and 74117 (MCL 324.74101 and 324.74117), section 74101 as added by 1995 PA 58 and section 74117 as amended by 2003 PA 170.

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

Reps. Richardville and Hunter introduced

House Bill No. 5794, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20155 (MCL 333.20155), as amended by 2001 PA 218, and by adding section 21753.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. Hunter and Richardville introduced

House Bill No. 5795, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending sections 11 and 13 (MCL 400.711 and 400.713), section 11 as amended by 1992 PA 176 and section 13 as amended by 1994 PA 150.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. Hardman, McConico, Hunter, Murphy, Hood, Accavitti, Smith, Tobocman, Wojno, Jamnick, Law, Waters and Reeves introduced

House Bill No. 5796, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 451 (MCL 750.451), as amended by 2002 PA 44.

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

Rep. Clack moved that the House adjourn.

The motion prevailed, the time being 4:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, April 22, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives