

No. 78
STATE OF MICHIGAN
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House of Representatives
92nd Legislature
REGULAR SESSION OF 2003

House Chamber, Lansing, Wednesday, October 22, 2003.

1:00 p.m.

The House was called to order by Associate Speaker Pro Tempore Vander Veen.

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

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

e/d/s = entered during session

Rep. Rick Shaffer, from the 59th District, offered the following invocation:

“Fear thou not; for I am with thee: be not dismayed; for I am thy God. I will strengthen thee; I will uphold thee with the right hand of My righteousness. For I, the Lord thy God, will hold thy right hand saying unto thee, ‘Fear not for I will help thee.’ Gracious God, You’re the Creator of the universe, the Sustainer of life and our everlasting Father. Included in Your awesome prayer, awesome power, we are told that You have the ability of caring, as You call us by our names. And so this day, we give praise, honor and glory to You for Your goodness, greatness and everlasting mercy shown upon us. We as legislators do not take our responsibilities lightly as we analyze what is right by our own conscience, good for our constituents and beneficial to our great state of Michigan. We pray, therefore, as did Solomon of old, for wisdom and strength in our leadership roles. We pray for Your guidance as we deliberate on issues today. And so, dear Father, we claim the promise as shared from Your prophet and servant, Isaiah, that You will strengthen us, help us and even hold our hand as we walk with You. And all the people in the chamber said Amen.”

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

Messages from the Senate

House Bill No. 4386, entitled

A bill to make appropriations for certain capital outlay programs and state departments and agencies for the fiscal year ending September 30, 2004; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

The Senate has amended the bill as follows:

1. Amend page 18, following line 8, by inserting:

“Sec. 303. From the amounts appropriated in part 1, no money shall be used for the expansion of either the Scott correctional facility or the western Wayne correctional facility.”.

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.

Rep. Kooiman moved that Rule 45 be suspended.

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

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

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

Roll Call No. 566

Yeas—98

Accavitti	Garfield	Meyer	Shackleton
Acciavatti	Gielegem	Middaugh	Shaffer
Adamini	Gleason	Milosch	Sheen
Amos	Hager	Minore	Sheltrown
Anderson	Hardman	Moolenaar	Shulman
Bieda	Hood	Mortimer	Smith
Bisbee	Hoogendyk	Murphy	Spade

Brandenburg	Hopgood	Newell	Stahl
Brown	Howell	Nitz	Stakoe
Byrum	Huizenga	Nofs	Steil
Casperson	Hummel	O'Neil	Stewart
Caswell	Hunter	Paletko	Tabor
Caul	Jamnick	Palmer	Taub
Cheeks	Johnson, Rick	Palsrok	Tobocman
Clack	Johnson, Ruth	Pappageorge	Vagnozzi
Condino	Julian	Pastor	Van Regenmorter
Daniels	Koetje	Plakas	Vander Veen
Dennis	Kolb	Pumford	Voorhees
DeRossett	Kooiman	Reeves	Walker
Drolet	LaJoy	Richardville	Waters
Ehardt	LaSata	Rivet	Williams
Elkins	Law	Robertson	Wojno
Emmons	Lipsey	Rocca	Woodward
Farhat	McConico	Sak	Zelenko
Farrah	Meisner		

Nays—3

Gaffney	Hune	Ward
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In The Chair: Vander Veen

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

Rep. Drolet moved that Rep. Bradstreet be excused temporarily from today's session.
The motion prevailed.

Reps. Woronchak and Whitmer entered the House Chambers.

Second Reading of Bills

House Bill No. 4666, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 4b (MCL 125.584b).

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

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

Rep. Ward moved to amend the bill as follows:

1. Amend page 2, line 15, after "areas" by inserting "**and how they are to be preserved**".

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

Rep. Ward 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. 4666, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 4b (MCL 125.584b).

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

Roll Call No. 567

Yeas—107

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

Nays—0

In The Chair: Vander Veen

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 4667, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 16c (MCL 125.286c).

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

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

Rep. Ward moved to amend the bill as follows:

1. Amend page 2, line 15, after “areas” by inserting “**and how they are to be preserved**”.

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

Rep. Ward 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. 4667, entitled

A bill to amend 1943 PA 184, entitled “Township zoning act,” by amending section 16c (MCL 125.286c).

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

Roll Call No. 568

Yeas—107

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

Nays—0

In The Chair: Vander Veen

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 4668, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 16c (MCL 125.216c).

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

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

Rep. Ward moved to amend the bill as follows:

1. Amend page 2, line 15, after "areas" by inserting "**and how they are to be preserved**".

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

Rep. Ward 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. 4668, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 16c (MCL 125.216c).

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

Roll Call No. 569

Yeas—103

Accavitti	Gielegem	Meyer	Sheltrown
Acciavatti	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
Byrum	Howell	Nitz	Tabor
Casperson	Huizenga	Nofs	Taub
Caswell	Hummel	O'Neil	Tobocman
Caul	Hune	Paletko	Vagnozzi
Cheeks	Hunter	Palmer	Van Regenmorter
Clack	Jamnick	Palsrok	Vander Veen
Condino	Johnson, Rick	Pappageorge	Voorhees
Daniels	Johnson, Ruth	Pastor	Walker
Dennis	Julian	Plakas	Ward
DeRoche	Koetje	Pumford	Waters
DeRossett	Kolb	Reeves	Wenke
Ehardt	Kooiman	Richardville	Whitmer
Elkins	LaJoy	Rivet	Williams
Emmons	LaSata	Robertson	Wojno
Farhat	Law	Rocca	Woodward
Farrah	Lipsey	Sak	Woronchak
Gaffney	McConico	Shackleton	Zelenko
Garfield	Meisner	Sheen	

Nays—0

The House agreed to the title of the bill.
Rep. Kooiman moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

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

The Speaker laid before the House
House Bill No. 4895, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 67.

(The bill was received from the Senate on October 21, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 77, p. 1945.)

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

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

Roll Call No. 570**Yeas—105**

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

Nays—0

In The Chair: Vander Veen

The House agreed to the full title of the bill.
The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Second Reading of Bills

House Bill No. 4695, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 2002 PA 730.

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

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

Rep. Tobocman 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. 4695, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 2002 PA 730.

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 571

Yeas—104

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

Nays—0

In The Chair: Vander Veen

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 4698, entitled**

A bill to amend 1978 PA 322, entitled “An act to authorize financial institutions to make electronic funds transfer terminals available to their customers; to protect the privacy and security of customers; to prohibit unfair discrimination among financial institutions and monopolistic practices in the use and availability of electronic funds transfer terminals; to prescribe remedies; and to prescribe penalties,” by amending sections 2 and 3 (MCL 488.2 and 488.3).

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

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

Rep. Bisbee 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. 4698, entitled**

A bill to amend 1978 PA 322, entitled “An act to authorize financial institutions to make electronic funds transfer terminals available to their customers; to protect the privacy and security of customers; to prohibit unfair discrimination among financial institutions and monopolistic practices in the use and availability of electronic funds transfer terminals; to prescribe remedies; and to prescribe penalties,” by amending sections 2 and 3 (MCL 488.2 and 488.3).

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 572**Yeas—107**

Accavitti	Gaffney	Meisner	Sheen
Acciavatti	Garfield	Meyer	Sheltrown
Adamini	Gielegem	Middaugh	Shulman
Amos	Gleason	Milosch	Smith
Anderson	Hager	Minore	Spade
Bieda	Hardman	Moolenaar	Stahl
Bisbee	Hart	Mortimer	Stakoe
Bradstreet	Hood	Murphy	Steil
Brandenburg	Hoogendyk	Newell	Stewart
Brown	Hopgood	Nitz	Tabor
Byrum	Howell	Nofs	Taub
Casperson	Huizenga	O’Neil	Tobocman
Caswell	Hummel	Paletko	Vagnozzi
Caul	Hune	Palmer	Van Regenmorter
Cheeks	Hunter	Palsrok	Vander Veen

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

Nays—0

In The Chair: Vander Veen

The House agreed to the title of the bill.
Rep. Kooiman moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

House Bill No. 4699, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled “Motor vehicle sales finance act,” by amending section 36 (MCL 492.136).

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

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

Rep. DeRoche 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. 4699, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled “Motor vehicle sales finance act,” by amending section 36 (MCL 492.136).

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 573

Yeas—107

Accavitti	Gaffney	Meisner	Sheen
Acciavatti	Garfield	Meyer	Sheltrown
Adamini	Gielegem	Middaugh	Shulman
Amos	Gleason	Milosch	Smith
Anderson	Hager	Minore	Spade
Bieda	Hardman	Moolenaar	Stahl
Bisbee	Hart	Mortimer	Stakoe

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

Nays—0

In The Chair: Vander Veen

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Senate Bill No. 493, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 2000 PA 432.

The bill was read a second time.

Rep. Kooiman 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.

Rep. Hood moved that Reps. Plakas and Elkins be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 493, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 2000 PA 432.

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 574**Yeas—105**

Accavitti	Garfield	Meisner	Sheen
Acciavatti	Gielegem	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	Paletko	Vagnozzi
Caul	Hunter	Palmer	Van Regenmorter
Cheeks	Jamnick	Palsrok	Vander Veen
Clack	Johnson, Rick	Pappageorge	Voorhees
Condino	Johnson, Ruth	Pastor	Walker
Daniels	Julian	Pumford	Ward
Dennis	Koetje	Reeves	Waters
DeRoche	Kolb	Richardville	Wenke
DeRossett	Kooiman	Rivet	Whitmer
Drolet	LaJoy	Robertson	Williams
Ehardt	LaSata	Rocca	Wojno
Emmons	Law	Sak	Woodward
Farhat	Lipsey	Shackleton	Woronchak
Farrah	McConico	Shaffer	Zelenko
Gaffney			

Nays—0

In The Chair: Vander Veen

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

“An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties,”

The House agreed to the full title.

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

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

Rep. Plakas, 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. 574. Had I been present, I would have voted ‘yea’.”

Rep. Elkins, 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. 574. Had I been present, I would have voted ‘yea’.”

Second Reading of Bills

Senate Bill No. 494, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 315a and 376a (MCL 750.315a and 750.376a), as added by 1982 PA 395.

The bill was read a second time.

Rep. Kooiman 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

Senate Bill No. 494, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 315a and 376a (MCL 750.315a and 750.376a), as added by 1982 PA 395.

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 575

Yeas—107

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

Nays—0

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 495, entitled

A bill to amend 1973 PA 43, entitled “An act to permit associations, institutions and credit unions to process or handle food stamps; and to prescribe powers and duties,” by amending section 1 (MCL 400.171).

The bill was read a second time.

Rep. Kooiman 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.

Rep. Whitmer moved that Rep. Williams be excused from the balance of today’s session.
The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 495, entitled

A bill to amend 1973 PA 43, entitled “An act to permit associations, institutions and credit unions to process or handle food stamps; and to prescribe powers and duties,” by amending section 1 (MCL 400.171).

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 576

Yeas—106

Accavitti	Gaffney	Meisner	Shaffer
Acciavatti	Garfield	Meyer	Sheen
Adamini	Gielegem	Middaugh	Sheltrown
Amos	Gleason	Milosch	Shulman
Anderson	Hager	Minore	Smith
Bieda	Hardman	Moolenaar	Spade
Bisbee	Hart	Mortimer	Stahl
Bradstreet	Hood	Murphy	Stakoe
Brandenburg	Hoogendyk	Newell	Steil
Brown	Hopgood	Nitz	Stewart
Byrum	Howell	Nofs	Tabor
Casperson	Huizenga	O’Neil	Taub
Caswell	Hummel	Paletko	Tobocman
Caul	Hune	Palmer	Vagnozzi
Cheeks	Hunter	Palsrok	Van Regenmorter
Clack	Jamnick	Pappageorge	Vander Veen
Condino	Johnson, Rick	Pastor	Voorhees

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

Nays—0

In The Chair: Vander Veen

The House agreed to the full title of the bill.
 Rep. Kooiman moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

Senate Bill No. 496, entitled

A bill to provide for the organization, operation, regulation, and supervision of credit unions; to prescribe the powers and duties of credit unions; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties, civil sanctions, and remedies; and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Rivet moved to amend the bill as follows:

1. Amend page 25, line 22, after “The” by inserting “governor in consultation with the”.
2. Amend page 25, line 24, after “appears” by striking out “to the commissioner”.
3. Amend page 25, line 26, after “the” by inserting “governor in consultation with the”.
4. Amend page 25, line 27, after “ended.” by striking out the balance of the subsection.
5. Amend page 26, line 7, after “the” by striking out “commissioner” and inserting “governor”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Rivet moved to amend the bill as follows:

1. Amend page 68, line 18, after “writing.” by inserting “If a domestic credit union requires its members to provide a 60-day notice or a 30-day notice described in this subsection, the domestic credit union shall provide its members with an annual written notice of the domestic credit union’s requirements under this subsection.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Rivet moved to amend the bill as follows:

1. Amend page 10, line 22, after “services” by striking out “and” and inserting a period and “Upon appropriation by the legislature, this money shall be”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Kooiman 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

Senate Bill No. 496, entitled

A bill to provide for the organization, operation, regulation, and supervision of credit unions; to prescribe the powers and duties of credit unions; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties, civil sanctions, and remedies; and to repeal acts and parts of acts.

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 577

Yeas—106

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

Nays—0

In The Chair: Vander Veen

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved to reconsider the vote by which the House passed **Senate Bill No. 725**.
(For first notice see House Journal No. 77, p. 1946.)

The question being on the motion made by Rep. Richardville,

Rep. Richardville moved that consideration of the motion be postponed for the day.
The motion prevailed.

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

Reps. Sheen, Brandenburg, Newell, Hoogendyk, Wenke, Palsrok, Stahl, Stakoe, Ward, Moolenaar, Steil, Amos, LaJoy, Robertson, Vander Veen, DeRoche, Hager, Huizenga, Kooiman, Hune, Nofs, LaSata, Bisbee, Farhat, Walker, Mortimer, Gaffney, Shaffer, Bradstreet, Rocca, Casperson, Pastor, Tabor, Milosch, Ehardt, Julian, Pumford, Hart, Hummel, Drolet, Hood, Vagnozzi, Stallworth, Caul, Ruth Johnson, Hardman, Daniels, Law, Spade, Anderson, Caswell, DeRossett, Gielegem, Meyer, Richardville, Sheltrown, Taub, Voorhees, Zelenko, Garfield, Howell, Kolb, Brown and Shackleton offered the following resolution:

House Resolution No. 153.

A resolution to memorialize the Congress of the United States to enact legislation to create a federal tax check-off program to fund grants to members of the National Guard and Reserves called to active duty for more than 60 days.

Whereas, The nature of the responsibilities of our fellow citizens serving in the National Guard and the Reserves has changed significantly. While reservists have always been well aware of the possibility of extended service in an active duty capacity, the evolving role of the American military in our troubled world has led to large-scale and lengthy mobilization of our reserve forces. Most experts feel that this trend will continue for the foreseeable future; and

Whereas, Thousands of members of the National Guard and Reserves are fulfilling difficult responsibilities in Iraq, Afghanistan, and elsewhere. The American people are aware of the extra sacrifices being made by these citizen soldiers and their beloved families. These enormous sacrifices include not only the obvious risk of life to protect our nation and its ideals, but also the serious financial hardships that face many families of deployed members of the National Guard and the Reserves; and

Whereas, The federal government and many state governments, including Michigan, utilize tax check-off programs on income tax forms to fund a variety of worthy programs. This concept should be developed with regard to the creation of funds to provide much-needed grants to the families of reservists serving extended stints on active duty; and

Whereas, The American people would likely be very supportive of a program that would allow taxpayers to designate from \$1 to \$5 (\$2 to \$10 for joint filers) to go to a fund within the United States Department of Treasury, with each state's contributions calculated. Based on the amount of money generated, grants could be provided to families of reservists of the respective states who are called to active duty for at least 60 days. These grants could be used to offset some of the financial hardships of paying rent and food bills. If the fund were allowed to roll over from year to year and build up, grants could also possibly be made one day to veterans hospitals or for other direct services to the individuals and families making sacrifices in the military; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to create a federal tax check-off program to fund grants to members of the National Guard and Reserves called to active duty for more than 60 days; 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 Tax Policy.

Reports of Standing Committees

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

House Resolution No. 116.

A resolution to urge the United States Department of Education not to penalize Michigan for violating the No Child Left Behind Act.

(For text of resolution, see House Journal No. 65, p. 1730.)

With the recommendation that the following substitute (H-2) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 116.

A resolution urging the Michigan Department of Education to continue to work to reach a suitable compromise with those school districts whose MEAP tests were recently lost.

Whereas, In 2001, Congress passed the No Child Left Behind Act (NCLBA) which, in part, requires states to implement statewide accountability systems covering all public schools and students. School districts and schools that fail to make adequate yearly progress toward statewide proficiency standards will be subject to mandatory improvement, corrective action, and restructuring measures. Parents of children attending schools that repeatedly fail to meet these standards may transfer their children to better performing public schools, including charter schools. The act also ensures that parents be provided with annual student performance report cards that show which schools in their communities are succeeding and which are not. This public information not only helps to enhance student achievement, but provides an incentive for failing schools to improve; and

Whereas, The NCLBA requires Michigan to report annually to the United States Secretary of Education on its progress toward implementing the law. This report includes information about student performance on the Michigan Educational Assessment Program (MEAP) and schools in need of improvement; and

Whereas, Michigan has had to postpone its determination of adequate yearly progress status of schools because the state contracted with a company that failed to live up to its obligations to make MEAP scores available on a timely basis. Although elementary and middle school students took the assessment test in January, the results were almost three months late. Moreover, the company lost more than 1,500 MEAP tests for school districts located in Grand Rapids and other communities. As a result, Michigan not only faces the likelihood of being penalized by the federal government for failing to meet reporting deadlines, but school districts with missing test results, albeit through no fault of their own, face the possibility of being classified as failing to meet adequate yearly progress as defined by the NCLBA; now, therefore, be it

Resolved by the House of Representatives, That we urge the Michigan Department of Education to continue to work to reach a suitable compromise with those school districts whose MEAP tests were recently lost; and be it further

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

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 21, 2003, at 3:30 p.m.

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

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

House Bill No. 5168, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7cc, 7ee, and 24c (MCL 211.7cc, 211.7ee, and 211.24c), sections 7cc and 24c as amended by 2003 PA 140 and section 7ee as amended by 2003 PA 105.

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.

Favorable Roll Call

To Report Out:

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

Nays: Rep. Sheen

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, October 22, 2003, at 9:00 a.m.

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

Absent: Reps. Woronchak and Zelenko

Excused: Reps. Woronchak and Zelenko

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

House Bill No. 4899, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 2555 and 2559 (MCL 600.2555 and 600.2559), section 2559 as amended by 1994 PA 133.

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

1. Amend page 7, following line 3, by inserting:

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5120, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 310d, 319b, 321a, 625, 625b, 727, and 732 (MCL 257.310d, 257.319b, 257.321a, 257.625, 257.625b, 257.727, and 257.732), sections 310d and 625 as amended by 2003 PA 61, sections 319b and 732 as amended by 2002 PA 534, section 321a as amended by 2002 PA 741, section 625b as amended by 1998 PA 357, and section 727 as amended by 1998 PA 348.

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.

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5130, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81134 and 81136 (MCL 324.81134 and 324.81136), section 81134 as amended by 2001 PA 12 and section 81136 as amended by 1996 PA 175.

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.

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported
House Bill No. 5131, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80171, 80176, 80183, 80184, and 80187 (MCL 324.80171, 324.80176, 324.80183, 324.80184, and 324.80187), section 80171 as added by 1995 PA 58, section 80176 as amended by 2001 PA 12, and sections 80183, 80184, and 80187 as amended by 1996 PA 174.

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.

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported
House Bill No. 5132, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82127, 82128, 82140, and 82143 (MCL 324.82127, 324.82128, 324.82140, and 324.82143), section 82127 as amended by 2001 PA 12, section 82128 as amended by 1999 PA 22, and sections 82140 and 82143 as amended by 1996 PA 183.

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.

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 22, 2003, at 10:30 a.m.

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 22, 2003, at 9:00 a.m.

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

Absent: Rep. Stallworth

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members on Thursday, October 16:

Senate Bill No. 779

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, October 22:

House Bill Nos. 5185 5186 5187 5188 5189 5190 5191 5192
House Joint Resolution O

The Clerk announced that the following Senate bills had been received on Wednesday, October 22:

Senate Bill Nos. 482 648 649 650 651 652 698 761 777

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4211, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 30 (MCL 211.30), as amended by 2000 PA 210.

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.

Senate Bill No. 482, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1274a (MCL 380.1274a), as amended by 1990 PA 227.

The Senate has passed the bill.

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

Senate Bill No. 648, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," (MCL 125.401 to 125.543) by adding section 85a.

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. 649, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7401c (MCL 333.7401c), as added by 2000 PA 314.

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. 650, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17766c (MCL 333.17766c), as added by 1994 PA 38.

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. 651, entitled

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

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. 652, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 502d.

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. 698, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2002 PA 711.

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. 761, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare, and educational interests of the people of the state of Michigan by regulating the construction, reconstruction, and remodeling of certain public or private school buildings or additions to such buildings, by regulating the construction, reconstruction, and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 1 (MCL 388.851), as amended by 2002 PA 628.

The Senate has passed the bill.

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

Senate Bill No. 777, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2002 PA 320.

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 Concurrent Resolution No. 11.

A concurrent resolution to memorialize the Congress of the United States and the Environmental Protection Agency to repeal a certain regulation that provides for an exemption for ballast water discharges from permit requirements under the federal Clean Water Act.

Whereas, One of the most frustrating issues facing the Great Lakes is the threat from nonindigenous species. Invaders like the zebra mussel, the round goby, and the ruffe damage the ecology of the Great Lakes and connecting waterways in many ways. The impact of exotic species on municipal water systems, fishing, and aquatic plant life exacts a terrible toll on the nation's most important freshwater resource; and

Whereas, Michigan has exercised consistent leadership in the effort to prevent the arrival of more nonnative species. Our state has put incentives in place in an effort to curb the release of untreated ballast water from the ships that traverse the lakes, which is the primary source of these foreign species. As a state that has suffered significantly because of organisms released into the lakes through the discharge of ballast water, Michigan has repeatedly called for stronger steps to prevent this from happening; and

Whereas, The effort to halt the introduction and spread of nonindigenous species through ballast water discharges continues to be frustrated by federal regulations under the Clean Water Act. Although this key federal act requires permits through the National Pollution Discharge Elimination System for discharges, 40 C.F.R. § 122.3(a) provides that discharges from vessels that are incidental to normal operations are exempt from the permit requirement. Although efforts to repeal this exemption recently failed, removing the exemption remains a vitally important step to take to safeguard the Great Lakes; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States and the Environmental Protection Agency to repeal 40 C.F.R. § 122.3(a), which provides for an exemption for ballast water discharges from permit requirements under the federal Clean Water Act; and be it further

Resolved, That copies of this resolution be transmitted to the Environmental Protection Agency, the United States Coast Guard, 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 Senate has adopted the concurrent resolution.

Reps. Hager, Law, Spade, Anderson, Bradstreet, Brandenburg, Casperson, Caswell, DeRossett, Farhat, Julian, Kooiman, LaSata, Meyer, Newell, Pastor, Richardville, Sheltroun, Stakoe, Tabor, Taub, Vander Veen, Voorhees, LaJoy, Garfield, Howell, Huizenga, Kolb, Vagnozzi and Walker were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Great Lakes and Tourism.

Communications from State Officers

The following communication from the Secretary of State was received and read:

Notice of Filing
Administrative Rules

October 7, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:10 A.M. this date, administrative rule (03-10-01) for the Department of Community Health, Policy and Legal Affairs Administration, entitled "*Phenylketuria Test on Newborn Infants*", effective 7 days after filing with the Secretary of State.

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

The communication was referred to the Clerk.

Introduction of Bills

Reps. Hunter, Rivet, Lipsey, Kolb, Condino, Tobocman and McConico introduced

House Bill No. 5193, entitled

A bill to require certain state departments, agencies, and public entities to gather and to report certain information to the legislative branch.

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

Reps. Sheltroun, Brown, Gillard, Elkins, Rivet and Spade introduced

House Bill No. 5194, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9307 (MCL 324.9307), as amended by 2002 PA 107.

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

Reps. Milosch, LaJoy, Brandenburg, Drolet, Julian, Caswell, Garfield, Rocca, Palsrok, Hune, Sheen and Bradstreet introduced

House Bill No. 5195, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 8 (MCL 28.728), as amended by 2002 PA 542.

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

Reps. Kooiman, Vander Veen, Voorhees, Murphy, Sak, Richardville and Stahl introduced

House Bill No. 5196, entitled

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

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

Reps. Kooiman, Vander Veen, Voorhees, Murphy, Sak, Drolet and Stahl introduced

House Bill No. 5197, entitled

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

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

Reps. Nofs, Moolenaar, Garfield, Gaffney, Ward, DeRossett, Casperson, Taub, LaJoy, Drolet, Stahl, Stakoe, Steil, Meisner, Elkins, Wojno, Sheen, Hune, Farhat, Shackleton, Bieda, Van Regenmorter, Palsrok and Brandenburg introduced

House Bill No. 5198, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 9 (MCL 15.269), as amended by 1982 PA 130.

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

Reps. Drolet, Milosch, LaJoy, Hummel, Brandenburg, Caswell, Garfield, Nofs, Rocca, Bradstreet, Acciavatti, Palsrok, Voorhees, Robertson, Vander Veen, Ward, Shaffer, Woodward, Stahl, Huizenga, Kooiman, Ehardt, DeRoche, Bisbee, Pappageorge, Pastor, Farhat, Casperson, Hune, Emmons, Hoogendyk, Steil, Palmer, Amos, Tabor, Walker, Hager, Sheen, Wojno, Accavitti, Pumford, Caul, Julian, Ruth Johnson and Richardville introduced

House Bill No. 5199, entitled

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

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

Reps. Richardville and Waters introduced

House Bill No. 5200, entitled

A bill to designate October 18 of each year as Willie Horton day in the state of Michigan.

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

Rep. Rivet moved that the House adjourn.
The motion prevailed, the time being 3:05 p.m.

Associate Speaker Pro Tempore Vander Veen declared the House adjourned until Thursday, October 23, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives