

No. 36
STATE OF MICHIGAN
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House of Representatives
92nd Legislature
REGULAR SESSION OF 2004

House Chamber, Lansing, Thursday, April 29, 2004.

10:00 a.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—excused	Garfield—present	Meisner—present	Sheen—present
Acciavatti—present	Gieleghem—present	Meyer—present	Sheltrown—present
Adamini—present	Gillard—present	Middaugh—present	Shulman—excused
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—excused
Casperson—present	Huizenga—present	O’Neil—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—e/d/s	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—present	Pastor—present	Vander Veen—excused
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—excused	Zelenko—excused
Gaffney—present			

e/d/s = entered during session

Rep. Jennifer Elkins, from the 97th District, offered the following invocation:

“Dear Lord, Thank You for giving us this beautiful spring day. As we enjoy this weather, let us remember why we are here. Citizens, both young and old, of this Great State have entrusted us to make decisions that will continue to provide them with a safe, healthy and economically secure place to live, work and play. I ask that each of us put aside our differences for the greater good of the citizens of this State. May we offer prayers of hope and peace to You Lord as we continue to fight the good fight. Amen.”

Rep. Robertson moved that Reps. Shaffer and Vander Veen be excused from today’s session.
The motion prevailed.

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

Rep. Palmer moved that Reps. Shulman and Tabor be excused from today’s session.
The motion prevailed.

Associate Speaker Pro Tempore Ehardt assumed the Chair.

Second Reading of Bills

House Bill No. 5664, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 18401, 18413, and 18421 (MCL 333.18401, 333.18413, and 333.18421), section 18421 as amended by 1993 PA 79.

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

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

Rep. Stakoe 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. Sheen moved that Rep. DeRoche be excused temporarily from today’s session.
The motion prevailed.

Rep. Gillard moved that Rep. Whitmer 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. 5664, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 18401, 18413, and 18421 (MCL 333.18401, 333.18413, and 333.18421), section 18421 as amended by 1993 PA 79.

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

Roll Call No. 283**Yeas—89**

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

Nays—8

Brandenburg	Drolet	Hune	Sheen
Caswell	Hoogendyk	Middaugh	Sheltrown

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 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.

The bill was read a second time.

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

The motion prevailed.

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

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

Rep. Waters moved that Rep. Byrum 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. 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.

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

Roll Call No. 284

Yeas—97

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

Nays—2

Drolet

Hoogendyk

In The Chair: Ehardt

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. Hunter entered the House Chambers.

Introduction of Bills

Reps. Garfield, Palmer, Brandenburg, Middaugh, Emmons, Taub, LaJoy, Robertson, Shaffer, Ruth Johnson, Rocca, DeRoche, Drolet, Milosch, Bradstreet, Casperson, Stahl, Nofs, Nitz, Pastor, Amos and Acciavatti introduced

House Bill No. 5830, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24f (MCL 211.24f), as amended by 2000 PA 244.

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

Rep. DeRoche introduced

House Bill No. 5831, entitled

A bill to amend 1966 PA 326, entitled "An act to regulate the rate of interest of money; to provide exceptions; to prescribe the rights of parties; and to repeal certain acts and parts of acts," by amending section 1c (MCL 438.31c), as amended by 1990 PA 94.

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

Reps. Rivet, Bisbee, Stahl, Brandenburg, Wenke, Huizenga and Palsrok introduced

House Bill No. 5832, entitled

A bill to amend 1881 PA 187, entitled "An act in relation to the form of deeds and mortgages of real estate and to the form of the acknowledgments of the same," by amending section 4 (MCL 565.154).

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

Reps. Milosch, Bisbee, Stahl, Brandenburg, Wenke, Huizenga, Palsrok and Shulman introduced

House Bill No. 5833, entitled

A bill to amend 1941 PA 174, entitled "An act to authorize the establishment and the maintenance of common trust funds; to authorize investments or participations therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investments or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries, participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervision thereof; and to repeal acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 (MCL 555.101, 555.102, 555.103, 555.104, 555.105, 555.106, 555.107, 555.108, 555.109, 555.110, 555.111, 555.112, and 555.113), section 1 as amended by 1984 PA 101 and section 9 as amended by 1986 PA 23, and by adding sections 4a and 5a.

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

Reps. Stallworth, Smith, Clack, Farrah, Plakas, Hunter, McConico, Waters, Dennis, Vagnozzi, Hood, Cheeks, Murphy, Phillips, Hardman and Reeves introduced

House Bill No. 5834, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 503 (MCL 436.1503).

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

Reps. Spade, Sheltroun, Plakas, Clack, Bieda, Anderson, Gleason, Whitmer, Hardman, Law, Hopgood, Meisner, Minore, Kolb, Murphy, Lipsey, Jamnick, Elkins, Farrah, Gielegem, Condino, Sak, Accavitti, Wojno, Byrum, O'Neil, Gillard, Adamini, Brown, Vagnozzi, Nitz and Milosch introduced

House Bill No. 5835, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 9a (MCL 445.909a), as added by 2002 PA 613.

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

Reps. Spade, Sheltroun, Plakas, Clack, Bieda, Anderson, Gleason, Whitmer, Hardman, Law, Hopgood, Meisner, Minore, Kolb, Murphy, Lipsey, Jamnick, Elkins, Farrah, Gielegem, Condino, Sak, Accavitti, Wojno, Byrum, O'Neil, Gillard, Adamini, Brown, Vagnozzi, Nitz and Milosch introduced

House Bill No. 5836, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies," by amending section 1c (MCL 445.111c), as added by 2002 PA 612.

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

Reps. Spade, Sheltroun, Plakas, Clack, Bieda, Anderson, Gleason, Whitmer, Hardman, Law, Hopgood, Meisner, Minore, Kolb, Murphy, Lipsey, Jamnick, Elkins, Farrah, Gielegem, Condino, Sak, Accavitti, Wojno, Byrum, O'Neil, Gillard, Adamini, Brown, Vagnozzi, Nitz and Milosch introduced

House Bill No. 5837, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies," by amending section 1c (MCL 445.111c), as added by 2002 PA 612.

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

Reps. Woodward, Lipsey, DeRoche, Nofs, Meisner, Hood, Condino, McConico, Spade, Tobocman, Gaffney, Plakas, Jamnick, Meyer, Farrah, Gielegem, Garfield, Vagnozzi, Vander Veen, Emmons, Ruth Johnson, Taub and Daniels introduced

House Bill No. 5838, entitled

A bill to create the sexual assault victims' forensic medical intervention and treatment fund; to provide for assessments against certain criminal defendants and certain juvenile offenders; to provide for expenditures from the fund; to provide for establishment of and funding for crisis programs for victims of criminal sexual conduct; and to prescribe the powers and duties of certain state and local governmental officers and agencies.

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

Reps. Ruth Johnson, Voorhees, Stakoe, Robertson, Wenke, Pappageorge, Rocca, Nofs, Woodward, Garfield, Milosch and Taub introduced

House Bill No. 5839, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 687 and 1731 (MCL 380.687 and 380.1731), section 687 as amended by 2003 PA 299 and section 1731 as amended by 2002 PA 70, and by adding section 625b.

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

Reps. Gleason, Bieda, Clack, Spade, Vagnozzi, Dennis, Accavitti, Williams and Minore introduced

House Bill No. 5840, entitled

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending section 33 (MCL 338.1083), as amended by 2000 PA 411.

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

Reps. Plakas, Farrah, Sak, O'Neil, Spade, Condino, Gillard, Bieda, Anderson, Adamini, Waters, Law, Clack, Elkins, Lipsey, Hood, Tobocman, Whitmer, Brown, Hardman, Woodward, Murphy, Phillips, Daniels, Reeves, Hune, Gaffney, Wenke, Moolenaar, Woronchak, Pumford and McConico introduced

House Bill No. 5841, entitled

A bill to amend 1982 PA 302, entitled "An act to create the Michigan justice training commission and the Michigan justice training fund; to provide the powers and duties of certain state agencies; to provide for the distribution and expenditure of funds; and to provide for the promulgation of rules," by amending sections 1 and 3 (MCL 18.421 and 18.423), as amended by 1989 PA 158.

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

Reps. Stakoe, Stahl, Nofs, Gaffney, Mortimer, Sheen, Bieda, Condino, Jamnick, Newell, Richardville, LaJoy, Milosch and Garfield introduced

House Bill No. 5842, entitled

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

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

Reps. LaJoy, Vander Veen, Voorhees, Robertson, Drolet, Emmons, Ward, Milosch, Steil, Nofs, Stakoe, Hummel, Pastor, Farhat, Garfield, Moolenaar, Taub, Acciavatti, Stahl, Casperson, Caswell and Jamnick introduced

House Bill No. 5843, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 6 (MCL 41.806), as amended by 1989 PA 81.

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

Reps. Richardville, Jamnick and Ward introduced

House Bill No. 5844, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 508 (MCL 206.508), as amended by 1990 PA 283.

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

Rep. Julian introduced

House Bill No. 5845, entitled

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

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

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 4688, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11538 (MCL 324.11538); and to repeal acts and parts of acts.

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 not adopted, a majority of the members serving not voting therefor.

Rep. Ruth Johnson moved to substitute (H-5) the bill.

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

Rep. Waters moved that Reps. Cheeks, Gielegem, Farrah, Murphy, Reeves and Rivet be excused temporarily from today's session.

The motion prevailed.

Rep. Palmer moved that Reps. Ehardt, Gaffney and Mortimer be excused temporarily from today's session. The motion prevailed.

The Speaker Pro Tempore resumed the Chair.

By unanimous consent the House returned to the order of
Third Reading of Bills

House Bill No. 4688, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11538 (MCL 324.11538); and to repeal acts and parts of acts.

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

Roll Call No. 285

Yeas—93

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

Nays—0

In The Chair: Julian

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

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

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11526a and 11538 (MCL 324.11526a and 324.11538), section 11526a as added by 2004 PA 40, and section 11538 as amended by 2004 PA 44.

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.

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

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Richardville moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

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

Reports of Standing Committees

The Committee on Employment Relations, Training and Safety, by Rep. Drolet, Chair, reported

House Bill No. 5598, entitled

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

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. Drolet, Middaugh, Pappageorge, Huizenga, LaJoy and Van Regenmorter

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Drolet, Chair, of the Committee on Employment Relations, Training and Safety, was received and read:

Meeting held on: Wednesday, April 28, 2004

Present: Reps. Drolet, Middaugh, Pappageorge, Huizenga, LaJoy, Van Regenmorter, Minore, Dennis and Bieda

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported

House Bill No. 5586, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding section 3111b.

With the recommendation that the substitute (H-6) 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. Palsrok, Brandenburg, Meyer, Law and Gleason

Nays: None

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported

Senate Bill No. 977, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3101 and 3115 (MCL 324.3101 and 324.3115), section 3101 as amended by 2001 PA 114, and by adding section 3111b.

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. Palsrok, Brandenburg, Meyer, Law and Gleason
 Nays: None

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported
House Resolution No. 197.

A resolution to urge the Michigan Department of Environmental Quality and the Office of the Great Lakes to work with the EPA Great Lakes National Program Office to develop a pilot project to provide real-time monitoring of water quality for Lake St. Clair and the St. Clair River.

(For text of resolution, see House Journal No. 11, p. 159.)

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

Substitute for House Resolution No. 197.

A resolution to urge the Michigan Department of Environmental Quality and the Office of the Great Lakes to work with the EPA Great Lakes National Program Office to develop a pilot project to provide real-time monitoring of water quality for Lake St. Clair and the St. Clair River.

Whereas, The recent accidental release of more than 40,000 gallons of chemical solvents from an oil plant near Sarnia, Ontario, has again focused attention on the vulnerability of the water supply in this highly populated area. While steps for notification have at times proven effective in preventing serious public health situations, the fact remains that there is considerable risk to area residents due to the frequency of spills of harmful materials; and

Whereas, Since 1986, there have been more than 700 spills into the St. Clair River. Some have been accidents involving substances capable of causing serious harm. With the number of water intake facilities along the river and lake, it seems imperative to develop an additional means of safeguarding citizens to supplement the notification processes that are in place; and

Whereas, Developing a real-time monitoring system at strategic locations along Lake St. Clair and the St. Clair River could provide a higher level of protection. Doing so could eventually benefit other vulnerable areas of our state and the Great Lakes network; now, therefore, be it

Resolved by the House of Representatives, That we urge the Michigan Department of Environmental Quality and the Office of the Great Lakes to work with the EPA Great Lakes National Program Office to develop a pilot project to provide real-time monitoring of water quality for Lake St. Clair and the St. Clair River to protect people and the environment from spills of harmful materials; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Environmental Quality and the Office of the Great Lakes.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Brandenburg, Meyer, Law and Gleason
 Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Great Lakes and Tourism, was received and read:

Meeting held on: Thursday, April 29, 2004

Present: Reps. Palsrok, Brandenburg, Meyer, Law and Gleason

Absent: Reps. Tabor and Stallworth

Excused: Reps. Tabor and Stallworth

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

House Bill No. 4450, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803b (MCL 257.803b), as amended by 1996 PA 142.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. DeRossett, Hummel, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Adamini and Elkins

Nays: None

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

House Bill No. 5273, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 7c (MCL 480.17c), as amended by 2002 PA 118.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. DeRossett, Hummel, Gaffney, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Adamini and Elkins

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 29, 2004

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

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 29:

House Bill Nos. 5825 5826 5827 5828 5829

The Clerk announced that the following Senate bill had been received on Thursday, April 29:

Senate Bill No. 1009

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 5428, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 9 (MCL 28.429), as amended by 1996 PA 169.

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

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

House Bill No. 5429, entitled

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

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

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

House Bill No. 5648, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 18 and 18m of chapter XIIA (MCL 712A.18 and 712A.18m), section 18 as amended and section 18m as added by 2003 PA 71.

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. 4610, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending the title and sections 3, 11, 12, 23, and 32 (MCL 432.3, 432.11, 432.12, 432.23, and 432.32), the title as amended by 1996 PA 95, sections 3, 11, and 23 as amended by 1996 PA 167, section 12 as amended by 2002 PA 471, and section 32 as amended by 1996 PA 13, and by adding a heading for article 1 and adding article 2.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2) and amended the title to read as follows:

A bill to amend 1972 PA 239, entitled "An act to establish and operate a state lottery and to allow state participation in certain lottery-related joint enterprises with other sovereignties; to create a bureau of state lottery and to prescribe its powers and duties; to prescribe certain powers and duties of other state departments and agencies; to license and regulate certain sales agents; to create the state lottery fund; to provide for the distribution of lottery revenues and earnings for certain purposes; to provide for an appropriation; and to provide for remedies and penalties," by amending the title and sections 3, 11, 12, 23, and 32 (MCL 432.3, 432.11, 432.12, 432.23, and 432.32), the title as amended by 1996 PA 95, sections 3, 11, and 23 as amended by 1996 PA 167, section 12 as amended by 2002 PA 471, and section 32 as amended by 1996 PA 13, and by adding a heading for article 1 and by adding section 2 and article 2.

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

House Bill No. 5026, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411a (MCL 750.411a), as amended by 2002 PA 672.

The Senate has amended the bill as follows:

1. Amend page 2, line 27, after "report" by inserting "**or threat**".
2. Amend page 3, line 1, after "teams" by inserting a comma and "**pursuant to section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f, unless otherwise expressly provided for in this section**".
3. Amend page 4, line 12, after "includes" by inserting a comma and "**but is not limited to,**".
4. Amend page 4, following line 13, by inserting:

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

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

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

House Bill No. 5182, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5714, 5735, and 5744 (MCL 600.5714, 600.5735, and 600.5744), section 5714 as amended by 1990 PA 310 and section 5735 as amended by 2001 PA 162.

The Senate has amended the bill as follows:

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

“Enacting section 2. This amendatory act takes effect September 1, 2004.”.

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

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

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 Senate has amended the bill as follows:

1. Amend page 3, following line 2, by inserting:

“Enacting section 2. This amendatory act takes effect September 1, 2004.”.

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.

House Bill No. 5427, entitled

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

The Senate has amended the bill as follows:

1. Amend page 1, line 1, after “Sec. 12.” by inserting “(1)”.

2. Amend page 2, following line 18, by inserting:

“(2) The amendatory act that added subdivision (h) shall be known and may be cited as the “Janet Kukuk act”.”.

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.

House Bill No. 5545, entitled

A bill to amend 1993 PA 331, entitled “State education tax act,” by amending section 5b (MCL 211.905b), as added by 2002 PA 244.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 1009, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 218 (MCL 750.218), as amended by 1998 PA 312.

The Senate has passed the bill.

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

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 4, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives