

No. 10
STATE OF MICHIGAN
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House of Representatives
92nd Legislature
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House Chamber, Lansing, Tuesday, February 10, 2004.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Daniel Joseph Acciavatti, from the 32nd District, offered the following invocation:

“Heavenly Father, we thank You for the opportunity to gather once again as Representatives for the state of Michigan. As we deliberate on the important issues before us today, we ask for Your wisdom and guidance, and where there are disagreements, we ask for civility in debate. We ask that You would bless the work that we do here today, and that You would bless all the people of the state of Michigan. Amen.”

Rep. Palmer moved that Reps. Ehardt, Garfield and Hart be excused from today’s session.
The motion prevailed.

The Speaker assumed the Chair.

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 194.

A resolution of tribute offered as a memorial for Alvin J. Hoekman, former member of the House of Representatives.

Whereas, The members and staff of the Michigan Legislature were saddened to learn of the passing of Alvin J. Hoekman. With the integrity, effectiveness, and dedication he displayed in his eight years as a state lawmaker and his long record of leadership in business and civic involvement in Ottawa County, Mr. Hoekman truly made Michigan a better place for all of us; and

Whereas, A native of South Dakota, Al Hoekman was the proud son of the American family farm. The values of hard work, the importance of standing up for one’s beliefs, and compassion for others he learned as a young man were to mark all aspects of his accomplishment-filled life. Mr. Hoekman served our country in the Army from 1958 to 1960 before carving out a reputation as a knowledgeable business leader in the Holland community. His involvement in business groups and community life led him to public service and his election to the Michigan House of Representatives in 1984; and

Whereas, In his four terms as a state lawmaker, Representative Hoekman was respected for his knowledge in several key issue areas, including insurance. Even as a minority member in the House, he was the author of several bills enacted into law each session, a testament to his reputation as a man of principle who never lost sight of the individuals and families of this state. Most recently, he had been devoting his energies and talents to the people of his community as a leader with the Ottawa County Road Commission. Clearly, his strength of character, unselfishness, and sense of commitment will long be remembered by all who worked with him; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest respect to honor the memory of Alvin J. Hoekman, a member of this legislative body from 1985 to 1992; and be it further

Resolved, That copies of this resolution be transmitted to the Hoekman family as evidence of our sincerest condolences.

The question being on the adoption of the resolution,
The resolution was adopted by unanimous standing vote.

Reps. Meyer, Hager, Stahl, LaJoy, Vander Veen, Hune, Brandenburg, Sheltroun, Spade, Nitz, Rivet, Ehardt, Byrum, DeRossett, Elkins, Gillard, Gleason, Hummel, Julian, Kolb, Milosch, Newell, Sak, Tabor, Voorhees and Williams offered the following resolution:

House Resolution No. 195.

A resolution to urge the President of the United States to remove sugar from the list of commodities to be included in the Central American Free Trade Agreement.

Whereas, As various segments of the American economy cope with the impact of individual free trade agreements, it is clear to many people that some of these agreements can have a damaging impact on specific industries. The complications of the global economy and the enormous range of conditions in countries that join in these agreements have led to some unforeseen and harmful consequences; and

Whereas, As our nation works on the Central American Free Trade Agreement (CAFTA), sugar producers in Michigan and throughout the United States are concerned that including sugar in this agreement will prove to be devastating. Sugar producers have instead worked to address the relevant trade issues in the context of a global approach rather than regional agreements like CAFTA; and

Whereas, Sugar is a central part of Michigan agriculture. With 2,000 sugar beet farmers working over 190,000 acres, Michigan annually produces 900 million pounds of sugar worth more than \$300 million. Representatives of Michigan's sugar industry have worked with their counterparts around the country to communicate the serious damage that will be done to the domestic industry if sugar is included in the provisions of CAFTA. Michigan's sugar beet-growing families are worried about the future of their operations under CAFTA if sugar remains in its provisions. Clearly, our state cannot afford such a blow to such an important and historic part of our state's economy and heritage; now, therefore, be it

Resolved by the House of Representatives, That we urge the President of the United States to remove sugar from the list of commodities to be included in the Central American Free Trade Agreement; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States and the United States Trade Representative.

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

Reps. Hart, Accavitti, Anderson, Bieda, Brandenburg, Byrum, Caswell, DeRossett, Elkins, Farhat, Gillard, Gleason, Hager, Hopgood, Jamnick, Kolb, Kooiman, Lipsey, Meyer, Milosch, Minore, Nitz, Palmer, Phillips, Richardville, Sak, Sheltrown, Shulman, Smith, Spade, Tobocman, Vander Veen, Voorhees and Zelenko offered the following resolution:

House Resolution No. 196.

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

Whereas, MCL 380.1166 states that "In all public and nonpublic schools in this state regular courses of instruction shall be given in the constitution of the United States, in the constitution of Michigan, and in the history and present form of government of the United States, Michigan, and its political subdivisions . . ."; and

Whereas, The long-term success of our system of self-government depends upon the participation of its citizenry. Knowledge of government must extend far beyond an understanding of the federal level; it is essential that citizens also understand the structure and interaction of local and state governments, for these are far closer to the everyday lives of most people; and

Whereas, The lack of knowledge regarding the structures, processes, and services of state and local government has become increasingly evident as we see voter turnout for key local elections drop to deplorable rates of 5 to 20 percent. The scarcity of Michigan-specific state and local government curricula being utilized in Michigan classrooms is clearly not helpful and likely contributes to the poor level of participation by Michigan citizens at the state and local levels; and

Whereas, Decades ago, there seemed to be far more emphasis on civics education that prepared students to be informed, fully functioning members of the local community and institutions of government. We need to reconnect students with local government in order to provide them the knowledge necessary to be enthusiastic and participating members of their communities; and

Whereas, The citizens of Michigan have a responsibility to vote, volunteer, and become competent and engaged citizens within their communities. Without learning specifically how state and local government works in Michigan, citizens will not understand and be able to fulfill their responsibilities; and

Whereas, State and local government curricula must include classroom activities, simulations on state and local government issues, assessment, and activities to promote citizen involvement; be closely aligned with the Michigan Curriculum Framework Content standards and benchmarks in social studies; and should develop and refine social studies process skills, such as inquiry, public discourse, and decision making; and

Whereas, Curricula has been developed to meet these standards and provide valuable instruction on citizen participation at the state and local levels; now, therefore, be it

Resolved by the House of Representatives, That we encourage Michigan high schools to put a priority on teaching state and local government from a Michigan perspective. We urge that Michigan-specific materials, produced in conjunction with Michigan teachers, governmental units, and associations, be used; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Education and to appropriate educational organizations in our state.

The resolution was referred to the Committee on Education.

The Speaker Pro Tempore resumed the Chair.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, February 4:

Senate Bill Nos. 937 938 939 940 942 943 944 945 946 947 948 949

The Clerk announced that the following bill had been printed and placed upon the files of the members on Thursday, February 5:

House Bill No. 5476

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Friday, February 6:

**House Bill Nos. 5459 5460 5461 5462 5463 5464 5465 5466 5467 5468 5469 5470 5471 5472
5473 5474 5475 5477 5478 5479 5480 5481 5482 5483 5484 5485 5486 5487
5488 5489 5490 5491 5492**

House Joint Resolution V

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, February 10, for her approval of the following bills:

Enrolled House Bill No. 4340 at 10:01 a.m.

Enrolled House Bill No. 4659 at 10:03 a.m.

Enrolled House Bill No. 4724 at 10:05 a.m.

Enrolled House Bill No. 4965 at 10:07 a.m.

Enrolled House Bill No. 4966 at 10:09 a.m.

The Clerk announced that the following Senate bills had been received on Tuesday, February 10:

Senate Bill Nos. 350 432

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 350, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 666 and 668 (MCL 168.666 and 168.668) and by adding section 668a.

The Senate has passed the bill.

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

Senate Bill No. 432, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 73, 283, 393, 499, 509m, 509n, 509t, 509aa, 686, 735, 795, 798c, 799a, 803, and 842 (MCL 168.73, 168.283, 168.393, 168.499, 168.509m, 168.509n, 168.509t, 168.509aa, 168.686, 168.735, 168.795, 168.798c, 168.799a, 168.803, and 168.842), sections 73, 283, 393, 509n, and 686 as amended by 1999 PA 216, section 499 as amended by 1995 PA 213, sections 509m and 509aa as added by 1994 PA 441, section 509t as amended by 1998 PA 21, section 795 as amended by 2002 PA 91, section 798c as amended by 1990 PA 109, and sections 799a and 803 as amended by 1997 PA 137, and by adding sections 18, 523a, 813, and 829; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Communications from State Officers

The following communication from the Auditor General was received and read:

February 4, 2004

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of the Bureau of Local Government Services,
Department of Treasury.
February 2004

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

By unanimous consent the House returned to the order of
Reports of Standing Committees

The Speaker laid before the House
House Resolution No. 184.

A resolution to memorialize the Congress of the United States to enact the Protection of Lawful Commerce in Arms Act.

(For text of resolution, see House Journal No. 92 of 2003, p. 2376.)

(The resolution was reported by the Committee on Conservation and Outdoor Recreation on February 4, consideration of which, under the rules, was postponed until February 5.)

The question being on the adoption of the resolution,
The resolution was adopted.

Messages from the Senate

The Speaker laid before the House
House Bill No. 5129, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1301a, 1303a, 1304, 1304a, 1305, 1307a, 1308, 1309, 1310, 1312, 1313, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1329, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1345, 1346, 1347, 1372, and 1375 (MCL 600.1301a, 600.1303a, 600.1304, 600.1304a, 600.1305, 600.1307a, 600.1308, 600.1309, 600.1310, 600.1312, 600.1313, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1329, 600.1331, 600.1332, 600.1333, 600.1334, 600.1335, 600.1336, 600.1337, 600.1338, 600.1339, 600.1340, 600.1341, 600.1342, 600.1343, 600.1345, 600.1346, 600.1347, 600.1372, and 600.1375), sections 1301a, 1304, 1310, 1312, and 1375 as amended by 1986 PA 104 and section 1307a as amended by 2002 PA 739; and to repeal acts and parts of acts.

(The bill was received from the Senate on February 3, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 4, see House Journal No. 7, p. 72.)

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. 31

Yeas—106

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

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

Nays—0

In The Chair: Julian

The House agreed to the full title of the bill.

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

The Speaker laid before the House

House Bill No. 4693, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1294.

(The bill was received from the Senate on February 5, with substitute (S-1) and full title inserted, consideration of which, under the rules, was postponed until today, see House Journal No. 9, p. 117.)

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

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

Roll Call No. 32

Yeas—59

Acciavatti	Hoogendyk	Moolenaar	Sheen
Amos	Howell	Mortimer	Shulman
Bisbee	Huizenga	Newell	Stahl
Bradstreet	Hummel	Nitz	Stakoe
Brandenburg	Hune	Nofs	Steil
Casperson	Johnson, Rick	Palmer	Stewart
Caswell	Johnson, Ruth	Palsrok	Tabor
Caul	Julian	Pappageorge	Taub
DeRoche	Koetje	Pastor	Van Regenmorter
DeRossett	Kooiman	Pumford	Vander Veen
Drolet	LaJoy	Richardville	Voorhees

Emmons	LaSata	Robertson	Walker
Farhat	Meyer	Rocca	Ward
Gaffney	Middaugh	Shackleton	Wenke
Hager	Milosch	Shaffer	

Nays—47

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

In The Chair: Julian

The House agreed to the full title of the bill.

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

Second Reading of Bills**House Bill No. 4638, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 951, 952, and 954 (MCL 168.951, 168.952, and 168.954), section 951 as amended by 1993 PA 45 and section 952 as amended by 1993 PA 137.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4638, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 951, 952, and 954 (MCL 168.951, 168.952, and 168.954), section 951 as amended by 1993 PA 45 and section 952 as amended by 1993 PA 137.

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

Roll Call No. 33**Yeas—56**

Adamini	Hopgood	Minore	Sheltrown
Amos	Howell	Moolenaar	Stahl
Bisbee	Huizenga	Mortimer	Stakoe
Brown	Hummel	Murphy	Steil

Byrum	Jamnick	Newell	Stewart
Casperson	Johnson, Rick	Palsrok	Tabor
Caul	Julian	Phillips	Voorhees
Clack	Koetje	Pumford	Walker
DeRossett	Kolb	Reeves	Ward
Elkins	Kooiman	Richardville	Wenke
Emmons	LaSata	Rivet	Whitmer
Gillard	Lipsey	Robertson	Williams
Gleason	Meyer	Shackleton	Woodward
Hager	Middaugh	Shaffer	Zelenko

Nays—48

Accavitti	Farhat	McConico	Sheen
Acciavatti	Farrah	Meisner	Shulman
Anderson	Gaffney	Milosch	Smith
Bieda	Gielegthem	Nitz	Spade
Bradstreet	Hardman	Nofs	Stallworth
Brandenburg	Hood	O'Neil	Taub
Caswell	Hoogendyk	Palmer	Tobocman
Cheeks	Hune	Pappageorge	Van Regenmorter
Condino	Hunter	Pastor	Vander Veen
Daniels	Johnson, Ruth	Plakas	Waters
DeRoche	LaJoy	Rocca	Wojno
Drolet	Law	Sak	Woronchak

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 1954 PA 116, entitled "Michigan election law," by amending section 951 (MCL 168.951), as amended by 1993 PA 45.

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. Law, having reserved the right to explain her protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on HB4638 on principal. I believe the recall process is very difficult and not entered into lightly. I do not support any effort to impinge on the rights of public."

Second Reading of Bills

House Bill No. 4900, entitled

A bill to amend 1959 PA 241, entitled "An act relating to the marking of containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing or other removal of such mark, and the filling, refilling, trafficking in

or use of such containers without the authority of the owner; and to provide a penalty for the violation thereof,” by amending sections 2 and 3 (MCL 429.112 and 429.113).

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

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

Rep. Julian moved to amend the bill as follows:

1. Amend page 2, following line 21, by inserting:

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4900, entitled

A bill to amend 1959 PA 241, entitled “An act relating to the marking of containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing or other removal of such mark, and the filling, refilling, trafficking in or use of such containers without the authority of the owner; and to provide a penalty for the violation thereof,” by amending sections 2 and 3 (MCL 429.112 and 429.113).

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

Roll Call No. 34

Yeas—100

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

Nays—6Bradstreet
DroletHoogendyk
Milosch

Robertson

Sheen

In The Chair: Julian

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

Second Reading of Bills**House Bill No. 5003, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14d of chapter XVII (MCL 777.14d), as added by 2002 PA 29.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Justice (for amendment, see House Journal No. 8, p. 87),

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5003, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14d of chapter XVII (MCL 777.14d), as added by 2002 PA 29.

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

Roll Call No. 35**Yeas—101**Accavitti
Acciavatti
Adamini
Amos
Anderson
Bieda
Bisbee
Brandenburg
Brown
Byrum
Casperson
Caswell
Caul
Cheeks
Clack
Condino
DanielsGillard
Gleason
Hager
Hardman
Hood
Hopgood
Howell
Huizenga
Hummel
Hune
Hunter
Jammnick
Johnson, Rick
Johnson, Ruth
Julian
Koetje
KolbMiddaugh
Minore
Moolenaar
Mortimer
Murphy
Newell
Nitz
Nofs
O’Neil
Palmer
Palsrok
Pappageorge
Pastor
Phillips
Plakas
Pumford
ReevesShulman
Smith
Spade
Stahl
Stakoe
Stallworth
Steil
Stewart
Tabor
Taub
Tobocman
Vagnozzi
Van Regenmorter
Vander Veen
Voorhees
Walker
Ward

Dennis	Kooiman	Richardville	Waters
DeRoche	LaJoy	Rivet	Wenke
DeRossett	LaSata	Robertson	Whitmer
Elkins	Law	Rocca	Williams
Emmons	Lipsey	Sak	Wojno
Farhat	McConico	Shackleton	Woodward
Farrah	Meisner	Shaffer	Woronchak
Gaffney	Meyer	Sheltrown	Zelenko
Gielegem			

Nays—5

Bradstreet	Hoogendyk	Milosch	Sheen
Drolet			

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills**Senate Bill No. 826, entitled**

A bill to repeal 1903 LA 540, entitled “An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties.”.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 826, entitled**

A bill to repeal 1903 LA 540, entitled “An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties.”.

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

Roll Call No. 36**Yeas—106**

Accavitti	Gielegem	Middaugh	Sheltrown
Acciavatti	Gillard	Milosch	Shulman
Adamini	Gleason	Minore	Smith
Amos	Hager	Moolenaar	Spade
Anderson	Hardman	Mortimer	Stahl
Bieda	Hood	Murphy	Stakoe
Bisbee	Hoogendyk	Newell	Stallworth
Bradstreet	Hopgood	Nitz	Steil

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 5134, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16276.

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

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

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

1. Amend page 1, following line 4, by inserting:

"(2) A licensee, registrant, or other individual shall not perform any procedure using a laser for dermatological purposes unless the patient has knowledge and consents to the procedure being performed by that licensee, registrant, or individual." and renumbering the remaining subsections.

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

Rep. O'Neil moved to amend the bill as follows:

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

"(c) "Supervision" means the overseeing of or participation in the work of another individual by a health professional licensed under this article in circumstances where at least all of the following conditions exist:

(i) The continuous availability of direct communication in person or by radio, telephone, or telecommunication between the supervised individual and a licensed health professional.

(ii) The availability of a licensed health professional on a regularly scheduled basis to review the practice of the supervised individual, to provide consultation to the supervised individual, to review records, and to further educate the supervised individual in the performance of the individual's functions.

(iii) The provision by the licensed supervising health professional of predetermined procedures and drug protocol."

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.
 Rep. Gaffney moved that the bill be placed on the order of Third Reading of Bills.
 The motion prevailed.
 Rep. Richardville moved that the bill be placed on its immediate passage.
 The motion prevailed, a majority of the members serving voting therefor.

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

House Bill No. 5134, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16276.
 Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 37

Yeas—103

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

Nays—3

DeRoche	Hoogendyk	Sheen
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In The Chair: Julian

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

Messages from the Governor

The following veto message from the Governor was received and read:

Executive Office, Lansing, February 6, 2004

Michigan House of Representatives
State Capitol
Lansing, Michigan 48909-7514

Ladies and Gentlemen:

Today I return **Enrolled House Bill 4478** with objections and without my signature as provided under Section 33 of Article IV of the Michigan Constitution of 1963. When I took this job as Governor I made a solemn commitment to do everything I could to protect Michigan's families. House Bill 4478 is not consistent with that promise in two key ways:

1. The bill is not about parental consent. The People of the State of Michigan already have prohibited a minor from seeking an abortion without first securing written consent from a parent, a legal guardian, or from a judge in a court proceeding. Michigan's existing parental consent law is strong and I support parental consent.

2. House Bill 4478 is not about protecting our children. Instead it would place many minors at risk. The bill would shield child abusers, including the worst kind of sexual predator—a parent or guardian who rapes his own child—behind legal presumptions. House Bill 4478 fails to provide sufficient protection for minors tragically living in abusive families.

Additionally, proponents of House Bill 4478 indicate this bill is needed to prevent judge shopping. If the Legislature is concerned with this issue, adopt appropriate legislation dealing only with judge shopping and without other language. I will approve such a bill.

Finally, while those on both sides of this issue may not be able to agree on the state's role in the abortion question, surely we can find some common ground in reducing the demand for abortion. I stand ready to work with you, in a bipartisan fashion, to prevent unwanted pregnancies and remove barriers to adoption. Together we can find better ways to protect Michigan families.

Respectfully,
Jennifer M. Granholm
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Richardville moved that the bill be referred to the Committee on Government Operations. The motion prevailed.

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

Reports of Select Committees

Senate Bill No. 252, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3111 and 3113 (MCL 324.3111 and 324.3113) and by adding sections 3120 and 3121.

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 252, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3111 and 3113 (MCL 324.3111 and 324.3113) and by adding sections 3120 and 3121.

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3103, 3112, 3113, 3115, 3118, and 3119 (MCL 324.3103, 324.3112, 324.3113, 324.3115, 324.3118, and 324.3119), section 3118 as amended by 1999 PA 35 and section 3119 as amended by 1999 PA 106, and by adding sections 3120 and 3121.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3103. (1) The department shall protect and conserve the water resources of the state and shall have control of the pollution of surface or underground waters of the state and the Great Lakes, which are or may be affected by waste disposal of any person. The department may make or cause to be made surveys, studies, and investigations of the uses of waters of the state, both surface and underground, and cooperate with other governments and governmental units and agencies in making the surveys, studies, and investigations. The department shall assist in an advisory capacity a flood control district that may be authorized by the legislature. The department, in the public interest, shall appear and present evidence, reports, and other testimony during the hearings involving the creation and organization of flood control districts. The department shall advise and consult with the legislature on the obligation of the state to participate in the costs of construction and maintenance as provided for in the official plans of a flood control district or intercounty drainage district.

(2) The department shall enforce this part and shall promulgate rules as it considers necessary to carry out its duties under this part. **However, notwithstanding any rule-promulgation authority that is provided in this part, beginning on the effective date of the amendatory act that amended this section, the department shall not promulgate any additional rules unless specific rule-making authority is authorized by law.**

(3) ~~(2)~~ **The Subject to subsection (2),** the department may promulgate rules and take other actions as may be necessary to comply with the federal water pollution control act, chapter 758, 86 Stat. 816, 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255 to 1257, 1258 to 1270, 1281, 1282 to 1293, 1294 to 1299, 1311 to 1313, 1314 to 1330, 1341 to 1345, 1361 to 1377, and 1381 to 1387, and to expend funds available under such law for extension or improvement of the state or interstate program for prevention and control of water pollution. This part shall not be construed as authorizing the department to expend or to incur any obligation to expend any state funds for such purpose in excess of any amount that is appropriated by the legislature.

Sec. 3112. (1) A person shall not discharge any waste or waste effluent into the waters of this state unless the person is in possession of a valid permit from the department. ~~Compliance with the terms of an outstanding order of determination or final order of determination or stipulation with the former water resources commission that is in effect on April 15, 1973, shall be considered to meet the requirements of this section until the department issues its permit.~~

(2) **An application for a permit under subsection (1) shall be submitted to the department. Within 30 days after an application for a new or increased use is received, the department shall determine whether the application is administratively complete. Within 90 days after an application for reissuance of a permit is received, the department shall determine whether the application is administratively complete. If the department determines that an application is not complete, the department shall notify the applicant in writing within the applicable time period. If the department does not make a determination as to whether the application is complete within the applicable time period, the application shall be considered to be complete.**

(3) The department shall condition the continued validity of a permit upon the permittee's meeting the effluent requirements that the department considers necessary to prevent unlawful pollution by the dates that the department considers to be reasonable and necessary and to assure compliance with applicable federal law and regulations. If the department finds that the terms of a permit have been, are being, or may be violated, it may modify, suspend, or revoke the permit or grant the permittee a reasonable period of time in which to comply with the permit. The department may reissue a revoked permit upon a showing satisfactory to the department that the permittee has corrected the violation. A person who has had a permit revoked may apply for a new permit.

(4) ~~(2)~~ If the department determines that a person is causing or is about to cause unlawful pollution of the waters of this state, the department may notify the alleged offender of its determination and enter an order requiring the person to abate the pollution or refer the matter to the attorney general for legal action, or both.

(5) ~~(3)~~ A person who is aggrieved by an order of abatement of the department or by the reissuance, modification, suspension, or revocation of an existing permit of the department executed pursuant to this section may file a sworn petition with the ~~commission~~ **department** setting forth the grounds and reasons for the complaint and asking for a contested case hearing on the matter pursuant to the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws~~ **1969 PA 306, MCL 24.201 to 24.328.** A petition filed more than 60 days after action on the order or permit may be rejected by the ~~commission~~ **department** as being untimely.

Sec. 3113. (1) A person who seeks a new or increased use of the waters of the state for sewage or other waste disposal purposes shall file with the department an application setting forth the information required by the department, including the nature of the enterprise or development contemplated, the amount of water required to be used, its source,

the proposed point of discharge of the wastes into the waters of the state, the estimated amount to be discharged, and a statement setting forth the expected bacterial, physical, chemical, and other known characteristics of the wastes.

(2) ~~Within 180 days after receipt of a complete application, the department shall either grant or deny a permit, unless the applicant and the department agree to extend this time period.~~ If a permit is granted, the department shall condition the permit upon such restrictions that the department considers necessary to adequately guard against unlawful uses of the waters of the state as are set forth in section 3109.

(3) If the permit or denial of a new or increased use is not acceptable to the permittee, the applicant, or any other person, the permittee, the applicant, or other person may file a sworn petition with the department setting forth the grounds and reasons for the complaint and asking for a contested case hearing on the matter pursuant to the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws 1969 PA 306, MCL 24.201 to 24.328.~~ A petition filed more than 60 days after action on the permit application may be rejected by the ~~commission~~ department as being untimely.

Sec. 3115. (1) The department may request the attorney general to commence a civil action for appropriate relief, including a permanent or temporary injunction, for a violation of this part or a provision of a permit, order, rule, or stipulation of the department. An action under this subsection may be brought in the circuit court for the county of Ingham or for the county in which the defendant is located, resides, or is doing business. **If requested by the defendant within 21 days after service of process, the court shall grant a change of venue to the circuit court for the county of Ingham or for the county in which the alleged violation occurred, is occurring, or, in the event of a threat of violation, will occur.** The court has jurisdiction to restrain the violation and to require compliance. In addition to any other relief granted under this subsection, the court shall impose a civil fine of not less than \$2,500.00 and may award reasonable attorney fees and costs to the prevailing party. However, the maximum fine imposed by the court shall be not more than \$25,000.00 per day of violation.

(2) A person who at the time of the violation knew or should have known that he or she discharged a substance contrary to this part, or contrary to a permit, order, rule, or stipulation of the department, or who intentionally makes a false statement, representation, or certification in an application for or form pertaining to a permit or in a notice or report required by the terms and conditions of an issued permit, or who intentionally renders inaccurate a monitoring device or record required to be maintained by the department, is guilty of a felony and shall be fined not less than \$2,500.00 or more than \$25,000.00 for each violation. The court may impose an additional fine of not more than \$25,000.00 for each day during which the unlawful discharge occurred. If the conviction is for a violation committed after a first conviction of the person under this subsection, the court shall impose a fine of not less than \$25,000.00 per day and not more than \$50,000.00 per day of violation. Upon conviction, in addition to a fine, the court in its discretion may sentence the defendant to imprisonment for not more than 2 years or impose probation upon a person for a violation of this part. With the exception of the issuance of criminal complaints, issuance of warrants, and the holding of an arraignment, the circuit court for the county in which the violation occurred has exclusive jurisdiction. However, the person shall not be subject to the penalties of this subsection if the discharge of the effluent is in conformance with and obedient to a rule, order, or permit of the department. In addition to a fine, the attorney general may file a civil suit in a court of competent jurisdiction to recover the full value of the injuries done to the natural resources of the state and the costs of surveillance and enforcement by the state resulting from the violation.

(3) Upon a finding by the court that the actions of a civil defendant pose or posed a substantial endangerment to the public health, safety, or welfare, the court shall impose, in addition to the penalties set forth in subsection (1), a fine of not less than \$500,000.00 and not more than \$5,000,000.00.

(4) Upon a finding by the court that the actions of a criminal defendant pose or posed a substantial endangerment to the public health, safety, or welfare, the court shall impose, in addition to the penalties set forth in subsection (2), a fine of not less than \$1,000,000.00 and, in addition to a fine, a sentence of 5 years' imprisonment.

(5) To find a defendant civilly or criminally liable for substantial endangerment under subsections (3) and (4), the court shall determine that the defendant knowingly or recklessly acted in such a manner as to cause a danger of death or serious bodily injury and that either of the following occurred:

(a) The defendant had an actual awareness, belief, or understanding that his or her conduct would cause a substantial danger of death or serious bodily injury.

(b) The defendant acted in gross disregard of the standard of care that any reasonable person should observe in similar circumstances.

(6) Knowledge possessed by a person other than the defendant under subsection (5) may be attributable to the defendant if the defendant took affirmative steps to shield himself or herself from the relevant information.

(7) ~~Any~~ **A** civil fine or other award ordered paid pursuant to this section shall do both of the following:

(a) Be payable to the state of Michigan and credited to the general fund.

(b) Constitute a lien on any property, of any nature or kind, owned by the defendant.

(8) A lien under subsection (7)(b) shall take effect and have priority over all other liens and encumbrances except those filed or recorded prior to the date of judgment only if notice of the lien is filed or recorded as required by state or federal law.

(9) A lien filed or recorded pursuant to subsection (8) shall be terminated according to the procedures required by state or federal law within 14 days after the fine or other award ordered to be paid is paid.

(10) In addition to any other method of collection, any fine or other award ordered paid may be recovered by right of setoff to any debt owed to the defendant by the state of Michigan, including the right to a refund of income taxes paid.

Sec. 3118. (1) Until October 1, ~~2003~~ **2009**, the department shall collect storm water discharge fees from persons who apply for or have been issued storm water discharge permits as follows:

(a) ~~The A 1-time fee of \$400.00 is required for a permit related solely to a site of construction activity is a 1-time fee of \$125.00 per for each permitted site. The fee shall be submitted by the permit applicant with his or her application for a general or an individual permit or for a certificate of coverage under a general permit. If rules promulgated under this part provide for~~ **For a permit by rule, the fee shall be submitted by the construction site permittee along with his or her notice of coverage. A person needing more than 1 permit may submit a single payment for more than 1 permit and receive appropriate credit. Payment of the fee under this subdivision or verification of prepayment is a necessary part of a valid permit application or notice of coverage under a permit by rule.**

(b) ~~The fee for a permit not related solely to a site of construction activity is \$200.00. For each fiscal year, a person possessing a permit not related solely to a site of construction activity as of January 1 of that fiscal year shall be assessed the fee. The department shall notify those persons of their fee assessments by February 1 of that fiscal year. Payment shall be postmarked no later than March 15 of that fiscal year. An annual fee of \$260.00 is required for a permit related solely to a storm water discharge associated with industrial activity or from a commercial site for which the department determines a permit is needed.~~

(c) **An annual fee of \$500.00 is required for a permit for a municipal separate storm sewer system, unless the permit is issued to a city, a village, a township, or a county or is a single permit authorization for municipal separate storm sewer systems in multiple locations statewide.**

(d) **An annual fee for a permit for a municipal separate storm sewer system issued to a city, village, or township shall be determined by its population in an urbanized area as defined by the United States bureau of the census. The fee shall be based on the latest available decennial census as follows:**

(i) **For a population of 1,000 people or fewer, the annual fee is \$500.00.**

(ii) **For a population of more than 1,000 people, but fewer than 3,001 people, the annual fee is \$1,000.00.**

(iii) **For a population of more than 3,000 people, but fewer than 10,001 people, the annual fee is \$2,000.00.**

(iv) **For a population of more than 10,000 people, but fewer than 30,001 people, the annual fee is \$3,000.00.**

(v) **For a population of more than 30,000 people, but fewer than 50,001 people, the annual fee is \$4,000.00.**

(vi) **For a population of more than 50,000 people, but fewer than 75,001 people, the annual fee is \$5,000.00.**

(vii) **For a population of more than 75,000 people, but fewer than 100,001 people, the annual fee is \$6,000.00.**

(viii) **For a population of more than 100,000 people, the annual fee is \$7,000.00.**

(e) **An annual fee of \$3,000.00 is required for a permit for a municipal separate storm sewer system issued to a county.**

(f) **An annual fee for a single municipal separate storm sewer systems permit authorizing a state or federal agency to operate municipal separate storm sewer systems in multiple locations statewide shall be determined in accordance with a memorandum of understanding between that state or federal agency and the department and shall be based on the projected needs by the department to administer the permit.**

(2) **The permit fees identified in subsection (1) are nonrefundable.**

(3) **A person possessing a permit not related solely to a site of construction activity as of January 1 shall be assessed a fee. The department shall notify those persons of their fee assessments by February 1. Payment shall be postmarked no later than March 15. Failure by the department to send a fee assessment notification by the deadline, or failure of a person to receive a fee assessment notification, does not relieve that person of his or her obligation to pay the fee. If the department does not meet the February deadline for sending the fee assessment, the fee assessment is due not later than 45 days after receiving a fee notification.**

(4) **If a storm water permit is issued for a drainage district, the drainage district is responsible for the applicable fee under this section.**

(5) ~~(2)~~ **The department shall assess interest on all fee payments submitted under this section after the due date. The permittee shall pay an additional amount equal to 0.75% of the payment due for each month or portion of a month the payment remains past due.**

(6) ~~(3)~~ **The department shall forward all fees and interest payments collected under this section to the state treasurer for deposit into the fund.**

(7) ~~(4)~~ **The department shall make payment of the required fee assessed under this section a condition of issuance or reissuance of a permit not related solely to a site of construction activity. at the time of permit issuance or reissuance.**

~~(5) If a person fails to pay the fee required under this section in full, plus any interest accrued, by October 1 of the year following the date of notification of the fee assessment, the department may revoke the permit held by that person.~~

~~The failure by a person to pay a fee imposed by this section is a violation of this part and subjects that person to the penalty provisions in section 3115.~~

~~(6) Within 1 year after the reauthorization of the clean water act, the department shall convene a committee to review the storm water discharge fee system provided in this section. The committee shall be composed of a member of the department and representatives of groups affected by the storm water discharge fee. The committee shall make recommendations for changes in the fee system to the department and to the chairpersons of the house and senate appropriations committees.~~

(8) In addition to any other penalty provided in this part, if a person fails to pay the fee required under this section by its due date, the person is in violation of this part and the department may undertake enforcement actions as authorized under this part.

(9) The attorney general may bring an action to collect overdue fees and interest payments imposed under this section.

(10) If the permit is for a municipal separate storm sewer system and the population served by that system is different than the latest decennial census, the permittee may appeal the annual fee determination and submit written verification of actual population served by the municipal separate storm sewer system.

(11) A person who wishes to appeal either a fee or a penalty assessed under this section is limited to an administrative appeal, in accordance with section 631 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.631. The appeal shall be filed within 30 days of the department's fee notification under subsection (3).

~~(12) (7)~~ As used in this section and section 3119:

(a) "Certificate of coverage" means a document issued by the department that authorizes a discharge under a general permit.

(b) (a) "Clean water act" means the federal water pollution control act, chapter 758, 86 Stat. 816, 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255 to 1257, 1258 to 1263, 1265 to 1270, 1273 to 1274, 1281, 1282 to 1293, 1294 to 1299 1301, 1311 to 1313, 1314 to 1330, 1341 to 1345 1346, 1361 to 1375, 1376 to 1377, and 1381 to 1387.

(c) (b) "Construction activity" means a human-made earth change or disturbance in the existing cover or topography of land that is 5 acres or more in size, for which a national permit is required pursuant to 40 C.F.R. 122.26(a), and which is described as a construction activity in 40 C.F.R. 122.26(b)(14)(x). Construction activity includes clearing, grading, and excavating activities. Construction activity does not include the practice of clearing, plowing, tilling soil, and harvesting for the purpose of crop production.

(d) (c) "Fee" means a storm water discharge fee authorized under this section.

~~(d) "Fiscal year" means the state fiscal year beginning October 1 and ending September 30.~~

(e) "Fund" means the storm water fund created in section 3119.

(f) "General permit" means a permit issued authorizing a category of similar discharges.

(g) "Individual permit" means a site-specific permit.

(h) "Municipal separate storm sewer system" means all separate storm sewers that are owned or operated by the United States or a state, city, village, township, county, district, association, or other public body created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law, such as a sewer district, flood control district, or drainage district or similar entity, or a designated or approved management agency under section 208 of the clean water act, 33 U.S.C. 1288, that discharges to waters of the state. Municipal separate storm sewer system includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. Municipal separate storm sewer system does not include separate storm sewers in very discrete areas, such as individual buildings.

(i) "Notice of coverage" means a notice that a person engaging in construction activity agrees to comply with a permit by rule for that activity.

(j) (d) "Permit" or "storm water discharge permit" means a permit authorizing the discharge of wastewater or any other substance to surface waters of the state under the national pollutant discharge elimination system, pursuant to the clean water act or this part and the rules and regulations promulgated under that act or this part.

(k) "Public body" means the United States, the state of Michigan, a city, village, township, county, school district, public college or university, or single purpose governmental agency, or any other body which is created by federal or state statute or law.

(l) "Separate storm sewer system" means a system of drainage, including, but not limited to, roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, or man-made channels, which has the following characteristics:

(i) The system is not a combined sewer where storm water mixes with sanitary wastes.

(ii) The system is not part of a publicly owned treatment works.

~~(m) (e)~~ **"Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.**

(n) "Storm water discharge associated with industrial activity" means a point source discharge of storm water from a facility which is defined as an industrial activity under 40 C.F.R. 122.26(b)(14)(i-ix and xi).

Sec. 3119. (1) The storm water fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:

(a) Review of storm water permit applications.

(b) Storm water permit development, issuance, reissuance, modification, and termination.

(c) Surface water monitoring to support the storm water permitting process.

(d) Assessment of compliance with storm water permit conditions.

(e) Enforcement against storm water permit violations.

(f) Classification of storm water control facilities.

(g) Not more than 10% of the money in the fund for training for certification of storm water operators and educational material to assist persons regulated under this part.

(h) Regional or statewide public education to enhance the effectiveness of storm water permits.

(5) Money in the fund shall not be used to support the direct costs of litigation undertaken to enforce this part.

(6) Upon the expenditure or appropriation of money raised in section 3118 for any other purpose than those specifically listed in this section, authorization to collect fees under section 3118 shall be suspended until such time as the money expended or appropriated for purposes other than those listed in this section is returned to the fund.

(7) By January 1, 2006 and by January 1 of each year thereafter, the department shall prepare and submit to the governor, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department a report that details the departmental activities of the previous fiscal year in administering the department's storm water program that were funded by the fund. This report shall include, at a minimum, all of the following:

(a) The number of full-time equated positions performing each of the following functions:

(i) Permit issuance and development.

(ii) Compliance.

(iii) Enforcement.

(b) The number of new permit applications received by the department in the preceding year.

(c) The number of renewal permits in the preceding year.

(d) The number of permit modifications requested in the preceding year.

(e) The number of staff hours dedicated to each of the fee categories listed in section 3118.

(f) The number of permits issued for fee categories listed in section 3118.

(g) The average number of days required for review of a permit from the date the permit application is determined to be administratively complete.

(h) The number of permit applications denied.

(i) The number of permit applications withdrawn by the applicant.

(j) The percentage and number of permit applications that were reviewed for administrative completeness within 10 days of receipt by the department.

(k) The percentage and number of permit applications submitted to the department that were administratively complete as received.

(l) The percentage and number of new permit applications for which a final action was taken by the department within 180 days.

(m) The percentage and number of permit renewals and modifications processed within the required time.

(n) The number of permits reopened by the department.

(o) The number of unfilled positions dedicated to the department's storm water program.

(p) The amount of revenue in the fund at the end of the fiscal year.

Sec. 3120. (1) Until October 1, 2009, an application for a new permit, a reissuance of a permit, or a modification of an existing permit under this part authorizing a discharge into surface water, other than a storm water discharge, shall be accompanied by an application fee as follows:

(a) For an EPA major facility permit, \$750.00.

(b) For an EPA minor facility individual permit, a CSO permit, or a wastewater stabilization lagoon individual permit, \$400.00.

(c) For an EPA minor facility general permit, \$75.00.

(2) Within 180 days after receipt of a complete application for a new or increased use permit, the department shall either grant or deny the permit, unless the applicant and the department agree to extend this time period.

(3) By September 30 of the year following the submittal of a complete application for reissuance of a permit, the department shall either grant or deny the permit, unless the applicant and the department agree to extend this time period.

(4) If the department fails to make a decision on an application within the applicable time period under subsection (2) or (3), the department shall return to the applicant the application fee submitted under subsection (1) and the applicant shall not be subject to an application fee and shall receive a 15% annual discount on an annual permit fee required for a permit issued based upon that application.

(5) Until October 1, 2009, a person who receives a permit under this part authorizing a discharge into surface water, other than a stormwater discharge, is subject to an annual permit fee as follows:

(a) For an industrial or commercial facility that is an EPA major facility, \$8,700.00.

(b) For an industrial or commercial facility that is an EPA minor facility, the following amounts:

(i) For a general permit for a low-flow facility, \$150.00.

(ii) For a general permit for a high-flow facility, \$400.00.

(iii) For an individual permit for a low-flow facility, \$1,650.00.

(iv) For an individual permit for a high-flow facility, \$3,650.00.

(c) For a municipal facility that is an EPA major facility, the following amounts:

(i) For an individual permit for a facility discharging 500 MGD or more, \$213,000.00.

(ii) For an individual permit for a facility discharging 50 MGD or more but less than 500 MGD, \$20,000.00.

(iii) For an individual permit for a facility discharging 10 MGD or more but less than 50 MGD, \$13,000.00.

(iv) For an individual permit for a facility discharging less than 10 MGD, \$5,500.00.

(d) For a municipal facility that is an EPA minor facility, the following amounts:

(i) For an individual permit for a facility discharging 10 MGD or more, \$3,775.00.

(ii) For an individual permit for a facility discharging 1 MGD or more but less than 10 MGD, \$3,000.00.

(iii) For an individual permit for a facility discharging less than 1 MGD, \$1,950.00.

(iv) For a general permit for a high-flow facility, \$600.00.

(v) For a general permit for a low-flow facility, \$400.00.

(e) For a municipal facility that is a CSO facility, \$6,000.00.

(f) For an individual permit for a wastewater stabilization lagoon, \$1,525.00.

(g) For an individual or general permit for an agricultural purpose, \$600.00, unless either of the following applies:

(i) The facility is an EPA minor facility and would qualify for a general permit for a low-flow facility, in which case the fee would be \$150.00.

(ii) The facility is an EPA major facility that is not a farmers' cooperative corporation, in which case the fee would be \$8,700.00.

(h) For a facility that holds a permit issued under this part but has no discharge and the facility is connected to and is authorized to discharge only to a municipal wastewater treatment system, an annual permit maintenance fee of \$100.00. However, if a facility does have a discharge or at some point is no longer connected to a municipal wastewater treatment system, the annual permit fee shall be the appropriate fee as otherwise provided in this subsection.

(6) If the person required to pay an application fee under subsection (1) or an annual permit fee under subsection (5) is a municipality, the municipality may pass on the application fee or the annual permit fee, or both, to each user of the municipal facility.

(7) The department shall send invoices for annual permit fees under subsection (5) to all permit holders by December 1 of each year. The fee shall be based on the status of the facility as of October 1 of that year. A person subject to an annual permit fee shall pay the fee not later than January 15 of each year. Failure by the department to send an invoice by the deadline, or failure of a person to receive an invoice, does not relieve that person of his or her obligation to pay the annual permit fee. If the department does not meet the December 1 deadline for sending invoices, the annual permit fee is due not later than 45 days after receiving an invoice. The department shall forward annual permit fees received under this section to the state treasurer for deposit into the national pollutant discharge elimination system fund created in section 3121.

(8) The department shall assess a penalty on all annual permit fee payments submitted under this section after the due date. The penalty shall be an amount equal to 0.75% of the payment due for each month or portion of a month the payment remains past due.

(9) Following payment of an annual permit fee, if a permittee wishes to challenge its annual permit fee under this section, the owner or operator shall submit the challenge in writing to the department. The department shall not process the challenge unless it is received by the department by March 1 of the year the payment is due. A challenge shall identify the facility and state the grounds upon which the challenge is based. Within 30 calendar days after receipt of the challenge, the department shall determine the validity of the challenge and provide the permittee with notification of a revised annual permit fee and a refund, if appropriate, or a statement setting forth the reason or reasons why the annual permit fee was not revised. If the owner or operator of a facility desires

to further challenge its annual permit fee, the owner or operator of the facility has an opportunity for a contested case hearing as provided for under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(10) The attorney general may bring an action for the collection of the annual permit fee imposed under this section.

(11) Within 30 days after the effective date of the amendatory act that added this section, the director of the department shall notify each person holding a permit under this part authorizing a discharge into surface water, other than a storm water permit, of the requirements of this section.

(12) As used in this section:

(a) "Agricultural purpose" means the agricultural production or processing of those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy animals and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product, as determined by the commission of agriculture, that incorporates the use of food, feed, fiber, or fur. Agricultural purpose includes an operation or facility that produces wine.

(b) "Combined sewer overflow" means a discharge from a combined sewer system that occurs when the flow capacity of the combined sewer system is exceeded at a point prior to the headworks of a publicly owned treatment works during wet weather conditions.

(c) "Combined sewer system" means a sewer designed and used to convey both storm water runoff and sanitary sewage, and which contains lawfully installed regulators and control devices that allow for delivery of sanitary flow to treatment during dry weather periods and divert storm water and sanitary sewage to surface waters during storm flow periods.

(d) "CSO facility" means a facility whose discharge is solely a combined sewer overflow.

(e) "EPA major facility" means a facility that is designated by the United States environmental protection agency as being a major facility under 40 C.F.R. 122.2.

(f) "EPA minor facility" means a facility that is not an EPA major facility.

(g) "Farmers' cooperative corporation" means a farmers' cooperative corporation organized within the limitations of section 98 of 1931 PA 327, MCL 450.98.

(h) "General permit" means a permit suitable for use at facilities meeting eligibility criteria as specified in the permit. With a general permit, the discharge from a specific facility is acknowledged through a certificate of coverage issued to the facility.

(i) "High-flow facility" means a facility that discharges 1 MGD or more.

(j) "Individual permit" means a permit developed for a particular facility, taking into account that facility's specific characteristics.

(k) "Industrial or commercial facility" means a facility that is not a municipal facility.

(l) "Low-flow facility" means a facility that discharges less than 1 MGD.

(m) "MGD" means 1,000,000 gallons per day.

(n) "Municipal facility" means a facility that is designed to collect or treat sanitary wastewater, and is either publicly or privately owned, and serves a residential area or a group of municipalities.

(o) "Wastewater stabilization lagoon" means a type of treatment system constructed of ponds or basins designed to receive, hold, and treat sanitary wastewater for a predetermined amount of time. Wastewater is treated through a combination of physical, biological, and chemical processes.

Sec. 3121. (1) The national pollutant discharge elimination system fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, only to administer the national pollutant discharge elimination system program under this part including, but not limited to, all of the following:

(a) Water quality standards development and maintenance.

(b) Permit development and issuance.

(c) Maintenance of program data.

(d) Ambient water quality monitoring conducted to determine permit conditions and evaluate the effectiveness of permit requirements.

(e) Activities conducted to determine a discharger's permit compliance status, including, but not limited to, inspections, discharge monitoring, and review of submittals.

(f) Laboratory services.

(g) Enforcement.

(h) Program administration activities.

(5) By January 1, 2006 and by January 1 of each year thereafter, the department shall prepare and submit to the governor, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department a report that details the departmental activities of the previous fiscal year in administering the department's national pollutant discharge elimination system program that were funded by the fund. This report shall include, at a minimum, all of the following as it relates to the department:

(a) The number of full-time equated positions performing each of the following functions:

(i) Permit issuance and development.

(ii) Compliance.

(iii) Enforcement.

(b) The number of permit applications received by the department in the preceding year, including applications for new and increased uses and reissuances.

(c) The number of staff hours dedicated to each of the fee categories listed in section 3120.

(d) The number of permits issued for fee categories listed in section 3120.

(e) The number of permit applications denied.

(f) The number of permit applications withdrawn by the applicant.

(g) The percentage and number of permit applications that were reviewed for administrative completeness within statutory time frames.

(h) The percentage and number of permit applications submitted to the department that were administratively complete as received.

(i) The percentage and number of permit applications for which a final action was taken by the department within statutory time frames for new and increased uses and reissuances.

(j) The number of permits reopened by the department.

(k) The number of unfilled positions dedicated to the national pollutant discharge elimination system program.

(l) The amount of revenue in the fund at the end of the fiscal year.

(6) As used in this section:

(a) "Fund" means the national pollutant discharge elimination system fund created in subsection (1).

(b) "National pollutant discharge elimination system program" means the national pollutant discharge elimination system program delegated to the department under section 402 of title IV of the federal water pollution control act, chapter 758, 86 Stat. 880, 33 U.S.C. 1342, and implemented under this part.

Second: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 3103, 3112, 3113, 3115, 3118, and 3119 (MCL 324.3103, 324.3112, 324.3113, 324.3115, 324.3118, and 324.3119), section 3118 as amended by 1999 PA 35 and section 3119 as amended by 1999 PA 106, and by adding sections 3120 and 3121; and to repeal acts and parts of acts.

Michelle McManus
Patricia L. Birkholz
Conferees for the Senate

James Koetje
Jim Howell
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Reports of Standing Committees

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

House Bill No. 5271, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 504 (MCL 600.504), as amended by 2002 PA 715.

Without recommendation as to the passage of the bill.

The bill shall lie on the table under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Koetje, Pappageorge, Voorhees, Gaffney, Wenke, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

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

House Bill No. 5337, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 517, 518, 542, 549g, 803, 810a, 8117, 8142, 8162, and 8163 (MCL 600.504, 600.517, 600.518, 600.542, 600.549g, 600.803, 600.810a, 600.8117, 600.8142, 600.8162, and 600.8163), sections 504, 517, 803, and 810a as amended by 2002 PA 715, section 518 as amended by 2001 PA 256, section 542 as amended by 1984 PA 95, section 549g as added by 1981 PA 182, and section 8117 as amended by 1997 PA 161.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Koetje, Pappageorge, Voorhees, Gaffney, Lipsey, Bieda, Condino and Smith

Nays: None

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

House Bill No. 5479, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8142 (MCL 600.8142). Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Koetje, Pappageorge, Voorhees, Gaffney, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

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

House Bill No. 5480, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 549g (MCL 600.549g), as added by 1981 PA 182.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Koetje, Pappageorge, Voorhees, Gaffney, Wenke, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 10, 2004

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

Absent: Rep. Garfield

Excused: Rep. Garfield

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

Senate Bill No. 512, entitled

A bill to amend 1986 PA 255, entitled "Prepaid funeral contract funding act," by amending the title and sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, and 24 (MCL 328.211, 328.213, 328.214, 328.215, 328.216, 328.217, 328.218, 328.219, 328.220, 328.221, 328.222, 328.223, 328.224, 328.225, 328.226, 328.228, 328.229, 328.230, 328.231, 328.232, 328.233, and 328.234), and section 19 as amended by 2002 PA 325.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, Howell, Middaugh, Huizenga, Hune, Milosch, Palsrok, Wenke, Rivet, O'Neil, McConico, Lipsey, Murphy, Tobocman and Accavitti

Nays: Rep. Drolet

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

Senate Bill No. 513, entitled

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending the title and sections 2, 8, 9, 10, 12, 12a, 13, 15, 16, 18, 19, and 21 (MCL 456.522, 456.528, 456.529, 456.530, 456.532, 456.532a, 456.533, 456.535, 456.536, 456.538, 456.539, and 456.541), the title and sections 2, 8, 12, 12a, 13, 15, 16, 18, 19, and 21 as amended by 1982 PA 132, section 9 as amended by 2002 PA 550, section 10 as amended by 1982 PA 289, and by adding section 16a.

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. Bisbee, Howell, Koetje, Middaugh, Huizenga, Hune, Milosch, Palsrok, Wenke, Rivet, O'Neil, McConico, Lipsey, Murphy, Tobocman and Accavitti

Nays: Rep. Drolet

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 10, 2004

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

Absent: Reps. DeRoche and Palmer

Excused: Reps. DeRoche and Palmer

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meyer, Chair, of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Tuesday, February 10, 2004

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

Absent: Rep. Rivet

Excused: Rep. Rivet

Introduction of Bills

Reps. Waters and Hardman introduced

House Bill No. 5493, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to

prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621), as amended by 2002 PA 472.

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

Reps. Julian, Caswell, Meyer, Stakoe, Gaffney, Vagnozzi, Plakas, McConico, Voorhees, Mortimer, Anderson, Garfield, Tobocman, O’Neil, Pappageorge, Hoogendyk, Ehardt, Richardville, Van Regenmorter, Farhat, Pastor, Tabor, Sak, Vander Veen and Nofs introduced

House Bill No. 5494, entitled

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

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

Reps. Julian, Caswell, Meyer, Stakoe, Vagnozzi, Gaffney, Plakas, McConico, Voorhees, LaJoy, Garfield, O’Neil, Pappageorge, Hoogendyk, Ehardt, Van Regenmorter, Richardville, Farhat, Pastor, Tabor, Sak, Vander Veen and Nofs introduced

House Bill No. 5495, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 479 (MCL 750.479), as amended by 2002 PA 270.

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

Reps. Julian, Caswell, Milosch, Meyer, Stakoe, Plakas, Voorhees, LaJoy, Garfield, Pappageorge, Hoogendyk, Ehardt, Richardville, Van Regenmorter, Farhat, Pastor, Drolet, O’Neil, Vander Veen and Nofs introduced

House Bill No. 5496, 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 12a (MCL 28.432a), as amended by 2002 PA 719.

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

Reps. Julian, Caswell, Milosch, Meyer, Stakoe, Gaffney, Plakas, Pastor, Voorhees, LaJoy, Garfield, O’Neil, Pappageorge, Hoogendyk, Ehardt, Van Regenmorter, Richardville, Farhat, Drolet, Vander Veen and Nofs introduced

House Bill No. 5497, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 231 (MCL 750.231), as amended by 2002 PA 536.

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

Reps. Julian, Caswell, Meyer, Stakoe, Vagnozzi, Plakas, Garfield, Tobocman, Pappageorge, Ehardt, Vander Veen, Richardville, Farhat, Pastor and Nofs introduced

House Bill No. 5498, entitled

A bill to amend 1965 PA 203, entitled “Commission on law enforcement standards act,” by amending section 2 (MCL 28.602), as amended by 2001 PA 186, and by adding section 3a; and to repeal acts and parts of acts.

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

Reps. Julian, Caswell, Meyer, Stakoe, Vagnozzi, Plakas, Garfield, Tobocman, Pappageorge, Ehardt, Richardville, Farhat, Pastor, Vander Veen and Nofs introduced

House Bill No. 5499, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 263 (MCL 18.1263).

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

Reps. Casperson, Brown, Adamini, LaJoy, Robertson, Milosch, Drolet, Ward, Hune, Mortimer, Brandenburg, Huizenga, Caswell, Tobocman, Gleason, Farhat, Pastor, Garfield, Shackleton, Kooiman, Tabor and Taub introduced

House Bill No. 5500, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1113 (MCL 436.2113), as amended by 1998 PA 416, and by adding section 1114.

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

Reps. Lipsey, Wenke, Nofs and Robertson introduced

House Bill No. 5501, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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

Reps. Wenke, Byrum, Condino, Tobocman, O'Neil, Farrah, Howell, Minore, Accavitti, Newell, Palsrok, Emmons, Koetje, Meyer, Brown, Sak, Gleason, Zelenko, Bieda, Caul, Shulman and Hager introduced

House Bill No. 5502, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 3a, 4, 4a, 4d, 4f, 4o, 5, 6, 6a, 8, 9, 9a, 10, 11, and 14 (MCL 205.92, 205.93, 205.93a, 205.94, 205.94a, 205.94d, 205.94f, 205.94o, 205.95, 205.96, 205.96a, 205.98, 205.99, 205.99a, 205.100, 205.101, and 205.104), sections 2 and 4 as amended by 2002 PA 669, section 3 as amended by 2003 PA 27, section 3a as amended by 2002 PA 455, section 4d as amended by 2000 PA 328, section 4f as amended by 1998 PA 266, sections 4o, 8, and 9a as added by 1999 PA 117, section 5 as amended by 2002 PA 580, section 6 as amended by 2003 PA 24, section 6a as added by 2002 PA 511, section 10 as amended by 1998 PA 366, section 11 as added by 2000 PA 153, and section 14 as amended by 1986 PA 41, and by adding sections 2b, 3c, 12, 13, 14a, 14b, 17, 19, and 20; and to repeal acts and parts of acts.

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

Reps. Byrum, Condino, Wenke, Tobocman, O'Neil, Farrah, Howell, Minore, Accavitti, Newell, Palsrok, Emmons, Koetje, Meyer, Brown, Sak, Gleason, Zelenko, Bieda, Caul, Hager and Shulman introduced

House Bill No. 5503, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 2, 2a, 3, 4, 4a, 4e, 4f, 4g, 4i, 4j, 4k, 4m, 4o, 4p, 4q, 4r, 4s, 4t, 4u, 4w, 4x, 5b, 6, 8, 9, 10, 17, and 23 (MCL 205.51, 205.52, 205.52a, 205.53, 205.54, 205.54a, 205.54e, 205.54f, 205.54g, 205.54i, 205.54j, 205.54k, 205.54m, 205.54o, 205.54p, 205.54q, 205.54r, 205.54s, 205.54t, 205.54u, 205.54w, 205.54x, 205.55b, 205.56, 205.58, 205.59, 205.60, 205.67, and 205.73), section 1 as amended by 2000 PA 390, sections 2 and 23 as amended by 1993 PA 325, section 2a as added by 1984 PA 228, section 3 as amended by 2002 PA 457, section 4 as amended by 1998 PA 267, sections 4a, 4j, and 4q as amended and sections 4r, 4t, 4u, and 4w as added by 1999 PA 116, section 4g as amended by 2000 PA 417, section 4i as added by 1982 PA 23, section 4k as added by 1986 PA 42, section 4m as added by 1993 PA 238, section 4o as added by 1994 PA 156, section 4p as added by 1998 PA 274, section 4s as added by 1999 PA 105, section 4x as amended by 2001 PA 40, section 5b as added by 2002 PA 510, section 6 as amended by 1998 PA 453, section 9 as amended by 1998 PA 365, section 10 as added by 2000 PA 149, and section 17 as amended by 2001 PA 102, and by adding sections 1a, 4d, 4h, 6b, 11, 12, 18, 19, 20, and 21; and to repeal acts and parts of acts.

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

Reps. Condino, Byrum, Wenke, Tobocman, O'Neil, Farrah, Howell, Minore, Accavitti, Newell, Palsrok, Emmons, Koetje, Meyer, Brown, Sak, Gleason, Zelenko, Bieda, Caul, Hager and Shulman introduced

House Bill No. 5504, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; and to prescribe certain powers and duties of state officials and state departments.

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

Reps. Koetje, Byrum, Condino, Wenke, Tobocman, O'Neil, Farrah, Howell, Minore, Accavitti, Newell, Palsrok, Emmons, Meyer, Brown, Sak, Gleason, Zelenko, Bieda, Caul, Hager and Shulman introduced

House Bill No. 5505, entitled

A bill to impose taxes and create credits and refundable credits to modify and equalize the impact of changes made to the general sales tax act and use tax act necessary to bring those taxes into compliance with the streamlined sales

tax agreement so this state may participate in the streamlined sales tax system and governing board; to prescribe certain powers and duties of certain state departments; and to provide for the disbursement of certain proceeds.

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

Rep. Hart introduced

House Bill No. 5506, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 492 (MCL 168.492), as amended by 1989 PA 142.

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

Reps. Kolb, Rivet, Tobocman, Minore, Cheeks, Jamnick, Vagnozzi and Hunter introduced

House Bill No. 5507, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1160.

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

Reps. Kolb, Rivet, Tobocman, Minore, Cheeks, Jamnick, Vagnozzi and Hunter introduced

House Bill No. 5508, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding section 28b.

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

Rep. Waters moved that the House adjourn.

The motion prevailed, the time being 6:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 11, at 1:00 p.m.

GARY L. RANDALL

Clerk of the House of Representatives

