

**No. 29**  
**STATE OF MICHIGAN**  
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**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Wednesday, March 31, 2004.

1:00 p.m.

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

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

Accavitti—present	Garfield—present	Meisner—present	Sheen—present
Acciavatti—present	Gieleghem—present	Meyer—present	Sheltrown—present
Adamini—present	Gillard—present	Middaugh—present	Shulman—present
Amos—present	Gleason—present	Milosch—present	Smith—excused
Anderson—present	Hager—present	Minore—present	Spade—present
Bieda—present	Hardman—present	Moolenaar—present	Stahl—present
Bisbee—present	Hart—present	Mortimer—present	Stakoe—present
Bradstreet—present	Hood—present	Murphy—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—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	Jamnack—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—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—excused

e/d/s = entered during session

Rep. Paul Condino, from the 35th District, offered the following invocation:

“Almighty God, You have given us this great land as our heritage. We humbly pray that we may always remember Your generosity and that we will remember to faithfully do Your will. Bless our land with honest industry, truthful education and an honorable way of life. Defend our liberties and strengthen the resolve of the people who have come from throughout the world to make America their home. Lead us to choose the harder right instead of the easier wrong. May we balance our concern for justice with a willingness to display mercy, and may our concern for security be tempered with a willingness to take risks which will produce worthwhile change for the good of all people. Lord, we pray. Amen.”

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

### Motions and Resolutions

Rep. Richardville moved to take from the table

**Senate Bill No. 106, entitled**

A bill to designate an official state symbol for clean water in this state.

(The bill was reported by the Committee on Government Operations without recommendation as to the passage of the bill and bill laid on the table on February 12, see House Journal No. 12, p. 187.)

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

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

### Second Reading of Bills

**Senate Bill No. 106, entitled**

A bill to designate an official state symbol for clean water in this state.

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.

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Rep. Kooiman moved that Rep. Huizenga be excused temporarily from today’s session.  
The motion prevailed.

Rep. Waters moved that Reps. Murphy and Rivet be excused temporarily from today’s session.  
The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

**Senate Bill No. 106, entitled**

A bill to designate an official state symbol for clean water in this state.

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

**Roll Call No. 209**

**Yeas—94**

Accavitti  
Acciavatti

Gieleghem  
Gillard

Meisner  
Meyer

Sheltrown  
Shulman

Adamini	Gleason	Middaugh	Spade
Amos	Hager	Milosch	Stakoe
Anderson	Hardman	Minore	Stallworth
Bieda	Hart	Moolenaar	Steil
Brandenburg	Hood	Newell	Stewart
Brown	Hopgood	Nitz	Tabor
Byrum	Howell	Nofs	Taub
Casperson	Hummel	O'Neil	Tobocman
Caswell	Hune	Palsrok	Vagnozzi
Cheeks	Hunter	Pappageorge	Van Regenmorter
Clack	Jamnick	Pastor	Vander Veen
Condino	Johnson, Rick	Phillips	Voorhees
Daniels	Johnson, Ruth	Plakas	Walker
Dennis	Julian	Pumford	Ward
DeRoche	Koetje	Reeves	Waters
DeRossett	Kolb	Richardville	Wenke
Ehardt	Kooiman	Robertson	Whitmer
Elkins	LaJoy	Rocca	Williams
Emmons	LaSata	Sak	Wojno
Farhat	Law	Shackleton	Woodward
Farrah	Lipsey	Shaffer	Woronchak
Gaffney	McConico		

#### Nays—10

Bisbee	Drolet	Mortimer	Sheen
Bradstreet	Garfield	Palmer	Stahl
Caul	Hoogendyk		

In The Chair: Julian

The House agreed to the title of the bill.

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

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

#### Notices

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 185-197. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 185-195 and 197 and ‘nay’ on Roll Call No. 196.”

By unanimous consent the House returned to the order of

#### Reports of Standing Committees

The Speaker laid before the House

#### House Resolution No. 27.

A resolution to memorialize the Congress of the United States to address the gap between services offered to children in kinship care arrangements and services offered to children in foster care situations.

(For text of resolution, see House Journal No. 19 of 2003, p. 230.)

(The resolution was reported by the Committee on Family and Children Services on October 23, 2003, consideration of which, under the rules, was postponed until October 28, 2003.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

**House Resolution No. 122.**

A resolution to encourage the judicious use of antibiotics.

(For text of resolution, see House Journal No. 66 of 2003, p. 1741.)

(The resolution was reported by the Committee on Health Policy on January 20, consideration of which, under the rules, was postponed until January 21.)

The question being on the adoption of the resolution,

The resolution was adopted.

**Messages from the Senate**

The Speaker laid before the House

**Senate Bill No. 432, entitled**

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 73, 283, 393, 499, 509m, 509n, 509t, 509aa, 662, 735, 795, 798c, 799a, 803, and 842 (MCL 168.73, 168.283, 168.393, 168.499, 168.509m, 168.509n, 168.509t, 168.509aa, 168.662, 168.735, 168.795, 168.798c, 168.799a, 168.803, and 168.842), sections 73, 283, and 393 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 509n as amended by 2003 PA 302, section 509t as amended by 1998 PA 21, section 662 as amended by 2004 PA 13, 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 bill was received from the Senate on March 30, with amendments to the House substitute (H-5) and title amendment, consideration of which, under the rules, was postponed until today, see House Journal No. 28, p. 558.)

The question being on concurring in the amendments to the House substitute (H-5) made to the bill by the Senate,

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

**Roll Call No. 210**

**Yeas—65**

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

**Nays—41**

Accavitti	Elkins	Law	Sak
Adamini	Farrah	Lipsey	Sheltrown

Anderson	Gielegem	McConico	Stallworth
Bieda	Gillard	Meisner	Tobocman
Brown	Hardman	Minore	Vagnozzi
Byrum	Hood	O'Neil	Waters
Cheeks	Hopgood	Phillips	Whitmer
Clack	Hunter	Plakas	Williams
Condino	Jamnick	Reeves	Wojno
Daniels	Kolb	Rivet	Woodward
Dennis			

In The Chair: Julian

The House agreed to the title as amended.

Reps. Anderson, Tobocman and Law, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bill 432 (H-5) because the bill has little do with election reform and may actually make it harder for certain persons to vote on election day when they go to the polls and find their name is not on the ‘official’ list.

The genesis of this legislation was passage on the federal level of the Help America Vote Act, the result of what occurred in Florida in the 2000 federal election. Sadly, SB 432 falls far short of completing this election reform effort.

The passage of Senate Bill 432 has no bearing on whether Michigan would receive federal dollars from the Help America Vote Act (HAVA). The arguments to the contrary are false.

The HAVA bill was passed on the federal level with bi-partisan support. It is odd Republicans in the Michigan Legislature could not see their way to passing a bill in the same manner.”

### Second Reading of Bills

#### Senate Bill No. 1032, entitled

A bill to amend 1994 PA 55, entitled “Confidential research information act,” by amending the title and sections 1 and 2 (MCL 390.1551 and 390.1552) and by adding section 4a.

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. 1032, entitled

A bill to amend 1994 PA 55, entitled “Confidential research information act,” by amending the title and sections 1 and 2 (MCL 390.1551 and 390.1552) and by adding section 4a.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Middaugh moved that consideration of the bill be postponed temporarily.

The motion prevailed.

### Second Reading of Bills

#### Senate Bill No. 307, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1294. Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Education,

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

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. 307, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1294. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 211

#### Yeas—104

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

#### Nays—2

Jamnack

Minore

In The Chair: Julian

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### Senate Bill No. 727, entitled

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

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

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

Rep. Howell moved to amend the bill as follows:

1. Amend page 8, line 5, after “**to**” by striking out the balance of the subsection and inserting “**domestic relations mediation as provided by supreme court rule. If no settlement is reached through domestic relations mediation within a reasonable time after the date of referral, the complaint or motion shall be heard by the court as provided in this section. The court shall not refer a complaint or motion for grandparenting time filed under this section to the friend of the court mediation service under section 13 of the friend of the court act, 1982 PA 294, MCL 552.513.**”

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

Rep. Pappageorge moved to amend the bill as follows:

1. Amend page 6, line 6, after “**(5)**” by striking out “**If**” and inserting “**Except as otherwise provided in this subsection, if**”.

2. Amend page 6, line 8, after “**time.**” by inserting “**If a grandparent files with the complaint or motion an affidavit asserting that subsection (1)(f) applies, the court shall not dismiss the complaint or motion for grandparenting time.**”

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 6, line 2, after “**by**” by striking out “**a preponderance of the**” and inserting “**clear and convincing**”.

2. Amend page 6, line 12, after “**by**” by striking out “**a preponderance of the**” and inserting “**clear and convincing**”.

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

Rep. Condino demanded the yeas and nays.

The demand was supported.

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

Rep. Howell moved that consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

The House returned to the consideration of

#### Senate Bill No. 1032, entitled

A bill to amend 1994 PA 55, entitled “Confidential research information act,” by amending the title and sections 1 and 2 (MCL 390.1551 and 390.1552) and by adding section 4a.

(The bill was considered earlier today, see today’s Journal p. 595.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 212****Yeas—105**

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

**Nays—1**

Garfield

In The Chair: Julian

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

“An act to protect from public disclosure certain information obtained in research and related activities of public universities and colleges; and to prescribe certain duties of public universities and colleges,”

The House agreed to the full title.

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

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

**Second Reading of Bills****Senate Bill No. 990, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5856 (MCL 600.5856), as amended by 1993 PA 78.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 25, p. 473),

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



Rep. Howell moved to amend the bill as follows:

1. Amend page 2, following line 9, by inserting:

“Enacting section 1. (1) Except as provided in subsection (2), this amendatory act applies to civil actions filed on or after the effective date of this amendatory act.

(2) This amendatory act does not apply to a cause of action if the statute of limitations or repose for that cause of action has expired before the effective date of this amendatory act.”.

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

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.

Rep. Waters moved that Rep. O’Neil be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**Senate Bill No. 990, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5856 (MCL 600.5856), as amended by 1993 PA 78.

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

**Roll Call No. 213**

**Yeas—105**

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

**Nays—0**

In The Chair: Julian

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

**Second Reading of Bills****Senate Bill No. 744, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 2505 (MCL 324.2505), as added by 1995 PA 60, and by adding section 2505a.

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

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

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.

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Rep. Waters moved that Rep. Daniels be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills****Senate Bill No. 744, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 2505 (MCL 324.2505), as added by 1995 PA 60, and by adding section 2505a.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Richardville moved that consideration of the bill be postponed for the day.

The motion prevailed.

**Second Reading of Bills****House Joint Resolution T, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 7 of article IX, to limit the rate of the state income tax.

The joint resolution was read a second time.

Rep. Drolet moved that the joint resolution be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the joint resolution 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 Joint Resolution T, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 7 of article IX, to limit the rate of the state income tax.

The joint resolution was read a third time.

The question being on the adoption of the joint resolution,

Rep. Kooiman moved that consideration of the joint resolution be postponed temporarily.  
 The motion prevailed.

**Second Reading of Bills**

**House Bill No. 5094, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 613a (MCL 257.613a).

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

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

Rep. Murphy 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.

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Rep. Waters moved that Rep. McConico be excused temporarily from today's session.  
 The motion prevailed.

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

**House Bill No. 5094, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 613a (MCL 257.613a).

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

**Roll Call No. 214**

**Yeas—106**

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

Cheeks	Hune	Pappageorge	Van Regenmorter
Clack	Hunter	Pastor	Vander Veen
Condino	Jamnack	Phillips	Voorhees
Daniels	Johnson, Rick	Plakas	Walker
Dennis	Johnson, Ruth	Pumford	Ward
DeRoche	Julian	Reeves	Waters
DeRossett	Koetje	Richardville	Wenke
Drolet	Kolb	Rivet	Whitmer
Ehardt	Kooiman	Robertson	Williams
Elkins	LaJoy	Rocca	Wojno
Emmons	LaSata	Sak	Woodward
Farhat	Law	Shackleton	Woronchak
Farrah	Lipsey		

### 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.

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

By unanimous consent the House returned to the order of

### Motions and Resolutions

Reps. Richardville, Julian, Accavitti, Adamini, Anderson, Bieda, Brown, Caswell, Condino, Daniels, Ehardt, Emmons, Farrah, Garfield, Gielegem, Gillard, Gleason, Hager, Hardman, Hood, Hopgood, Huizenga, Hunter, Jamnick, Koetje, Kooiman, Lipsey, McConico, Meisner, Meyer, Milosch, Murphy, O'Neil, Pastor, Phillips, Plakas, Reeves, Robertson, Rocca, Sak, Sheltroun, Shulman, Stahl, Stallworth, Tobocman, Vagnozzi, Vander Veen, Voorhees, Waters, Whitmer, Woodward and Woronchak offered the following resolution:

#### House Resolution No. 229.

A resolution commemorating the 25<sup>th</sup> anniversary of Kronk Boxing in the state of Michigan and to pay tribute to its founder, Emmanuel Steward.

Whereas, A proud tradition of boxing excellence started in the Kronk Recreation Center, located at 5555 McGraw Street in Detroit, where the next generation of Kronk boxers still prefer to train in its warm, dingy basement; and

Whereas, The tradition of Kronk Boxing was started by Emanuel Steward who was raised in the city of Detroit and has brought great honor and attention to the city of his youth. At an early age, Emanuel Steward was fascinated with the sport of boxing. He relentlessly practiced and honed his technique to rise to the pinnacle of his sport to become the 1963 National Golden Gloves Champion in the bantamweight division. He embarked on a successful amateur career that culminated with 94 victories in 97 bouts; and

Whereas, Emanuel Steward did not end his affiliation with the sport of boxing following the completion of his amateur career. He began training young boxers at the Kronk Recreational Center. His young students went on to successful boxing careers of their own, thanks to the guiding hand of Emanuel Steward. In 1980, Emanuel Steward was honored as the Boxing Writers Association of America's Manager of the Year. In 1996, he was inducted into the International Boxing Hall of Fame. He has served as an expert commentator on televised bouts and has managed or trained a total of 29 world champion boxers; and

Whereas, Emanuel Steward has not only demonstrated himself as a superb boxer and trainer but also as a highly successful businessman in any venture he has devoted his full attention and energy to. What began as a labor of love

in evenings and weekends has grown into an empire known as Kronk Gyms and has spread throughout the world; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the 25<sup>th</sup> anniversary of Kronk Boxing in the state of Michigan; and be it further

Resolved, That we pay tribute to Emanuel Steward for his great accomplishments in life as a boxer and a mentor. Also, that we honor the boxers of the past, present, and future who have trained in Kronk Gyms across this country, as well as the pioneering few who put on boxing gloves for the first time over 30 years ago in the original Kronk Recreation Center in Detroit.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

### Reports of Select Committees

#### Senate Bill No. 560, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

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. 560, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

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

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

#### THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3101. As used in this part:

(a) "Aquatic nuisance species" means a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(b) "Ballast water" means water and associated solids taken on board a vessel to control or maintain trim, draft, stability, or stresses on the vessel, without regard to the manner in which it is carried.

(c) "Ballast water treatment method" means a method of treating ballast water and sediments to remove or destroy living biological organisms through 1 or more of the following:

(i) Filtration.

(ii) The application of biocides or ultraviolet light.

(iii) Thermal methods.

(iv) Other treatment techniques approved by the department.

(d) "Department" means the department of environmental quality.

(e) "Detroit consumer price index" means the most comprehensive index of consumer prices available for the Detroit area from the United States department of labor, bureau of labor statistics.

(f) "Great Lakes" means the Great Lakes and their connecting waters, including ~~lake~~ Lake St. Clair.

(g) "Group 1 facility" means a facility whose discharge is described by R 323.2218 of the Michigan administrative code.

(h) "Group 2 facility" means a facility whose discharge is described by R 323.2210(y), 323.2215, or 323.2216 of the Michigan administrative code.

(i) **“Group 3 facility” means a facility whose discharge is described by R 323.2211 or 323.2213 of the Michigan administrative code.**

(j) ~~(e)~~ **“Local unit” means a county, city, village, or township or an agency or instrumentality of any of these entities.**

(k) ~~(h)~~ **“Municipality” means this state, a county, city, village, or township, or an agency or instrumentality of any of these entities.**

(l) ~~(i)~~ **“Nonocean-going vessel” means a vessel that is not an ocean-going vessel.**

(m) ~~(j)~~ **“Ocean-going vessel” means a vessel that operates on the Great Lakes or the St. Lawrence waterway after operating in waters outside of the Great Lakes or the St. Lawrence waterway.**

(n) ~~(k)~~ **“Sediments” means any matter settled out of ballast water within a vessel.**

(o) ~~(l)~~ **“Sewage sludge” means sewage sludge generated in the treatment of domestic sewage, other than only septage or industrial waste.**

(p) ~~(m)~~ **“Sewage sludge derivative” means a product for land application derived from sewage sludge that does not include solid waste or other waste regulated under this act.**

(q) ~~(n)~~ **“Sewage sludge generator” means a person who generates sewage sludge that is applied to land.**

(r) ~~(o)~~ **“Sewage sludge distributor” means a person who applies, markets, or distributes, except at retail, a sewage sludge derivative.**

(s) ~~(p)~~ **“St. Lawrence waterway” means the St. Lawrence river, the St. Lawrence seaway, and the gulf of St. Lawrence.**

(t) ~~(q)~~ **“Waters of the state” means groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of this state.**

**Sec. 3122. (1) Until October 1, 2007, the department may levy and collect an annual groundwater discharge permit fee from facilities that discharge wastewater to the ground or groundwater of this state pursuant to section 3112. The fee shall be as follows:**

(a) **For a group 1 facility, \$3,650.00.**

(b) **For a group 2 facility or a municipality of 1,000 or fewer residents, \$1,500.00.**

(c) **For a group 3 facility, \$200.00.**

**(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 the department fails to make a decision on an application within the time period specified or agreed to under this subsection, the applicant shall receive a 15% annual discount on an annual groundwater discharge permit fee for a permit issued based upon that application. This subsection applies to permit applications received beginning October 1, 2005.**

**(3) If the person required to pay the annual groundwater discharge permit fee under subsection (1) is a municipality, the municipality may pass on the annual groundwater discharge permit fee to each user of the municipal facility.**

**(4) As used in this section, “group 1 facility”, “group 2 facility”, and “group 3 facility” do not include a municipality with a population of 1,000 or fewer residents.**

**Sec. 3123. (1) The department shall send invoices for the groundwater discharge permit fees under section 3122 to all permit holders by January 15 of each year. Fees will be charged for all facilities authorized as of December 15 of each calendar year. Payment shall be postmarked no later than March 1 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 groundwater discharge permit fee. If the department does not meet the January 15 deadline for sending invoices, the annual groundwater discharge permit fee is due not later than 45 days after receiving an invoice. The department shall forward money collected pursuant to this section to the state treasurer for deposit into the groundwater discharge permit fund established under section 3124.**

**(2) The department shall assess a penalty on all 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. Failure to timely pay a fee imposed by this section is a violation of this part and is cause for revocation of a permit issued under this part and may subject the discharger to additional penalties pursuant to section 3115.**

**(3) The attorney general may bring an action for the collection of the groundwater discharge permit fees imposed under this section.**

**Sec. 3124. (1) The groundwater discharge permit fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the groundwater discharge permit fund. The state treasurer shall direct the investment of the groundwater discharge permit fund.**

**(2) Money in the groundwater discharge permit fund at the close of the fiscal year shall remain in the groundwater discharge permit fund and shall not lapse to the general fund.**

**(3) The state treasurer shall credit to the groundwater discharge permit fund the interest and earnings from groundwater discharge permit fund investments.**

(4) The department shall expend money from the groundwater discharge permit fund, upon appropriation, only to implement the department's groundwater discharge program under this part. However, in any state fiscal year, the department shall not expend more than \$2,000,000.00 of money from the fund.

(5) By March 1 annually, the department shall prepare and submit to the governor, the legislature, the chair 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 activities during the previous fiscal year in administering the department's groundwater discharge program that were funded by the groundwater discharge permit fund. This report shall include, at a minimum, all of the following as they relate to the department:

(a) The number of full-time equated positions performing groundwater permitting, compliance, and enforcement activities.

(b) The number of applications received by the department, reported as the number of applications determined to be administratively incomplete and the number determined to be administratively complete.

(c) The number of applications for groundwater permits determined to be administratively complete for which a final action was taken by the department. The number of final actions shall be reported as the number of applications approved, the number of applications denied, and the number of applications withdrawn by the applicant.

(d) The percentage and number of applications determined to be administratively complete for which a final decision was made within the statutory time frame.

(e) The number of inspections conducted at groundwater facilities.

(f) The number of violation letters sent.

(g) The number of contested case hearings and civil actions initiated and completed, the number of voluntary consent orders and administrative orders entered or issued, and the amount of fines and penalties collected through such actions or orders.

(h) For each enforcement action that includes a penalty, a description of what corrective actions were required by the enforcement action.

(i) The number of groundwater complaints received, investigated, resolved, and not resolved by the department.

(j) The amount of revenue in the groundwater discharge permit fund at the end of the fiscal year.

Third: 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 section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

Michelle McManus  
Patricia L. Birkholz  
Elizabeth S. Brater  
Conferees for the Senate

James Koetje  
Jim Howell  
Steve Tobocman  
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 Government Operations, by Rep. Koetje, Chair, reported

#### House Bill No. 5198, entitled

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

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

Nays: None

The Committee on Government Operations, by Rep. Koetje, Chair, reported

**Senate Bill No. 653, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20129a (MCL 324.20129a), as amended by 1999 PA 30.

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. Koetje, Howell, Tobocman and Lipsey

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Koetje, Chair, of the Committee on Government Operations, was received and read:

Meeting held on: Tuesday, March 30, 2004

Present: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

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

**Senate Bill No. 783, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411t.

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

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

## Favorable Roll Call

## To Report Out:

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

Nays: None

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

**Senate Bill No. 784, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2000 PA 371.

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

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

## Favorable Roll Call

## To Report Out:

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

Nays: None



## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 31, 2004

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

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

**House Bill No. 5426, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4y.

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

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

## Favorable Roll Call

To Report Out:

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

Nays: None

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

**House Bill No. 5463, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37f.

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

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

## Favorable Roll Call

To Report Out:

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

Nays: None

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

**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.

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

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

## Favorable Roll Call

To Report Out:

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

Nays: None

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

**House Bill No. 5653, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4bb.

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

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

## Favorable Roll Call

## To Report Out:

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

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 31, 2004

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

Absent: Rep. Zelenko

Excused: Rep. Zelenko

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 31, 2004

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

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bill had been printed and placed upon the files of the members on Thursday, March 25:

**Senate Bill No. 1122**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, March 26:

**Senate Bill Nos. 1123 1124 1125 1126 1127 1128**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, March 31:

**House Bill Nos. 5708 5709 5710 5711 5712 5713 5714 5715 5716 5717 5718 5719 5720 5721  
5722 5723 5724 5725 5726**

The Clerk announced that the following Senate bills had been received on Wednesday, March 31:

**Senate Bill Nos. 222 267 991 1064 1065 1067 1069**

By unanimous consent the House returned to the order of

**Messages from the Senate****House Bill No. 5029, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40103 (MCL 324.40103), as amended by 2000 PA 191, and by adding section 40110a.

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

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

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

**House Bill No. 5445, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37c (MCL 208.37c), as amended by 2003 PA 251.

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

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

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

**Senate Bill No. 222, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1163. The Senate has passed the bill.

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

**Senate Bill No. 267, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; 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 Appropriations.

**Senate Bill No. 991, entitled**

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending section 2 (MCL 331.2).

The Senate has passed the bill.

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

**Senate Bill No. 1064, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The Senate has passed the bill.

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

**Senate Bill No. 1065, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The Senate has passed the bill.

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

**Senate Bill No. 1067, entitled**

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2004 and for the fiscal year ending September 30, 2005; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The Senate has passed the bill.

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

**Senate Bill No. 1069, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11b, 11f, 11g, 11j, 13, 15, 18a, 19, 20, 21b, 22a, 22b, 24, 26, 26a, 31a, 31d, 32c, 32d, 32f, 32j, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 104a, 107, 147, 152, 158b, and 166a (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611b, 388.1611f, 388.1611g, 388.1611j, 388.1613, 388.1615, 388.1618a, 388.1619, 388.1620, 388.1621b, 388.1622a, 388.1622b, 388.1624, 388.1626, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1632f, 388.1632j, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1747, 388.1752, 388.1758b, and 388.1766a), sections 3, 6, 11f, 11g, 11j, 19, 20, 22a, 22b, 24, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 98, 99, 101, 104a, 107, 147, and 166a as amended and sections 32j, 41a, and 98b as added by 2003 PA 158, section 4 as amended by 1995 PA 130, sections 11, 11b, and 26a as amended by 2003 PA 236, section 13 as amended by 1999 PA 119, sections 15 and 18a as amended by 1996 PA 300, sections 21b and 152 as amended by 2000 PA 297, section 26 as amended by 1997 PA 93, section 32f as amended by 2002 PA 521, section 94a as amended by 2003 PA 180, and section 158b as added by 1994 PA 283, and by adding section 146; 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 Appropriations.

**Communications from State Officers**

The following communications from the Secretary of State were received and read:

Notices of Filing  
Administrative Rules

March 16, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:20 A.M. this date, administrative rule (04-03-01) for the Department of Labor and Economic Growth, Liquor Control Commission, entitled "*Hearing and Appeal Practice*", effective 7 days after filing with the Secretary of State.

March 16, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:22 A.M. this date, administrative rule (04-03-02) for the Department of Labor and Economic Growth, Liquor Control Commission, entitled "*Licensing Qualifications*", effective 7 days after filing with the Secretary of State.

March 16, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:24 A.M. this date, administrative rule (04-03-03) for the Department of Environmental Quality, Air Quality Division, entitled "*Dry Cleaning Establishments*", effective 7 days after filing with the Secretary of State.

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

The communications were referred to the Clerk.

### Introduction of Bills

Reps. Taub, Voorhees, Richardville, Huizenga and Hart introduced

**House Bill No. 5727, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A. The bill was read a first time by its title and referred to the Committee on Insurance.

Reps. Hune, Ward, DeRoche, LaJoy, Sak and Gaffney introduced

**House Bill No. 5728, entitled**

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending sections 5 and 9 (MCL 124.605 and 124.609).

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

Reps. Caul, Newell, Hummel, Stahl, Bradstreet, Tabor, Emmons, Hager, Pumford, Palsrok, Middaugh, Brown, Elkins, Shaffer, Julian, Caswell and Ehardt introduced

**House Bill No. 5729, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 10d (MCL 211.10d), as amended by 1984 PA 19.

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

Reps. Taub, McConico, Hunter, Ward, Milosch, Sheen, Wenke, Pappageorge, Bisbee, Drolet, Mortimer, DeRoche, Richardville, Julian, Huizenga, Hoogendyk, Pastor, Amos, Casperson, Shulman, Kooiman, Stakoe, Stewart, Garfield, Accavitti, Woodward, Condino and Steil introduced

**House Bill No. 5730, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 517 (MCL 436.1517).

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

Reps. McConico, Taub and Hunter introduced

**House Bill No. 5731, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 517a.

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

Rep. Whitmer introduced

**House Bill No. 5732, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17708, 17751, and 17763 (MCL 333.17708, 333.17751, and 333.17763), as amended by 1997 PA 153.

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

Rep. O'Neil introduced

**House Bill No. 5733, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30711 (MCL 324.30711), as added by 1995 PA 59.

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

Rep. Reeves introduced

**House Bill No. 5734, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51105 and 51106 (MCL 324.51105 and 324.51106), section 51105 as amended by 1996 PA 451 and section 51106 as added by 1995 PA 57; and to repeal acts and parts of acts.

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

Rep. Accavitti introduced

**House Bill No. 5735, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2152, 2153, and 2154 (MCL 324.2152, 324.2153, and 324.2154), as added by 1995 PA 60.

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

Rep. Accavitti introduced

**House Bill No. 5736, entitled**

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2003 PA 168.

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

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Rep. Casperson moved that the House adjourn.

The motion prevailed, the time being 3:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, April 1, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives