

**No. 40**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Tuesday, May 11, 2004.

1:00 p.m.

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

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

Accavitti—present	Garfield—present	Meisner—present	Sheen—present
Acciavatti—present	Gieleghem—present	Meyer—present	Sheltrown—present
Adamini—present	Gillard—present	Middaugh—present	Shulman—present
Amos—present	Gleason—present	Milosch—present	Smith—present
Anderson—present	Hager—present	Minore—present	Spade—present
Bieda—present	Hardman—present	Moolenaar—present	Stahl—present
Bisbee—present	Hart—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—excused	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—e/d/s	Voorhees—present
Daniels—excused	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—excused	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

e/d/s = entered during session

Rep. Paul Gielegem, from the 31st District, offered the following invocation:

“Dear Lord, we thank You for this time to come together and make decisions on behalf of the people of the state of Michigan. Let our thoughts and our actions here speak to Your will, and let us be mindful of the Sermon on the Mount.

St. Matthew (v, 3-10):

Blessed are the poor in spirit: for theirs is the kingdom of heaven.

Blessed are the meek: for they shall possess the land.

Blessed are they who mourn: for they shall be comforted.

Blessed are they that hunger and thirst after justice: for they shall have their fill.

Blessed are the merciful: for they shall obtain mercy.

Blessed are the clean of heart: for they shall see God.

Blessed are the peacemakers: for they shall be called the children of God.

Blessed are they that suffer persecution for justice' sake, for theirs is the kingdom of heaven.

Thank you.”

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Rep. Waters moved that Reps. Daniels, Elkins and Hunter be excused from today's session.  
The motion prevailed.

Rep. Palmer moved that Rep. Hart be excused from today's session.  
The motion prevailed.

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

### Reports of Standing Committees

The Speaker laid before the House

#### House Concurrent Resolution No. 49.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Washtenaw Community College relative to the Washtenaw Community College Plumbers and Pipefitters Building.

(For text of concurrent resolution, see House Journal No. 28, p. 575.)

(The concurrent resolution was reported by the Committee on Appropriations on May 6, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk's office.”

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 309

#### Yeas—103

Accavitti  
Acciavatti  
Adamini  
Amos

Garfield  
Gielegem  
Gillard  
Gleason

Meyer  
Middaugh  
Milosch  
Minore

Sheltrown  
Shulman  
Smith  
Spade

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

### Nays—0

In The Chair: Julian

Rep. Phillips entered the House Chambers.

Rep. Nitz moved that Reps. Ruth Johnson and Rocca be excused from the balance of today's session.  
The motion prevailed.

Rep. Palmer moved that Rep. LaSata be excused from the balance of today's session.  
The motion prevailed.

Rep. Zelenko moved that Rep. Minore be excused from the balance of today's session.  
The motion prevailed.

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

### Messages from the Senate

The Speaker laid before the House

#### **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. (The bill was received from the Senate on May 4, with amendments to the House substitute (H-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 5, see House Journal No. 37, p. 828.)

The question being on concurring in the amendments to the House substitute (H-1) 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. 310****Yeas—97**

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

**Nays—2**

Bradstreet                      Drolet

In The Chair: Julian

**Second Reading of Bills****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.

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

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

Rep. Shulman moved to amend the bill as follows:

1. Amend page 41, line 6, by striking out all of line 6 and all of section 751.
2. Amend page 43, line 20, after "1001." by striking out "(1)".
3. Amend page 43, line 21, by striking out all of line 21.

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

Rep. Kooiman moved to amend the bill as follows:

1. Amend page 40, line 7, after "section" by striking out "107" and inserting "109".

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

Reps. Minore and Bieda moved to amend the bill as follows:

1. Amend page 32, line 17, by striking out all of section 203.

The question being on the adoption of the amendment offered by Reps. Minore and Bieda, Rep. Bieda demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Minore and Bieda,

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

**Roll Call No. 311**

**Yeas—38**

Accavitti	Farrah	McConico	Spade
Adamini	Gielegem	Meisner	Stallworth
Anderson	Gillard	Murphy	Tobocman
Bieda	Gleason	O'Neil	Vagnozzi
Brown	Hardman	Phillips	Waters
Byrum	Hood	Plakas	Whitmer
Cheeks	Hopgood	Reeves	Wojno
Clack	Jamnick	Sak	Woodward
Condino	Kolb	Sheltrown	Zelenko
Dennis	Lipsey		

**Nays—59**

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

In The Chair: Julian

Rep. Shackleton moved to amend the bill as follows:

1. Amend page 42, following line 14, by inserting:

“Sec. 802. From the funds appropriated in part 1 of 2003 PA 162, the department of transportation shall use only those appropriations contained in sections 114 and 115 of 2003 PA 162 to support the operations of the multimodal transportation services bureau. The department is prohibited from charging any costs associated with the multimodal transportation services bureau to any appropriation in part 1 of 2003 PA 162, other than the appropriations contained in sections 114 and 115 of 2003 PA 162, regardless of funding source.”.

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

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

The motion prevailed.

**Senate Bill No. 804, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 183 (MCL 560.183).

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. Nitz moved that Rep. Ehardt 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. 804, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 183 (MCL 560.183).

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

**Roll Call No. 312****Yeas—98**

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

**Nays—0**

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

“An act to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; 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. 839, entitled

A bill to authorize the state administrative board to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; to prescribe certain powers and duties of state departments and agencies regarding the conveyance; and to provide for disposition of the revenue from the conveyance.

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. 839, entitled

A bill to authorize the state administrative board to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; to prescribe certain powers and duties of state departments and agencies regarding the conveyance; and to provide for disposition of the revenue from the conveyance.

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

#### Roll Call No. 313

#### Yeas—98

Accavitti	Garfield	Milosch	Shulman
Acciavatti	Gielegem	Moolenaar	Smith
Adamini	Gillard	Mortimer	Spade
Amos	Gleason	Murphy	Stahl
Anderson	Hager	Newell	Stakoe
Bieda	Hardman	Nitz	Stallworth
Bisbee	Hood	Nofs	Steil
Bradstreet	Hoogendyk	O'Neil	Stewart
Brandenburg	Hopgood	Palmer	Tabor
Brown	Howell	Palsrok	Taub
Byrum	Huizenga	Pappageorge	Tobocman
Casperson	Hummel	Pastor	Vagnozzi
Caswell	Hune	Phillips	Van Regenmorter
Caul	Jamnick	Plakas	Vander Veen
Cheeks	Johnson, Rick	Pumford	Voorhees

Clack	Julian	Reeves	Walker
Condino	Koetje	Richardville	Ward
Dennis	Kolb	Rivet	Waters
DeRoche	Kooiman	Robertson	Wenke
DeRossett	LaJoy	Sak	Whitmer
Drolet	Lipsey	Shackleton	Wojno
Emmons	McConico	Shaffer	Woodward
Farhat	Meisner	Sheen	Woronchak
Farrah	Meyer	Sheltrown	Zelenko
Gaffney	Middaugh		

### 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

The House returned to the consideration of  
**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 bill was considered earlier today, see today's Journal p. 884.)

Rep. Kooiman moved to amend the bill as follows:

1. Amend page 40, following line 13, by inserting:

“Sec. 603. (1) The Family Independence Agency shall renegotiate leases or consolidate offices in counties with more than 10 offices prior to September 30, 2004. The legislature hereby authorizes cancellation or renegotiation of any legislative restrictive leases necessary to accomplish the savings of \$2,000,000.00. It is the intent of the legislature that offices leased through standard and executive leases shall be considered as a priority for closure prior to the termination of legislative leases.

(2) The Family Independence Agency shall not expend funds appropriated in part 1 for these offices to be closed commencing 60 days after the closure of these offices.

(3) The Family Independence Agency shall report to the legislature no later than September 30, 2004, on the status of these office closures or lease negotiations. This report shall include documentation of the procedures used in determining which offices were closed.”.

The question being on the adoption of the amendment offered by Rep. Kooiman,

Rep. Kooiman demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Kooiman,

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

### Roll Call No. 314

### Yeas—32

Acciavatti	Emmons	Middaugh	Shackleton
Bradstreet	Garfield	Milosch	Shaffer
Brandenburg	Hager	Mortimer	Sheen
Casperson	Hoogendyk	Nitz	Stakoe



Caswell  
Caul  
DeRoche  
Drolet

Huizenga  
Hummel  
Koetje  
Kooiman

Palmer  
Palsrok  
Pappageorge  
Robertson

Vander Veen  
Voorhees  
Walker  
Ward

### Nays—66

Accavitti  
Adamini  
Amos  
Anderson  
Bieda  
Bisbee  
Brown  
Byrum  
Cheeks  
Clack  
Condino  
Dennis  
DeRossett  
Farhat  
Farrah  
Gaffney  
Gielegghem

Gillard  
Gleason  
Hardman  
Hood  
Hopgood  
Howell  
Hune  
Jamnick  
Johnson, Rick  
Julian  
Kolb  
LaJoy  
Lipsey  
McConico  
Meisner  
Meyer  
Moolenaar

Murphy  
Newell  
Nofs  
O'Neil  
Pastor  
Phillips  
Plakas  
Pumford  
Reeves  
Richardville  
Rivet  
Sak  
Sheltrown  
Shulman  
Smith  
Spade

Stahl  
Stallworth  
Steil  
Stewart  
Tabor  
Taub  
Tobocman  
Vagnozzi  
Van Regenmorter  
Waters  
Wenke  
Whitmer  
Wojno  
Woodward  
Woronchak  
Zelenko

In The Chair: Julian

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

Rep. Richardville moved that the bill be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### 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.

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

### Roll Call No. 315

### Yeas—98

Accavitti  
Acciavatti  
Adamini  
Amos  
Anderson  
Bieda  
Bisbee  
Bradstreet  
Brandenburg  
Brown

Garfield  
Gielegghem  
Gillard  
Gleason  
Hager  
Hardman  
Hood  
Hoogendyk  
Hopgood  
Howell

Milosch  
Moolenaar  
Mortimer  
Murphy  
Newell  
Nitz  
Nofs  
O'Neil  
Palmer  
Palsrok

Shulman  
Smith  
Spade  
Stahl  
Stakoe  
Stallworth  
Steil  
Stewart  
Tabor  
Taub

Byrum	Huizenga	Pappageorge	Tobocman
Casperson	Hummel	Pastor	Vagnozzi
Caswell	Hune	Phillips	Van Regenmorter
Caul	Jamnack	Plakas	Vander Veen
Cheeks	Johnson, Rick	Pumford	Voorhees
Clack	Julian	Reeves	Walker
Condino	Koetje	Richardville	Ward
Dennis	Kolb	Rivet	Waters
DeRoche	Kooiman	Robertson	Wenke
DeRossett	LaJoy	Sak	Whitmer
Drolet	Lipsey	Shackleton	Wojno
Emmons	McConico	Shaffer	Woodward
Farhat	Meisner	Sheen	Woronchak
Farrah	Meyer	Sheltrown	Zelenko
Gaffney	Middaugh		

### 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.

### Messages from the Governor

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

Executive Office, Lansing, May 7, 2004

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

Ladies and Gentlemen:

Today I have vetoed and return to you with my objections **Enrolled House Bill 4160**, as provided under Section 33 of Article IV of the Michigan Constitution of 1963.

House Bill 4160 would limit the ability of local units of government to enact living wage requirements. Several Michigan communities have adopted such requirements in business contracts or economic development assistance agreements. Although they vary, these ordinances typically require employers to pay a wage equivalent to the poverty level for a family of four and health benefits to affected employees.

I believe that local governments should have the right to enact such agreements if they so choose.

For the reason stated above, I return Enrolled House Bill 4160 without signature.

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 consideration of the bill be postponed for the day.

The motion prevailed.

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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. Ruth Johnson, Woronchak, Wenke, Pappageorge, LaJoy, Bieda, Caswell, Middaugh, LaSata, Caul, Accavitti, Brandenburg, DeRossett, Ehardt, Farrah, Garfield, Gielegthem, Huizenga, Hummel, Koetje, Kooiman, Meyer, Palmer, Richardville, Spade, Stakoe, Stallworth, Vander Veen, Rocca, Voorhees and Phillips offered the following resolution:

**House Resolution No. 252.**

A resolution to memorialize Congress to prevent any initiatives to tax email transmissions.

Whereas, Email has rapidly moved from the realm of a narrow group of computer professionals to being a routine and efficient method of communications for tens of millions of Americans in their personal lives, for education, and for commerce. No longer just a novelty, email is a necessary component of our everyday lives and business transactions; and

Whereas, Budgetary pressures are being felt across the nation as the federal government and state and local governments seek to match resources to needs. Tax revenues have not kept pace with past levels while health, safety, social, and security needs have grown. Past discussions of ways to allow governments or telecommunication companies to assess fees on internet access have not led to any form of email tax. However, with budgetary shortfalls still widespread, many people worry that such discussions might be renewed and could lead to forms of email taxation; and

Whereas, For the general public, which has come to rely on email for business and home life, the chance that such a tax could be implemented is highly disturbing. Widespread uncertainty on this issue could also stifle innovation in a growing component of our economy. Congress should allay the worries of many that federal, state, or local governments might seek to impose some form of email tax to cover budget shortfalls. A clear statement by Congress that it would not allow any such law or regulation to become the law of the land would be of great help in reassuring many computer users; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to prevent any initiatives to tax email transmissions; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Government Operations.

Reps. Woronchak, Accavitti, Adamini, Bieda, Brandenburg, Byrum, Caswell, Caul, Condino, Dennis, DeRossett, Ehardt, Farrah, Garfield, Gielegthem, Gillard, Huizenga, Koetje, Kooiman, Meyer, Minore, Murphy, O'Neil, Pappageorge, Pumford, Richardville, Sak, Sheltroun, Spade, Stakoe, Stallworth, Tabor, Taub, Tobocman, Vander Veen, Waters, Zelenko, Gleason, Hardman, Jamnick, LaSata, Rocca, Voorhees and Phillips offered the following resolution:

**House Resolution No. 253.**

A resolution to declare May 9-15, 2004, Michigan Nursing Home Week.

Whereas, We take pride in joining citizens throughout the country in recognizing National Nursing Home Week and in proclaiming May 9-15, 2004, as Michigan Nursing Home Week; and

Whereas, The week is a tribute to the citizens who live in long-term care facilities and to the staff and owners who provide quality care for elderly persons; and

Whereas, The residents of nursing homes have made significant contributions to their communities and possess vast quantities of wisdom and knowledge beneficial to our state and society as a whole; and

Whereas, Michigan has 50,000 nursing home residents, many of whom continue to lead active, meaningful lives in their facilities and communities; and

Whereas, Nursing homes offer long-term health services that the residents need and provide for their emotional and social well-being; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 9-15, 2004, Michigan Nursing Home Week. We join together in honoring long-term care facilities, their residents, and staff. We urge all Michigan residents to join us in recognizing the significant contributions of nursing facilities and caregivers in this state and beyond.

Resolved, That a copy of this resolution be transmitted to the Health Care Association of Michigan and the Michigan Association of Homes and Services for the Aged as evidence of our support.

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 Standing Committees

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported

**House Bill No. 5843, entitled**

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

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. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Jamnick, Tobocman and Accavitti

Nays: None

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ward, Chair, of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Tuesday, May 11, 2004

Present: Reps. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Wenke, Jamnick, Tobocman and Accavitti

Absent: Rep. Hardman

Excused: Rep. Hardman

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

**Senate Bill No. 1023, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 52511; and to repeal acts and parts of acts.

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. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Stahl, Sheltroun and Spade

Nays: None

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

**Senate Bill No. 1024, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 50501, 50502, 50504, 50506, 50507, and 50508 (MCL 324.50501, 324.50502, 324.50504, 324.50506, 324.50507, and 324.50508), as added by 1995 PA 57.

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. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Stahl, Sheltroun, Spade and Law  
Nays: None

## 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, May 11, 2004

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

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

**House Bill No. 5647, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 3 of chapter XI (MCL 771.1 and 771.3), section 1 as amended by 2002 PA 666 and section 3 as amended by 2003 PA 101.

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, Van Regenmorter, Bradstreet, Koetje, Voorhees, Gaffney, Garfield, Wenke, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

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

**House Bill No. 5674, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 4a, 16a, and 31 of chapter IX (MCL 769.4a, 769.16a, and 769.31), section 4a as amended by 2001 PA 208, section 16a as amended by 2001 PA 204, and section 31 as amended by 2002 PA 31, and by adding section 4b to chapter IX.

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, Van Regenmorter, Bradstreet, Koetje, Voorhees, Gaffney, Garfield, Wenke, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

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

**House Bill No. 5716, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 6 and 18 of chapter XIIA (MCL 712A.6 and 712A.18), section 6 as amended by 1996 PA 409 and section 18 as amended by 2003 PA 71.

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, Van Regenmorter, Bradstreet, Koetje, Voorhees, Gaffney, Garfield, Wenke, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

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

**Senate Bill No. 998, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 10A.

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. Howell, Van Regenmorter, Bradstreet, Koetje, Voorhees, Gaffney, Garfield, Wenke, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

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

**Senate Bill No. 999, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 2002 PA 79.

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, Van Regenmorter, Bradstreet, Koetje, Voorhees, Gaffney, Garfield, Wenke, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

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

**Senate Bill No. 1000, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11 and 14 of chapter II, sections 4a, 16a, and 31 of chapter IX, and sections 1 and 3 of chapter XI (MCL 762.11, 762.14, 769.4a, 769.16a, 769.31, 771.1, and 771.3), section 11 of chapter II as amended by 1993 PA 293, section 14 of chapter II as amended by 1994 PA 286, section 4a of chapter IX as amended by 2001 PA 208, section 16a of chapter IX as amended by 2001 PA 204, section 31 of chapter IX as amended by 2002 PA 31, section 1 of chapter XI as amended by 2002 PA 666, and section 3 of chapter XI as amended by 2003 PA 101, and by adding section 4b to chapter IX.

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, Van Regenmorter, Bradstreet, Koetje, Voorhees, Gaffney, Garfield, 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, May 11, 2004

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

Absent: Reps. LaSata and Pappageorge

Excused: Reps. LaSata and Pappageorge

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 11, 2004

Present: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Milosch, Palsrok, Wenke, Rivet, Lipsey and Accavitti

Absent: Reps. Drolet, Palmer, Huizenga, Hune, O'Neil, McConico, Murphy and Tobocman

Excused: Reps. Drolet, Palmer, Huizenga, Hune, O'Neil, McConico, Murphy and Tobocman

**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, May 5:

**Senate Bill Nos. 1181 1182**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, May 7:

**House Bill Nos. 5859 5860 5861**

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, May 11, for her approval of the following bills:

**Enrolled House Bill No. 4937 at 9:52 a.m.**

**Enrolled House Bill No. 5093 at 9:54 a.m.**

**Enrolled House Bill No. 5545 at 9:56 a.m.**

The Clerk announced that the following Senate bills had been received on Tuesday, May 11:

**Senate Bill Nos. 1141 1160 1179**

By unanimous consent the House returned to the order of

**Messages from the Senate****House Bill No. 4434, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 1998 PA 520.

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

The House agreed to the full title.

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

**House Bill No. 5281, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 410a.

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

The House agreed to the full title.

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

**House Bill No. 4867, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 504, 43510, and 43516 (MCL 324.504, 324.43510, and 324.43516), section 504 as amended by 1996 PA 171, section 43510 as amended by 1996 PA 585, and section 43516 as added by 1995 PA 57.

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title 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 504 (MCL 324.504), as amended by 1996 PA 171.

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

**House Bill No. 4610, entitled**

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

The Senate has appointed Senators Sikkema, Hammerstrom and Emerson as conferees to join with Representatives Julian, Meyer and Minore.

The bill was referred to the Conference Committee.

**Senate Bill No. 1141, entitled**

A bill to amend 1994 PA 27, entitled "Drug dealer liability act," by amending section 3 (MCL 691.1603).

The Senate has passed the bill.

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

**Senate Bill No. 1160, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 82.

The Senate has passed the bill.

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

**Senate Bill No. 1179, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 74.

The Senate has passed the bill.

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

**Messages from the Governor**

Date: May 7, 2004

Time: 10:20 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5466 (Public Act No. 93, I.E.), being**

An act to amend 1998 PA 386, entitled "An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts," by amending section 5103 (MCL 700.5103), as amended by 2000 PA 54.

(Filed with the Secretary of State May 7, 2004, at 2:12 p.m.)

**Communications from State Officers**

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

May 7, 2004

Enclosed is a copy of the following audit report and/or report summary:

Performance Audit of the Management Information Database (MIDB),

Department of Information Technology

May 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.



**Introduction of Bills**

Reps. Meisner, Spade, Law, Gleason, Elkins, Rivet, Tobocman, Hopgood and Sak introduced

**House Bill No. 5862, entitled**

A bill to provide for restroom access for persons with certain medical conditions; to provide immunity from liability for permitting restroom access; and to prescribe penalties.

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

Reps. Sak, Tobocman, Lipsey, O'Neil, Meyer, Gleason and Dennis introduced

**House Bill No. 5863, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 1 (MCL 169.201), as amended by 1989 PA 95, and by adding sections 13 and 48.

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

Reps. Sak, O'Neil, Meyer, Gleason and Dennis introduced

**House Bill No. 5864, entitled**

A bill to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as amended by 2002 PA 463.

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

Reps. Vander Veen, Caul, Voorhees, Huizenga, Sheltroun, Caswell, Nofs, Elkins, Shulman, Byrum, Pastor, Wenke, Pappageorge, Shaffer, Amos, Milosch, Kooiman, Koetje, Brandenburg, Middaugh, Rocca, Farhat, Mortimer, Walker, Steil, Hoogendyk, Stahl, Clack and Sheen introduced

**House Bill No. 5865, entitled**

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by amending section 1c (MCL 35.601c), as amended by 1980 PA 353.

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

Reps. Caul, Vander Veen, Robertson, Caswell, Nofs, Elkins, Pumford, Byrum, Mortimer, LaSata, Koetje, Meyer, Ruth Johnson, Pappageorge, Middaugh and Farhat introduced

**House Bill No. 5866, entitled**

A bill to establish an undergraduate tuition waiver program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition waiver program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

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

Reps. Pastor, Drolet, Garfield, Casperson, Robertson, Voorhees, Palmer, Milosch and Brandenburg introduced

**House Bill No. 5867, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 521.

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

Reps. Pastor, Wenke, Drolet, Garfield, Casperson, Voorhees, Palmer, Milosch and Brandenburg introduced

**House Bill No. 5868, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1511.

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

Rep. Emmons moved that the House adjourn.  
The motion prevailed, the time being 5:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, May 12, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives