

No. 11
STATE OF MICHIGAN
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House of Representatives
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House Chamber, Lansing, Wednesday, February 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 — e/d/s	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 — excused	Moolenaar — present	Stahl — present
Bisbee — present	Hart — excused	Mortimer — present	Stakoe — present
Bradstreet — present	Hood — present	Murphy — present	Stallworth — present
Brandenburg — present	Hoogendyk — present	Newell — present	Steil — present
Brown — present	Hopgood — present	Nitz — present	Stewart — present
Byrum — present	Howell — present	Nofs — present	Tabor — present
Casperson — present	Huizenga — present	O’Neil — present	Taub — present
Caswell — present	Hummel — present	Palmer — present	Tobocman — present
Caul — present	Hune — present	Palsrok — present	Vagnozzi — present
Cheeks — present	Hunter — present	Pappageorge — present	Van Regenmorter — excused
Clack — present	Jamnick — present	Pastor — present	Vander Veen — present
Condino — present	Johnson, Rick — present	Phillips — present	Voorhees — present
Daniels — present	Johnson, Ruth — present	Plakas — present	Walker — present
Dennis — present	Julian — present	Pumford — present	Ward — present
DeRoche — present	Koetje — present	Reeves — excused	Waters — present
DeRossett — present	Kolb — present	Richardville — present	Wenke — present
Drolet — present	Kooiman — present	Rivet — present	Whitmer — present
Ehardt — excused	LaJoy — present	Robertson — present	Williams — present
Elkins — present	LaSata — present	Rocca — present	Wojno — present
Emmons — present	Law — present	Sak — present	Woodward — present
Farhat — present	Lipsey — present	Shackleton — present	Woronchak — present
Farrah — present	McConico — excused	Shaffer — present	Zelenko — present
Gaffney — present			

e/d/s = entered during session

Rep. Stephen Adamini, from the 109th District, offered the following invocation:

“Dear God, creator of us all. We thank You for the privilege of serving the citizens of our state in this body. We ask You for the strength, humility, generosity, kindness and resources so that we may feed the hungry, provide drink for those who thirst, clothe those who lack for garments, comfort those who are sick and provide companionship for those who are outcasts. For if we do that for the least of those amongst us, we do it for You. May You bless the United States of America, the state of Michigan, this honorable chamber and all of its members. Amen.”

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

Rep. Waters moved that Reps. Hardman, McConico, Reeves and Smith be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5023, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 74117 (MCL 324.74117), as added by 1995 PA 58.

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

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

Rep. Stahl moved to amend the bill as follows:

1. Amend page 2, line 19, after “**December 31**,” by striking out “**2004**” and inserting “**2005**”.
2. Amend page 4, following line 18, by inserting:

“Enacting section 1. This amendatory act takes effect June 30, 2004.”.

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

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

The motion prevailed.

Rep. Huizenga 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. Dennis 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. 5023, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 74117 (MCL 324.74117), as added by 1995 PA 58.

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

Roll Call No. 38

Yeas—100

Accavitti
Acciavatti

Gaffney
Gielegghem

Meyer
Middaugh

Sheen
Sheltrown

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

Nays—0

In The Chair: Julian

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

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

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 74117 (MCL 324.74117), as amended by 2003 PA 170.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Waters, Woronchak, Anderson, Stewart, Pappageorge, Kolb, DeRossett, Richardville, Spade, Bisbee, Murphy, Koetje, Voorhees, Middaugh, Julian, Newell, Vander Veen, Howell, Pumford, Ruth Johnson, Sheltroun, Shackleton, Farrah, Pastor, LaJoy, Vagnozzi, Taub, Accavitti, Amos, Hune, Shaffer, Hoogendyk, Nofs, Wenke, Ward, Steil, Nitz, Stahl, Sheen, Huizenga, Farhat, Elkins, Moolenaar, Gillard and Mortimer were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5087, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1179 (MCL 380.1179), as added by 2000 PA 10.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Family and Children Services (for amendment, see House Journal No. 4, p. 40),

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5087, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1179 (MCL 380.1179), as added by 2000 PA 10.

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

Roll Call No. 39

Yeas—100

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Huizenga 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. 780, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2003 PA 20.

The bill was read a second time.

Rep. Huizenga moved that the bill be placed on the order of Third Reading of Bills.
 The motion prevailed.
 Rep. Huizenga 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. 780, entitled

A bill to amend 1986 PA 281, entitled “The local development financing act,” by amending section 2 (MCL 125.2152), as amended by 2003 PA 20.

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

Roll Call No. 40

Yeas—58

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

Nays—42

Accavitti	Drolet	Law	Spade
Adamini	Elkins	Lipsey	Stallworth
Anderson	Farrah	Meisner	Tobocman
Bieda	Gielegem	Minore	Vagnozzi
Bradstreet	Gillard	Murphy	Waters
Brown	Gleason	O’Neil	Whitmer
Byrum	Hood	Phillips	Williams
Cheeks	Hopgood	Plakas	Wojno
Clack	Hunter	Rivet	Woodward
Daniels	Jamnick	Sheltrown	Zelenko
DeRossett	Kolb		

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 encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and

personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing.”

The House agreed to the full title.

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

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

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

“Mr. Speaker and members of the House:

This is an example of spot zoning. This bill furthers urban sprawl and is not in keeping with the findings of the Governors Bi-Partisan Committee on Land Use. For these reasons I voted no on SB780.”

Rep. Murphy, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bill 780 because many have stressed the health and strength of the state depends on the health and strength of its cities. There are many laws to facilitate this goal. There is a disturbing trend of amending laws that were drafted for struggling urban centers to help their growing suburbs. SB 780 is an example of this trend.”

Rep. Tobocman, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bill 780 because the health and strength of the state depends on the health and strength of its cities. There are many laws to facilitate this goal. There is a disturbing trend of amending laws that were drafted for struggling urban centers to help attract development to rural greenfields and undeveloped areas. If additional tools are needed for townships to be able to support their tax base, than those tools should be discussed, debated and considered on their merits. SB 780 provides a tool to one township without addressing the systemic problems of either our urban centers or our townships.”

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

“Mr. Speaker and members of the House:

I voted no on Senate Bill 780 because the health and strength of the state depends on the health and strength of its cities. A number of laws have been enacted over the years to help preserve or refurbish Michigan’s struggling urban centers. Unfortunately, a disturbing trend is now taking place in which these laws are being amended - turned on their heads, actually - to provide incentives to growing suburbs, rather than cities. SB 780 is an example of this trend. This bill and too many other bills that this Legislature has before it this session facilitate piece-meal development and sprawl, when the more appropriate policy should be to promote big-picture, healthy land-use.”

Second Reading of Bills

Senate Bill No. 275, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 6 (MCL 125.2686), as amended by 2003 PA 93.

The bill was read a second time.

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

The motion prevailed.

Rep. Huizenga 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. 275, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 6 (MCL 125.2686), as amended by 2003 PA 93.

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

Roll Call No. 41

Yeas—100

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

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 create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials.”

The House agreed to the full title.

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

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

Rep. Garfield entered the House Chambers.

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

The Speaker laid before the House the conference report relative to
Senate Bill No. 252, entitled

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

(The conference report was received from the Senate on February 10, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 10, p. 136.)

The question being on the adoption of the conference report,

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

Roll Call No. 42

Yeas—55

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

Nays—46

Accavitti	Farrah	Law	Spade
Adamini	Gaffney	Lipsey	Stallworth
Anderson	Gielegem	Meisner	Stewart
Bieda	Gillard	Minore	Tobocman
Brandenburg	Gleason	Murphy	Vagnozzi
Brown	Hood	O'Neil	Waters
Byrum	Hopgood	Phillips	Whitmer
Cheeks	Hune	Plakas	Williams
Clack	Hunter	Rivet	Wojno
Condino	Jamnick	Sak	Woodward
Daniels	Kolb	Sheltrown	Zelenko
Elkins	LaSata		

In The Chair: Julian

Reps. Whitmer, Law, Gillard, Zelenko, Elkins, Hopgood and Anderson, having reserved the right to explain their nay vote, made the following statement:

"Mr. Speaker and members of the House:

I voted no on the SB 252 conference report because it hampers the ability of the Department of Environmental Quality (DEQ) to protect the state's waters and is unfair to taxpayers.

The Governor and legislative leaders agreed during the fiscal year 2004 budget negotiations to pass a bill that would raise \$3 million in new water pollution permit fees to offset a necessary reduction in general fund support for our water permit program without any new substantive changes to bill as it had been drafted at that point. Republican legislators have reneged on the agreement by inserting a last minute provision to limit the ability of the DEQ to issue new administrative rules to implement our water protection statutes. The provision, never debated in any standing committee proceeding, is not only an unjustifiable partisan power grab against the executive branch, it tangibly jeopardizes environmental protection by preventing the DEQ from quickly responding to problems that can be solved by issuing new administrative rules.

It further jeopardizes the DEQ's designation status provided by the U.S. Environmental Protection Agency to administer the federal Clean Water Act program because limiting DEQ rulemaking ability jeopardizes the State's ability to align our regulations with continually-changing federal regulations. This, combined with the underfunding of the program, may, by law, force the U.S. EPA to take over the program, forcing our businesses and municipalities to deal with the that agency's regional office in Chicago, which is not prepared to take on that responsibility. This result will be detrimental to both environmental quality and economic development in the state, as new and renewed permit approvals will likely be issued much more slowly compared to the present system.

Finally, the funding formula in the conference report that raises the \$3 million takes advantage of water utility ratepayers throughout the state and especially those in southeast Michigan. Municipal wastewater treatment systems comprise approximately 1/3 of the water pollution permit holders in the state, yet the formula has these facilities paying over 1/2 of the total fee revenue. The Detroit Water and Sewerage Department, which handles sewage treatment for the vast majority of southeast Michigan residents and businesses is required to pay a fee that is over 24 times higher than any industrial facility in the state and over 10 times higher than any other municipal facility. Although there is no disagreement that the facility should pay the highest fee, whether one believes that the appropriate fee for individual permit holders should be based on environmental impact or by the resources required of the DEQ to administer and enforce a permit, there is no reasonable justification for this glaring discrepancy. Under the bill, general fund taxpayers are already required to continue to subsidize the program with a \$2.4 million contribution and these same residents and businesses will further subsidize agricultural, industrial, and commercial permit holders who are not being asked to pay their fair share."

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. Acciavatti, Bieda, Brandenburg, Caul, Dennis, Elkins, Gaffney, Gielegem, Gillard, Hager, Huizenga, Kooiman, Murphy, Nofs, Palmer, Pappageorge, Pastor, Phillips, Robertson, Rocca, Shulman, Stahl, Stallworth, Taub, Voorhees and Ward offered the following resolution:

House Resolution No. 197.

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

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

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

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

Resolved by the House of Representatives, That we urge the Michigan Department of Environmental Quality and the Office of the Great Lakes to work with the EPA Great Lakes National Program Office to develop a pilot project, using

a portion of the Great Lakes Legacy Act funding, to provide real-time monitoring of water quality for Lake St. Clair and the St. Clair River to protect people and the environment from spills of harmful materials; and be it further

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

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

Reps. Palmer, Hummel, Drolet, Meyer, Koetje, Sheen, Wenke, Stakoe, Nofs, Acciavatti, Adamini, Bieda, Brandenburg, Caswell, Caul, DeRossett, Elkins, Emmons, Farhat, Gielegem, Gillard, Gleason, Hager, Huizenga, Jamnick, Kooiman, Lipsey, Middaugh, Milosch, Murphy, Newell, Pappageorge, Pastor, Phillips, Pumford, Robertson, Rocca, Sak, Shaffer, Sheltroun, Shulman, Spade, Stahl, Stallworth, Taub, Tobocman, Voorhees and Ward offered the following resolution:

House Resolution No. 198.

A resolution to memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs.

Whereas, From 1956-2001 Michigan residents paid \$1.71 billion dollars more in gas tax money to the federal government than they received in return. Only three states have a worse return rate than Michigan for that period; and

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This task is made much more formidable by the continuing inequity of the percentage of funds returned to the state; and

Whereas, The federal road funding act, the Transportation Equity Act of the 21st Century (TEA-21), is due to expire and be reauthorized at the end of February 2004; and

Whereas, In 2003, Senate Concurrent Resolution No. 1, House Concurrent Resolution No. 5, and House Resolution No. 9 all memorialized the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs. As the federal government works on the next budget, it is imperative that this issue be kept before policymakers at every level to achieve this long overdue measure of equity; therefore be it

Resolved by the House of Representatives, That we hereby memorialize the Congress of the United States to establish a minimum return rate of 95 percent of Michigan's federal transportation funding for highway and transit programs to bring greater fairness to the federal funding of transportation needs in Michigan; 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 Transportation.

Reports of Standing Committees

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

House Bill No. 5476, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1535a, 1539a, and 1539b (MCL 380.1535a, 380.1539a, and 380.1539b), as amended by 1995 PA 289.

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. Palmer, Hummel, Meyer, Bradstreet, Hager, Ruth Johnson, Tabor, Voorhees, Nofs and Stahl

Nays: Reps. Vander Veen, Vagnozzi, Smith, Hopgood and Clack

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 10, 2004

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

Absent: Rep. Hart

Excused: Rep. Hart

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

House Bill No. 4261, 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-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. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Minore, Farrah, Zelenko and Condino

Nays: None

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

House Bill No. 4525, 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-5) 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, Zelenko and Condino

Nays: None

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

House Bill No. 4934, entitled

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

With the recommendation that the bill be referred to the Committee on Education.

Favorable Roll Call

To Report Out:

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

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Education.

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

House Bill No. 5434, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 471 (MCL 206.471), as amended by 2002 PA 486.

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. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Nofs, Stakoe, Zelenko and Condino

Nays: Reps. O'Neil, Minore and Farrah

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

House Bill No. 5440, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 80 (MCL 208.80), as added by 1985 PA 139.

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. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Nofs, Stakoe, Zelenko and Condino

Nays: Reps. O'Neil, Minore and Farrah

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, February 11, 2004

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

Absent: Rep. Bieda

Excused: Rep. Bieda

The Committee on Insurance, by Rep. Hune, Vice-Chair, reported

Senate Bill No. 588, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2006 (MCL 500.2006), as amended by 2002 PA 316.

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. Julian, Hune, Bisbee, Middaugh, Mortimer, Hummel, Robertson, Sheen, Daniels, Woodward, Anderson, Wojno, Hood, Gillard and Condino

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 11, 2004

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

Absent: Reps. Ehardt and Garfield

Excused: Reps. Ehardt and Garfield

Announcement by the Clerk of Printing and Enrollment

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

Senate Bill Nos. 941 950 951 952 953 954 955 956 957 958
Senate Joint Resolution G

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

Senate Bill Nos. 959 960 961 963 964 965 966 967

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, February 11:

**House Bill Nos. 5493 5494 5495 5496 5497 5498 5499 5500 5501 5502 5503 5504 5505 5506
5507 5508**

The Clerk announced that the following Senate bills had been received on Wednesday, February 11:

**Senate Bill Nos. 653 703 727 774 862 863 864 865 866 867 868 870 871 872
875**

By unanimous consent the House returned to the order of

Messages from the Senate

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.

The Senate has passed the bill.

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

Senate Bill No. 703, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80205 (MCL 324.80205), as added by 2000 PA 229; 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 Great Lakes and Tourism.

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.

The Senate has passed the bill.

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

Senate Bill No. 774, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 21a (MCL 125.2162a), as amended by 2002 PA 575.

The Senate has passed the bill.

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

Senate Bill No. 862, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 31a.

The Senate has passed the bill.

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

Senate Bill No. 863, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51f.

The Senate has passed the bill.

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

Senate Bill No. 864, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7hh.

The Senate has passed the bill.

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

Senate Bill No. 865, entitled

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," (MCL 211.181 to 211.182) by adding section 1a.

The Senate has passed the bill.

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

Senate Bill No. 866, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 35a to chapter 2.

The Senate has passed the bill.

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

Senate Bill No. 867, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 51105 (MCL 324.51105), as amended by 1996 PA 451.

The Senate has passed the bill.

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

Senate Bill No. 868, entitled

A bill to amend 1985 PA 224, entitled "Enterprise zone act," by amending section 21c (MCL 125.2121c), as amended by 1998 PA 242.

The Senate has passed the bill.

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

Senate Bill No. 870, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 10 (MCL 125.2790).

The Senate has passed the bill.

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

Senate Bill No. 871, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

The Senate has passed the bill.

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

Senate Bill No. 872, entitled

A bill to amend 1984 PA 385, entitled "Technology park development act," by amending section 12 (MCL 207.712), as amended by 1996 PA 445.

The Senate has passed the bill.

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

Senate Bill No. 875, entitled

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending section 5 of chapter 1 (MCL 141.1155), as amended by 1998 PA 241.

The Senate has passed the bill.

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

Introduction of Bills

Rep. Shulman introduced

House Bill No. 5509, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by various agencies.

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

Rep. Shulman introduced

House Bill No. 5510, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

Rep. Shulman introduced

House Bill No. 5511, entitled

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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

Rep. Shulman introduced

House Bill No. 5512, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Shulman introduced

House Bill No. 5513, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to adult corrections for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by state agencies.

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

Rep. Shulman introduced

House Bill No. 5514, 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; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Shulman introduced

House Bill No. 5515, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Shulman introduced

House Bill No. 5516, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Rep. Shulman introduced

House Bill No. 5517, entitled

A bill to make appropriations for the legislature, the executive, the department of attorney general, the department of state, the department of treasury, the department of management and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

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

Rep. Shulman introduced

House Bill No. 5518, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2005; and to provide for the expenditures of the appropriations.

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

Rep. Shulman introduced

House Bill No. 5519, entitled

A bill to make appropriations for the department of history, arts, and libraries and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Rep. Shulman introduced

House Bill No. 5520, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Rep. Shulman introduced

House Bill No. 5521, entitled

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Rep. Shulman introduced

House Bill No. 5522, entitled

A bill to make appropriations for the department of military affairs and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Shulman introduced

House Bill No. 5523, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Shulman introduced

House Bill No. 5524, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 2003 PA 236.

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

Rep. Shulman introduced

House Bill No. 5525, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2003 PA 236 and section 17b as amended by 2000 PA 297.

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

Rep. Shulman introduced

House Bill No. 5526, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Shulman introduced

House Bill No. 5527, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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

Rep. Shulman introduced

House Bill No. 5528, entitled

A bill to make appropriations for the state transportation department and certain state purposes from the funds designated in this act for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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

Reps. Murphy and Gleason introduced

House Bill No. 5529, entitled

A bill to authorize the state administrative board to convey certain state owned property in Ingham county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

Reps. Stahl, Ward, Taub, Voorhees, Palmer, Hummel, Pastor, Moolenaar, Meyer, Gaffney, Hager, Kooiman, Mortimer, Ruth Johnson, Hoogendyk, Rocca, Gleason, DeRoche, Wenke, Stakoe and Bradstreet introduced

House Bill No. 5530, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1744.

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

Reps. Ruth Johnson, Rocca, Kooiman, Amos, Stahl, Ward, Taub and Milosch introduced

House Bill No. 5531, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 2002 PA 744.

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

Reps. Ruth Johnson, LaJoy, Amos, Stahl, Kooiman, Shaffer, Ward, Taub, Rocca, Milosch and Stakoe introduced **House Bill No. 5532, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2002 PA 615.

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

Reps. Ruth Johnson, Adamini, Stahl, Vander Veen, Rocca, Pappageorge, Milosch, Whitmer, Sak, Amos and Kooiman introduced

House Bill No. 5533, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 2002 PA 618.

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

Rep. Wenke moved that the House adjourn.

The motion prevailed, the time being 5:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 12, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives