

No. 31
STATE OF MICHIGAN
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House of Representatives
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House Chamber, Lansing, Thursday, April 10, 2003.

10:00 a.m.

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

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

Accavitti—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—present	Murphy—present	Stakoe—present
Bradstreet—present	Hood—present	Newell—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Nitz—present	Steil—present
Brown—present	Hopgood—present	Nofs—present	Stewart—present
Byrum—present	Howell—present	O’Neil—present	Tabor—excused
Casperson—present	Huizenga—present	Paletko—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—excused	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present
Gaffney—present			

e/d/s = entered during session

Rep. John J. Gleason, from the 48th District, offered the following invocation:

“Our Heavenly Father, we thank You, for You have given us the privilege of being citizens of this country and this state. I pray that You give special wisdom and leadership to the men and women who lead us and who in this great body make the decisions that affect our lives. May we govern with wisdom from You, and help our minds to be clear and without prejudice. We also ask You to please look with special care on the brave sons and daughters of Michigan and across the nation who are serving to defend our great country. Protect them from harm, bless them with courage, and give us all the hope that peace, love and understanding may reign in our hearts. I would also like to ask everybody here today to join me in a moment of silence in honor of the ultimate sacrifice made by a courageous young man this week. Scott Sather was my nephew. He was twenty-nine years old and he grew up in Clio. Scott was killed in action on Tuesday while fighting in the war with Iraq, and his loss is a great tragedy to us all. I would also like to remember the families who have lost other members not only here in Michigan but across this country. Can we have a moment of silence please? I thank you. We salute Scott Sather, as well as our entire military family, for their commitment to the United States of America. In Your name we offer this prayer, our Almighty Father, Amen.”

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

The Speaker assumed the Chair.

Motions and Resolutions

Rep. Richardville moved that a special committee of four members be appointed to escort President Schuster of the Slovak Republic into the House chamber.

The motion prevailed.

The Speaker appointed as such committee Reps. Emmons, Huizenga, O’Neil and Wojno.

The Sergeant at Arms announced the special committee to wait on President Schuster of the Slovak Republic. President Schuster of the Slovak Republic, escorted by the committee, was conducted to the rostrum.

Rep. Richardville moved that Rule 82 be suspended.

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

Rep. Rick Johnson moved that the following remarks be printed in the Journal.

The motion prevailed.

Comments and Recommendations

President Schuster:

“Before I start, I would like to thank you very much for receiving me here. I have a special feeling that I am at home. The exciting meeting yesterday with President Bush and being here are two very important steps for Slovakia before we receive our membership in NATO. So thank you again. Honorable Governor, Honorable Mr. Johnson, Speaker of the House of Representatives; Honorable Mr. Sikkema, Senate Majority Leader; distinguished Congressmen, Excellencies, Ladies and Gentlemen, it is with feelings of great responsibility, but also with the thrill of delight that I take the floor in front of this distinguished Legislature of Michigan. Among the states of the union, the State of Michigan has been the first to embark upon and is now spearheading a pioneering and trailblazing way of shaping its relations by means of understanding and cooperation with the country I am here to represent. The Memorandum of Understanding between the State of Michigan and the Slovak Republic was signed last year in Bratislava by Mr. John Engler, Michigan’s former Governor and a leader with a longstanding and most distinguished service record, and Slovakia’s Minister of Foreign Affairs, Mr. Eduard Kukan. Right at the outset I would like to emphasize that, within this context of my official trip to the United States, I intend to use my visit here in Michigan in order to express, at least in symbolic terms, my

highest appreciation for this inspiring political step marked with a great deal of foresight. One of the key figures that made the signing of the Memorandum possible was the current Ambassador of the United States to the Slovak Republic, the Honorable Ronald Weiser, whom I appreciate for joining me here today. As I mentioned before, the Memorandum is aimed at stimulating and invigorating the ties and commonalities between Michigan and Slovakia, which, as we hope, will find support among the fairly sizeable community of Slovak expatriates living in this state. In the state of Michigan, there are almost one hundred thousand citizens of Slovak origin. That fact alone presents a wealth of potential for creating a significant upswing in our relations. In addition, I am personally involved in the ongoing efforts to enhance these relations, and I hope this idea will also find support of this distinguished body. It is a particular pleasure for me to inform you that today, at my official meeting with the Honorable Jennifer Granholm, Governor of Michigan, I was given reassurance of the expressed support offered by Michigan's executive branch for the ideas and proposals laid down in our Memorandum of Understanding. To me, her words are a clear expression of the will to help create bonds of friendship and cooperation in the fields of business, culture and education. At this point, I would like to thank you for granting me the opportunity to speak at Michigan's House of Representatives and, in my following remarks, I would like to share a few details in order for you to develop a better understanding of Slovakia as a prospective partner. The Slovak Republic is a modern and democratic country with a well-developed industry. The rigorous reforms and transformation efforts of the recent period brought a considerable step forward in the process of our integration into the Euro-Atlantic organization. At the NATO Summit in Prague, we received the official invitation to become a full alliance member. However, this achievement would not have been possible without the strong backing by the United States. Soon, the U.S. Senate is to ratify our accession protocol. We hope that, one year from now, once the ratification process is successfully completed by all NATO members, we will officially become allies. However, the Slovak Republic does not intend to be a mere passive consumer of the security benefits that will be afforded to us within the alliance. Already during the pre-accession process, we have proven our readiness and capability to take an active part in the ongoing efforts to strengthen international security. At present, we have more than eight hundred military personnel deployed on various missions around the globe. One of the most notable and indisputable signs of our allegiance was the fact that we immediately sided with the United States in the U.S.-led campaign to disarm the rogue Iraqi regime. As we speak, the already internationally recognized Slovak anti-nuclear, -biological and -chemical unit currently stationed in Kuwait operates under U.S. command. On a similar but less recent note, we also earned appreciation from the international community by sending our engineering unit to join operation Enduring Freedom in Afghanistan. Our words were met with action right after the international anti-terrorism coalition had been called to life. As far as our economy is concerned, over the years we have built a well performing and competitive market economy, which, I think, is best evidenced by our membership in the Organization for Economic Cooperation and Development. As a side note, we had the honor of becoming the OECD's 30th member. In due time, we will also join the European Union. More and more foreign investors have been coming to our country, as we managed to create an investor-friendly corporate environment with a favorable legal framework. Last year, we ranked first among the Central European countries in terms of the influx of direct foreign investment. I have also highlighted this fact in the numerous meetings I had with prospective U.S. investors during this trip. Let me conclude with a few remarks on the local, fairly sizeable community of Slovak expatriates. Through this community, Slovakia has been, at least in symbolic terms, present in the state of Michigan for nearly two centuries. They are respectable citizens of your state, who have not forgotten about the land of their ancestors, about their roots and, through various expatriate organizations, they maintain the Slovak cultural and historical traditions. We would very much appreciate their help in promoting today's modern Slovakia and its ambitions. Distinguished representatives, let me assure you that having a vibrant U.S.-Slovak friendship and cooperation has always been and, for that matter, still remains an earnest wish of the vast majority of Slovakia's people. Being the head of my state, it is also among my key priorities to have well-rounded and ever-closer relations between our two countries. I am confident that, also due to your kind support and positive disposition, my visit here in Michigan has been a significant contribution to our effort. Thank you for your attention."

The Speaker Pro Tempore resumed the Chair.

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

House Bill No. 4008, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 512 (MCL 206.512), as amended by 1996 PA 484.

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

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

Rep. Palmer moved to substitute (H-2) the bill.

The motion did not prevail and the substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Palmer moved to substitute (H-3)* the bill.

The motion prevailed and the substitute (H-3)* was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

Rep. Waters moved that Rep. Hardman 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. 4008, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 512 (MCL 206.512), as amended by 1996 PA 484.

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

Roll Call No. 69

Yeas—106

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

Nays—0

In The Chair: Julian

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

Second Reading of Bills

House Bill No. 4257, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30301, 30305, 32501, 32511, and 32512 (MCL 324.30301, 324.30305, 324.32501, 324.32511, and 324.32512), sections 30301, 32501, 32511, and 32512 as added by 1995 PA 59 and section 30305 as amended by 1996 PA 550.

The bill was read a second time.

Rep. Walker moved to amend the bill as follows:

1. Amend page 6, line 7, after "**activities**" by inserting "**conducted on not more than 50% of a property owner's water frontage**".

2. Amend page 8, line 11, after "**activities**" by inserting "**conducted on not more than 50% of a property owner's water frontage**".

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Kolb moved to substitute (H-7) the bill.

The question being on the adoption of the substitute (H-7) offered by Rep. Kolb,

Rep. Kolb demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-7) offered by Rep. Kolb,

The substitute (H-7) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 70

Yeas—43

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

Nays—63

Acciavatti	Garfield	Middaugh	Sheen
Amos	Hager	Milosch	Sheltrown
Bisbee	Hart	Moolenaar	Shulman
Bradstreet	Hoogendyk	Newell	Stahl
Brandenburg	Howell	Nitz	Stakoe
Brown	Huizenga	Nofs	Steil
Casperson	Hummel	Palmer	Stewart
Caswell	Hune	Palsrok	Taub
Caul	Johnson, Rick	Pappageorge	Van Regenmorter
DeRoche	Johnson, Ruth	Pastor	Vander Veen
Drolet	Julian	Pumford	Voorhees
Ehardt	Koetje	Richardville	Walker

Elkins
Emmons
Farhat
Gaffney

Kooiman
LaJoy
LaSata
Meyer

Rivet
Robertson
Rocca
Shaffer

Ward
Wenke
Woronchak

In The Chair: Julian

Rep. Palmer moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Rivet moved to substitute (H-10) the bill.

The question being on the adoption of the substitute (H-10) offered by Rep. Rivet,

Rep. Rivet demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-10) offered by Rep. Rivet,

The substitute (H-10) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 71

Yeas—38

Accavitti
Adamini
Bieda
Brown
Byrum
Cheeks
Clack
Condino
Daniels
Gieleghem

Gillard
Gleason
Hardman
Hood
Hopgood
Hunter
Kolb
LaSata
Lipsey
McConico

Meisner
Middaugh
Murphy
Phillips
Plakas
Reeves
Rivet
Smith
Spade

Stallworth
Tobocman
Vagnozzi
Waters
Whitmer
Williams
Wojno
Woodward
Zelenko

Nays—66

Acciavatti
Amos
Anderson
Bisbee
Brandenburg
Casperson
Caswell
Caul
DeRoche
Drolet
Ehardt
Elkins
Emmons
Farhat
Farrah
Gaffney
Garfield

Hager
Hart
Hoogendyk
Howell
Huizenga
Hummel
Hune
Johnson, Rick
Johnson, Ruth
Julian
Koetje
Kooiman
LaJoy
Law
Meyer
Milosch
Minore

Moolenaar
Newell
Nitz
Nofs
O'Neil
Paletko
Palmer
Palsrok
Pappageorge
Pastor
Pumford
Richardville
Robertson
Rocca
Sak
Shackleton

Shaffer
Sheen
Sheltrown
Shulman
Stahl
Stakoe
Steil
Stewart
Taub
Van Regenmorter
Vander Veen
Voorhees
Walker
Ward
Wenke
Woronchak

In The Chair: Julian

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

The motion prevailed.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4257, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30301, 30305, 32501, 32511, and 32512 (MCL 324.30301, 324.30305, 324.32501, 324.32511, and 324.32512), sections 30301, 32501, 32511, and 32512 as added by 1995 PA 59 and section 30305 as amended by 1996 PA 550.

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

Roll Call No. 72

Yeas—64

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

Nays—43

Accavitti	Gaffney	McConico	Smith
Adamini	Gielegem	Meisner	Stallworth
Anderson	Hardman	Minore	Tobocman
Bieda	Hood	Murphy	Vagnozzi
Byrum	Hopgood	O'Neil	Waters
Cheeks	Hunter	Paletko	Whitmer
Clack	Jamnick	Phillips	Williams
Condino	Kolb	Plakas	Wojno
Daniels	LaSata	Reeves	Woodward
Dennis	Law	Rivet	Zelenko
Farrah	Lipsev	Sak	

In The Chair: Julian

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

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

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30301, 30305, 32501, and 32512 (MCL 324.30301, 324.30305, 324.32501, and 324.32512), sections 30301, 32501, and 32512 as added by 1995 PA 59 and section 30305 as amended by 1996 PA 550.

The motion prevailed.

The House agreed to the title as amended.

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

Rep. Bieda, 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 HB 4257 because it goes too far in sacrificing the public’s interest in maintaining important publicly owned aquatic habitat that is integral to a vibrant Great Lakes ecosystem in favor of the aesthetic concerns of some beachfront property owners. While I agree that greater flexibility to beachfront property owners that wish to engage in beach maintenance activities is warranted, allowing the unimpeded wholesale removal of critical wildlife habitat that would endanger sports fishing and other sportsmen’s activities, encourage the incursion of exotic vegetation, and result in increased beach erosion, will likely result if HB 4257 is enacted in its present form. A reasonable compromise, based on good environmental science that respected the public’s interest, environmental concerns, economic and recreational benefits of healthy fish and waterfowl habitat, along with the valid concerns of private property owners was offered, but unfortunately was not successful. I also have concerns that the legislation as passed out of this body today will jeopardize Michigan’s compliance with the ‘Management Measure for Protection of Wetlands and Riparian Areas’ requirement of section 6217 of Coastal Zone Act Preauthorization Amendments, thereby endangering Michigan’s section 219 funds beginning in 2004.”

Reps. Dennis, Kolb, Anderson, Byrum and Waters, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 4257 because it is not science-based and goes too far in sacrificing the public’s interest in maintaining publicly-owned aquatic habitat that is integral to a healthy Great Lakes ecosystem in favor of the aesthetic concerns of some beachfront property owners. Although legislation may be warranted that would give greater flexibility to beachfront property owners that wish to engage in beach maintenance activities, allowing the wholesale removal wetland vegetation on public land without proper oversight threatens our natural resources and is unwarranted. Diminished fish and waterfowl populations, degraded water quality, greater incursion of exotic vegetation, and increased beach erosion will likely result if HB 4257 is enacted in its present form. In addition, the bill may put Michigan out of compliance with federal wetlands and coastal management laws, thus threatening our ability to manage these programs at the state level. These are not the results that anybody desires. A reasonable compromise, based on sound science, that respected the public’s interest, environmental values, the economic benefits of healthy fish and waterfowl habitat, and the concerns of private property owners was offered, but unfortunately defeated.”

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 23.

A resolution to memorialize Congress to enact legislation to support research, development, and construction of the Interstate Traveler Project through the reauthorization of the Transportation Equity Act of the 21st Century (TEA-21) and/or other related federal programs.

(For text of resolution, see House Journal No. 16, p. 192.)

(The resolution was reported by the Committee on Transportation on March 18, with substitute (H-1), consideration of which, under the rules, was postponed until March 19.)

(For substitute, see House Journal No. 20, p. 237.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

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

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Jamnick asked and obtained an excuse from the balance of today’s session.

Second Reading of Bills

House Bill No. 4390, 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, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by state agencies.

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. Shackleton moved to amend the bill as follows:

1. Amend page 43, following line 16, by inserting:

“Sec. 907. The department shall identify and manage prisoners who abuse the availability of medical services by obtaining transportation to off-site medical care when unnecessary or reasonably avoidable. In doing this, the department shall, when appropriate, consult with off-site medical facilities on how to accomplish this goal.”.

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

Rep. Brandenburg moved to amend the bill as follows:

1. Amend page 7, line 12, by decreasing the amount by “16,913,200” and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 21, following line 15, by inserting:

“Sec. 220a. The appropriation in part 1 for academic/vocational programs reflects a reduction of \$16,913,200.00 from the amount recommended by the executive branch. It is the intent of the legislature that this amount of \$16,913,200.00 subsequently be appropriated for fiscal year 2003-2004 educational purposes.”.

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

Rep. Brandenburg demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 73

Yeas—52

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

Nays—42

Accavitti	Hager	LaSata	Rivet
Adamini	Hardman	Lipsey	Sheltrown
Anderson	Hart	Minore	Smith
Brown	Hood	Murphy	Stallworth
Byrum	Hopgood	Newell	Tobocman

Cheeks	Howell	Paletko	Waters
Clack	Hummel	Phillips	Whitmer
Condino	Hunter	Plakas	Williams
Daniels	Koetje	Pumford	Woodward
Dennis	Kolb	Reeves	Zelenko
Gielegem	Kooiman		

In The Chair: Julian

Reps. Smith, Accavitti, Waters, Condino, Hood and Dennis, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no to Rep. Brandenburg’s Amendment #3 to HB 4390 (H-1) because it is unfair to pit the adult education program against educational programming for prisoners. Ninety percent of the prison population will be released back into society. Eighty percent of inmates enter prison lacking basic reading, math, and writing skills. Statistics show there is a direct correlation between prisoners obtaining a high school education/GED and reduced recidivism. It is important to provide this population with the tools needed to become self-sufficient, make better decisions, and most importantly not continue in a life of crime. In addition, we have to think of the teachers. The cut would not only affect education for prisoners but also jobs for the hardworking teachers who instruct them.”

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

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

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

House Bill No. 4390, 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, 2004; 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 third time.

The question being on the passage of the bill,

Rep. Brandenburg moved to amend the bill as follows:

1. Amend page 7, line 12, by decreasing the amount by “8,456,600” and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 21, following line 15, by inserting:

“Sec. 220a. The appropriation in part 1 for academic/vocational programs reflects a reduction of \$8,456,600.00 from the amount recommended by the executive branch. It is the intent of the legislature that this amount of \$8,456,600.00 subsequently be appropriated for fiscal year 2003-2004 educational purposes.”.

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

The question being on the passage of the bill,

Rep. Pumford moved to reconsider the vote by which the House adopted the amendments.

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

Rep. Pumford demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 74**Yeas—72**

Accavitti	Gillard	Lipsey	Shackleton
Adamini	Gleason	McConico	Sheltrown
Anderson	Hager	Meisner	Smith
Bieda	Hardman	Meyer	Spade
Brown	Hart	Middaugh	Stallworth
Byrum	Hood	Minore	Stewart
Casperson	Hopgood	Murphy	Taub
Caswell	Howell	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hune	O'Neil	Vander Veen
Clack	Hunter	Paletko	Voorhees
Condino	Johnson, Rick	Pappageorge	Waters
Daniels	Johnson, Ruth	Phillips	Whitmer
Dennis	Julian	Plakas	Williams
Elkins	Kolb	Pumford	Wojno
Farrah	Kooiman	Reeves	Woodward
Gaffney	LaSata	Rivet	Woronchak
Gielegem	Law	Sak	Zelenko

Nays—29

Acciavatti	Farhat	Nofs	Shaffer
Amos	Garfield	Palmer	Shulman
Bisbee	Hoogendyk	Palsrok	Stakoe
Bradstreet	Hummel	Pastor	Steil
Brandenburg	LaJoy	Richardville	Walker
DeRoche	Milosch	Robertson	Ward
Drolet	Moolenaar	Rocca	Wenke
Emmons			

In The Chair: Julian

The question being on the adoption of the amendments offered previously by Rep. Brandenburg, Rep. Pumford demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 75**Yeas—61**

Acciavatti	Gaffney	Middaugh	Sheen
Amos	Garfield	Milosch	Shulman
Anderson	Gillard	Moolenaar	Spade
Bieda	Hoogendyk	Nitz	Stahl
Bisbee	Howell	Nofs	Stakoe
Bradstreet	Huizenga	Paletko	Steil
Brandenburg	Hummel	Palmer	Stewart
Casperson	Hune	Palsrok	Taub
Caswell	Johnson, Rick	Pappageorge	Van Regenmorter
Caul	Johnson, Ruth	Pastor	Vander Veen

DeRoche	Julian	Richardville	Voorhees
Drolet	Kooiman	Robertson	Walker
Ehardt	LaJoy	Rocca	Ward
Elkins	Law	Shackleton	Wenke
Emmons	Meyer	Shaffer	Woronchak
Farhat			

Nays—37

Accavitti	Gleason	McConico	Sheltrown
Adamini	Hager	Minore	Smith
Brown	Hardman	Murphy	Stallworth
Byrum	Hart	Newell	Tobocman
Cheeks	Hood	Phillips	Waters
Clack	Hunter	Plakas	Whitmer
Condino	Kolb	Pumford	Williams
Daniels	LaSata	Reeves	Woodward
Dennis	Lipsey	Rivet	Zelenko
Gielegem			

In The Chair: Julian

Reps. Accavitti, Dennis, Hood and Waters, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no to Rep. Brandenburg’s Amendment #3 to HB 4390 (H-1) because it is unfair to pit the adult education program against educational programming for prisoners. Ninety percent of the prison population will be released back into society. Eighty percent of inmates enter prison lacking basic reading, math, and writing skills. Statistics show there is a direct correlation between prisoners obtaining a high school education/GED and reduced recidivism. It is important to provide this population with the tools needed to become self-sufficient, make better decisions, and most importantly not continue in a life of crime. In addition, we have to think of the teachers. The cut would not only affect education for prisoners but also jobs for the hardworking teachers who instruct them.”

The question being on the passage of the bill,

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

Roll Call No. 76**Yeas—92**

Accavitti	Gaffney	Meyer	Shaffer
Acciavatti	Garfield	Middaugh	Sheen
Adamini	Gielegem	Milosch	Sheltrown
Amos	Gillard	Moolenaar	Shulman
Anderson	Gleason	Murphy	Spade
Bieda	Hager	Newell	Stahl
Bisbee	Hart	Nitz	Stakoe
Bradstreet	Hoogendyk	Nofs	Steil
Brandenburg	Hopgood	O’Neil	Stewart
Brown	Howell	Paletko	Taub
Byrum	Huizenga	Palmer	Vagnozzi
Casperson	Hummel	Palsrok	Van Regenmorter
Caswell	Hune	Pappageorge	Vander Veen

Caul	Johnson, Rick	Pastor	Voorhees
Clack	Johnson, Ruth	Phillips	Walker
Condino	Julian	Plakas	Ward
Dennis	Kolb	Pumford	Wenke
DeRoche	Kooiman	Richardville	Whitmer
Ehardt	LaJoy	Rivet	Williams
Elkins	LaSata	Robertson	Wojno
Emmons	Law	Rocca	Woodward
Farhat	Lipsey	Sak	Woronchak
Farrah	Meisner	Shackleton	Zelenko

Nays—13

Cheeks	Hood	Minore	Stallworth
Daniels	Hunter	Reeves	Tobocman
Drolet	McConico	Smith	Waters
Hardman			

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 make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Stallworth, 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 final passage of House Bill 4390, the Department of Corrections budget, because Rep. Brandenburg’s Amendments were unfairly punitive in nature. The focus was on compensating for a seemingly unrelated cut in the adult education/ Merit Award scholarship programs. These amendments were not offered for consideration by members in the corrections subcommittee meeting. Ninety percent of the prison population will one day be paroled. Hence, the focus should have been on preparing these individuals to become self-sufficient so they can be reintegrated positively back into society. The cut in educational funding does not reflect this. Eighty percent of inmates enter prison lacking basic reading, math, and writing skills. Statistics show there is a direct correlation between prisoners obtaining a high school education/GED and reduced recidivism.”

Rep. Smith, 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 HB 4390 (H-1) because it is unfair to pit the adult education program against educational programming for prisoners. Ninety percent of the prison population will be released back into society. Eighty percent of inmates enter prison lacking basic reading, math, and writing skills. Statistics show there is a direct correlation between prisoners obtaining a high school education/GED and reduced recidivism. It is important to provide this population with the tools needed to become self-sufficient, make better decisions, and most importantly not continue in a life of crime.”

Rep. Minore, 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 passage of the Corrections budget because of the deep cuts in education for our prisoners. Education is the key to non-recidivism and to assisting prisoners towards rehabilitation. It also serves as a deterrent to mis-behavior within the prison and assists our already understaffed guards in controlling their charges. The significant education cuts in the prison budget means less safety and more cost for society and for our children as under-educated and uneducated prisoners are released and the cost of longer prison stays lingers on for years.”

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 to HB 4390 because it is unfair to pit the adult education program against educational programming for prisoners. Ninety percent of the prison population will be released back into society. Eighty percent of inmates enter prison lacking basic reading, math, and writing skills. Statistics show there is a direct correlation between prisoners obtaining a high school education/GED and reduced recidivism. It is important to provide this population with the tools needed to become self-sufficient, make better decisions, and most importantly not continue in a life of crime. The Brandenburg amendment that passed is a short-sighted political ploy that would cost the state in the long run by increasing recidivism and further burdening our criminal justice system. Our state would be wise to invest resources where they will provide a greater return on our frail public budgets. The scant resources in education of our prison population help reduce future crime and lessen the need for expensive jail cells.”

Reps. Hood, Waters, Reeves and Hunter, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on final passage of HB 4390, the Corrections budget, because Rep. Brandenburg’s amendments were unfairly punitive in nature. The focus was on compensating for a seemingly unrelated cut in the adult education/ Merit Award scholarship programs. These amendments were not offered for consideration by members in the corrections subcommittee meeting. Ninety percent of the prison population will one day be paroled. Hence, the focus should have been on preparing these individuals to become self-sufficient so they can be reintegrated positively back into society. The cut in educational funding does not reflect this. Eighty percent of inmates enter prison lacking basic reading, math, and writing skills. Statistics show there is a direct correlation between prisoners obtaining a high school education/GED and reduced recidivism.”

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Garfield, Woodward, Nofs, Spade, Steil, Ward, Voorhees, LaJoy, Amos, Hummel, Stahl, Pastor, Acciavatti, Brandenburg, Shaffer, Vander Veen, Pappageorge, Richardville, Farrah, Dennis, Vagnozzi, Phillips, Gieleghem, Accavitti, Anderson, Gillard, Elkins, Meisner, Gleason, Palsrok, Ruth Johnson, Rocca, Milosch, Ehardt, Hager, Hardman, Hopgood, Huizenga, Kolb, Lipsey, Minore, Murphy, Sak, Sheltroun, Shulman, Stewart, Tobocman, Woronchak, Law, McConico, Wojno, Bieda and Farhat offered the following resolution:

House Resolution No. 40.

A resolution to memorialize Congress to include funding for the American Red Cross Armed Forces Emergency Services in the National Defense Authorization Act and the Department of Defense Appropriations Act for fiscal year 2004.

Whereas, For over a century, the American Red Cross has served as a link between the people of the United States and their Armed Forces; and

Whereas, Under its Congressional Charter of 1905, the American Red Cross is entrusted to deliver emergency messages to members of the Armed Forces and their families; and

Whereas, Military commanders around the world rely on the Red Cross Armed Forces Emergency Services (AFES) to verify the need to approve leave for military personnel, and to provide financial support to enable them to return home when necessary; and

Whereas, In order to meet the Department of Defense requirements for emergency leave verification, Red Cross AFES is on call every hour of every day and night for 13 million service members and their families; and

Whereas, The Red Cross AFES program maintains a global emergency communications network supported by 392 employees and 28,000 volunteers located in 961 chapters across the nation, on 108 military installations around the world, and at two AFES Centers located at Fort Sill, Oklahoma, and Falls Church, Virginia; and

Whereas, Michigan's 26 Red Cross chapters and its work on three installations provided emergency communications assistance to 6,238 military personnel and their families in Fiscal Year 2002. Since last July, the American Red Cross in Michigan has seen a 43% increase in the number of military cases served over last year; and

Whereas, Operation Enduring Freedom, the war on terrorism, and the Iraq conflict have placed increased demands on this vital program. The Red Cross and Congress can no longer rely on charitable contributions from the American public to support this required service, especially during the current economic downturn; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to include funding for the American Red Cross Armed Forces Emergency Services in the National Defense Authorization Act and the Department of Defense Appropriations Act for fiscal year 2004 to help fund costs associated with AFES emergency communications and staff mobilization and deployment. We also support the inclusion of AFES funding in the Department of Defense budget request starting in fiscal year 2005; 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.

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.

Reps. Bieda, Adamini, Dennis, Elkins, Farrah, Gillard, Hopgood, Hunter, Kolb, Lipsey, Minore, Murphy, Paletko, Sak, Sheltroun, Spade, Tobocman, Vagnozzi, Woronchak, Law and McConico offered the following resolution:

House Resolution No. 41.

A resolution to memorialize the Congress of the United States to enact the Emergency Unemployment Compensation Act of 2003.

Whereas, In the wake of the tragedy of September 11, 2001, the international situation overall and the economic impact of all of these factors, the global economy is suffering through its most difficult period in many years. The impact is being felt acutely in state capitals and city halls across the country, but the true impact of the economic downturn is most directly felt by the thousands of men and women who, through no fault of their own, face the devastation of unemployment; and

Whereas, The President signed legislation in January 2003 to reinstate temporary unemployment benefits that had expired at the end of 2002. However, this measure does not provide adequate help to the more than one million workers who have exhausted their unemployment benefits and are still unable to find work. These families face severe hardship. For them, every extension of unemployment compensation is of the utmost importance; and

Whereas, Extending benefits for those who have exhausted benefits, a strategy that has been used in prior downturns, utilizes funds set aside for this purpose. As our country tries to revive the economy, extending unemployment compensation benefits by an additional 26 weeks, which the Emergency Unemployment Compensation Act of 2003, H.R. 17, currently before Congress would do, could be an effective stimulus; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Emergency Unemployment Compensation Act of 2003; 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 Employment Relations, Training and Safety.

Reports of Standing Committees

The Committee on Land Use and Environment, by Rep. Ruth Johnson, Chair, reported

House Resolution No. 36.

A resolution to memorialize the Congress of the United States to provide assistance to help Michigan combat the infestation from the emerald ash borer.

(For text of resolution, see House Journal No. 28, p. 354.)

With the recommendation that the following substitute (H-2) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 36.

A resolution to memorialize the federal government to establish a quarantine for the emerald ash borer and provide assistance to help Michigan combat the infestation.

Whereas, In an amazingly short period of time, an important species of tree in Michigan faces a devastating infestation from an insect known as the emerald ash borer. This beetle, which has also been found in Ontario and Ohio, is thought to have entered Michigan in 1997. Already, this insect has killed 5 million trees in the six-county area of southeastern Michigan. In response, the state has quarantined the six counties, where approximately 28 million ash trees are at risk; and

Whereas, The potential economic and ecosystem impact of this invading species would be dramatic across our state and potentially the entire country. In addition to what the loss of all ash trees would mean to the appearance of our homes, communities, and the entire state, ash trees constitute an important and versatile lumber resource that may be lost without swift and certain actions. As with any type of plant so widespread, the loss of Michigan's estimated one billion ash trees clearly could have unforeseen effects on our forest ecology; and

Whereas, The United States Department of Agriculture (USDA) must establish a federal quarantine for the emerald ash borer. Such action would provide uniform rules for slowing or containing the northern advance of the insect; guarantee sufficient protections for international commerce with Canada, which is also experiencing infestation; and allow for the compensation of a number of growers, distributors, retailers, and contractors within the quarantine area who have lost crops and sales without warning; and

Whereas, In an effort to save this species of tree, Michigan has asked Congress to provide financial assistance to state and municipal officials. In addition, these officials need technical assistance to develop a sound strategy of combating this destructive vermin, which clearly has the potential to cause great damage not only in Michigan, but across the country; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to establish a quarantine for the emerald ash borer and provide assistance to help Michigan combat the infestation; 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, the United States Department of Agriculture, and the members of the Michigan congressional delegation.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ruth Johnson, LaJoy, Milosch, Nitz, Ward, Farrah, Gielegem, Dennis and Law

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ruth Johnson, Chair of the Committee on Land Use and Environment, was received and read:

Meeting held on: Wednesday, April 9, 2003, at 2:10 p.m.

Present: Reps. Ruth Johnson, LaJoy, Milosch, Nitz, Ward, Farrah, Gielegem, Dennis and Law

Absent: Reps. DeRossett and Brandenburg

Excused: Reps. DeRossett and Brandenburg

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 10, 2003, at 9:00 a.m.

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

Absent: Reps. DeRossett and Ward

Excused: Reps. DeRossett and Ward

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 10, 2003, at 9:00 a.m.

Present: Reps. Voorhees, Hart, LaSata, Stakoe, Dennis, Hood and Smith

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, Thursday, April 10:

**House Bill Nos. 4540 4541 4542 4543 4544 4545 4546 4547 4548 4549 4550 4551 4552 4553
4554**

Communications from State Officers

The following communication from the Secretary of State was received and read:

Notice of Filing
Administrative Rules

April 1, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:50 P.M. this date, administrative rule (03-04-01) for the Department of Consumer and Industry Services, Public Service Commission, entitled "*Telecommunications Service Quality*", effective August 1, 2003.

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

The communication was referred to the Clerk.

The following communication from the Department of Transportation was received and read:

April 1, 2003

I am pleased to provide the Michigan Department of Transportation's report on transportation accessibility for seniors and persons with disabilities for Fiscal Year 2002.

The report is being forwarded to the Legislature for their information pursuant to Section 10e(21) of Act 51 of the Public Acts of 1951, as amended.

Sincerely,
Gloria J. Jeff
Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Richardville, Gaffney, Nofs, Bieda, Dennis, Vagnozzi, Vander Veen, Rocca, Julian, Stahl, LaSata, Hummel, Taub and Waters introduced

House Bill No. 4555, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 353b. The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Rep. Bieda introduced

House Bill No. 4556, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 110 (MCL 206.110), as amended by 1996 PA 484.

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

Rep. Farrah introduced

House Bill No. 4557, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 4 (MCL 206.4).
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Condino introduced

House Bill No. 4558, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 22 (MCL 206.22), as amended by 1996 PA 484.

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

Rep. Condino introduced

House Bill No. 4559, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 26 (MCL 206.26).
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Zelenko introduced

House Bill No. 4560, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 315 (MCL 206.315).
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. O'Neil introduced

House Bill No. 4561, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 351 (MCL 206.351), as amended by 1996 PA 264.

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

Rep. Zelenko introduced

House Bill No. 4562, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 355 (MCL 206.355), as amended by 1991 PA 82.

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

Rep. Farrah introduced

House Bill No. 4563, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 365 (MCL 206.365), as amended by 1996 PA 448.

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

Rep. Minore introduced

House Bill No. 4564, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 451 (MCL 206.451), as amended by 2002 PA 581.

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

Rep. Farrah introduced

House Bill No. 4565, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 12 (MCL 206.12), as amended by 1996 PA 484.

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

Rep. O'Neil introduced

House Bill No. 4566, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 3, 36, and 71 (MCL 208.3, 208.36, and 208.71), sections 3 and 71 as amended by 1999 PA 115 and section 36 as amended by 1995 PA 284.

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

Rep. Condino introduced

House Bill No. 4567, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 27a (MCL 205.27a), as amended by 2002 PA 657.

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

Rep. Zelenko introduced

House Bill No. 4568, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 15 (MCL 205.65), as amended by 2002 PA 579.

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

Rep. Farrah introduced

House Bill No. 4569, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 6 (MCL 205.96), as amended by 1998 PA 266.

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

Rep. O'Neil introduced

House Bill No. 4570, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding sections 79 and 79a.

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

Rep. Minore introduced

House Bill No. 4571, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," (MCL 205.1 to 205.31) by adding section 30d.

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

Rep. Minore introduced

House Bill No. 4572, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 2001 PA 230.

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

Rep. O'Neil introduced

House Bill No. 4573, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending sections 2, 3, 5, 9, and 16 (MCL 207.522, 207.523, 207.525, 207.529, and 207.536), section 5 as amended by 1994 PA 224 and section 9 as amended by 1994 PA 255.

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

Rep. Minore introduced

House Bill No. 4574, entitled

A bill to amend 1929 PA 48, entitled "An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes," by amending section 15 (MCL 205.315).

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

Rep. Condino introduced

House Bill No. 4575, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 22a (MCL 208.22a), as amended by 1996 PA 578.

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

Rep. Minore introduced

House Bill No. 4576, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 19 and 24 (MCL 205.19 and 205.24), as amended by 2002 PA 657.

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

Reps. Bieda, Elkins, Gillard, Gleason, Lipsey, Paletko, Gielegem, Dennis, Condino, Tobocman, Minore, Meisner, Wojno, Accavitti, Vagnozzi, Brandenburg, Stewart, Pappageorge and Stahl introduced

House Bill No. 4577, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 48.

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

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

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

House Bill No. 4401, 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 2002 PA 521 and section 17b as amended by 2000 PA 297.

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. Whitmer moved to substitute (H-2) the bill.

The question being on the adoption of the substitute (H-2) offered by Rep. Whitmer,

Rep. Whitmer demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-2) offered by Rep. Whitmer,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 77

Yeas—46

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

Nays—59

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

In The Chair: Julian

Rep. Cheeks moved to amend the bill as follows:

1. Amend page 53, line 5, after "subsection." by striking out the balance of the subsection.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Plakas moved to amend the bill as follows:

1. Amend page 20, line 6, by striking out all of section 8b.

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

The demand was supported.

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

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

Roll Call No. 78

Yeas—49

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

Nays—54

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

In The Chair: Julian

Rep. Walker moved to amend the bill as follows:

1. Amend page 55, line 15, after “**consolidation**” by inserting a comma and “**or by the annexation by 1 district of all of the territory of another district,**”.

2. Amend page 55, line 19, after “**district**” by inserting “**or in the district formed by the annexation**”.

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

Rep. Williams moved to amend the bill as follows:

1. Amend page 70, line 12, after “clinics;” by striking out “**for the purposes of section 98b;**”.

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

Rep. Williams demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 79**Yeas—45**

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

Nays—59

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

In The Chair: Julian

Reps. Farhat and Meisner moved to amend the bill as follows:

1. Amend page 153, line 5, after "is" by striking out "**\$880.00**" and inserting "\$2,850.00".

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

Rep. Woodward moved to amend the bill as follows:

1. Amend page 116, line 6, by striking out "**\$3,000,000.00**" and inserting "**\$950,000.00**".

2. Amend page 116, line 9, after "**shall**" by striking out "**use \$2,000,000.00**" and inserting "**not use any money**".

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

Rep. Woodward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 80**Yeas—46**

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

Nays—58

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

In The Chair: Julian

Reps. Kooiman, Sak, Hart, Hager and Ehardt moved to amend the bill as follows:

1. Amend page 52, line 15, after the first “of” by striking out “75.25%” and inserting “91.98%”.
2. Amend page 54, following line 25, by inserting:

“Sec. 20j. (1) Foundation allowance supplemental payments to districts that in the 1994-95 state fiscal year had a foundation allowance greater than \$6,500.00 shall be calculated under this section.

(2) The per pupil allocation to each district under this section shall be **91.98% of** the difference between the dollar amount of the adjustment from the 1998-99 state fiscal year to the current state fiscal year in the basic foundation allowance minus the dollar amount of the adjustment from the 1998-99 state fiscal year to the current state fiscal year in the district’s foundation allowance.

(3) If a district’s local revenue per pupil does not exceed the sum of its foundation allowance under section 20 plus the per pupil allocation under subsection (2), the total payment to the district calculated under this section shall be **91.98% of** the product of the per pupil allocation under subsection (2) multiplied by the district’s membership excluding special education pupils. If a district’s local revenue per pupil exceeds the foundation allowance under section 20 but does not exceed the sum of the foundation allowance under section 20 plus the per pupil allocation under subsection (2), the total payment to the district calculated under this section shall be **91.98% of** the product of the difference between the sum of the foundation allowance under section 20 plus the per pupil allocation under subsection (2) minus the local revenue per pupil multiplied by the district’s membership excluding special education pupils. If a district’s local revenue per pupil exceeds the sum of the foundation allowance under section 20 plus the per pupil allocation under subsection (2), there is no payment calculated under this section for the district.

(4) Payments to districts shall not be made under this section. Rather, the calculations under this section shall be made and used to determine the amount of state payments under section 22b.”.

The question being on the adoption of the amendments offered by Reps. Kooiman, Sak, Hart, Hager and Ehardt, Rep. Kooiman demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Kooiman, Sak, Hart, Hager and Ehardt,

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

Roll Call No. 81

Yeas—47

Accavitti	Elkins	Kooiman	Sak
Adamini	Farrah	Law	Sheltrown
Bradstreet	Gielegem	Lipsey	Smith
Brown	Gillard	McConico	Steil
Byrum	Gleason	Middaugh	Tobocman
Casperson	Hager	Minore	Van Regenmorter
Caul	Hardman	Murphy	Voorhees
Cheeks	Hart	O’Neil	Walker
Clack	Hood	Phillips	Waters
Daniels	Hopgood	Pumford	Williams
Dennis	Hunter	Reeves	Zelenko
Ehardt	Johnson, Ruth	Rivet	

Nays—53

Acciavatti	Huizenga	Nitz	Spade
Amos	Hummel	Nofs	Stahl
Anderson	Hune	Paletko	Stakoe
Bieda	Johnson, Rick	Palmer	Stewart
Bisbee	Julian	Palsrok	Taub
Caswell	Kolb	Pappageorge	Vagnozzi
Condino	LaJoy	Pastor	Vander Veen
DeRoche	LaSata	Richardville	Ward
Drolet	Meisner	Robertson	Wenke
Emmons	Meyer	Rocca	Whitmer
Gaffney	Milosch	Shackleton	Wojno
Garfield	Moolenaar	Sheen	Woodward
Hoogendyk	Newell	Shulman	Woronchak
Howell			

In The Chair: Julian

Rep. Nofs moved to amend the bill as follows:

1. Amend page 149, line 19, by striking out “\$20,000,100.00” and inserting “\$28,456,700.00” and adjusting section 11 and enacting section 1 accordingly.

2. Amend page 151, line 4, after “to” by striking out “26.66%” and inserting “36.72%”.

3. Amend page 151, line 27, after “plus” by striking out “26.66%” and inserting “36.72%”.

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

Rep. Hood moved that Rep. Stallworth be excused from the balance of today’s session.
The motion prevailed.

Rep. Gielegem moved to amend the bill as follows:

1. Amend page 52, line 15, after the first “of” by striking out “75.25% of”.
2. Amend page 116, line 6, by striking out “\$3,000,000.00” and inserting “\$1,000,000.00”.
3. Amend page 116, line 9, after “center.” by striking out the balance of the line through “website” on line 11.
4. Amend page 124, line 21, after “exceed” by striking out “\$8,000,000.00” and inserting “\$3,400,000.00”.

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

Rep. Gielegem demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 82

Yeas—53

Accavitti	Elkins	Law	Sak
Adamini	Farrah	Lipsey	Sheltrown
Anderson	Gielegem	McConico	Smith
Bieda	Gillard	Meisner	Spade
Brandenburg	Gleason	Minore	Stewart
Brown	Hager	Murphy	Tobocman
Byrum	Hardman	O’Neil	Vagnozzi
Caul	Hart	Paletko	Waters
Cheeks	Hood	Phillips	Whitmer
Clack	Hopgood	Plakas	Williams
Condino	Hunter	Pumford	Wojno
Daniels	Kolb	Reeves	Woodward
Dennis	Kooiman	Rivet	Zelenko
Ehardt			

Nays—50

Acciavatti	Howell	Newell	Sheen
Amos	Huizenga	Nitz	Shulman
Bisbee	Hummel	Nofs	Stahl
Bradstreet	Hune	Palmer	Stakoe
Casperson	Johnson, Rick	Palsrok	Steil
Caswell	Johnson, Ruth	Pappageorge	Taub
DeRoche	Julian	Pastor	Van Regenmorter
Drolet	LaJoy	Richardville	Vander Veen
Emmons	LaSata	Robertson	Walker
Farhat	Meyer	Rocca	Ward
Gaffney	Middaugh	Shackleton	Wenke
Garfield	Milosch	Shaffer	Woronchak
Hoogendyk	Moolenaar		

In The Chair: Julian

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4401, 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 2002 PA 521 and section 17b as amended by 2000 PA 297.

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

Roll Call No. 83

Yeas—60

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

Nays—44

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

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 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 8b, 11, 11f, 11g, 18, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32c, 32d, 38, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 101, 105, 107, and 147 (MCL 388.1603, 388.1606, 388.1608b, 388.1611, 388.1611f, 388.1611g, 388.1618, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1638, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657,

388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1705, 388.1707, and 388.1747), section 3 as amended by 2000 PA 297, sections 6, 11, 11f, 11g, 20, 22a, 22b, 24, 26a, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 107, and 147 as amended by 2002 PA 521, section 8b as added and sections 19, 38, and 105 as amended by 2002 PA 191, section 18 as amended by 1999 PA 119, and section 101 as amended by 2002 PA 476, and by adding sections 20k, 20l, 22d, 22e, 32j, and 98b; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Waters, Accavitti, Minore, Gillard, Tobocman, Dennis, Hunter, Anderson, Zelenko, Hopgood, Condino, Byrum, Reeves, Elkins, Law and Farrah, having reserved their right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no to House Bill 4401 (H-1) because it is not a balanced budget, and it is fiscally irresponsible to continue expending funds we simply do not have. Our State is facing a fiscal crisis, and it is time to make tough decisions to fix the structural deficit.

The time of living beyond our means is over. This budget is based on pie-in-the-sky revenue estimates of savings from refinancing of the School Bond Loan Fund. This creates a \$38.7 million hole in this budget.

Further, the swap of Revenue Sharing funding for GF/GP funding takes money from a general fund that has no more money to give. Additionally, at a time when Wall Street has put Michigan on its ‘watch list’ for credit ratings, putting the general fund at risk will mean our bond rating probably will be downgraded. This will cost the State even more money.

While I would love to restore funding to all of the educational programs within this budget, it is simply not possible. We must be fiscally responsible, or we risk mortgaging our children’s future. Therefore, I voted no on this bill.”

Rep. Vagnozzi, 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 HB 4401 because it represents fiscal irresponsibility in that it contains some \$240 million in expenditures not supported by revenues. This type of ‘voodoo’ economics practiced in the near past is what got the state in trouble resulting in deficits of over \$2-billion in our current budgets. We are not the federal government that can run up deficits without limits. The state must have a balanced budget. This bill violates that requirement and would cause us problems down the road.”

Rep. Meisner, 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:

Today I joined with my Democratic colleagues in taking a stand for fiscal discipline. Governor Granholm sent the Legislature a balanced budget, yet the K-12 Education bill we considered today had \$38.7 million hole in it. The days of spending without regard to our budgetary constraints are over. We must operate within our budget to dig our way out of the \$1.8 billion deficit we face. Trading Revenue Sharing funding for GF/GP funding takes money from a general fund that has no more money to give. What’s more, at a time when Wall Street has put Michigan on its ‘watch list’ for credit ratings, putting the general fund at risk will mean our bond rating probably will be downgraded. This will cost the State even more money.”

Rep. Spade, 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 House Bill 4401 (H-1) because at this time it is not a balanced budget, and it is fiscally irresponsible to continue expending funds we simply do not have. Our State is facing a fiscal crisis, and it is time to make tough decisions to fix the structural deficit.

The time of living beyond our means is over. This budget is based on pie-in-the-sky revenue estimates of savings from refinancing of the School Bond Loan Fund. This creates a \$38.7 million hole in this budget.

Further, the swap of \$198 million in Revenue Sharing funding for GF/GP funding takes money from a general fund that has no more money to give and creates an additional hole in the budget. Additionally, at a time when Wall Street has put Michigan on its 'watch list' for credit ratings, putting the general fund at risk will mean our bond rating probably will be downgraded. This will cost the State even more money.

While I would love to restore funding to all of the educational programs within this budget, it is simply not possible. We must be fiscally responsible, or we risk mortgaging our children's future. Therefore, I voted no on this bill."

Rep. Adamini, 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 to House Bill 4401 (H-1) because it is not a balanced budget, and it is fiscally irresponsible to continue expending funds we simply do not have. Our State is facing a fiscal crisis, and it is time to make tough decisions to fix the structural deficit. The time of living beyond our means is over. This budget is based on pie-in-the-sky revenue estimates of savings from refinancing of the School Bond Loan Fund. This creates a \$38.7 million hole in this budget. Further, the swap of Revenue Sharing funding for GF/GP funding takes money from a general fund that has no more money to give. Additionally, at a time when Wall Street has put Michigan on its 'watch list' for credit ratings, putting the general fund at risk will mean our bond rating probably will be downgraded. This will cost the State even more money. Furthermore, this budget only provides an additional funding amount of \$4,000,000 for Declining Enrollment districts, which is 33% less than from previous years. This funding decrease affecting predominantly rural districts is unacceptable. While I would love to restore funding to all of the educational programs within this budget, it is simply not possible. We must be fiscally responsible, or we risk mortgaging our children's future. Therefore, I voted no on this bill."

Rep. Bieda, 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:

While I would love to restore funding to many of the educational programs within this budget, with the State's current budget mess, this is simply not possible. Michigan is facing a fiscal crisis, and it is time that we roll up our sleeves and make the tough decisions to fix the structural deficit we have inherited. I voted against this budget bill because it is based on unrealistic revenue estimates of savings from refinancing of the School Bond Loan Fund. Putting the general fund at risk at a time when Wall Street has put Michigan on its 'watch list' for credit ratings will most likely result in a serious degradation of Michigan's bond ratings—costing our taxpayers even more money. Again, this legislature has failed to squarely address the problem facing all of us in the face—this time to a tune of almost \$40 million dollars. The swap of Revenue Sharing funding for GF/GP funding takes money from the general fund that has no money to give. In other words, the legislature is writing another bounced check. And the losers are the school children, teachers and taxpayers of this state."

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Concurrent Resolution No. 9.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to provide for tariff rate quotas to deal with the importation of dry milk protein concentrates.

(For text of concurrent resolution, see House Journal No. 22, p. 268.)

(The concurrent resolution was reported by the Committee on Agriculture and Resource Management on April 8, with substitute (H-1), consideration of which, under the rules, was postponed until April 9.)

(For substitute, see House Journal No. 29, p. 358.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

The Speaker laid before the House

House Concurrent Resolution No. 10.

A concurrent resolution to urge the United States Customs Service to work for greater enforcement of food safety standards by reconsidering the classification of dairy products, especially those containing milk protein concentrates.

(For text of concurrent resolution, see House Journal No. 22, p. 268.)

(The concurrent resolution was reported by the Committee on Agriculture and Resource Management on April 8, with substitute (H-1), consideration of which, under the rules, was postponed until April 9.)

(For substitute, see House Journal No. 29, p. 359.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

The Speaker laid before the House

House Concurrent Resolution No. 11.

A concurrent resolution to memorialize the Congress of the United States to enact legislation that will address the issue of the improper labeling and classification of dairy products.

(For text of concurrent resolution, see House Journal No. 22, p. 269.)

(The concurrent resolution was reported by the Committee on Agriculture and Resource Management on April 8, consideration of which, under the rules, was postponed until April 9.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

The Speaker laid before the House

House Resolution No. 26.

A resolution to direct the Department of Education and the Family Independence Agency to convene a task force to develop quality after-school programs for all Michigan children.

(For text of resolution, see House Journal No. 19, p. 229.)

(The resolution was reported by the Committee on Family and Children Services on March 20, with substitute (H-2), consideration of which, under the rules, was postponed until March 25.)

(For substitute, see House Journal No. 22, p. 265.)

The question being on the adoption of the proposed substitute (H-2) recommended by the Committee,

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

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Richardville moved that when the House adjourns today it stand adjourned until Tuesday, April 29, at 1:00 p.m. The motion prevailed.

Rep. Gielegghem moved that the House adjourn.

The motion prevailed, the time being 5:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, April 29, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives