

No. 37
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House Chamber, Lansing, Thursday, April 20, 2006.

10:30 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	Elsenheimer—present	Law, Kathleen—excused	Robertson—present
Acciavatti—present	Emmons—present	Leland—present	Rocca—present
Adamini—present	Espinoza—present	Lemmons, III—excused	Sak—present
Amos—present	Farhat—present	Lemmons, Jr.—present	Schuitmaker—present
Anderson—present	Farrah—present	Lipsey—present	Shaffer—present
Angerer—present	Gaffney—present	Marleau—present	Sheen—present
Ball—present	Garfield—present	Mayes—present	Sheltrown—present
Baxter—present	Gillard—present	McConico—present	Smith, Alma—present
Bennett—present	Gleason—present	McDowell—present	Smith, Virgil—present
Bieda—excused	Gonzales—present	Meisner—excused	Spade—present
Booher—present	Gosselin—present	Meyer—present	Stahl—present
Brandenburg—excused	Green—present	Miller—present	Stakoe—present
Brown—present	Hansen—present	Moolenaar—present	Steil—present
Byrnes—present	Hildenbrand—present	Moore—present	Stewart—present
Byrum—present	Hood—present	Mortimer—present	Taub—present
Casperson—present	Hoogendyk—present	Murphy—present	Tobocman—present
Caswell—present	Hopgood—present	Newell—present	Vagnozzi—present
Caul—present	Huizenga—present	Nitz—present	Van Regenmorter—present
Cheeks—present	Hummel—present	Nofs—present	Vander Veen—present
Clack—present	Hune—present	Palmer—present	Walker—present
Clemente—present	Hunter—present	Palsrok—present	Ward—excused
Condino—present	Jones—present	Pastor—present	Waters—present
Cushingberry—present	Kahn—present	Pavlov—present	Wenke—present
DeRoche—present	Kolb—present	Pearce—present	Williams—present
Dillon—present	Kooiman—present	Plakas—present	Wojno—present
Donigan—present	LaJoy—present	Polidori—present	Zelenko—present
Drolet—excused	Law, David—present	Proos—present	

e/d/s = entered during session

Rep. Philip J. LaJoy, from the 21st District, offered the following invocation:

“Good and gracious God, we lift up our praises to You and thank You for bringing us together this day.

We give You thanks for this lovely Spring weather, the glorious sunshine and rain, as these good things come from Your loving hands.

Let us show our respect for one another and treat one another as You have taught us. Let us be ever mindful of Your will.

Lord, we remember those who serve in our Armed Forces and those who have sacrificed their lives for us. We pray for those overseas and separated from their loved ones that they find strength in You. Let us be ever mindful of the cost of freedom.

As we stand before You today, we ask that You give us determination to defend the principles of freedom, love and tolerance, strength to protect the innocent, and clarity of vision to guide the world towards justice and peace.

Let us be ever mindful of our mission to serve You.

Bless us each with Your never-ending love and grace. In Your precious name we pray. Amen.”

Rep. Miller moved that Reps. Bieda, Kathleen Law, Lemmons, III and Meisner be excused from today’s session. The motion prevailed.

Rep. Palmer moved that Reps. Brandenburg, Drolet and Ward be excused from today’s session. The motion prevailed.

Notices

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 351-352. Had I been present, I would have voted ‘yea’.”

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 5300, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” (MCL 125.1401 to 125.1499c) by adding section 44h.

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

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

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

The motion prevailed.

House Bill No. 5301, entitled

A bill to amend 2002 PA 591, entitled “Michigan nursing scholarship act,” by amending section 4 (MCL 390.1184).

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

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

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

The motion prevailed.

House Bill No. 5302, entitled

A bill to amend 1986 PA 102, entitled “An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education,” by amending section 3 (MCL 390.1283), as amended by 2004 PA 180.

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

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

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

The motion prevailed.

House Bill No. 5303, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 4 (MCL 390.974), as amended by 1986 PA 270.

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

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

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

The motion prevailed.

House Bill No. 5304, entitled

A bill to amend 1986 PA 303, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation," by amending section 4 (MCL 390.1324).

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

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

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

The motion prevailed.

House Bill No. 5305, entitled

A bill to amend 1986 PA 288, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1374), as amended by 1990 PA 47.

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

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

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

The motion prevailed.

House Bill No. 5306, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1404).

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

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

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

The motion prevailed.

House Bill No. 5307, entitled

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 3 (MCL 390.993), as amended by 1980 PA 503.

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

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

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

The motion prevailed.

House Bill No. 5308, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274), as amended by 2004 PA 184.

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

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

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

The motion prevailed.

House Bill No. 5309, entitled

A bill to amend 1976 PA 228, entitled "The legislative merit award program act," by amending section 4 (MCL 390.1304), as amended by 2004 PA 182.

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

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

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

The motion prevailed.

House Bill No. 5310, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 7b (MCL 390.1457b), as added by 2004 PA 595.

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

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

Rep. Gosselin moved to amend the bill as follows:

1. Amend page 2, line 27, after "**668.33.**" by inserting "**THIS REQUIREMENT APPLIES TO A STUDENT WHO, AFTER MARCH 1, 2007, GRADUATES FROM HIGH SCHOOL OR PASSES THE GENERAL EDUCATIONAL DEVELOPMENT (GED) TEST OR OTHER GRADUATE EQUIVALENCY EXAMINATION APPROVED BY THE STATE BOARD.**"

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5479, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 1990 PA 159.

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

Roll Call No. 355**Yeas—100**

Accavitti	Emmons	Law, David	Robertson
Acciavatti	Espinoza	Leland	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Amos	Farrar	Lipse	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meyer	Smith, Virgil

Booher	Gosselin	Miller	Spade
Brown	Green	Moolenaar	Stahl
Byrnes	Hansen	Moore	Stakoe
Byrum	Hildenbrand	Mortimer	Steil
Casperson	Hood	Murphy	Stewart
Caswell	Hoogendyk	Newell	Taub
Caul	Hopgood	Nitz	Tobocman
Cheeks	Huizenga	Nofs	Vagnozzi
Clack	Hummel	Palmer	Van Regenmorter
Clemente	Hune	Palsrok	Vander Veen
Condino	Hunter	Pastor	Walker
Cushingberry	Jones	Pavlov	Waters
DeRoche	Kahn	Pearce	Wenke
Dillon	Kolb	Plakas	Williams
Donigan	Kooiman	Polidori	Wojno
Elsenheimer	LaJoy	Proos	Zelenko

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Stakoe 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. McDowell, Kolb, Hood, Polidori, Tobocman, Nofs, Plakas, Donigan, Espinoza, Brown, Adamini, Sak, Sheltroun, Cushingberry, Accavitti, Anderson, Angerer, Byrnes, Byrum, Clack, Condino, Farrah, Gonzales, Hopgood, David Law, Leland, Lemmons, Jr., Lipsey, Miller, Murphy, Alma Smith, Spade, Vagnozzi, Waters and Zelenko offered the following concurrent resolution:

House Concurrent Resolution No. 34.

A concurrent resolution to urge the United States Congress to enact the Great Lakes Collaboration Implementation Act of 2006.

Whereas, The Great Lakes are a unique resource of national significance. The Great Lakes form the largest fresh surface water system on earth and contain 95 percent of North America's fresh surface water. The Great Lakes provide drinking water, food, recreation, and transportation to more than 30 million people; and

Whereas, The Great Lakes are a critical part of Michigan's history, culture, economy, and identity. The Great Lakes fuel Michigan's tourism and outdoor recreation industry. Fishing, hunting, and wildlife industries bring in \$5 billion annually to the state's economy; and

Whereas, The Great Lakes are ailing from serious environmental problems, including aquatic invasive species, toxic contamination of sediments, raw sewage discharges, and coastal habitat loss. Combined, these problems will have long-lasting effects on the Great Lakes, Michigan's economy, and our way of life; and

Whereas, There has been an unprecedented collaborative effort on the part of 1,500 people, representing federal, state, and local governments, Native American tribes, nongovernmental entities and private citizens, to develop a strategy to restore and protect the Great Lakes. The Great Lakes Regional Collaboration completed its strategic action plan in December 2005; and

Whereas, The strategic action plan recommends that the states and the federal government take substantial new steps to restore and protect the Great Lakes and avert impending environmental threats; and

Whereas, Successful implementation of the strategic action plan and restoration of the Great Lakes hinge on new and significant funding commitments from the federal government, similar to the commitments made for the restoration of the Florida Everglades and Chesapeake Bay on the East Coast; and

Whereas, Bipartisan legislation in the United States House of Representatives and Senate has been introduced to implement the strategic action plan and to restore the Great Lakes. The Great Lakes Collaboration Implementation Act would create new programs, renew the commitment to critical federal programs, and authorize \$3.5 billion per year over five years to stop the introduction of aquatic invasive species, prevent inadequately treated sewage discharges, clean up contaminated sediments, restore fish and wildlife habitat, and phase out the use of mercury in products; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Congress to enact the Great Lakes Collaboration Implementation Act of 2006; 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 concurrent resolution was referred to the Committee on Government Operations.

Reps. McDowell, Kolb, Polidori, Tobocman, Hood, Nofs, Plakas, Donigan, Espinoza, Brown, Adamini, Sak, Sheltroun, Cushingberry, Accavitti, Anderson, Angerer, Byrnes, Byrum, Clack, Condino, Farrah, Gonzales, Hopgood, David Law, Leland, Lemmons, Jr., Lipsey, Miller, Murphy, Alma Smith, Spade, Vagnozzi, Waters and Zelenko offered the following resolution:

House Resolution No. 244.

A resolution to urge the United States Congress to enact the Great Lakes Collaboration Implementation Act of 2006.

Whereas, The Great Lakes are a unique resource of national significance. The Great Lakes form the largest fresh surface water system on earth and contain 95 percent of North America's fresh surface water. The Great Lakes provide drinking water, food, recreation, and transportation to more than 30 million people; and

Whereas, The Great Lakes are a critical part of Michigan's history, culture, economy, and identity. The Great Lakes fuel Michigan's tourism and outdoor recreation industry. Fishing, hunting, and wildlife industries bring in \$5 billion annually to the state's economy; and

Whereas, The Great Lakes are ailing from serious environmental problems, including aquatic invasive species, toxic contamination of sediments, raw sewage discharges, and coastal habitat loss. Combined, these problems will have long-lasting effects on the Great Lakes, Michigan's economy, and our way of life; and

Whereas, There has been an unprecedented collaborative effort on the part of 1,500 people, representing federal, state, and local governments, Native American tribes, nongovernmental entities and private citizens, to develop a strategy to restore and protect the Great Lakes. The Great Lakes Regional Collaboration completed its strategic action plan in December 2005; and

Whereas, The strategic action plan recommends that the states and the federal government take substantial new steps to restore and protect the Great Lakes and avert impending environmental threats; and

Whereas, Successful implementation of the strategic action plan and restoration of the Great Lakes hinge on new and significant funding commitments from the federal government, similar to the commitments made for the restoration of the Florida Everglades and Chesapeake Bay on the East Coast; and

Whereas, Bipartisan legislation in the United States House of Representatives and Senate has been introduced to implement the strategic action plan and to restore the Great Lakes. The Great Lakes Collaboration Implementation Act would create new programs, renew the commitment to critical federal programs, and authorize \$3.5 billion per year over five years to stop the introduction of aquatic invasive species, prevent inadequately treated sewage discharges, clean up contaminated sediments, restore fish and wildlife habitat, and phase out the use of mercury in products; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Congress to enact the Great Lakes Collaboration Implementation Act of 2006; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reports of Standing Committees

The Committee on Family and Children Services, by Rep. Stahl, Chair, reported

House Bill No. 5930, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 6 (MCL 722.626), as amended by 1984 PA 418.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stahl, Chair, of the Committee on Family and Children Services, was received and read:

Meeting held on: Wednesday, April 19, 2006

Present: Reps. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.

The Committee on Conservation, Forestry, and Outdoor Recreation, by Rep. Casperson, Chair, reported

House Bill No. 5674, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 76702 (MCL 324.76702), as added by 1995 PA 58.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Casperson, Hildenbrand, Garfield, Nitz, Stakoe, Baxter, McDowell, Sheltroun, Gillard and Espinoza

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Casperson, Chair, of the Committee on Conservation, Forestry, and Outdoor Recreation, was received and read:

Meeting held on: Thursday, April 20, 2006

Present: Reps. Casperson, Hildenbrand, Garfield, Nitz, Stakoe, Baxter, Rocca, McDowell, Sheltroun, Gillard and Espinoza

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 20, 2006

Present: Reps. Stakoe, Elsenheimer, Van Regenmorter, Robertson, Nitz, Baxter, Schuitmaker, Accavitti, Donigan, Vagnozzi and Virgil Smith

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, April 20, for her approval of the following bill:

Enrolled House Bill No. 5199 at 9:43 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, April 20:

House Bill Nos. 5952 5953 5954 5955 5956 5957 5958

Senate Bill Nos. 1207 1208 1209 1210 1211 1212 1213

Introduction of Bills

Rep. Schuitmaker introduced

House Bill No. 5959, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending sections 3 and 4 (MCL 207.1003 and 207.1004), as amended by 2002 PA 668.

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

Rep. Stakoe introduced

House Bill No. 5960, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 78101 (MCL 324.78101), as amended by 2004 PA 587, and by adding section 78117.

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

Reps. Jones, Bieda, Vander Veen, Miller, Booher, Hansen, Mortimer, Polidori, Steil, Baxter, Gleason, Taub, Stahl, Gosselin and Elsenheimer introduced

House Bill No. 5961, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 684 and 685 (MCL 257.684 and 257.685), section 685 as amended by 2006 PA 14.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported

House Bill No. 5845, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20101 (MCL 324.20101), as amended by 1996 PA 383.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported
Senate Bill No. 1040, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101, 30104, and 30105 (MCL 324.30101, 324.30104, and 324.30105), section 30101 as amended by 1999 PA 106 and sections 30104 and 30105 as amended by 2004 PA 325.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, April 20, 2006

Present: Reps. Palsrok, Pavlov, Meyer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan

Absent: Reps. Palmer, Ward and Kathleen Law

Excused: Reps. Palmer, Ward and Kathleen Law

Rep. Robertson moved that the House adjourn.
The motion prevailed, the time being 11:55 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, April 25, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

