

No. 42
STATE OF MICHIGAN
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House of Representatives
92nd Legislature
REGULAR SESSION OF 2004

House Chamber, Lansing, Thursday, May 13, 2004.

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

e/d/s = entered during session

Rep. Larry Julian, from the 85th District, offered the following invocation:

“Heavenly Father, we thank You for this again gorgeous day that You have provided for us. We thank You for the ability of us to represent all of our constituents and everyone across this state. We ask that You be with us in each and every decision that we make. We ask that You be with all of those who protect us throughout this entire world, and all the freedoms that we enjoy. We ask that You guide us in our decision making, and that You be with us and our families in our every move. Let’s call this in Your son Jesus’ name. Amen.”

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

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

Second Reading of Bills

Senate Bill No. 979, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending section 53 (MCL 257.1853), as amended by 2002 PA 647.

The bill was read a second time.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 979, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending section 53 (MCL 257.1853), as amended by 2002 PA 647.

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

Roll Call No. 328

Yeas—106

Accavitti	Gaffney	Meyer	Sheen
Acciavatti	Garfield	Middaugh	Sheltrown
Adamini	Gielegghem	Milosch	Shulman
Amos	Gillard	Minore	Smith
Anderson	Gleason	Moolenaar	Spade
Bieda	Hager	Mortimer	Stahl
Bisbee	Hardman	Murphy	Stakoe
Bradstreet	Hood	Newell	Stallworth
Brandenburg	Hoogendyk	Nitz	Steil
Brown	Hopgood	Nofs	Stewart
Byrum	Howell	O’Neil	Tabor
Casperson	Huizenga	Palmer	Taub
Caswell	Hummel	Palsrok	Tobocman
Caul	Hune	Pappageorge	Vagnozzi
Cheeks	Hunter	Pastor	Van Regenmorter

Clack	Jamnick	Phillips	Vander Veen
Condino	Johnson, Rick	Plakas	Voorhees
Daniels	Johnson, Ruth	Pumford	Walker
Dennis	Julian	Reeves	Ward
DeRoche	Koetje	Richardville	Waters
DeRossett	Kolb	Rivet	Wenke
Drolet	Kooiman	Robertson	Williams
Ehardt	LaJoy	Rocca	Wojno
Elkins	LaSata	Sak	Woodward
Emmons	Law	Shackleton	Woronchak
Farhat	Lipsey	Shaffer	Zelenko
Farrah	Meisner		

Nays—0

In The Chair: Julian

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

“An act to regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties,”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 981, entitled

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

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 981, entitled

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

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

Roll Call No. 329

Yeas—107

Accavitti	Gaffney	Meyer	Sheltrown
Acciavatti	Garfield	Middaugh	Shulman

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

Nays—0

In The Chair: Julian

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 982, entitled

A bill to amend 1966 PA 298, entitled “An act to establish and provide a board of civil service commissioners for sheriffs’ departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men or women appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; to provide for referendums; and to prescribe penalties and provide remedies,” by amending section 10 (MCL 51.360).

The bill was read a second time.

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

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

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

Senate Bill No. 982, entitled

A bill to amend 1966 PA 298, entitled “An act to establish and provide a board of civil service commissioners for sheriffs’ departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men or women appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; to provide for referendums; and to prescribe penalties and provide remedies,” by amending section 10 (MCL 51.360).

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

Roll Call No. 330

Yeas—107

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Senate Bill No. 985, entitled

A bill to amend 1935 PA 78, entitled "An act to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire fighters, and police officers; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 10 (MCL 38.510), as amended by 1986 PA 155.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 985, entitled

A bill to amend 1935 PA 78, entitled "An act to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire fighters, and police officers; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 10 (MCL 38.510), as amended by 1986 PA 155.

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

Roll Call No. 331

Yeas—107

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

Emmons
Farhat
Farrah

Law
Lipsey
Meisner

Shackleton
Shaffer
Sheen

Woronchak
Zelenko

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Senate Bill No. 987, entitled

A bill to amend 1974 PA 369, entitled “An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties,” by amending section 5 (MCL 256.605), as amended by 2000 PA 285.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 987, entitled

A bill to amend 1974 PA 369, entitled “An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties,” by amending section 5 (MCL 256.605), as amended by 2000 PA 285.

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

Roll Call No. 332

Yeas—107

Accavitti
Acciavatti
Adamini
Amos
Anderson
Bieda
Bisbee
Bradstreet
Brandenburg
Brown
Byrum

Gaffney
Garfield
Gielegem
Gillard
Gleason
Hager
Hardman
Hood
Hoogendyk
Hopgood
Howell

Meyer
Middaugh
Milosch
Minore
Moolenaar
Mortimer
Murphy
Newell
Nitz
Nofs
O’Neil

Sheltrown
Shulman
Smith
Spade
Stahl
Stakoe
Stallworth
Steil
Stewart
Tabor
Taub

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

Nays—0

In The Chair: Julian

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

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

A bill to amend 1974 PA 369, entitled “An act to regulate the business of conducting a driver training school; to require certain licenses in relation thereto; to provide for performance objectives for certain driver education courses; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 5 (MCL 256.605), as amended by 2004 PA 70.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 5730, entitled

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

The bill was read a second time.

Rep. Taub moved to amend the bill as follows:

1. Amend page 1, line 3, after “premises” by inserting “**in connection with an international golf tournament conducted during calendar year 2004**”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5730, entitled

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

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

Roll Call No. 333**Yeas—95**

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

Nays—12

Bradstreet	Hardman	Middaugh	Shaffer
Caswell	Hood	Nitz	Stallworth
Cheeks	LaSata	Reeves	Van Regenmorter

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 5731, entitled**

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

The bill was read a second time.

Rep. McConico moved to amend the bill as follows:

1. Amend page 1, line 3, after "**premises**" by inserting "**concerning a national sporting event,**".
2. Amend page 3, following line 15, by inserting:

"(8) As used in this section, "national sporting event" means a sports related event considered of national prominence and includes only the following:

- (a) **The major league baseball all-star game during calendar year 2005.**
- (b) **The national football league super bowl during calendar year 2006.**
- (c) **The national college athletic association final four games during calendar year 2008."**

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.
Rep. Huizenga moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

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

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

House Bill No. 5731, entitled

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

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

Roll Call No. 334

Yeas—94

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

Nays—13

Bradstreet	LaSata	Reeves	Van Regenmorter
Casperson	Middaugh	Shaffer	Vander Veen
Caswell	Nitz	Stahl	Voorhees
Johnson, Ruth			

In The Chair: Julian

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

Second Reading of Bills

House Bill No. 5455, 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 4 (MCL 390.994), as amended by 1980 PA 503.

The bill was read a second time.

Rep. LaSata moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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

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

Rep. Rocca moved that Rep. Ruth Johnson be excused temporarily from today’s session.

The motion prevailed.

Rep. Nitz moved that Rep. Stewart 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. 5455, 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 4 (MCL 390.994), as amended by 1980 PA 503.

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

Roll Call No. 335

Yeas—88

Accavitti	Farrah	Meyer	Shaffer
Acciavatti	Gaffney	Middaugh	Sheen
Amos	Garfield	Milosch	Sheltrown
Anderson	Gillard	Moolenaar	Shulman
Bieda	Gleason	Mortimer	Spade
Bisbee	Hager	Murphy	Stahl
Bradstreet	Hardman	Newell	Stakoe
Brandenburg	Hoogendyk	Nitz	Steil
Brown	Howell	Nofs	Tabor
Byrum	Huizenga	O’Neil	Taub
Casperson	Hummel	Palmer	Tobocman
Caswell	Hune	Palsrok	Vagnozzi
Caul	Hunter	Pappageorge	Van Regenmorter
Cheeks	Johnson, Rick	Pastor	Vander Veen
Daniels	Julian	Pumford	Voorhees
DeRoche	Koetje	Reeves	Walker
DeRossett	Kooiman	Richardville	Ward
Drolet	LaJoy	Rivet	Waters
Ehardt	LaSata	Robertson	Wenke
Elkins	Law	Rocca	Williams

Emmons
Farhat

Lipsey
Meisner

Sak
Shackleton

Wojno
Woronchak

Nays—16

Adamini
Clack
Condino
Dennis

Gielegem
Hopgood
Jamnick
Kolb

Minore
Phillips
Plakas
Smith

Stallworth
Whitmer
Woodward
Zelenko

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Dennis, Jamnick and Zelenko, 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 SBs 625 to 628, 661, 662, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan’s Constitution creates a bright line in the separation of church and state. Specifically, it states:

‘No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.’

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following:

‘Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.’

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills.”

Rep. Kolb, 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 5455, SBs 625 to 628, 661, and 662, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan’s Constitution creates a bright line in the separation of church and state. Specifically, it states:

‘No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.’

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following:

‘Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.’

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills.”

Second Reading of Bills

Senate Bill No. 625, 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).

The bill was read a second time.

Rep. LaSata moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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

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



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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 625, 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).

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

Roll Call No. 336

Yeas—88

Accavitti	Gaffney	Meyer	Shaffer
Acciavatti	Garfield	Middaugh	Sheen
Amos	Gillard	Milosch	Sheltrown
Anderson	Gleason	Moolenaar	Shulman
Bieda	Hager	Mortimer	Spade
Bisbee	Hardman	Murphy	Stahl
Bradstreet	Hoogendyk	Newell	Stakoe
Brandenburg	Howell	Nitz	Steil
Brown	Huizenga	Nofs	Tabor
Byrum	Hummel	O’Neil	Taub
Casperson	Hune	Palmer	Tobocman
Caswell	Hunter	Palsrok	Vagnozzi
Caul	Johnson, Rick	Pappageorge	Van Regenmorter
Cheeks	Johnson, Ruth	Pastor	Vander Veen
DeRoche	Julian	Pumford	Voorhees
DeRossett	Koetje	Reeves	Walker
Drolet	Kooiman	Richardville	Ward

Ehardt	LaJoy	Rivet	Waters
Elkins	LaSata	Robertson	Wenke
Emmons	Law	Rocca	Williams
Farhat	Lipsey	Sak	Wojno
Farrah	Meisner	Shackleton	Woronchak

Nays—16

Adamini	Dennis	Kolb	Stallworth
Clack	Gielegem	Minore	Whitmer
Condino	Hopgood	Phillips	Woodward
Daniels	Jamnack	Smith	Zelenko

In The Chair: Julian

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

Rep. Kolb, 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 SBs 625 to 628, 661, 662, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan’s Constitution creates a bright line in the separation of church and state. Specifically, it states:

‘No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.’

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following:

‘Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.’

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills.”

Reps. Jamnack and Zelenko, 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 SBs 625 to 628, 661, 662, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan’s Constitution creates a bright line in the separation of church and state. Specifically, it states:

‘No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.’

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following: 'Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.'

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills."

Second Reading of Bills

Senate Bill No. 626, 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 7 (MCL 390.977), as amended by 1980 PA 500.

The bill was read a second time.

Rep. LaSata moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 626, 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 7 (MCL 390.977), as amended by 1980 PA 500.

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

Roll Call No. 337

Yeas—89

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

Nays—16

Adamini	Gielegem	Minore	Stallworth
Clack	Hopgood	Phillips	Whitmer
Condino	Jamnack	Plakas	Woodward
Dennis	Kolb	Smith	Zelenko

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Kolb, 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 SBs 626, 625, 627, 628, 661, 662, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan’s Constitution creates a bright line in the separation of church and state. Specifically, it states:

‘No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.’

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following:

‘Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.’

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills.”

Reps. Jamnick and Zelenko, 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 SBs 625 to 628, 661, 662, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan’s Constitution creates a bright line in the separation of church and state. Specifically, it states:

‘No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.’

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following:

‘Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.’

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills.”

Second Reading of Bills

Senate Bill No. 627, 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 1980 PA 386.

The bill was read a second time.

Rep. LaSata moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 627, 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 1980 PA 386.

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

Roll Call No. 338

Yeas—87

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

Nays—18

Adamini	Gielegem	Phillips	Vagnozzi
Clack	Hopgood	Plakas	Whitmer
Condino	Jamnack	Smith	Woodward
Daniels	Kolb	Stallworth	Zelenko
Dennis	Minore		

In The Chair: Julian

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

“An act to provide for scholarships to high school graduates of this state; and to prescribe the powers and duties of the Michigan higher education assistance authority,”

The House agreed to the full title.

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

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

Rep. Kolb, 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 SBs 627, 625, 626, 628, 661, 662, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan’s Constitution creates a bright line in the separation of church and state. Specifically, it states:

‘No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.’

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following:

‘Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.’

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills.”

Reps. Jamnick and Zelenko, 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 SBs 625 to 628, 661, 662, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan’s Constitution creates a bright line in the separation of church and state. Specifically, it states:

‘No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.’

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following:

‘Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.’

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills.”

Second Reading of Bills

Senate Bill No. 628, 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 3 (MCL 390.1403).

The bill was read a second time.

Rep. LaSata moved to substitute (H-1) the bill.

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

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

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

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

Senate Bill No. 628, 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 3 (MCL 390.1403).

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

Roll Call No. 339

Yeas—88

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

Nays—17

Adamini	Gielegem	Minore	Stallworth
Clack	Hopgood	Phillips	Whitmer
Condino	Jamnick	Plakas	Woodward
Daniels	Kolb	Smith	Zelenko
Dennis			

In The Chair: Julian

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

Rep. Kolb, 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 SBs 628, 625, 626, 627, 661, 662, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan’s Constitution creates a bright line in the separation of church and state. Specifically, it states:

‘No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.’

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following:

‘Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.’

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills.”

Reps. Jamnick and Zelenko, 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 SBs 625 to 628, 661, 662, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan’s Constitution creates a bright line in the separation of church and state. Specifically, it states:

‘No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.’

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following:

‘Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.’

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills.”

Second Reading of Bills

Senate Bill No. 661, 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).

The bill was read a second time.

Rep. LaSata moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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

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

Rep. Smith moved that Rep. Hood be excused temporarily from today’s session.

The motion prevailed.

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

Senate Bill No. 661, 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).

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

Roll Call No. 340

Yeas—89

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

Nays—16

Adamini	Dennis	Minore	Stallworth
Clack	Hopgood	Phillips	Whitmer
Condino	Jamnick	Plakas	Woodward
Daniels	Kolb	Smith	Zelenko

In The Chair: Julian

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

Rep. Kolb, 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 SBs 661, 628, 625, 626, 627, 662, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan's Constitution creates a bright line in the separation of church and state. Specifically, it states:

'No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.'

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following: 'Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.'

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills."

Reps. Jamnick and Zelenko, 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 SBs 625 to 628, 661, 662, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan's Constitution creates a bright line in the separation of church and state. Specifically, it states:

'No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.'

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following: 'Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.'

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills."

Second Reading of Bills

Senate Bill No. 662, entitled

A bill to amend 1974 PA 75, entitled "An act to provide for payment to approved independent nonprofit institutions of higher education, located within the state, for all earned degrees conferred upon Michigan residents; and to provide for appropriations," by amending section 3 (MCL 390.1023), as amended by 1984 PA 9.

The bill was read a second time.

Rep. LaSata moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 662, entitled

A bill to amend 1974 PA 75, entitled "An act to provide for payment to approved independent nonprofit institutions of higher education, located within the state, for all earned degrees conferred upon Michigan residents; and to provide for appropriations," by amending section 3 (MCL 390.1023), as amended by 1984 PA 9.

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

Roll Call No. 341**Yeas—87**

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

Nays—17

Adamini	Gielegem	Phillips	Vagnozzi
Clack	Hopgood	Plakas	Whitmer
Condino	Jamnick	Smith	Woodward
Daniels	Kolb	Stallworth	Zelenko
Dennis			

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Kolb, 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 SBs 662, 628, 625, 626, 627, 661, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan’s Constitution creates a bright line in the separation of church and state. Specifically, it states:

‘No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of

religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.'

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following: 'Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.'

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills."

Reps. Jamnick and Zelenko, 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 SBs 625 to 628, 661, 662, and HB 5455, because I believe the package violates the Michigan Constitution.

The substitutes narrow the scope of the bills to ensure that those seeking to be ordained or appointed as a member of the clergy of a church, denomination, or religious association, order, or sect, cannot receive the grants and scholarships. However, Michigan's Constitution creates a bright line in the separation of church and state. Specifically, it states:

'No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place or religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.'

Additionally, Chief Justice Rehnquist wrote for the majority of the Supreme Court in *Locke v. Davey* the following: 'Training someone to lead a congregation is an essentially religious endeavor. Indeed, majoring in devotional theology is akin to a religious calling as well as an academic pursuit.'

For these reasons, I believe it is unconstitutional to allow students studying theology, divinity or religious education to receive state funding via the various scholarships and grants included in the theology package of bills.

Therefore, I voted no on this package of bills."

Second Reading of Bills

House Bill No. 4234, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9j. (The bill was read a second time, substitute (H-4) adopted, amended, amendment offered and bill postponed for the day on April 1, see House Journal No. 30, p. 655.)

Rep. Woronchak moved to amend the bill as follows:

1. Amend page 2, following line 14, by inserting:

"(5) This state shall reimburse each local taxing unit that levies an ad valorem property tax in the local tax collecting unit in which the qualified small business is located for any tax revenue lost as a result of the exemption under this section.

(6) This state shall reimburse the school aid fund established in section 11 of article IX of the state constitution of 1963 for any tax revenue lost as a result of the exemption under this section. Reimbursement under this subsection shall be made from the general fund." and renumbering the remaining subsection.

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

The amendment was ruled out of order due to the adoption of the substitute (H-4).

Rep. Ward moved to amend the bill as follows:

1. Amend page 1, line 1, after "**Sec. 9j.**" by striking out all of subsection (1) and inserting:

"(1) For taxes levied after December 31, 2004, if the aggregate state equalized valuation of the personal property identified in the statement required under section 19 that is submitted by a person incorporated or doing business in this state, together with the personal property identified in any statement required under section 19 that is filed by any affiliate of that person, totals less than \$7,500.00, the personal property identified in the statement filed by the person and the personal property identified in the statement filed by any affiliate of that person is exempt from the collection of taxes under this act."

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

Rep. Caswell moved to amend the bill as follows:

1. Amend page 1, line 9, after “\$7,500.00.” by inserting “**However, if the aggregate taxable value of the personal property identified in a statement is less than \$7,500.00, the assessor of the local tax collecting unit in which the personal property is located may elect to not send the personal property statement required under section 19 for 3 years. If an assessor elects to not send the personal property statement required under section 19, a personal property statement is not required to be filed.**”.

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

Rep. Woronchak moved to amend the bill as follows:

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

“(3) **This state shall reimburse each local taxing unit that levies an ad valorem property tax in the local tax collecting unit in which any property exempt under this section is located for any tax revenue lost as a result of the exemption under this section.**

(4) **This state shall reimburse the school aid fund established in section 11 of article IX of the state constitution of 1963 for any tax revenue lost as a result of the exemption under this section. Reimbursement under this subsection shall be made from the general fund.**”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4234, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 9j. The bill was read a third time.

The question being on the passage of the bill,

After debate,

Rep. Mortimer demanded the previous question.

The demand was supported.

The question being, “Shall the main question now be put?”

The previous question was ordered.

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. 342

Yeas—59

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

Nays—46

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

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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:

I voted against HB 4234 because I think it is irresponsible to pile on tax credits at a time when our state budget is in structural imbalance. Irresponsible tax breaks of the previous administration has contributed to the mess we are in now. Foregone tax revenue is not monopoly funny money. It's real money that is needed to provide funding for core state responsibilities, including education, revenue sharing for public safety and infrastructure repair and expansion.”

Rep. Jamnick, 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 against HB 4234. Having been a local treasurer before coming to Lansing, collecting the smaller personal property is difficult and sometimes impossible. Many of these businesses start on shoestring and have a difficult time establishing themselves. A more appropriate taxable value would have been \$2500. The loss to our governmental entities would have been more manageable in these difficult financial times in our State.”

Reps. Hopgood and Dennis, 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 House Bill 4234 because the bill would cause job losses across the state as government is forced to lay off more workers. As introduced, the Department of Treasury estimated HB 4234 could cost up to \$125 million: \$56 million from the School Aid Fund, and the rest from local governments. The cost of the current version is considerably lower, but still much more than the state, counties, and cities can afford right now. Even holding local governments harmless from the cost of HB 4234 simply shifts the burden to the state, which is already facing a billion dollar deficit.

Although supporters would argue that the bill will create at least as much job growth in the private sector, the Department of Treasury pointed out that a \$7,500 exemption will mean an average tax savings of \$390 - hardly enough to hire additional staff, or truly spur long-term economic growth.

Furthermore, this version is probably unconstitutional, because the state cannot create two different classes of personal property differentiated only by their value. Why should a business with \$7500 worth of personal property pay no tax while a business with \$8000 worth of property must pay tax on the entire amount?

For all these reasons, I voted no on House Bill 4234.”

Rep. Kolb, 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 4234 because the bill would cause job losses across the state as local governments are forced to lay off more workers. As introduced, the Department of Treasury estimated HB 4234 could cost up to \$125 million: \$56 million from the School Aid Fund, and the rest from local governments. The cost of the current version is considerably lower, but still much more than the state, counties, and cities can afford right now. Even holding local governments harmless from the cost of HB 4234 simply shifts the burden to the state, which is already facing a billion dollar deficit.

Although supporters would argue that the bill will create at least as much job growth in the private sector, the Department of Treasury pointed out that a \$7,500 exemption will mean an average tax savings of \$390 – hardly enough to hire additional staff, or truly spur long-term economic growth.

Furthermore, this version is probably unconstitutional, because the state cannot create two different classes of personal property differentiated only by their value. Why should a business with \$7500 worth of personal property pay no tax while a business with \$8000 worth of property must pay tax on the entire amount?

For all these reasons, I voted no on House Bill 4234.”

Rep. Huizenga 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. Byrum, Accavitti, Sheltroun, McConico, Sak, Spade, Anderson, Bieda, Farrah, Adamini, Dennis, Plakas, Zelenko, Minore, Wojno, O’Neil, Stallworth, Waters, Brown, Phillips, Law, Hopgood, Kolb, Meisner, Clack, Condino, Gieleghem, Gillard, Gleason, Hood, Jamnick, Lipsey, Pumford, Vagnozzi, Elkins and Woodward offered the following resolution:

House Resolution No. 258.

A resolution to condemn remarks made by Betsy DeVos saying Michigan workers’ wages are too high and calling for right-to-work laws.

Whereas, In remarks that are disturbing to our state’s working families, the Chairman of the Michigan Republican Committee has gone on record as believing that the wage levels for Michigan workers are too high and that Michigan should become a right-to-work state. These statements indicate great insensitivity to the lives of our citizens and a disregard for some of the most significant lessons of modern Michigan history; and

Whereas, In a press release, Betsy DeVos said high wages were central to the state’s economic problems, including the loss of jobs. While it is true that the \$2 per hour wages of Mexico create an unfair playing field for workers in Michigan, the families that work in Michigan strongly feel that being a state where workers are fairly paid for their work should be a prime goal. In discussing this matter, it is relevant to note that our workers are among the most productive in the world; and

Whereas, The head of the Michigan Republican State Committee clearly believes that it is in the best interest of our state to have its people work for low wages and without unions. How this scenario would help the situation of most our citizens is difficult to imagine; and

Whereas, Chairman DeVos’s call for right-to-work laws is an affront to people familiar with the role that unions have played in shaping our country, especially during the twentieth century. Safety in the workplace, the rise of the middle class, and opportunities for women and minorities have all been advanced dramatically because of organized labor. Michigan has been the site of some of the fiercest battles, where workers stood together to achieve better working conditions, wages, and fair treatment. Clearly, Americans of all background would do well to consider what life in this country would truly be like without workers standing up for themselves; now, therefore, be it

Resolved by the House of Representatives, That we condemn remarks made by Betsy DeVos saying Michigan workers’ wages are too high and calling for right-to-work laws; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Republican State Committee.

The resolution was referred to the Committee on Government Operations.

Reps. Sak, Minore, Plakas, O'Neil, Pappageorge, Accavitti, Adamini, Anderson, Bieda, Brown, Caswell, Clack, Condino, Dennis, Ehardt, Farrah, Garfield, Gielegem, Gillard, Gleason, Jamnick, Kolb, Kooiman, LaSata, Lipsey, Meyer, Milosch, Phillips, Pumford, Shaffer, Sheltroun, Spade, Stallworth, Tobocman, Vagnozzi, Voorhees, Waters, Wojno, Woronchak, Zelenko, Byrum, Elkins, Woodward and Richardville offered the following resolution:

House Resolution No. 259.

A resolution recognizing May 15-21, 2004, as Michigan Week.

Whereas, Michigan achieved statehood on January 26, 1837, becoming the nation's 26th state and uniting two peninsulas; and

Whereas, From that momentous day on, the citizens of the Great Lakes State have endeavored to create a better place in which to live; and

Whereas, For more than 160 years, Michigan residents have exhibited unique resilience in adapting to obstacles and challenges, and have demonstrated skill and innovation that has earned our state the respect of the nation and the world; and

Whereas, Michigan is blessed beyond measure with natural wonders, man-made marvels, colorful seasons, and diverse recreations making all citizens proud of our majestic state and ready to share with others the many reasons why we call it home; and

Whereas, Each year since 1954, the people of this state have celebrated Michigan Week as a time to encourage greater knowledge and awareness of Michigan and its history; to afford an inspired view of our state's advantages to the world; and to foster a spirit of cooperation among all communities that will make the Great Lakes State a better place to live, work, and raise a family; and

Whereas, The Governor of Michigan has declared Michigan Week from May 15-21, 2004, with the theme, "Great Lakes, Great Traditions: Celebrating Michigan's Heritage"; now, therefore be it

Resolved by the House of Representatives, That the members of this legislative body hereby recognize May 15-21, 2004, as Michigan Week.

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. Anderson, Whitmer, Williams, Minore, Byrum, Sheltroun, Smith, Hopgood, Bieda, Jamnick, Kolb, Gleason, Spade, Farrah, Sak, Dennis, Plakas, Murphy, Vagnozzi, Accavitti, Wojno, Brown, Adamini, Hood, Phillips, McConico, Gielegem, Reeves, Cheeks, O'Neil, Stallworth, Waters, Condino, Clack, Zelenko, Rivet, Woodward, Gillard, Meisner, Tobocman, Hunter and Hardman offered the following resolution:

House Resolution No. 260.

A resolution to memorialize the Office of the United States Trade Representative not to negotiate access to critical segments of the American automotive market on a piecemeal basis through a bilateral trade agreement with Thailand, but as part of comprehensive, multi-lateral negotiations with all major automobile-producing nations.

Whereas, In February 2004, the United States and Thailand announced their intention to begin negotiations for a comprehensive Free Trade Agreement (FTA). Thailand is the United States' 19th largest trading partner, with two-way trade exceeding \$21 billion last year. Thailand is also the second-largest pickup truck manufacturer in the world, serving as the major hub of Asian pickup truck production, with nearly one million units per year; and

Whereas, The United States imposes a 25 percent tariff on imported pickup trucks from Thailand. The elimination or reduction of the tariff would threaten thousands of Michigan manufacturing workers employed in the Big Three pickup truck assembly plants and smaller automotive parts manufacturing plants. The elimination or reduction of the tariff would also allow Japanese, South Korean, and Indian automobile manufacturers to use Thailand as a back door into the United States market, significantly eroding American leverage to negotiate reductions to tariff and non-tariff barriers in these countries that unfairly restrict access of United States exports; and

Whereas, Congress should enact the bipartisan Kildee-Quinn-Levin Resolution (House Concurrent Resolution No. 366) or the bipartisan Levin-Voinovich Resolution (Senate Concurrent Resolution No. 90). These resolutions urge negotiators of a bilateral trade agreement with Thailand not to discuss tariff and non-tariff issues affecting access to the United States automobile market. Instead, these matters should only be dealt with as part of comprehensive negotiations among all major automobile-producing nations. Under the Trade Promotion Authority Act of 2002, the Bush administration is required to consult with Congress 90 days before commencing formal negotiations. FTA negotiations are expected to begin by June 2004 and conclude in 2005; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Office of the United States Trade Representative not to negotiate access to critical segments of the American automotive market on a piecemeal basis through a bilateral trade agreement with Thailand, but as part of comprehensive, multi-lateral negotiations with all major automobile-producing nations; 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 members of the Michigan congressional delegation, and the Office of the United States Trade Representative.

The resolution was referred to the Committee on Government Operations.

Reps. Byrum, Accavitti, Sheltroun, McConico, Sak, Spade, Bieda, Farrah, Adamini, Dennis, Plakas, Zelenko, Minore, Wojno, O'Neil, Stallworth, Waters, Brown, Phillips, Law, Hopgood, Kolb, Meisner, Anderson, Clack, Condino, Gielegem, Gillard, Gleason, Hood, Jamnick, Lipsey, Pumford, Vagnozzi, Elkins and Woodward offered the following concurrent resolution:

House Concurrent Resolution No. 58.

A concurrent resolution to condemn remarks made by Betsy DeVos saying Michigan workers' wages are too high and calling for right-to-work laws.

Whereas, In remarks that are disturbing to our state's working families, the Chairman of the Michigan Republican Committee has gone on record as believing that the wage levels for Michigan workers are too high and that Michigan should become a right-to-work state. These statements indicate great insensitivity to the lives of our citizens and a disregard for the some of the most significant lessons of modern Michigan history; and

Whereas, In a press release, Betsy DeVos said high wages were central to the state's economic problems, including the loss of jobs. While it is true that the \$2 per hour wages of Mexico create an unfair playing field for workers in Michigan, the families that work in Michigan strongly feel that being a state where workers are fairly paid for their work should be a prime goal. In discussing this matter, it is relevant to note that our workers are among the most productive in the world; and

Whereas, The head of the Michigan Republican State Committee clearly believes that it is in the best interest of our state to have its people work for low wages and without unions. How this scenario would help the situation of most our citizens is difficult to imagine; and

Whereas, Chairman DeVos's call for right-to-work laws is an affront to people familiar with the role that unions have played in shaping our country, especially during the twentieth century. Safety in the workplace, the rise of the middle class, and opportunities for women and minorities have all been advanced dramatically because of organized labor. Michigan has been the site of some of the fiercest battles, where workers stood together to achieve better working conditions, wages, and fair treatment. Clearly, Americans of all background would do well to consider what life in this country would truly be like without workers standing up for themselves; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we condemn remarks made by Betsy DeVos saying Michigan workers' wages are too high and calling for right-to-work laws; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Republican State Committee.

The concurrent resolution was referred to the Committee on Government Operations.

Reports of Standing Committees

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

House Bill No. 5660, 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.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Ruth Johnson, LaJoy, Ehardt, DeRossett, Milosch, Nitz, Ward, Farrah and Gielegem

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, May 12, 2004

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

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

Senate Bill No. 943, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1169 and 1507 (MCL 380.1169 and 380.1507), as amended by 1993 PA 335, and by adding section 1507b.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palmer, Hummel, Meyer, Bradstreet, Hager, Tabor, Voorhees, Vander Veen, Nofs, Stahl, Vagnozzi and Smith

Nays: None

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

Senate Bill No. 944, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 166a (MCL 388.1766a), as amended by 2003 PA 158.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palmer, Hummel, Meyer, Bradstreet, Hager, Tabor, Voorhees, Vander Veen, Nofs, Stahl and Vagnozzi

Nays: Rep. Smith

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 12, 2004

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

Absent: Reps. Hart and Ruth Johnson

Excused: Reps. Hart and Ruth Johnson

The Committee on Commerce, by Rep. Bisbee, Chair, reported

House Bill No. 5809, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2974.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Palsrok and Wenke

Nays: Reps. Rivet, O'Neil and Tobocman

The Committee on Commerce, by Rep. Bisbee, Chair, reported

House Bill No. 5859, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204 and 3212 (MCL 600.3204 and 600.3212), as amended by 1994 PA 397.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Huizenga, Hune, Palsrok, Rivet, O'Neil, Lipsey and Tobocman

Nays: None

The Committee on Commerce, by Rep. Bisbee, Chair, reported

Senate Bill No. 1116, 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.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Huizenga, Hune, Palsrok, Rivet, O'Neil, Lipsey and Tobocman

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 13, 2004

Present: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Palsrok, Wenke, Rivet, O'Neil, Lipsey and Tobocman

Absent: Reps. Milosch, McConico, Murphy and Accavitti

Excused: Reps. Milosch, McConico, Murphy and Accavitti

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, May 13, 2004

Present: Reps. Voorhees, Dennis, Hood and Smith

Absent: Reps. Hart, LaSata and Stakoe

Excused: Reps. Hart, LaSata and Stakoe

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 13, 2004

Present: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Garfield, Adamini, Condino and Smith

Absent: Reps. Voorhees, Gaffney, Wenke, Lipsey and Bieda

Excused: Reps. Voorhees, Gaffney, Wenke, Lipsey and Bieda

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Thursday, May 13:

House Bill Nos.	5869	5870	5871	5872	5873	5874	5875	5876	5877	5878	5879	5880	5881	5882
	5883	5884	5885	5886	5887	5888	5889	5890	5891	5892	5893	5894	5895	5896
	5897	5898	5899	5900	5901	5902	5903	5904						

House Joint Resolution Z

The Clerk announced that the following Senate bill had been received on Thursday, May 13:
Senate Bill No. 677

By unanimous consent the House returned to the order of
Messages from the Senate

House Bill No. 4244, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 91 (MCL 38.1391), as amended by 1998 PA 85.

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

The House agreed to the full title.

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

House Bill No. 5241, entitled

A bill to amend 1974 PA 263, entitled "An act to permit counties to impose and collect an excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests; to provide for the disposition of the revenues thereof; and to prescribe penalties," by amending section 2 (MCL 141.862), as amended by 1991 PA 91.

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5335, entitled

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

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

The House agreed to the full title.

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

House Bill No. 5342, entitled

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

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

The House agreed to the full title.

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

House Bill No. 5343, entitled

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

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

The House agreed to the full title.

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

House Bill No. 5345, entitled

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

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

The House agreed to the full title.

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

House Bill No. 5331, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 31a. The Senate has amended the bill as follows:

1. Amend page 4, line 9, after "(A)" by striking out "In" and inserting "During".
2. Amend page 4, line 9, after "in" by inserting "1 of".
3. Amend page 4, line 12, after "(B)" by striking out "In" and inserting "During".
4. Amend page 4, line 12, after "in" by inserting "1 of".
5. Amend page 4, line 18, after "(C)" by striking out "In" and inserting "During".
6. Amend page 4, line 18, after "in" by inserting "1 of".

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

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

House Bill No. 5341, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7hh. The Senate has amended the bill as follows:

1. Amend page 1, line 7, after "business" by inserting "used by that qualified business in conducting the business activities of that qualified start-up business".

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

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

House Bill No. 5666, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2003 PA 158.

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

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

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

House Concurrent Resolution No. 55.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of State Police Michigan Public Safety Communications System Phase V.

(For text of concurrent resolution, see House Journal No. 35, p. 800.)

The Senate has adopted the concurrent resolution and named Senators Clarke, Garcia, Jacobs, Johnson, Prusi and Toy as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

Senate Bill No. 677, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare, and educational interests of the people of the state of Michigan by regulating the construction, reconstruction, and remodeling of certain public or private school buildings or additions to such buildings, by regulating the construction, reconstruction, and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 1 (MCL 388.851), as amended by 2003 PA 254.

The Senate has passed the bill.

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

Senate Concurrent Resolution No. 41.

A concurrent resolution to memorialize the Congress of the United States to provide funding for the dredging of canals around the city of Gibraltar.

Whereas, The city of Gibraltar in Wayne County is a unique community, with more than five miles of canals bisecting the city and its four islands of residences. These public transportation routes include access to public and private facilities, including boat ramps and marinas. Thousands of people use the canals each year; and

Whereas, With no dredging of the Gibraltar canals since the late 1950s, the use of the canals is today significantly threatened by the buildup of sediment throughout the system. Boating traffic is hampered by the buildup. The task of dealing with the Gibraltar canals is made more complex by the results of testing that has identified contamination in the sediment. This fact will greatly increase the costs of dredging and disposal of the sediment; and

Whereas, The costs of dredging the canals is far beyond the resources available within the community of Gibraltar, and the canals are available to and used by many more people than residents of Gibraltar. This work clearly needs to be completed. The Gibraltar canals are notable components of the Detroit River system, and maintaining the quality of the canals is work that is strongly related to the quality of this vital part of our water transportation network. It is essential that necessary resources be directed to this task; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to provide funding for the dredging of canals around the city of Gibraltar; 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 Senate has adopted the concurrent resolution.

Reps. Anderson, Caul, Clack, Ehardt, Farrah, Jamnick, LaJoy, Law, Lipsey, Meyer, Milosch, Stallworth, Tabor, Tobocman and Voorhees were named co-sponsors of the concurrent resolution.

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

Notices

Pursuant to Rule 44, the Speaker has made the following reassignments:

House Bill No. 5888 referred to the Committee on Government Operations.

House Bill No. 5887 referred to the Committee on Government Operations.

House Bill No. 5881 referred to the Committee on Government Operations.

House Bill No. 5896 referred to the Committee on Government Operations.

House Bill No. 5897 referred to the Committee on Agriculture and Resource Management.

House Bill No. 5890 referred to the Committee on Commerce.

House Bill No. 5889 referred to the Committee on Commerce.

House Bill No. 5900 referred to the Committee on Commerce.

House Bill No. 5894 referred to the Committee on Commerce.

Introduction of Bills

Rep. Howell introduced

House Bill No. 5905, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2912e (MCL 600.2912e), as amended by 1993 PA 78.

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

Reps. Van Regenmorter, Condino, Ward, Brandenburg, Stahl, Pappageorge, Ruth Johnson, Stakoe, Nofs and Acciavatti introduced

House Bill No. 5906, entitled

A bill to allow governing boards of certain public bodies to create law enforcement agencies and grant certain powers and authority to law enforcement officers employed by those agencies; to require those law enforcement officers to meet certain standards; to prescribe certain powers and duties of those law enforcement agencies; to provide for certain powers of public bodies; and to provide for certain powers and duties of state and local agencies and officers.

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

Reps. Van Regenmorter, Condino, Ward, Brandenburg, Stahl, Pappageorge, Ruth Johnson, Stakoe, Nofs and Acciavatti introduced

House Bill No. 5907, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending sections 2 and 9 (MCL 28.602 and 28.609), section 2 as amended by 2001 PA 186 and section 9 as amended by 1998 PA 237.

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

Reps. Taub, Ruth Johnson, Robertson, Vander Veen, Voorhees, Shaffer, Newell, Ehardt, Gillard, Pappageorge and Pastor introduced

House Bill No. 5908, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2006 (MCL 500.2006), as amended by 2004 PA 28.

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

Reps. Nofs, Milosch, Ward, Garfield, Ruth Johnson, Gaffney, Amos, Voorhees, Stahl, Robertson, Meyer, Brandenburg, Bisbee, Pumford, Caul, Stewart, Shaffer, Huizenga, Hummel, DeRoche, Sak, Condino, Hunter, Mortimer, Pastor, Vander Veen, Palmer, Stakoe, Newell, LaJoy, Taub, Emmons and Van Regenmorter introduced

House Bill No. 5909, entitled

A bill to amend 1937 PA 345, entitled "Fire fighters and police officers retirement act," by amending section 6 (MCL 38.556), as amended by 2003 PA 8.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. LaSata and Rocca introduced

House Bill No. 5910, entitled

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

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

Reps. LaSata and Rocca introduced

House Bill No. 5911, entitled

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

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

Rep. Elkins moved that the House adjourn.

The motion prevailed, the time being 1:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 18, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

