

No. 39
STATE OF MICHIGAN
JOURNAL
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House of Representatives
92nd Legislature
REGULAR SESSION OF 2003

House Chamber, Lansing, Wednesday, May 14, 2003.

1:00 p.m.

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

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

Accavitti—present	Garfield—present	Meisner—present	Sheen—present
Acciavatti—present	Gieleghem—present	Meyer—present	Sheltrown—present
Adamini—present	Gillard—present	Middaugh—present	Shulman—present
Amos—present	Gleason—present	Milosch—present	Smith—present
Anderson—present	Hager—present	Minore—present	Spade—present
Bieda—present	Hardman—present	Moolenaar—present	Stahl—present
Bisbee—present	Hart—present	Murphy—present	Stakoe—present
Bradstreet—present	Hood—present	Newell—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Nitz—present	Steil—present
Brown—present	Hopgood—present	Nofs—present	Stewart—present
Byrum—present	Howell—present	O’Neil—present	Tabor—present
Casperson—present	Huizenga—present	Paletko—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—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—present	Shaffer—present	Zelenko—excused

e/d/s = entered during session

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

“Heavenly Father, we thank You once again for such a beautiful day that You have blessed us with. Thank You for the guidance that You provide for each of us as we deliberate the state’s issues today. We would ask that You continue Your blessing on each of us and our families that we may make the right decisions based on Your word. We ask this in Your son Jesus’ name. Amen.”

Motions and Resolutions

Reps. Sheltroun, Spade, Elkins, Lipsey, Accavitti, Pumford, Emmons, DeRossett, Bradstreet, Caswell, Newell, Minore, Hager, Hune, Brown, Plakas, Rivet, Meyer, Adamini, Anderson, Farrah, Hummel, Julian, Koetje, Middaugh, Nitz, Paletko, Vagnozzi, Acciavatti, Dennis, Drolet, Hopgood, Murphy, Pappageorge, Phillips, Shackleton, Tobocman, Woodward and Tabor offered the following resolution:

House Resolution No. 57.

A resolution to memorialize the United States Department of Agriculture to adopt the proposed regulation allowing Michigan to be designated as having split-state status with regard to bovine tuberculosis.

Whereas, Bovine tuberculosis is an infectious disease that poses a significant risk to domestic livestock, wildlife, companion animals, and humans throughout the world; and

Whereas, Bovine tuberculosis has many severe impacts beyond the disease itself. It increases costs, limits markets for livestock producers nationally and internationally, depresses interest in the state’s hunting and tourism industries, and requires state resources for its eradication. These factors have impacted the families of northeastern Lower Michigan significantly; and

Whereas, Since the discovery of bovine tuberculosis in wild white-tailed deer in Michigan in 1995, and in cattle in 1998, the state of Michigan, in a partnership with Michigan State University, the livestock industry, the hunting and outdoors community, and local and federal officials, has worked diligently to control, contain, and eradicate the disease; and

Whereas, Through an aggressive testing plan for livestock and wildlife, Michigan is able to demonstrate to other states and the world that this disease is not present throughout the entire state of Michigan and that the tremendous efforts undertaken with both livestock and wildlife are moving the state toward eradication; and

Whereas, The United States Department of Agriculture Animal and Plant Health Inspection Service has issued a draft rule that would allow Michigan to have a split-state status designation for bovine tuberculosis. If this rule were to become finalized, it would allow the state of Michigan to have two distinct zones under the national bovine tuberculosis eradication effort, setting the standard for federally recognized bovine tuberculosis zones both nationally and internationally; and

Whereas, Split-state zoning and the recognition of that zoning by other states will reduce the testing and movement burdens on most of Michigan’s livestock producers in what would be the Modified Accredited Advanced Status area, and allow the state of Michigan to focus its resources more directly on the area where the disease has been found; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Department of Agriculture to adopt the proposed regulation allowing Michigan to be designated as having split-state status with regard to bovine tuberculosis; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Agriculture and the members of the Michigan congressional delegation.

Pending the reference of the resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Meyer, Nofs, Farhat, Acciavatti, Newell, Sheltroun, DeRossett, Spade, Accavitti, Adamini, Anderson, Brandenburg, Caswell, Farrah, Gillard, Huizenga, Hummel, Julian, Koetje, Law, Middaugh, Minore, Nitz, Paletko, Plakas, Richardville, Vagnozzi, Vander Veen, Voorhees, Brown, Drolet, Ehardt, Gielegem, Hager, Hopgood, Hune, Lipsey, Murphy, Pappageorge, Phillips, Rivet, Sak, Shackleton, Stahl, Tobocman, Woodward and Tabor offered the following resolution:

House Resolution No. 58.

A resolution to memorialize the Congress of the United States to continue providing assistance to Michigan to help eradicate bovine tuberculosis.

Whereas, Bovine tuberculosis is an infectious disease that poses a significant risk to domestic livestock, wildlife, companion animals, and humans throughout the world; and

Whereas, Bovine tuberculosis has many severe impacts beyond the disease itself. It increases costs, limits markets for livestock producers nationally and internationally, depresses interest in the state's hunting and tourism industries, and requires state resources for its eradication. These factors have impacted the families of northeastern Lower Michigan significantly; and

Whereas, Since the discovery of bovine tuberculosis in wild white-tailed deer in Michigan in 1995, and in cattle in 1998, the state of Michigan, in a partnership with Michigan State University, the livestock industry, the hunting and outdoors community, and local and federal officials, has worked diligently to control, contain, and eradicate the disease; and

Whereas, Through an aggressive testing plan for livestock and wildlife, Michigan is able to demonstrate to other states and the world that this disease is not present throughout the entire state of Michigan and that the tremendous efforts undertaken with both livestock and wildlife are moving the state toward eradication; and

Whereas, Federal assistance on technical, financial, and staff levels has been critical to Michigan's efforts to eradicate bovine tuberculosis; and

Whereas, With many other current and emerging plant and animal diseases, resources are challenged at both the federal and state levels to address these diseases adequately; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to continue providing assistance to Michigan to help eradicate bovine tuberculosis; 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 United States Department of Agriculture.

Pending the reference of the resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

The Speaker laid before the House
Senate Concurrent Resolution No. 14.

A concurrent resolution to memorialize the President and Congress of the United States to pursue and support fuel cell research projects in Michigan.

(For text of concurrent resolution, see House Journal No. 32, p. 429.)

(The concurrent resolution was reported by the Committee on Energy and Technology on May 7, consideration of which, under the rules, was postponed until May 8.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

The Speaker laid before the House
House Resolution No. 38.

A resolution to recommend the designation of US-23 from Standish to Mackinaw City as a heritage route under the provisions of the Michigan Heritage Routes Act, 1993 PA 69.

(For text of resolution, see House Journal No. 30, p. 380.)

(The resolution was reported by the Committee on Transportation on May 8, consideration of which, under the rules, was postponed until May 13.)

The question being on the adoption of the resolution,

The resolution was adopted.

Second Reading of Bills

House Bill No. 4454, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3, 4, and 8 (MCL 207.803, 207.804, and 207.808), section 3 as amended by 2000 PA 428 and section 8 as amended by 2000 PA 144.

The bill was read a second time.

Rep. Hoogendyk 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. Vander Veen moved that Rep. Ehardt be excused temporarily from today's session.
The motion prevailed.

Rep. Sak moved that Rep. O'Neil 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. 4454, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3, 4, and 8 (MCL 207.803, 207.804, and 207.808), section 3 as amended by 2000 PA 428 and section 8 as amended by 2000 PA 144.

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

Roll Call No. 132

Yeas—102

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

Nays—4

Brandenburg

Drolet

Meisner

Woodward

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. DeRossett, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 129-131. Had I been present, I would have voted ‘yea’.”

Second Reading of Bills**House Bill No. 4472, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 9f (MCL 211.9f), as amended by 2000 PA 415.

The bill was read a second time.

Rep. Lipsey 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. 4472, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 9f (MCL 211.9f), as amended by 2000 PA 415.

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

Roll Call No. 133**Yeas—102**

Accavitti
Acciavatti
Adamini
Amos
Anderson
Bieda
Bisbee
Bradstreet
Brown
Byrum
Casperson

Gielegem
Gillard
Gleason
Hager
Hardman
Hart
Hood
Hoogendyk
Hopgood
Howell
Huizenga

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

Shaffer
Sheen
Sheltrown
Shulman
Smith
Spade
Stahl
Stakoe
Stallworth
Steil
Stewart

Caswell	Hummel	Palmer	Tabor
Caul	Hune	Palsrok	Taub
Cheeks	Hunter	Pappageorge	Tobocman
Clack	Jamnick	Pastor	Vagnozzi
Condino	Johnson, Rick	Phillips	Van Regenmorter
Daniels	Johnson, Ruth	Plakas	Vander Veen
Dennis	Julian	Pumford	Voorhees
DeRoche	Koetje	Reeves	Ward
DeRossett	Kolb	Richardville	Waters
Elkins	Kooiman	Rivet	Wenke
Emmons	LaJoy	Robertson	Whitmer
Farhat	LaSata	Rocca	Williams
Farrah	Law	Sak	Wojno
Gaffney	Lipsey	Shackleton	Woronchak
Garfield	McConico		

Nays—5

Brandenburg	Meisner	Walker	Woodward
Drolet			

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. Drolet, 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:

This bill grants special favors to one particular drug company in one particular place to the exclusion of other job providers in this state who contribute to our economy while paying their full tax load. Last year, we suspended the elimination of the Single Business Tax, a destructive job-killer that impacts *all* Michigan job providers. Yet, we continue to send money to the Department of Corporate Welfare and we continue to pass special tax breaks for favored companies as if we—the politicians—are the ones who know how to create jobs and wealth.

But the ugly truth, Mr. Speaker, is that this state is \$2 billion in debt. If this legislature were a business, it would be a bankrupt business like K-Mart. Of course, we’re not a business, and don’t have to play by the same economic rules, so we can shell out special financial incentives to companies that the so-called ‘*experts*’ believe to be successful. Literally, this means that these favors went to K-Mart, which eradicated a huge chunk of its workforce and declared bankruptcy shortly after we declared it a success story that didn’t have to pay its taxes. We gave up \$6 million in Single Business Tax revenue for jobs that no longer exist while forcing most of Michigan’s *solvent* job providers to keep paying all of their dreaded Single Business Taxes.

With economic expertise such as this in Lansing, is it any wonder how we spent all of the people’s money and now tell our job providers with a straight face that we can’t cut taxes for *all* of them?

Good intentioned proponents of this legislation claim that it is a necessary evil and a defense mechanism against other states that engage in similar market meddling. But the underlying assumption in their reasoning is that government is smarter than the marketplace and that government really can pick winners and losers.

A necessary evil?

K-Mart, an on-line grocery store called WebVan, and a number of other examples that I could name put paid to this misconception. This is government meddling in matters far beyond its know-how and rightful authority. It is government doing what is surely evil and never necessary.”

House Bill No. 4145, entitled

A bill to enter into the interstate compact for the supervision or return of certain juveniles, delinquents, and status offenders and for related purposes; and to repeal acts and parts of acts.

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

Roll Call No. 134**Yeas—107**

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

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Caul, Adamini, Brandenburg, Caswell, Farrah, Gillard, Huizenga, Hummel, Julian, Koetje, LaJoy, Meyer, Middaugh, Minore, Nitz, Plakas, Richardville, Shaffer, Stallworth, Vagnozzi, Voorhees, Waters, Acciavatti, Brown, DeRossett, Drolet, Ehardt, Farhat, Gielegem, Hager, Hopgood, Jannick, Kooiman, Lipsey, Murphy, Pappageorge, Phillips, Rivet, Sak, Shackleton, Stahl, Tobocman, Woodward and Tabor offered the following resolution:

House Resolution No. 59.

A resolution to recognize May 11-17, 2003, as National Nursing Home Week in the state of Michigan.

Whereas, The number of elderly and disabled Americans is dramatically increasing; and

Whereas, All citizens are impacted by the past and present contributions of America's elderly and disabled people; and

Whereas, We salute Michigan's citizens now residing in nursing facilities, many of whom planted the seeds that made our communities grow and prosper; and

Whereas, Nursing facilities provide caring and supportive services that make quality of life possible for our loved ones; and

Whereas, Guided by this year's theme *Reflections of a Lifetime*, member facilities of the Health Care Association of Michigan and American Health Care Association are providing a host of activities in observance of National Nursing Home Week beginning on Mother's Day, May 11; now, therefore, be it

Resolved by the House of Representatives, That we hereby declare May 11-17, 2003, as National Nursing Home Week in the state of Michigan; and be it further

Resolved, That the state of Michigan urge all citizens to visit friends and loved ones who reside at these facilities and to help honor and serve the individuals who laid the foundations of Michigan by participating in this year's observance of National Nursing Home 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.

Reports of Standing Committees

The Committee on Government Operations, by Rep. Koetje, Chair, reported

House Concurrent Resolution No. 15.

A concurrent resolution to urge the Granholm administration to seek a review by Writ of Certiorari of the ruling of the United States Sixth Circuit Court of Appeals that effectively enjoins state welfare recipient drug-testing requirements.

(For text of concurrent resolution, see House Journal No. 36, p. 495.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Koetje, Drolet and Howell

Nays: Reps. Tobocman and Lipsey

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Koetje, Chair of the Committee on Government Operations, was received and read:

Meeting held on: Tuesday, May 13, 2003, at 4:26 p.m.

Present: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported
House Bill No. 4352, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82131 (MCL 324.82131), as added by 1995 PA 58.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 1, line 3, after "a" by striking out "red or blue".
2. Amend page 1, line 4, after "cap" by inserting "of any color".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Tabor, Milosch, Bradstreet, Richardville, Rocca, Nitz, Gillard, Farrah, Sheltroun and Accavitti

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 14, 2003, at 10:30 a.m.

Present: Reps. Tabor, Milosch, Bradstreet, Richardville, Rocca, Nitz, Gillard, Farrah, Sheltroun and Accavitti

Absent: Rep. Ehardt

Excused: Rep. Ehardt

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported

House Bill No. 4283, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 314a.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bradstreet, Middaugh, Bisbee, LaSata, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Daniels, Woodward, Hopgood, Murphy and Stallworth

Nays: None

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported

House Bill No. 4660, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding section 9c.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bradstreet, Middaugh, Bisbee, LaSata, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Daniels, Woodward, Hopgood, Murphy and Stallworth

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, May 14, 2003, at 9:00 a.m.

Present: Reps. Bradstreet, Middaugh, Bisbee, LaSata, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Daniels, Woodward, Hopgood, Murphy and Stallworth

Absent: Rep. Huizenga

The Committee on Appropriations, by Rep. Shulman, Chair, reported

House Bill No. 4391, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Paletko and Sak

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 14, 2003, at 11:00 a.m.

Present: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Paletko and Sak

Absent: Rep. Amos

Excused: Reps. Amos

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 13, 2003, at 4:20 p.m.

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

Absent: Rep. Smith

Excused: Rep. Smith

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair of the Committee on Criminal Justice, was received and read:

Meeting held on: Wednesday, May 14, 2003, at 10:30 a.m.

Present: Reps. Van Regenmorter, Stakoe, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, May 8:

Senate Bill Nos. 461 462 463 464 465 466 467 468 469 470 471 472

The Clerk announced that the following bill had been printed and placed upon the files of the members on Friday, May 9:

Senate Bill No. 473

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, May 14:

**House Bill Nos. 4666 4667 4668 4669 4670 4671 4672 4673 4674 4675 4676 4677 4678 4679
 4680**

The Clerk announced that the following Senate bills had been received on Wednesday, May 14:

Senate Bill Nos. 183 367 372 425

By unanimous consent the House returned to the order of

Messages from the Senate

House Concurrent Resolution No. 12.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Delta College relative to the Delta College General Campus Renovations.

(For text of concurrent resolution, see House Journal No. 30, p. 381.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

Senate Bill No. 183, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 2002 PA 521.

The Senate has passed the bill.

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

Senate Bill No. 367, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 20 and 31a (MCL 388.1620 and 388.1631a), as amended by 2002 PA 521.

The Senate has passed the bill.

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

Senate Bill No. 372, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 360.

The Senate has passed the bill.

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

Senate Bill No. 425, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," (MCL 125.2301 to 125.2349) by adding section 30i.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Hunter, Cheeks, Jamnick, Elkins, Williams, Law, McConico, Tobocman, Condino, Stallworth, Zelenko, Waters and Daniels introduced

House Bill No. 4681, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1205 (MCL 339.1205), as amended by 1997 PA 97.

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

Rep. Hart introduced

House Bill No. 4682, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37e.

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

Rep. Minore introduced

House Bill No. 4683, entitled

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending sections 32, 33, and 56 (MCL 205.232, 205.233, and 205.256), sections 32 and 33 as added by 1993 PA 54 and section 56 as amended by 1998 PA 277, and by adding section 32a.

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

Reps. Steil, Hummel, Brandenburg, Milosch, Bradstreet, Acciavatti, Amos, Robertson, LaJoy, Voorhees and Farhat introduced

House Bill No. 4684, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270.

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

By unanimous consent the House returned to the order of

Second Reading of Bills**House Bill No. 4270, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 106 (MCL 400.106), as amended by 1990 PA 145, and by adding section 106a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Health Policy,

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

Rep. Ehardt 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. Hune moved that Rep. DeRoche 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. 4270, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 106 (MCL 400.106), as amended by 1990 PA 145, and by adding section 106a.

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

Roll Call No. 135

Yeas—107

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

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.

Reps. Hardman, McConico, Reeves, Woronchak, Plakas, Anderson, Stewart, Rocca, Woodward, Pappageorge, Phillips, Jamnick, DeRossett, Richardville, Spade, Lipsey, Bisbee, Murphy, Tabor, Hart, Koetje, Kooiman, Voorhees, LaSata, Middaugh, Hager, Meyer, Julian, Hummel, Newell, Vander Veen, Dennis, Williams, Rivet, Caul, Pumford, Shackleton, Palmer, Gaffney, Cheeks, Stallworth, Hunter, Tobocman, Paletko, Pastor, Law, Bieda, Meisner, Wojno, Nofs, Emmons, Steil, Sak, Nitz, Stahl, Sheen, Huizenga, Farhat, Elkins, Moolenaar, Gillard and Casperson were named co-sponsors of the bill.

Second Reading of Bills

Senate Bill No. 395, entitled

A bill to define legal birth and the commencing of legal personhood and rights; and to provide immunity for certain acts.

The bill was read a second time.

Rep. Hardman moved to amend the bill as follows:

1. Amend page 2, line 15, after “to” by inserting “preserve the health of the mother or”.

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

Rep. Hardman demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 136

Yeas—35

Accavitti	Elkins	Law	Stallworth
Adamini	Farrah	Lipsey	Stewart
Anderson	Gielegem	McConico	Tobocman
Byrum	Gillard	Meisner	Vagnozzi
Cheeks	Hardman	Minore	Waters
Clack	Hopgood	Murphy	Whitmer
Condino	Hunter	Phillips	Williams
Daniels	Jamnack	Plakas	Woodward
Dennis	Kolb	Smith	

Nays—72

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

In The Chair: Julian

Rep. Robertson 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. Hardman moved to amend the bill as follows:

1. Amend page 2, line 21, after “To” by inserting “preserve the health of the mother or”.

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

Rep. Hardman demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 137

Yeas—35

Accavitti	Elkins	Kolb	Stallworth
Adamini	Farrah	Law	Stewart
Anderson	Gielegem	Lipsey	Tobocman
Byrum	Gillard	McConico	Vagnozzi
Cheeks	Hardman	Meisner	Waters
Clack	Hood	Minore	Whitmer
Condino	Hopgood	Murphy	Williams
Daniels	Hunter	Phillips	Woodward
Dennis	Jamnick	Smith	

Nays—72

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

In The Chair: Julian

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. 395, entitled

A bill to define legal birth and the commencing of legal personhood and rights; and to provide immunity for certain acts.
 Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 138

Yeas—74

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

Nays—28

Accavitti	Dennis	Kolb	Stallworth
Adamini	Elkins	Law	Tobocman
Anderson	Farrah	Lipsey	Vagnozzi
Byrum	Gielegem	Meisner	Waters
Clack	Hardman	Minore	Whitmer
Condino	Hopgood	Murphy	Williams
Daniels	Jamnick	Phillips	Woodward

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

“Mr. Speaker and members of the House:

I voted ‘No’ on Senate Bill 395 (H-1) because it threatens women’s health. The Michigan State Medical Society and the Michigan Section of the American College of Obstetricians and Gynecologists oppose this bill because it tries to legislatively define medical practices instead of allowing trained physicians to make medical decisions in the best

interest of their patients. This bill could have adverse effects on women suffering miscarriages and women faced with a non-viable fetus in the late stages of pregnancy by requiring physicians to do everything possible to preserve the life of a 'perinate' without consideration for the health and well-being of the woman. Physicians are supposed to be our trusted confidants and act in the best interest of our health, but with this bill, politics would be put before sound medical decisions. Government does not belong in our medical exam rooms. I also opposed this bill because it again defies consistent United States Supreme Court rulings that when a state restricts access to abortion, a woman's health must be the paramount consideration. This will be the third time that Michigan has tried to pass a bill that does not meet the criteria outlined by previous decisions of the United States Supreme Court that a woman's health must be protected. Senate Bill 395(H-1) is unconstitutional and threatens the health of the mother by trying to legislatively define medical practices as opposed to allowing physicians to practice what is in the best interest of their patients. Women deserve the best medical treatment that they can receive-treatment that is based on their best interest as defined by trained medical professionals and not by politics."

Reps. Accavitti, Dennis, Murphy, Waters, Farrah, Condino and Whitmer, 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 Senate Bill 395 (H-1) because it threatens women's health. The Michigan State Medical Society and the Michigan Section of the American College of Obstetricians and Gynecologists oppose this bill because it tries to legislatively define medical practices instead of allowing trained physicians to make medical decisions in the best interest of their patients. This bill could have adverse effects on women suffering miscarriages and women faced with a non-viable fetus in the late stages of pregnancy by requiring physicians to do everything possible to preserve the life of a 'perinate' without consideration for the health and well-being of the woman. Physicians are supposed to be our trusted confidants and act in the best interest of our health, but with this bill, politics would be put before sound medical decisions. Government does not belong in our medical exam rooms. I also opposed this bill because it again defies consistent United States Supreme Court rulings that when a state restricts access to abortion, a woman's health must be the paramount consideration. This will be the third time that Michigan has tried to pass a bill that does not meet the criteria outlined by previous decisions of the United States Supreme Court that a woman's health must be protected. Senate Bill 395(H-1) is unconstitutional and threatens the health of the mother by trying to legislatively define medical practices as opposed to allowing physicians to practice what is in the best interest of their patients. This bill is just one of the latest examples of divide-and-conquer politics and it is a clear attempt to attack the Governor rather than advancing sound public policy. Women deserve the best medical treatment that they can receive-treatment that is based on their best interest as defined by trained medical professionals and not by politics."

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 Senate Bill 395 (H-1) because it threatens women's health. The Michigan State Medical Society and the Michigan Section of the American College of Obstetricians and Gynecologists oppose this bill because it tries to legislatively define medical practices instead of allowing trained physicians to make medical decisions in the best interest of their patients. This bill could have adverse effects on women suffering miscarriages and women faced with a non-viable fetus in the late stages of pregnancy by requiring physicians to do everything possible to preserve the life of a 'perinate' without consideration for the health and well-being of the woman. Physicians are supposed to be our trusted confidants and act in the best interest of our health, but with this bill, politics would be put before sound medical decisions. Government does not belong in our medical exam rooms. I also opposed this bill because it again defies consistent United States Supreme Court rulings that when a state restricts access to abortion, a woman's health must be the paramount consideration. This will be the third time that Michigan has tried to pass a bill that does not meet the criteria outlined by previous decisions of the United States Supreme Court that a woman's health must be protected. Senate Bill 395(H-1) is unconstitutional and threatens the health of the mother by trying to legislatively define medical practices as opposed to allowing physicians to practice what is in the best interest of their patients. Women deserve the best medical treatment that they can receive-treatment that is based on their best interest as defined by trained medical professionals and not by politics. The women of Michigan deserve better than this purely political, divisive and unconstitutional legislation. It is not in the best interest of their health and their rights nor is it in the best interest of the State of Michigan to pass this divisive legislation. This bill is just one of the latest examples of divide-and-conquer politics and it is a clear attempt to attack the Governor, and all those who stand to protect a woman's constitutional right to receive the best medical care for her, rather than advancing sound public policy."

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 ‘No’ on Senate Bill 395 (H-1) because it threatens women’s health. The Michigan State Medical Society and the Michigan Section of the American College of Obstetricians and Gynecologists oppose this bill because it tries to legislatively define medical practices instead of allowing trained physicians to make medical decisions in the best interest of their patients. This bill could have adverse effects on women suffering miscarriages and women faced with a non-viable fetus in the late stages of pregnancy by requiring physicians to do everything possible to preserve the life of a ‘perinate’ without consideration for the health and well-being of the woman. Physicians are supposed to be our trusted confidants and act in the best interest of our health, but with this bill, politics would be put before sound medical decisions. Government does not belong in our medical exam rooms. I also opposed this bill because it again defies consistent United States Supreme Court rulings that when a state restricts access to abortion, a woman’s health must be the paramount consideration. This will be the third time that Michigan has tried to pass a bill that does not meet the criteria outlined by previous decisions of the United States Supreme Court that a woman’s health must be protected. Senate Bill 395(H-1) is unconstitutional and threatens the health of the mother by trying to legislatively define medical practices as opposed to allowing physicians to practice what is in the best interest of their patients. This bill is just one of the latest examples of divide-and-conquer politics rather than advancing sound public policy. Women deserve the best medical treatment that they can receive-treatment that is based on their best interest as defined by trained medical professionals and not by politics.”

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

“Mr. Speaker and members of the House:

I voted ‘No’ on Senate Bill 395 because it threatens women’s health. The Michigan State Medical Society and the Michigan Section of the American College of Obstetricians and Gynecologists oppose this bill because it tries to legislatively define medical practices instead of allowing trained physicians to make medical decisions in the best interest of their patients. This bill could have adverse effects on women suffering miscarriages and women faced with a non-viable fetus in the late stages of pregnancy by requiring physicians to do everything possible to preserve the life of a ‘perinate’ without consideration for the health and well-being of the woman. Physicians are supposed to be our trusted confidants and act in the best interest of our health, but with this bill, politics would be put before sound medical decisions. Government does not belong in our medical exam rooms. I also opposed this bill because it again defies consistent United States Supreme Court rulings that when a state restricts access to abortion, a woman’s health must be the paramount consideration. This will be the third time that Michigan has tried to pass a bill that does not meet the criteria outlined by previous decisions of the United States Supreme Court that a woman’s health must be protected. House Bill 4603(H-1) is unconstitutional and threatens the health of the mother by trying to legislatively define medical practices as opposed to allowing physicians to practice what is in the best interest of their patients. This bill is just one of the latest examples of divide-and-conquer politics and it is a clear attempt to attack the Governor rather than advancing sound public policy. It jeopardizes hundreds of thousands of dollars of taxpayer funds due to the inevitable legal fees the State will be assessed after losing in court to those who would rightfully challenge such an unconstitutional act. Women deserve the best medical treatment that they can receive-treatment that is based on their best interest as defined by trained medical professionals and not by politics. Michigan citizens deserve better than to have their tax dollars wasted in legal costs to defend political views that fall outside of what is permitted by the United States Constitution.”

Second Reading of Bills

House Bill No. 4249, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 2855a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Judiciary,

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

Rep. Koetje moved to amend the bill as follows:

1. Amend page 2, line 16, after “**spouse**,” by striking out the balance of the line through “**is**” on line 17 and inserting “**and children who are**”.

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

Rep. Gleason 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. 4249, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2855a. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 139

Yeas—106

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

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

House Bill No. 4408, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82101 (MCL 324.82101), as amended by 1997 PA 102.

The bill was read a second time.

Rep. Bradstreet 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. 4408, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82101 (MCL 324.82101), as amended by 1997 PA 102.

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

Roll Call No. 140

Yeas—108

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

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. 397, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 613a (MCL 168.613a), as amended by 1999 PA 72.

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. 397, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 613a (MCL 168.613a), as amended by 1999 PA 72.

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

Roll Call No. 141

Yeas—108

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

Nays—0

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

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”

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.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Concurrent Resolution No. 15.

A concurrent resolution to urge the Granholm administration to seek a review by Writ of Certiorari of the ruling of the United States Sixth Circuit Court of Appeals that effectively enjoins state welfare recipient drug-testing requirements.

(For text of concurrent resolution, see House Journal No. 36, p. 495.)

(The concurrent resolution was reported by the Committee on Government Operations on May 14, consideration of which, under the rules, was postponed until May 15.)

The question being on the adoption of the concurrent resolution,

Rep. Huizenga moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

Rep. Koetje moved to reconsider the vote by which the House adopted the concurrent resolution.

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

The question being on the adoption of the concurrent resolution,

Rep. Koetje demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 142

Yeas—74

Accavitti	Garfield	Moolenaar	Sheen
Acciavatti	Gillard	Newell	Sheltrown
Amos	Gleason	Nitz	Shulman
Bieda	Hager	Nofs	Spade
Bisbee	Hart	O’Neil	Stahl
Bradstreet	Hoogendyk	Paletko	Stakoe
Brandenburg	Howell	Palmer	Steil
Brown	Huizenga	Palsrok	Stewart
Casperson	Hummel	Pappageorge	Tabor
Caswell	Hune	Pastor	Taub
Caul	Johnson, Rick	Plakas	Vander Veen
DeRoche	Johnson, Ruth	Pumford	Van Regenmorter
DeRossett	Julian	Richardville	Voorhees
Drolet	Koetje	Robertson	Walker
Elkins	Kooiman	Rocca	Ward
Emmons	LaJoy	Sak	Wenke

Farhat
Farrah
Gaffney

Meyer
Middaugh
Milosch

Shackleton
Shaffer

Wojno
Woronchak

Nays—28

Adamini
Anderson
Byrum
Cheeks
Clack
Condino
Daniels

Dennis
Gielegem
Hardman
Hood
Hopgood
Hunter
Kolb

Law
Lipsey
McConico
Meisner
Murphy
Phillips
Reeves

Smith
Stallworth
Tobocman
Waters
Whitmer
Williams
Woodward

In The Chair: Julian

Rep. Kolb, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

Mr. Speaker I voted no on House Concurrent Resolution 15 because I believe that public assistance recipients are poor, not criminals. Drug testing of recipients would stigmatize them and violate their privacy. It also has the potential to deter parents from getting the financial assistance that they and their children need. Furthermore, drug testing does not guarantee drug treatment and Michigan continues to have extensive waiting lists to get into drug treatment. Substance abuse is just one of several barriers to employment that welfare recipients face. It should be just one phase of a larger strategy to identify and eliminate all of the barriers to employment. This resolution would not achieve that goal. Furthermore there is no need to make this request of the governor, the attorney general has the authority to petition for certiorari.”

Rep. Dennis, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

Mr. Speaker, both myself and Rep. Law voted no on House Concurrent Resolution 15 because I believe that public assistance recipients are poor, not criminals. Drug testing of recipients would stigmatize them and violate their privacy. It also has the potential to deter parents from getting the financial assistance that they and their children need. Furthermore, drug testing does not guarantee drug treatment and Michigan continues to have extensive waiting lists to get into drug treatment. Substance abuse is just one of several barriers to employment that welfare recipients face. It should be just one phase of a larger strategy to identify and eliminate all of the barriers to employment. This resolution would not achieve that goal. Furthermore there is no need to make this request of the governor, the attorney general has the authority to petition for certiorari.”

Reps. Anderson, Adamini, Hopgood, Murphy, Waters and Whitmer, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

Mr. Speaker I voted no on House Concurrent Resolution 15 because I believe that public assistance recipients are poor, not criminals. Drug testing of recipients assumes that they are likely to be drug abusers, would attempt to humiliate them and violates their privacy. It also has the potential to deter parents from getting the financial assistance that they and their children need. The innocent children who are in need would be the ones to bear the brunt of this law. Furthermore, drug testing does not guarantee drug treatment and Michigan continues to have extensive waiting lists to get into drug treatment. Substance abuse is just one of several barriers to employment that welfare recipients face. It should be just one phase of a larger strategy to identify and eliminate all of the barriers to employment. This resolution would not achieve that goal. Furthermore there is no need to make this request of the governor, the attorney general has the authority to petition for certiorari.”

Rep. Tobocman, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

Mr. Speaker I voted no on House Concurrent Resolution 15 because I believe that public assistance recipients are poor, not criminals. Drug testing of recipients would stigmatize them and violate their privacy. It also has the potential to deter parents from getting the financial assistance that they and their children need. Furthermore, drug testing does not guarantee drug treatment and Michigan continues to have extensive waiting lists to get into drug treatment. Efforts to identify problems that are not accompanied by access to solutions can cause more harm than good. Substance abuse is just one of several barriers to employment that welfare recipients face. It should be just one phase of a larger strategy to identify and eliminate all of the barriers to employment. This resolution would not achieve that goal. Furthermore there is no need to make this request of the governor, the attorney general has the authority to petition for certiorari. Finally, I find it fiscally irresponsible for the Legislature to waste taxpayer dollars on legal fees associated with endless appeals.”

Rep. Condino, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on this resolution as it would stigmatize public assistance recipients and their children as criminals rather than as poor pursuant to socio-economic standards. This resolution has the potential to deter parents from getting financial assistance their children most certainly need and deserve.”

Second Reading of Bills

House Bill No. 4453, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 68 (MCL 38.1368).

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

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

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

The motion prevailed.

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. 4453, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 68 (MCL 38.1368).

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

Roll Call No. 143

Yeas—108

Accavitti	Gaffney	McConico	Shaffer
Acciavatti	Garfield	Meisner	Sheen
Adamini	Gielegem	Meyer	Sheltrown
Amos	Gillard	Middaugh	Shulman
Anderson	Gleason	Milosch	Smith
Bieda	Hager	Minore	Spade
Bisbee	Hardman	Moolenaar	Stahl
Bradstreet	Hart	Murphy	Stakoe
Brandenburg	Hood	Newell	Stallworth
Brown	Hoogendyk	Nitz	Steil
Byrum	Hopgood	Nofs	Stewart

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

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

House Bill No. 4393, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

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

Rep. Brown moved to amend the bill as follows:

1. Amend page 9, line 14, by striking out “1,733,700” and inserting “1,734,700”.

2. Amend page 10, line 16, by striking out “11,398,700” and inserting “11,399,700” and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Brown moved to amend the bill as follows:

1. Amend page 7, line 21, by increasing the amount by “99,400”.

2. Amend page 7, line 23, by increasing the amount by “456,600”.

3. Amend page 7, line 26, by increasing the amount by “127,900”.

4. Amend page 9, line 15, by increasing the amount by “487,900”.

5. Amend page 11, line 17, by increasing the amount by “141,300”.

6. Amend page 11, line 20, by increasing the amount by “95,900”.

7. Amend page 12, line 18, by increasing the amount by “52,200”.

8. Amend page 14, line 9, by increasing the amount by “2,603,000”.

9. Amend page 14, line 17, by increasing the amount by “6,600” and adjusting the subtotals, totals, and section 201 accordingly.

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

The demand was supported.

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

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

Roll Call No. 144**Yeas—47**

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

Nays—61

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

In The Chair: Julian

Rep. Gielegghem moved to amend the bill as follows:

1. Amend page 11, line 11, by increasing the amount by “808,700”.

2. Amend page 12, line 7, by increasing the amount by “2,598,400”.

3. Amend page 12, line 14, by decreasing the amount by “1,789,700”.

4. Amend page 14, line 9, by increasing the amount by “1,789,700” and adjusting the subtotals, totals, and section 201 accordingly.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4393, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Roll Call No. 145

Yeas—60

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

Nays—48

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

In The Chair: Julian

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

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

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2004; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The motion prevailed.

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

Reps. Accavitti, Bieda, Minore, Anderson, Byrum, Brown, Hopgood, Law, Jannick, Kolb, Condino, Waters, Adamini, Farrah, Murphy and Whitmer, 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 the proposed DEQ budget (HB 4393) because, simply put, it irresponsibly places Michigan’s environment and public health at risk. The budget unnecessarily makes steep cuts to all environmental protection program areas and administration. The Governor’s proposed budget is a responsible solution to our fiscal crisis that also protect core environmental protections for our air, water, and land. They address our budget predicament by reducing general fund spending by 20%. In exchange, to protect core environmental programs, user fees for key surface water, storm water, and groundwater programs, as well as for solid waste regulation, are used to offset the general fund cuts. Unfortunately, Republicans have rejected this approach. Instead, they propose additional general fund cuts without identifying any additional revenue. The result: staff layoffs and resource cuts that will cripple environmental and public health protections; significant loss of federal revenue; and taxpayers still paying for programs that are more appropriately funded by those creating the pollution that necessitates these programs. Taxpayers, the environment, and public health all lose under the bill.”

Second Reading of Bills

House Bill No. 4400, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

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

Rep. Brown moved to amend the bill as follows:

1. Amend page 14, following line 9, by inserting:

“PART 1A
 PARK IMPROVEMENT FUND APPROPRIATIONS

GENERAL SECTIONS

Sec. 151. If a park motor vehicle permit fee increase is approved by September 30, 2003, the amounts listed in this part are appropriated for the department of natural resources for the fiscal year ending September 30, 2004 from the funds in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF NATURAL RESOURCES - FUNDING SOURCE SUMMARY:

GROSS APPROPRIATION.....	\$	1,680,500
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	1,680,500
Federal revenues:		
Total federal revenues		0
Special revenue funds:		
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		2,546,900
State general fund/general purpose	\$	(866,400)
Sec. 152. EXECUTIVE		
Commission	\$	13,100
Unclassified salaries		8,800

Education and outreach.....	84,600
Executive direction.....	205,600
GROSS APPROPRIATION.....	\$ 312,100
Appropriated from:	
State general fund/general purpose.....	\$ 312,100
Sec. 153. ADMINISTRATIVE SERVICES	
Budget and support services.....	\$ 67,500
Grants, contracts, and customer systems.....	38,300
Human resources.....	213,600
Office of financial services.....	273,000
Office of land and facilities.....	227,400
Program assistance and review.....	24,900
GROSS APPROPRIATION.....	\$ 844,700
Appropriated from:	
State general fund/general purpose.....	\$ 844,700
Sec. 154. DEPARTMENT OPERATION SUPPORT	
Building occupancy charges.....	\$ 3,200
GROSS APPROPRIATION.....	\$ 3,200
Appropriated from:	
State general fund/general purpose.....	\$ 3,200
Sec. 155. PARKS AND RECREATION	
GROSS APPROPRIATION.....	\$ 0
Appropriated from:	
Special revenue funds:	
Park improvement fund.....	\$ 2,546,900
State general fund/general purpose.....	\$ (2,546,900)
Sec. 156. INFORMATION TECHNOLOGY	
Information technology services and projects.....	\$ 520,500
GROSS APPROPRIATION.....	\$ 520,500
Appropriated from:	
State general fund/general purpose.....	\$ 520,500".

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

Rep. Brown moved to amend the bill as follows:

1. Amend page 10, line 22, by striking out "869,000" and inserting "939,000".
2. Amend page 11, line 17, by striking out "6,840,600" and inserting "6,910,600" and adjusting the subtotals, totals and section 201 accordingly.

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

Reps. Vander Veen and Kooiman moved to amend the bill as follows:

1. Amend page 22, following line 12, by inserting:
 "Sec. 802. The department shall provide trash receptacles and regular trash collection services in all public use areas located in Michigan state parks."

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

Rep. Pastor moved to amend the bill as follows:

1. Amend page 3, line 22, by striking out "426,300" and inserting "429,300".
2. Amend page 4, line 21, by striking out "178,708,600" and inserting "178,711,600" and adjusting the subtotals, totals, and section 201 accordingly.
3. Amend page 9, line 27, by striking out "Interdepartmental grant revenues:".
4. Amend page 10, line 18, by striking out "5,400,000" and inserting "4,400,000".
5. Amend page 10, line 24, by striking out "38,472,400" and inserting "37,472,400".
6. Amend page 11, line 16, by striking out "2,745,900" and inserting "1,745,900".
7. Amend page 12, line 18, by striking out "5,480,000" and inserting "6,480,000".
8. Amend page 12, line 24, by striking out "18,822,500" and inserting "19,822,500".
9. Amend page 13, line 13, by striking out "5,480,000" and inserting "6,480,000" and adjusting the subtotals, totals, and section 201 accordingly.
10. Amend page 14, line 22, by striking out "PAYMENTS IN LIEU OF TAXES".
11. Amend page 15, following line 10, by inserting:
 "(f) "DOE" means the United States department of energy." and relettering the remaining subdivisions.

12. Amend page 15, line 17, by striking out all of line 17 and relettering the remaining subdivision.
13. Amend page 16, line 11, after "1" by striking out "shall" and inserting "should".
14. Amend page 18, line 17, after "30," by striking out "2003" and inserting "2004".
15. Amend page 19, following line 4, by inserting:

"Sec. 215. For the fiscal years ending September 30, 2003 and September 30, 2004, with the approval of the state budget director, the department of natural resources may transfer any unobligated appropriation balances up to \$556,000.00 from the general fund or appropriate restricted funds to the game and fish protection fund in settlement of the advisory report from the United States fish and wildlife service dated October 11, 2002."

16. Amend page 24, line 3, after "in" by striking out "section 113" and inserting "part 1".
17. Amend page 25, line 13, after "in" by striking out "section 113" and inserting "part 1".
18. Amend page 25, line 18, by striking out all of line 18 through "Sec. 1201." on line 19 and inserting "Sec. 1105."
19. Amend page 25, line 19, after "section" by striking out "153" and inserting "110".

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4400, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Roll Call No. 146

Yeas—103

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

Nays—5Elkins
Gillard

Johnson, Ruth

Sheltrown

Stakoe

In The Chair: Julian

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

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

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2004; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4032, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(The bill was received from the Senate on May 7, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 8, see House Journal No. 36, p. 501.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

Rep. Whitmer moved to amend the Senate substitute (S-1) as follows:

1. Amend page 17, following line 4, by striking out all of lines 5 through 24.

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

Rep. Whitmer moved to amend the Senate substitute (S-1) as follows:

1. Amend page 15, following line 5, by inserting:

“Sec. 207. For the fiscal year ending September 30, 2003, there is appropriated from the general fund to the school aid fund, as a result of the implementation of section 12(4), 1971 PA 140, MCL 141.912, an amount sufficient to assure that the state school aid fund remains balanced.”.

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

Rep. Whitmer demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 147**Yeas—106**Accavitti
Acciavatti
Adamini
Amos
Anderson
Bieda
Bisbee
BradstreetGaffney
Garfield
Gielegem
Gillard
Gleason
Hager
Hardman
HartMcConico
Meisner
Meyer
Middaugh
Milosch
Minore
Moolenaar
MurphyShackleton
Shaffer
Sheen
Sheltrown
Spade
Stahl
Stakoe
Stallworth

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

Nays—1

Shulman

In The Chair: Julian

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1), as amended, was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 148**Yeas—46**

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

Nays—62

Acciavatti	Hager	Milosch	Sheen
Amos	Hart	Moolenaar	Shulman
Bisbee	Hoogendyk	Newell	Stahl
Bradstreet	Howell	Nitz	Stakoe

Brandenburg	Huizenga	Nofs	Steil
Casperson	Hummel	Palmer	Stewart
Caswell	Hune	Palsrok	Tabor
Caul	Johnson, Rick	Pappageorge	Taub
DeRoche	Johnson, Ruth	Pastor	Van Regenmorter
DeRossett	Julian	Pumford	Vander Veen
Drolet	Koetje	Richardville	Voorhees
Ehardt	Kooiman	Robertson	Walker
Emmons	LaJoy	Rocca	Ward
Farhat	LaSata	Shackleton	Wenke
Gaffney	Meyer	Shaffer	Woronchak
Garfield	Middaugh		

In The Chair: Julian

Rep. Huizenga moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

Rep. Hopgood moved that the House adjourn.
The motion prevailed, the time being 4:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, May 15, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

