

No. 28
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House Chamber, Lansing, Tuesday, March 30, 2004.

1:00 p.m.

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

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

Accavitti—present	Garfield—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—e/d/s	Hart—present	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—e/d/s	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—e/d/s	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. Jim A. Plakas, from the 16th District, offered the following invocation:

“Dear Lord, we gather today to do the people’s work. Please give us the guidance and the wisdom to fulfill their requests that they make of us as legislative people. We are faced with hard tasks, and somehow, somehow we seem to move through them with only Your guidance, dear Lord. Make us understand that we represent all of the people in this great state of Michigan. Everyone counts. Let us try to emulate You in deliberation of our responsibility. Amen.”

Rep. Waters moved that Rep. Zelenko be excused from this week’s session.
The motion prevailed.

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

Reports of Standing Committees

The Speaker laid before the House
House Resolution No. 196.

A resolution to encourage Michigan’s high schools to put a priority on teaching state and local government from a Michigan perspective.

(For text of resolution, see House Journal No. 10, p. 125.)

(The resolution was reported by the Committee on Education on February 25, consideration of which, under the rules, was postponed until February 26.)

The question being on the adoption of the resolution,
The resolution was adopted.

The Speaker laid before the House
House Resolution No. 206.

A resolution to support the construction of the new Diagnostic Center for Population and Animal Health on the campus of Michigan State University.

(For text of resolution, see House Journal No. 16, p. 256.)

(The resolution was reported by the Committee on Agriculture and Resource Management on March 23, with substitute (H-1), consideration of which, under the rules, was postponed until March 24.)

(For substitute, see House Journal No. 25, p. 476.)

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

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

The question being on the adoption of the resolution,
The resolution was adopted.

The Speaker laid before the House
House Resolution No. 193.

A resolution to memorialize the Congress of the United States to increase the level of federal funds available to the states for DNA testing.

(For text of resolution, see House Journal No. 8, p. 84.)

(The resolution was reported by the Committee on Government Operations on March 25, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,
The resolution was adopted.

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

Rep. Nitz moved that Rep. Tabor be excused temporarily from today's session.
The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4179, entitled

A bill to amend 2000 PA 499, entitled "Elder prescription insurance coverage act," by amending section 3 (MCL 550.2003).

(The bill was received from the Senate on March 24, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until March 25, see House Journal No. 26, p. 494.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 178

Yeas—103

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

Nays—0

In The Chair: Julian

The House agreed to the full title of the bill.

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

Reps. Reeves and Palsrok entered the House Chambers.

The Speaker laid before the House

House Bill No. 5104, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 316 (MCL 750.316), as amended by 1999 PA 189.

(The bill was received from the Senate on March 24, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until March 25, see House Journal No. 26, p. 494.)

The question being on concurring in the amendment made to the bill by the Senate,

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

Roll Call No. 179

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
Bradstreet	Hart	Mortimer	Stakoe
Brandenburg	Hood	Murphy	Stallworth
Brown	Hoogendyk	Newell	Steil
Byrum	Hopgood	Nitz	Stewart
Casperson	Howell	Nofs	Tabor
Caswell	Huizenga	O’Neil	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
Gaffney	McConico	Shaffer	

Nays—0

In The Chair: Julian

The House agreed to the full title of the bill.

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

The Speaker laid before the House

House Bill No. 5184, entitled

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” by amending sections 13, 22, and 36 (MCL 400.713, 400.722, and 400.736), sections 13 and 22 as amended by 1994 PA 150 and section 36 as added by 1984 PA 140, and by adding section 34a.

(The bill was received from the Senate on March 24, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until March 25, see House Journal No. 26, p. 494.)

The question being on concurring in the amendments made to the bill by the Senate,

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

Roll Call No. 180**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
Bradstreet	Hart	Mortimer	Stakoe
Brandenburg	Hood	Murphy	Stallworth
Brown	Hoogendyk	Newell	Steil
Byrum	Hopgood	Nitz	Stewart
Casperson	Howell	Nofs	Tabor
Caswell	Huizenga	O'Neil	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
Gaffney	McConico	Shaffer	

Nays—0

In The Chair: Julian

The House agreed to the full title of the bill.

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

Rep. Bisbee entered the House Chambers.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported

Senate Bill No. 759, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80140 (MCL 324.80140), as added by 1995 PA 58.

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. Palsrok, Brandenburg, Meyer, Law, Gleason and Stallworth

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Great Lakes and Tourism, was received and read:

Meeting held on: Thursday, March 25, 2004

Present: Reps. Palsrok, Brandenburg, Meyer, Law, Gleason and Stallworth

Absent: Rep. Tabor

Excused: Rep. Tabor

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

House Bill No. 5509, entitled

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

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

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

Favorable Roll Call

To Report Out:

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

Nays: Reps. Hoogendyk and Brandenburg

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

House Bill No. 5517, entitled

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

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker and Brandenburg,

Nays: Reps. Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

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

House Bill No. 5522, entitled

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

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: Reps. Shulman, Emmons and Hoogendyk

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

House Bill No. 5526, entitled

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

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

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

Favorable Roll Call

To Report Out:

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

Nays: Rep. Hoogendyk

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 25, 2004

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

Absent: Rep. Zelenko

Excused: Rep. Zelenko

The Committee on Veterans Affairs and Homeland Security, by Rep. Nofs, Chair, reported

House Bill No. 5432, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 411 (MCL 339.411), as amended by 2002 PA 611.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Nofs, Garfield, Richardville, Pappageorge, Ruth Johnson, Woronchak, Casperson, Woodward, Spade and Elkins

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Tuesday, March 30, 2004

Present: Reps. Nofs, Garfield, Richardville, Pappageorge, Ruth Johnson, Woronchak, Casperson, Woodward, Spade and Elkins

Absent: Rep. Sheltroun

Excused: Rep. Sheltroun

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported

House Bill No. 5671, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 9 (MCL 117.9), as amended by 1984 PA 352.

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. Ward, Robertson, DeRossett, Stakoe, Jammick, Tobocman and Accavitti

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 30, 2004

Present: Reps. Ward, Robertson, DeRossett, Hager, Stakoe, Jammick, Hardman, Tobocman and Accavitti

Absent: Reps. Drolet and Wenke

Excused: Reps. Drolet and Wenke

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 4760, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2848 (MCL 333.2848), as amended by 2002 PA 562.

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. Ehardt, Ruth Johnson, Robertson, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 5006, entitled

A bill to provide standards for personnel policies to protect the right of conscience of health care providers who conscientiously object to providing or participating in certain health care services under certain circumstances; to provide for protection from certain liability; and to provide for penalties and remedies.

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. Ehardt, Ruth Johnson, Rocca, Hart, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward and O'Neil

Nays: Rep. Hardman

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 5276, entitled

A bill to allow certain health facilities to object to providing or participating in certain procedures under certain circumstances; to provide for protection from certain liability; and to provide for remedies.

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. Ehardt, Ruth Johnson, Rocca, Hart, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward and O'Neil
Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 5277, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 409a.

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. Ehardt, Ruth Johnson, Rocca, Hart, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward and O'Neil
Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 5278, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406r.

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. Ehardt, Ruth Johnson, Rocca, Hart, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward and O'Neil
Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

Senate Bill No. 778, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2000 PA 455.

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. Ehardt, Ruth Johnson, Van Regenmorter, Robertson, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ehardt, Chair, of the Committee on Health Policy, was received and read:
Meeting held on: Tuesday, March 30, 2004

Present: Reps. Ehardt, Ruth Johnson, Rocca, Hart, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack

Absent: Rep. Vander Veen

Excused: Rep. Vander Veen

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

House Resolution No. 218.

A resolution to call on the Governor to work with the Premier of Ontario to create a Michigan-Ontario commission on border-crossing streamlining and safety.

(For text of resolution, see House Journal No. 23, p. 428.)

With the recommendation that the following substitute (H-1) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 218.

A resolution to call on the Governor to work with the Premier of Ontario to create a Michigan-Ontario commission on border security, safety, and economic growth.

Whereas, Michigan and Ontario share several of the busiest international crossing points along our common border. In addition to the large volume of passenger cars and individuals, commercial vehicles and railroad traffic reflect the strong economic partnership between our nations. The friendship we enjoy with our Canadian neighbors extends to our mutual concerns for safety, efficiency, and vigilance in the face of shared threats; and

Whereas, In the wake of NAFTA and the terrorist attacks of September 11th, the need to communicate on matters as far-reaching as infrastructure, worker access, security, and commercial concerns is more important than at any time in our history. In addition to dealing with problems, our state and provincial governments should do all we can to work together and harmonize border-related policies and regulations; and

Whereas, Both sides of the border are strongly dependent upon the swift and safe transport of goods and people between our countries. Increasing the speed of crossings and increasing cooperation are steps that ultimately will provide great benefit to businesses of all types and sizes; and

Whereas, In spite of the seriousness and number of issues surrounding our shared border crossings, there is no formal group that exists to deal directly with the unique concerns of the Michigan-Ontario border crossings. A structure is needed to encourage dialogue, resolve problems, and anticipate issues as expeditiously as possible. With all that depends upon the smooth and safe movement of people and goods across our borders, the establishment of a Michigan-Ontario commission on border-crossing issues is long overdue; now, therefore, be it

Resolved by the House of Representatives, That we call on the Governor to work with the Premier of Ontario to create a Michigan-Ontario commission on border security, safety, and economic growth. We urge that the commission include representatives of local border communities; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

The resolution and substitute were laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, Koetje, Middaugh, Palmer, Hune, Milosch, Rivet, O'Neil, McConico, Murphy, Tobocman and Accavitti

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: Tuesday, March 30, 2004

Present: Reps. Bisbee, DeRoche, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Milosch, Palsrok, Wenke, Rivet, O'Neil, McConico, Murphy, Tobocman and Accavitti

Absent: Reps. Howell and Lipsey

Excused: Reps. Howell and Lipsey

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

House Bill No. 5502, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 3a, 4, 4a, 4d, 4f, 4o, 5, 6, 6a, 8, 9, 9a, 10, 11, and 14 (MCL 205.92, 205.93, 205.93a, 205.94, 205.94a, 205.94d, 205.94f, 205.94o, 205.95, 205.96, 205.96a, 205.98, 205.99, 205.99a, 205.100, 205.101, and 205.104), sections 2 and 4 as amended by 2002 PA 669, section 3 as amended by 2003 PA 27, section 3a as amended by 2002 PA 455, section 4d as amended by 2000 PA 328, section 4f as amended by 1998 PA 266, sections 4o, 8, and 9a as added by 1999 PA 117, section 5 as amended by 2002 PA 580, section 6 as amended by 2003 PA 24, section 6a as added by 2002 PA 511, section 10 as amended by 1998 PA 366, section 11 as added by 2000 PA 153, and section 14 as amended by 1986 PA 41, and by adding sections 2b, 3c, 12, 13, 14a, 14b, 17, 19, and 20; and to repeal acts and parts of acts.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Koetje, Meyer, O'Neil, Minore, Farrah, Bieda, Byrum and Condino

Nays: Reps. Sheen, Woronchak, Drolet, Hummel, Palmer, Milosch, Nofs and Stakoe

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

House Bill No. 5503, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 2, 2a, 3, 4, 4a, 4e, 4f, 4g, 4i, 4j, 4k, 4m, 4o, 4p, 4q, 4r, 4s, 4t, 4u, 4w, 4x, 5b, 6, 8, 9, 10, 17, and 23 (MCL 205.51, 205.52, 205.52a, 205.53, 205.54, 205.54a, 205.54e, 205.54f, 205.54g, 205.54i, 205.54j, 205.54k, 205.54m, 205.54o, 205.54p, 205.54q, 205.54r, 205.54s, 205.54t, 205.54u, 205.54w, 205.54x, 205.55b, 205.56, 205.58, 205.59, 205.60, 205.67, and 205.73), section 1 as amended by 2000 PA 390, sections 2 and 23 as amended by 1993 PA 325, section 2a as added by 1984 PA 228, section 3 as amended by 2002 PA 457, section 4 as amended by 1998 PA 267, sections 4a, 4j, and 4q as amended and sections 4r, 4t, 4u, and 4w as added by 1999 PA 116, section 4g as amended by 2000 PA 417, section 4i as added by 1982 PA 23, section 4k as added by 1986 PA 42, section 4m as added by 1993 PA 238, section 4o as added by 1994 PA 156, section 4p as added by 1998 PA 274, section 4s as added by 1999 PA 105, section 4x as amended by 2001 PA 40, section 5b as added by 2002 PA 510, section 6 as amended by 1998 PA 453, section 9 as amended by 1998 PA 365, section 10 as added by 2000 PA 149, and section 17 as amended by 2001 PA 102, and by adding sections 1a, 4d, 4h, 6b, 11, 12, 18, 19, 20, and 21; and to repeal acts and parts of acts.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Koetje, Meyer, O'Neil, Minore, Farrah, Bieda, Byrum and Condino

Nays: Reps. Sheen, Woronchak, Drolet, Hummel, Palmer, Milosch, Nofs and Stakoe

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

House Bill No. 5504, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; and to prescribe certain powers and duties of state officials and state departments.

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. Wenke, Koetje, Meyer, O'Neil, Minore, Farrah, Bieda, Byrum and Condino

Nays: Reps. Sheen, Woronchak, Drolet, Hummel, Palmer, Milosch, Nofs and Stakoe

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

House Bill No. 5505, entitled

A bill to impose taxes and create credits and refundable credits to modify and equalize the impact of changes made to the general sales tax act and use tax act necessary to bring those taxes into compliance with the streamlined sales

tax agreement so this state may participate in the streamlined sales tax system and governing board; to prescribe certain powers and duties of certain state departments; and to provide for the disbursement of certain proceeds.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Koetje, Meyer, O'Neil, Minore, Farrah, Bieda, Byrum and Condino

Nays: Reps. Sheen, Woronchak, Drolet, Hummel, Palmer, Milosch, Nofs and Stakoe

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

House Joint Resolution T, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 7 of article IX, to limit the rate of the state income tax.

Without amendment and with the recommendation that the joint resolution be adopted.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Meyer, Drolet, Hummel, Palmer, Nofs and Stakoe

Nays: Reps. Woronchak, O'Neil, Minore, Farrah, Bieda and Condino

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wenke, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Tuesday, March 30, 2004

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Woronchak, Chair, of the Committee on Senior Health, Security and Retirement, was received and read:

Meeting held on: Thursday, March 25, 2004

Present: Reps. Woronchak, Rocca, Vander Veen, Stallworth and Vagnozzi

Absent: Reps. Mortimer, Pappageorge, Tabor and Zelenko

Excused: Reps. Mortimer, Pappageorge, Tabor and Zelenko

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 30, 2004

Present: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, Wenke, Lipsey, Adamini, Bieda and Condino

Absent: Rep. Smith

Excused: Rep. Smith

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meyer, Chair, of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Tuesday, March 30, 2004

Present: Reps. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Stahl, Sheltroun, Rivet, Spade and Law

Messages from the Governor

Date: March 26, 2004

Time: 3:20 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5234 (Public Act No. 40, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 11526a.

(Filed with the Secretary of State March 29, 2004, at 10:12 a.m.)

Date: March 26, 2004

Time: 3:27 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5235 (Public Act No. 42, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 11527a.

(Filed with the Secretary of State March 29, 2004, at 10:16 a.m.)

Communications from State Officers

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

March, 2004

Please find enclosed the FY 2003 Michigan Lottery annual report. We're proud to share the highlights of another successful year!

Sincerely,
Gary C. Peters
Lottery Commissioner

The communication was referred to the Clerk.

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

April 1, 2004

I am pleased to provide the Michigan Department of Transportation's report on transportation accessibility for seniors and persons with disabilities for Fiscal Year 2003.

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

Sincerely,
Gloria J. Jeff
Director

The communication was referred to the Clerk.

Rep. Nitz moved that Rep. Palmer be excused temporarily from today's session.
The motion prevailed.

Rep. Hood moved that Rep. McConico be excused temporarily from today's session.
The motion prevailed.

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

The Speaker laid before the House

House Bill No. 4702, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 8 and 27 (MCL 211.8 and 211.27), section 8 as amended by 2002 PA 620 and section 27 as amended by 2002 PA 744.

(The bill was received from the Senate on March 25, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 27, p. 519.)

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

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 181

Yeas—104

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

Nays—2

Smith

Tobocman

In The Chair: Julian

The House agreed to the full title of the bill.

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

Second Reading of Bills

Senate Bill No. 1013, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 19 (MCL 567.239), as amended by 1997 PA 195, and by adding section 8b.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1013, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 19 (MCL 567.239), as amended by 1997 PA 195, and by adding section 8b.

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

Roll Call No. 182

Yeas—95

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

Nays—11

Bisbee	DeRoche	Middaugh	Sheen
Bradstreet	Drolet	Milosch	Van Regenmorter
Brandenburg	Hoogendyk	Mortimer	

In The Chair: Julian

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

“An act concerning unclaimed property; to provide for the reporting and disposition of unclaimed property; to make uniform the law concerning unclaimed property; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 1014, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 36202 (MCL 324.36202), as added by 2000 PA 262.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1014, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 36202 (MCL 324.36202), as added by 2000 PA 262.

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

Roll Call No. 183

Yeas—96

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

Nays—12

DeRoche	Garfield	Milosch	Pastor
Drolet	Hoogendyk	Nofs	Sheen
Farhat	Huizenga	Palmer	Stahl

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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 1015, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending section 408 (MCL 484.1408), as amended by 2003 PA 244.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1015, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending section 408 (MCL 484.1408), as amended by 2003 PA 244.

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

Roll Call No. 184

Yeas—62

Accavitti	Gielegem	McConico	Sheltrown
Acciavatti	Gillard	Meisner	Shulman
Adamini	Gleason	Minore	Smith
Bieda	Hager	Murphy	Spade
Brandenburg	Hardman	Newell	Steil
Brown	Hood	O’Neil	Stewart
Byrum	Hopgood	Pastor	Tabor
Cheeks	Howell	Phillips	Taub
Clack	Hunter	Plakas	Tobocman
Condino	Jamnick	Pumford	Vagnozzi
Daniels	Johnson, Rick	Reeves	Waters

Elkins	Koetje	Robertson	Whitmer
Emmons	Kolb	Sak	Williams
Farhat	Kooiman	Shackleton	Wojno
Farrah	Law	Shaffer	Woodward
Gaffney	Lipsey		

Nays—45

Amos	Hart	Milosch	Sheen
Anderson	Hoogendyk	Moolenaar	Stahl
Bisbee	Huizenga	Mortimer	Stakoe
Bradstreet	Hummel	Nitz	Stallworth
Casperson	Hune	Nofs	Van Regenmorter
Caswell	Johnson, Ruth	Palmer	Vander Veen
Caul	Julian	Palsrok	Voorhees
DeRoche	LaJoy	Pappageorge	Walker
DeRossett	LaSata	Richardville	Ward
Drolet	Meyer	Rivet	Wenke
Ehardt	Middaugh	Rocca	Woronchak
Garfield			

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 establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates,”

The House agreed to the full title.

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

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

The Speaker Pro Tempore called Associate Speaker Pro Tempore Vander Veen to the Chair.

Second Reading of Bills

Senate Bill No. 1016, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1539 (MCL 380.1539), as added by 1988 PA 339.

The bill was read a second time.

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

The motion prevailed.

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

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

Rep. Drolet moved that Rep. Brandenburg be excused temporarily from today’s session.
The motion prevailed.

Rep. Van Regenmorter moved that Rep. Pappageorge be excused temporarily from today’s session.
The motion prevailed.

Rep. Ward moved that Rep. Rick Johnson be excused temporarily from today’s session.
The motion prevailed.

Rep. Acciavatti moved that Rep. Bradstreet 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. 1016, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1539 (MCL 380.1539), as added by 1988 PA 339.

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

Roll Call No. 185

Yeas—102

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

Nays—2

Garfield McConico

In The Chair: Vander Veen

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and

maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 1017, 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 the title and sections 1, 2, 4, 4a, 5, 5c, 6, 6a, 6c, and 9 (MCL 256.601, 256.602, 256.604, 256.604a, 256.605, 256.605c, 256.606, 256.606a, 256.606c, and 256.609), the title and section 1 as amended and sections 4a and 6c as added by 1992 PA 169, sections 2, 4, and 6 as amended and section 5c as added by 1998 PA 11, section 5 as amended by 2000 PA 285, and section 6a as added by 1984 PA 391, and by adding sections 1a, 1b, and 1c and part 3 and by adding headings for parts 1, 2, and 3; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1017, 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 the title and sections 1, 2, 4, 4a, 5, 5c, 6, 6a, 6c, and 9 (MCL 256.601, 256.602, 256.604, 256.604a, 256.605, 256.605c, 256.606, 256.606a, 256.606c, and 256.609), the title and section 1 as amended and sections 4a and 6c as added by 1992 PA 169, sections 2, 4, and 6 as amended and section 5c as added by 1998 PA 11, section 5 as amended by 2000 PA 285, and section 6a as added by 1984 PA 391, and by adding sections 1a, 1b, and 1c and part 3 and by adding headings for parts 1, 2, and 3; 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. 186

Yeas—106

Accavitti	Garfield	Meisner	Sheen
Acciavatti	Gielegghem	Meyer	Sheltrown
Adamini	Gillard	Middaugh	Shulman
Amos	Gleason	Milosch	Smith
Anderson	Hager	Minore	Spade
Bieda	Hardman	Moolenaar	Stahl
Bisbee	Hart	Mortimer	Stakoe
Bradstreet	Hood	Murphy	Stallworth
Brown	Hoogendyk	Newell	Steil

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

Nays—0

In The Chair: Vander Veen

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Senate Bill No. 1018, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 310e, and 811 (MCL 257.306, 257.310e, and 257.811), section 306 as amended by 2002 PA 534, section 310e as amended by 2003 PA 61, and section 811 as amended by 2003 PA 152.

The bill was read a second time.

Rep. Shulman moved to amend the bill as follows:

1. Amend page 4, line 4, after "to" by striking out "**256.611**" and inserting "**256.612**".
2. Amend page 14, line 6, after "**to**" by striking out "**256.611**" and inserting "**256.612**".

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1018, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 310e, and 811 (MCL 257.306, 257.310e, and 257.811), section 306 as amended by 2002 PA 534, section 310e as amended by 2003 PA 61, and section 811 as amended by 2003 PA 152.

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

Roll Call No. 187**Yeas—106**

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

Nays—0

In The Chair: Vander Veen

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. Richardville 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. 1019, entitled**

A bill to amend 1971 PA 140, entitled “Glenn Steil state revenue sharing act of 1971,” by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 2003 PA 168.

The bill was read a second time.

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

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

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

Rep. Waters moved that Rep. Rivet 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. 1019, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 2003 PA 168.

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

Roll Call No. 188

Yeas—103

Accavitti	Gieleghem	Meisner	Sheltrown
Acciavatti	Gillard	Meyer	Shulman
Adamini	Gleason	Middaugh	Smith
Amos	Hager	Milosch	Spade
Anderson	Hardman	Minore	Stahl
Bieda	Hart	Moolenaar	Stakoe
Bisbee	Hood	Mortimer	Stallworth
Bradstreet	Hoogendyk	Murphy	Steil
Brown	Hopgood	Newell	Stewart
Byrum	Howell	Nitz	Tabor
Casperson	Huizenga	Nofs	Taub
Caswell	Hummel	O'Neil	Tobocman
Caul	Hune	Palmer	Vagnozzi
Cheeks	Hunter	Palsrok	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	Robertson	Whitmer
Elkins	LaJoy	Rocca	Williams
Emmons	LaSata	Sak	Wojno
Farhat	Law	Shackleton	Woodward
Farrah	Lipsey	Shaffer	Woronchak
Gaffney	McConico	Sheen	

Nays—1

Garfield

In The Chair: Vander Veen

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

“An act to provide for the distribution of certain state revenues to cities, villages, townships, and counties; to impose certain duties and confer certain powers on this state, political subdivisions of this state, and the officers of both; to create reserve funds; and to establish a revenue sharing task force and provide for its powers and duties,”

The House agreed to the full title.

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

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

The Speaker Pro Tempore resumed the Chair.

Second Reading of Bills

Senate Bill No. 1020, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending section 8 (MCL 390.1458), as amended by 2003 PA 186.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1020, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending section 8 (MCL 390.1458), as amended by 2003 PA 186.

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

Roll Call No. 189

Yeas—104

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

DeRossett	Kolb	Richardville	Waters
Drolet	Kooiman	Rivet	Wenke
Elkins	LaJoy	Robertson	Whitmer
Emmons	LaSata	Rocca	Williams
Farhat	Law	Sak	Wojno
Farrah	Lipsey	Shackleton	Woodward
Gaffney	McConico	Shaffer	Woronchak

Nays—1

Garfield

In The Chair: Julian

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

“An act to create the Michigan merit award scholarship trust fund; to create the Michigan merit award scholarship board and prescribe the powers and duties of the board; and to provide for the Michigan merit award scholarship program,”

The House agreed to the full title.

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

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

Second Reading of Bills**Senate Bill No. 1021, entitled**

A bill to amend 1986 PA 182, entitled “State police retirement act of 1986,” by amending sections 3 and 4 (MCL 38.1603 and 38.1604), section 3 as amended by 2000 PA 374, and by adding section 24a.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 1021, entitled**

A bill to amend 1986 PA 182, entitled “State police retirement act of 1986,” by amending sections 3 and 4 (MCL 38.1603 and 38.1604), section 3 as amended by 2000 PA 374, and by adding section 24a.

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

Roll Call No. 190**Yeas—105**

Accavitti	Gielegem	Meisner	Sheen
Acciavatti	Gillard	Meyer	Sheltrown
Adamini	Gleason	Middaugh	Shulman
Amos	Hager	Milosch	Smith
Anderson	Hardman	Minore	Spade
Bieda	Hart	Moolenaar	Stahl
Bisbee	Hood	Mortimer	Stakoe

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

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 Michigan department of state police retirement system; to create certain reserves and certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of the department of state police, the department of management and budget, and certain state officers; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

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

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

Senate Bill No. 338, entitled

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending sections 1 and 29 (MCL 125.1651 and 125.1679), section 1 as amended by 2003 PA 136 and section 29 as amended by 2001 PA 68.

(The bill was read a third time and postponed temporarily on March 16, see House Journal No. 22, p. 386.)

The question being on the passage of the bill,

Rep. Richardville moved that Rule 67 be suspended.

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

Rep. Richardville moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.

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

Second Reading of Bills

Senate Bill No. 338, entitled

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending sections 1 and 29 (MCL 125.1651 and 125.1679), section 1 as amended by 2003 PA 136 and section 29 as amended by 2001 PA 68.

Rep. Richardville moved to reconsider the vote by which the House adopted the amendment offered previously by Reps. Julian, Byrum and Tabor.

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

The question being on the adoption of the amendment offered previously by Reps. Julian, Byrum and Tabor,

The amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

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

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



Rep. Waters moved that Rep. Whitmer 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. 338, entitled

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending sections 1 and 29 (MCL 125.1651 and 125.1679), section 1 as amended by 2003 PA 136 and section 29 as amended by 2001 PA 68.

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. 191

Yeas—93

Accavitti	Gillard	Meisner	Shaffer
Acciavatti	Gleason	Meyer	Sheltrown
Adamini	Hager	Middaugh	Shulman
Amos	Hardman	Minore	Spade
Anderson	Hart	Moolenaar	Stakoe
Bieda	Hood	Mortimer	Stallworth
Brown	Hopgood	Murphy	Steil

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

Nays—11

Bisbee	Garfield	Milosch	Smith
DeRoche	Hoogendyk	Palmer	Stahl
Drolet	Hune	Sheen	

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Rep. Richardville moved that Rule 48 be suspended.

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

House Bill No. 5509, entitled

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

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. Phillips moved to amend the bill as follows:

1. Amend page 8, line 17, by increasing the amount by "10,000" and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Phillips demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 192

Yeas—99

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

Nays—7

Bradstreet	Drolet	Pastor	Shulman
DeRoche	Hoogendyk	Sheen	

In The Chair: Julian

Rep. Koetje moved to amend the bill as follows:

1. Amend page 5, line 20, by decreasing the amount by "350,000" and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 6, line 3, by decreasing the amount by "350,000" 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. Pumford moved to amend the bill as follows:

1. Amend page 15, line 25, after "development" by inserting "including aquaculture and cervidae programs".

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

Rep. Pumford moved to amend the bill as follows:

1. Amend page 9, following line 3, by inserting:

"Michigan state fair operations.....100".

2. Amend page 10, following line 2, by inserting:

"Michigan state fair revenue.....100" 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. Shulman moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5509, entitled

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

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

Roll Call No. 193

Yeas—104

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

Nays—2

Drolet

Hoogendyk

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 agriculture for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The motion prevailed.

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

Second Reading of Bills

House Bill No. 5516, entitled

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

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. Hoogendyk moved to amend the bill as follows:

1. Amend page 6, line 11, by decreasing the amount by “2,961,200” and adjusting the subtotals, totals, and section 201 accordingly.
2. Amend page 7, line 8, by decreasing the amount by “2,961,200” and adjusting the subtotals, totals, and section 201 accordingly.
3. Amend page 70, following line 6, by inserting:

“Sec. 718. Contingent upon the receipt of funds from the sale of W. J. Maxey training school property identified by the department as parcels 1, 3, and 4, a total of \$2,961,200.00 is appropriated for the W. J. Maxey training school, in addition to the funds appropriated in part 1.”.

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

Reps. Caul and Kolb moved to amend the bill as follows:

1. Amend page 44, line 23, after “placed” by striking out “and” and inserting a comma.
2. Amend page 44, line 24, after “siblings” by inserting a comma and “and the private nonprofit licensed agency has a direct care caseload for foster care that is no greater than 20 cases per foster care caseworker”.

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

Rep. Hoogendyk moved to amend the bill as follows:

1. Amend page 10, line 7, by decreasing the amount by “4,619,700” and adjusting the subtotals, totals, and section 201 accordingly.
2. Amend page 10, line 11, by decreasing the amount by “2,827,900” and adjusting the subtotals, totals, and section 201 accordingly.
3. Amend page 10, line 16, by decreasing the amount by “1,791,800” and adjusting the subtotals, totals, and section 201 accordingly.
4. Amend page 65, following line 15, by inserting:

“Sec. 677. From the funds appropriated in part 1 for day care services, the department shall reduce the maximum hourly rates paid to relative child day care providers by 5 cents.”.

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

Rep. Hoogendyk demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 194

Yeas—48

Acciavatti	Garfield	Moolenaar	Shaffer
Amos	Hart	Mortimer	Sheen
Bisbee	Hoogendyk	Newell	Shulman
Bradstreet	Huizenga	Nitz	Stahl
Caswell	Hummel	Nofs	Stakoe

Caul	Hune	Palmer	Steil
DeRoche	Johnson, Rick	Palsrok	Tabor
DeRossett	Johnson, Ruth	Pastor	Taub
Drolet	Koetje	Pumford	Vander Veen
Ehardt	Kooiman	Richardville	Voorhees
Emmons	LaSata	Robertson	Walker
Farhat	Middaugh	Rocca	Ward

Nays—58

Accavitti	Gielegem	McConico	Smith
Adamini	Gillard	Meisner	Spade
Anderson	Gleason	Meyer	Stallworth
Bieda	Hager	Milosch	Stewart
Brown	Hardman	Minore	Tobocman
Byrum	Hood	Murphy	Vagnozzi
Casperson	Hopgood	O'Neil	Van Regenmorter
Cheeks	Howell	Phillips	Waters
Clack	Hunter	Plakas	Wenke
Condino	Jamnick	Reeves	Whitmer
Daniels	Julian	Rivet	Williams
Dennis	Kolb	Sak	Wojno
Elkins	LaJoy	Shackleton	Woodward
Farrah	Law	Sheltrown	Woronchak
Gaffney	Lipsey		

In The Chair: Julian

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5516, entitled**

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

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

Roll Call No. 195**Yeas—95**

Accavitti	Gielegem	Meyer	Shulman
Acciavatti	Gillard	Middaugh	Smith
Adamini	Gleason	Milosch	Spade
Amos	Hager	Minore	Stakoe
Anderson	Hardman	Moolenaar	Stallworth
Bieda	Hart	Mortimer	Steil
Bisbee	Hood	Murphy	Stewart
Brown	Hopgood	Newell	Tabor

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

Nays—11

Bradstreet	Garfield	Hummel	Sheen
DeRoche	Hoogendyk	Nofs	Stahl
Drolet	Huizenga	Palmer	

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 family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 5519, entitled

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

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.

Reps. Reeves and Sak moved to amend the bill as follows:

1. Amend page 4, line 17, by decreasing the amount by "100,000" and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 5, line 12, by decreasing the amount by "100,000" and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 5, line 15, by decreasing the amount by “20,000” and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 5, line 17, by increasing the amount by “25,000” and adjusting the subtotals, totals, and section 201 accordingly.

5. Amend page 5, line 18, by increasing the amount by “500,000” and adjusting the subtotals, totals, and section 201 accordingly.

6. Amend page 5, line 22, by decreasing the amount by “405,000” and adjusting the subtotals, totals, and section 201 accordingly.

7. Amend page 6, line 6, by increasing the amount by “100,000” and adjusting the subtotals, totals, and section 201 accordingly.

8. Amend page 19, line 12, by striking out all of section 508.

9. Amend page 20, line 23, by striking out all of section 607.

The question being on the adoption of the amendments offered by Reps. Reeves and Sak,

Rep. Reeves demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Reeves and Sak,

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

Roll Call No. 196

Yeas—39

Accavitti	Gleason	Meisner	Stallworth
Byrum	Hardman	Minore	Steil
Cheeks	Hood	Murphy	Tobocman
Clack	Hopgood	O’Neil	Vagnozzi
Condino	Hunter	Phillips	Waters
Daniels	Jamnick	Plakas	Whitmer
Dennis	Kolb	Reeves	Williams
Farrah	Law	Rivet	Wojno
Gaffney	Lipsey	Sak	Woodward
Gielegem	McConico	Smith	

Nays—65

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

In The Chair: Julian

Rep. Kooiman moved to amend the bill as follows:

1. Amend page 17, line 3, after "than" by striking out "18%" and inserting "17%".
2. Amend page 17, line 5, after "to" by striking out "17%" and inserting "15%".
3. Amend page 17, line 5, after "2006" by striking out the comma and "16% in fiscal year 2007, and 15% in fiscal year 2008".

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

Rep. Richardville moved that consideration of the bill be postponed temporarily.

The motion prevailed.

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 Wednesday, March 24:

Senate Bill Nos. 1120 1121

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, March 25, for her approval of the following bills:

Enrolled House Bill No. 4722 at 1:51 p.m.

Enrolled House Bill No. 5190 at 1:53 p.m.

Enrolled House Bill No. 5479 at 1:55 p.m.

Enrolled House Bill No. 5480 at 1:57 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, March 26:

House Bill Nos. 5706 5707

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, March 30, for her approval of the following bills:

Enrolled House Bill No. 4720 at 9:50 a.m.

Enrolled House Bill No. 5117 at 9:52 a.m.

Enrolled House Bill No. 5119 at 9:54 a.m.

Enrolled House Bill No. 5280 at 9:56 a.m.

The Clerk announced that the following Senate bills had been received on Tuesday, March 30:

Senate Bill Nos. 1062 1063 1066 1068 1073

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5344, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2003 PA 199.

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. 4160, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending the title and section 3 (MCL 408.383).

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), 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.

Senate Bill No. 432, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 73, 283, 393, 499, 509m, 509n, 509t, 509aa, 686, 735, 795, 798c, 799a, 803, and 842 (MCL 168.73, 168.283, 168.393, 168.499, 168.509m, 168.509n, 168.509t, 168.509aa, 168.686, 168.735, 168.795, 168.798c, 168.799a, 168.803, and 168.842), sections 73, 283, 393, 509n, and 686 as amended by 1999 PA 216, section 499 as amended by 1995 PA 213, sections 509m and 509aa as added by 1994 PA 441, section 509t as amended by 1998 PA 21, section 795 as amended by 2002 PA 91, section 798c as amended by 1990 PA 109, and sections 799a and 803 as amended by 1997 PA 137, and by adding sections 18, 523a, 813, and 829; and to repeal acts and parts of acts.

The Senate has amended the House substitute (H-5) as follows:

1. Amend page 13, line 25, after "**chauffeur's**" by striking out the balance of the line through "**or**" on line 26 and inserting "**license,**".

2. Amend page 13, line 26, after "**card**" by inserting a comma and "**other government issued photo identification card, or a photo identification card issued by an institution of higher education in this state described in section 6 of article VIII of the state constitution of 1963 or a junior college or community college established under section 7 of article VIII of the state constitution of 1963 that contains a current residence address**".

3. Amend page 14, line 8, after "**license**" by striking out "**or**" and inserting a comma.

4. Amend page 14, line 9, after "**card,**" by inserting "**other government issued photo identification card, or a photo identification card issued by an institution of higher education in this state described in section 6 of article VIII of the state constitution of 1963 or a junior college or community college established under section 7 of article VIII of the state constitution of 1963 that contains a current residence address,**".

5. Amend page 14, line 14, after "**license,**" by striking out "**or**".

6. Amend page 14, line 15, after "**card**" by inserting a comma and "**other government issued photo identification card, or a photo identification card issued by an institution of higher education in this state described in section 6 of article VIII of the state constitution of 1963 or a junior college or community college established under section 7 of article VIII of the state constitution of 1963**".

7. Amend page 15, line 21, by striking out all of section 662 and inserting:

"Sec. 662. (1) The legislative body in each city, village, and township shall designate and prescribe the place or places of holding an election for a city, village, or township election, and shall provide a suitable polling place in or for each precinct located in the city, village, or township for use at each election. Except as otherwise provided in this section, school buildings, fire stations, police stations, and other publicly owned or controlled buildings shall be used as polling places. If it is not possible or convenient to use a publicly owned or controlled building as a polling place, the legislative body of the city, township, or village may use as a polling place a building owned or controlled by an organization that is exempt from federal income tax as provided by section 501(c) other than 501(c)(4), (5), or (6) of the internal revenue code of 1986, or any successor statute. The legislative body of a city, township, or village shall not designate as a polling place a building that is owned by a person who is a sponsor of a political committee or independent committee. A city, township, or village shall not use as a polling place a building that does not meet the requirements of this section. As used in this subsection, "sponsor of a political committee or independent committee" means a person who is described as being a sponsor under section 24(3) of the Michigan campaign finance act, 1976 PA 388, MCL 169.224, and includes a subsidiary of a corporation or a local of a labor organization, if the corporation or labor organization is considered a sponsor under section 24(3) of the Michigan campaign finance act, 1976 PA 388, MCL 169.224.

(2) The legislative body in each city, village, and township shall make arrangements for the rental or erection of suitable buildings for use as polling places if publicly owned or controlled buildings are not available, and shall have the polling places equipped with the necessary facilities for lighting and with adequate facilities for heat and ventilation. The legislative body may establish a central polling place or places for 6 precincts or less if it is possible and convenient for the electors to vote at the central polling place. The legislative body may abolish other polling places not required as a result of the establishment of a central polling place.

(3) The legislative body of a city, village, or township may establish a polling place at a for profit or nonprofit residence or facility in which 150 persons or more aged 62 or older reside or at an apartment building or complex in which 150 persons or more reside. A township board may provide polling places located within the limits of a city that has been incorporated from territory formerly a part of the township, and the electors of the township may cast their ballots at those polling places. If 2 contiguous townships utilize a combined township hall or other publicly owned or controlled building within 1 of the township's boundaries and outside of the other township's boundaries, and there is not another publicly owned or controlled building or a building owned or controlled by an organization that is exempt from federal income tax, as provided by section 501(c), other than 501(c)(4), (5), or (6), of the internal revenue code of 1986, available or suitable for a polling place within the other township, then each township board may provide a polling place in that publicly owned building for 1 or more election precinct.

(4) The legislative body of a city, village, or township shall not establish, move, or abolish a polling place less than 60 days before an election unless necessary because a polling place has been damaged, destroyed, or rendered inaccessible or unusable as a polling place.

(5) The legislative body of a city, village, or township shall ensure that a polling place established under this section **is accessible and** complies with the voting accessibility for the elderly and handicapped act, ~~42 USC 1973ee to 1973ee-6~~ **and the help America vote act of 2002.**

(6) As used in this section, “accessible” means the removal or modification of policies, practices, and procedures that deny an individual with a disability the opportunity to vote, including the removal of physical barriers as identified in section 261(b) of the help America vote act of 2002, 42 USC 15421, so as to ensure individuals with disabilities the opportunity to participate in elections in this state.”.

8. Amend page 18, following line 6, following subsection (6), by inserting:

“Sec. 727. (1) An election inspector shall challenge a person applying for ballots **an applicant applying for a ballot** if the inspector knows or has good reason to suspect **that** the applicant is not a qualified and registered elector of the precinct, or if a challenge appears in connection with the applicant’s name in the registration book. A registered elector of the precinct present in the polling place may challenge the right of anyone attempting to vote if the elector knows or has good reason to suspect that person **individual** is not a registered elector in that precinct. An election inspector or other qualified challenger may challenge the right of a person **an individual** attempting to vote who has previously applied for an absent voter ballot and who on election day is claiming to have never received the absent voter ballot or to have lost or destroyed the absent voter ballot.

(2) Upon a challenge being made under subsection (1), an election inspector shall immediately do all of the following:

(a) Identify pursuant to section **as provided in sections 745 and 746** any a ballot voted by the challenged individual, if any.

(b) Make a written report including all of the following information:

(i) All election disparities or infractions complained of or believed to have occurred.

(ii) The name of the person **individual** making the challenge.

(iii) The time of the challenge.

(iv) The name, telephone number, and address of the challenged individual.

(v) Any other **Other** information considered appropriate by the election inspector.

(c) Retain the written report created under subdivision (b) and make it a part of the election record.

(d) Inform a challenged elector of his or her rights under section 729.

(3) A challenger shall not make a challenge indiscriminately and without good cause. A challenger shall not handle the poll books while observing election procedures or the ballots during the counting of the ballots. A challenger shall not interfere with or unduly delay the work of the election inspectors. A person **An individual** who challenges a qualified and registered elector of a voting precinct for the purpose of annoying or delaying voters is guilty of a misdemeanor.”.

9. Amend page 23, line 21, after **“approval”** by striking out **“by”** and inserting **“of”**.

10. Amend page 26, line 14, after **“approval”** by striking out **“by”** and inserting **“of”**.

11. Amend page 27, line 4, after **“license,”** by striking out **“or”**.

12. Amend page 27, line 4, after **“card”** by inserting a comma and **“other government issued photo identification card, or a photo identification card issued by an institution of higher education in this state described in section 6 of article VIII of the state constitution of 1963 or a junior college or community college established under section 7 of article VIII of the state constitution of 1963”**.

The Senate has concurred in the House substitute (H-5) as amended and amended the title to read as follows:

A bill to amend 1954 PA 116, entitled “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,” by amending sections 73, 283, 393, 499, 509m, 509n, 509t, 509aa, 662, 727, 735, 795, 798c, 799a, 803, and 842 (MCL 168.73, 168.283, 168.393, 168.499, 168.509m, 168.509n, 168.509t, 168.509aa, 168.662, 168.727, 168.735, 168.795, 168.798c, 168.799a, 168.803, and 168.842), sections 73, 283, and 393 as amended by 1999 PA 216, section 499 as amended by 1995 PA 213, sections 509m and 509aa as added by 1994 PA 441, section 509n as amended by 2003 PA 302, section 509t as amended by 1998 PA 21, section 662 as amended by 2004 PA 13, section 727 as amended by 1995 PA 261, section 795 as amended by 2002 PA 91, section 798c as amended by 1990 PA 109, and sections 799a and 803 as amended by 1997 PA 137, and by adding sections 18, 523a, 813, and 829; and to repeal acts and parts of acts.

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

Senate Bill No. 252, entitled

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

The Senate has appointed Senators McManus, Birkholz and Brater as conferees to join with Representatives Koetje, Howell and Tobocman.

The bill was referred to the second Conference Committee on March 26, 2004.

Senate Bill No. 1062, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2004 and for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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. 1063, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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. 1066, entitled

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

The 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. 1068, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2005; to provide for the expenditure of 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 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. 1073, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1246 (MCL 380.1246), as amended by 1995 PA 289.

The Senate has passed the bill.

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

Second Reading of Bills**House Bill No. 5520, entitled**

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

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

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

Rep. Sheltroun moved that Reps. Elkins and Rivet be excused temporarily from today's session.
The motion prevailed.

Rep. Sak moved that Reps. Hood, Smith, Waters, McConico, Hunter, Plakas, O'Neil and Farrah be excused temporarily from today's session.
The motion prevailed.

Rep. Stahl moved that Rep. Nofs 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. 5520, entitled

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

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

Roll Call No. 197

Yeas—92

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

The House returned to the consideration of

House Bill No. 5519, entitled

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

(The bill was considered earlier today, see today's Journal, p. 555.)

Rep. Robertson moved to amend the bill as follows:

1. Amend page 5, line 21, by striking out all of line 21 and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 6, line 6, by decreasing the amount by "1,500,000" and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 21, line 5, by striking out all of section 609.

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

Rep. Robertson demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 198**Yeas—44**

Acciavatti	Farhat	Middaugh	Shaffer
Bisbee	Garfield	Milosch	Sheen
Bradstreet	Gillard	Moolenaar	Stahl
Casperson	Hoogendyk	Mortimer	Stakoe
Caul	Huizenga	Nitz	Steil
DeRoche	Hummel	Nofs	Stewart
DeRossett	Hune	Palmer	Van Regenmorter
Drolet	Johnson, Ruth	Palsrok	Vander Veen
Ehardt	Koetje	Pastor	Voorhees
Elkins	LaJoy	Robertson	Ward
Emmons	LaSata	Rocca	Woronchak

Nays—62

Accavitti	Gleason	Meisner	Shulman
Adamini	Hager	Meyer	Smith
Amos	Hardman	Minore	Spade
Anderson	Hart	Murphy	Stallworth

Bieda	Hood	Newell	Tabor
Brown	Hopgood	O'Neil	Taub
Byrum	Howell	Pappageorge	Tobocman
Caswell	Hunter	Phillips	Vagnozzi
Cheeks	Jamnack	Plakas	Walker
Clack	Johnson, Rick	Pumford	Waters
Condino	Julian	Richardville	Wenke
Daniels	Kolb	Rivet	Whitmer
Dennis	Kooiman	Sak	Williams
Farrah	Law	Shackleton	Wojno
Gaffney	Lipsey	Sheltrown	Woodward
Gielegem	McConico		

In The Chair: Julian

Rep. Amos moved to reconsider the vote by which the House adopted the amendments offered previously by Rep. Kooiman.

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

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

Rep. Kooiman demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 199

Yeas—35

Bradstreet	Hart	Milosch	Shaffer
Caswell	Hoogendyk	Mortimer	Sheen
Caul	Huizenga	Nitz	Spade
Drolet	Hummel	Palmer	Stahl
Ehardt	Johnson, Ruth	Pumford	Stakoe
Elkins	Koetje	Robertson	Steil
Emmons	Kooiman	Rocca	Van Regenmorter
Garfield	LaSata	Sak	Voorhees
Gillard	Middaugh	Shackleton	

Nays—72

Accavitti	Farrah	McConico	Shulman
Acciavatti	Gaffney	Meisner	Smith
Adamini	Gielegem	Meyer	Stallworth
Amos	Gleason	Minore	Stewart
Anderson	Hager	Moolenaar	Tabor
Bieda	Hardman	Murphy	Taub
Bisbee	Hood	Newell	Tobocman
Brown	Hopgood	Nofs	Vagnozzi
Byrum	Howell	O'Neil	Vander Veen
Casperson	Hune	Palsrok	Walker
Cheeks	Hunter	Pappageorge	Ward
Clack	Jamnack	Pastor	Waters
Condino	Johnson, Rick	Phillips	Wenke
Daniels	Julian	Plakas	Whitmer

Dennis
DeRoche
DeRossett
Farhat

Kolb
LaJoy
Law
Lipse

Reeves
Richardville
Rivet
Sheltrown

Williams
Wojno
Woodward
Woronchak

In The Chair: Julian

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5519, entitled

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

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

Roll Call No. 200

Yeas—96

Accavitti	Gaffney	McConico	Sheltrown
Acciavatti	Gielegem	Meisner	Shulman
Adamini	Gillard	Meyer	Smith
Amos	Gleason	Milosch	Spade
Anderson	Hager	Minore	Stakoe
Bieda	Hardman	Moolenaar	Stallworth
Bisbee	Hart	Murphy	Steil
Brown	Hood	Newell	Stewart
Byrum	Hopgood	Nofs	Tabor
Casperson	Howell	O'Neil	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
Ehardt	Kolb	Robertson	Whitmer
Elkins	Kooiman	Rocca	Williams
Emmons	LaJoy	Sak	Wojno
Farhat	Law	Shackleton	Woodward
Farrah	Lipse	Shaffer	Woronchak

Nays—11

Bradstreet	Hoogendyk	Mortimer	Sheen
Drolet	LaSata	Nitz	Stahl
Garfield	Middaugh	Palmer	

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 history, arts, and libraries for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Richardville moved to reconsider the vote by which the House passed **House Bill No. 5520**.

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

House Bill No. 5520, entitled

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

(The bill was passed earlier today, see today's Journal, p. 560.)

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. 201

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	Mortimer	Stakoe
Bradstreet	Hood	Murphy	Stallworth
Brown	Hoogendyk	Newell	Steil
Byrum	Hopgood	Nitz	Stewart
Casperson	Howell	Nofs	Tabor
Caswell	Huizenga	O'Neil	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
Gaffney	McConico	Shaffer	

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Second Reading of Bills**House Bill No. 5528, entitled**

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

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. Hunter moved to amend the bill as follows:

1. Amend page 41, line 17, by striking all of section 727.

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

Rep. Hunter moved to reconsider the vote by which the House did not adopt the amendment.

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

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

The amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Shackleton moved to amend the bill as follows:

1. Amend page 5, line 13, by striking out "1,301,200" and inserting "1,626,400".
2. Amend page 5, line 15, by striking out "5,084,100" and inserting "5,409,300".
3. Amend page 5, line 18, by striking out "1,301,200" and inserting "1,626,400".
4. Amend page 8, line 27, by striking out "998,135,200" and inserting "998,020,700".
5. Amend page 9, line 5, by striking out "634,562,000" and inserting "634,447,600".
6. Amend page 9, line 6, by striking out "353,796,800" and inserting "353,733,000".
7. Amend page 9, line 7, by striking out "2,310,726,000" and inserting "2,310,433,300".
8. Amend page 9, line 15, by striking out "1,054,937,800" and inserting "1,054,759,600".
9. Amend page 9, line 16, by striking out "243,942,100" and inserting "243,827,600" 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.

Rep. Howell moved to amend the bill as follows:

1. Amend page 24, following line 14, by inserting:

"Sec. 364. From the funds appropriated in part 1, the department shall develop and construct a pilot project utilizing a bituminous mix which incorporates recycled scrap tires."

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

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

1. Amend page 24, following line 14, by inserting:

"Sec. 364. No funds appropriated in part 1 may be expended for the development of design plans or for the construction of either Practical Alternative 5 or Practical Alternative 5 modified, as identified in US-131 Improvement Study in St. Joseph County. It is the intention of the legislature that the department proceed with the construction of a full limited access freeway development within the US-131 planning corridor from the Indiana state line to north of the city of Three Rivers to Lovers Lane. The highway location must be determined with public input and using Practical Alternative numbers 1 through 4".

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

Rep. Drolet moved to amend the bill as follows:

1. Amend page 11, line 22, by striking out “9,300,000” and inserting “2,200,000”.
2. Amend page 12, line 1, by striking out “\$28,627,700” and inserting “\$21,527,700”.
3. Amend page 12, line 10, by striking out “20,977,700” and inserting “13,877,700”.
4. Amend page 38, line 2, by striking out all of section 711 and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Drolet demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 202

Yeas—27

Acciavatti	Garfield	Milosch	Sheen
Bradstreet	Hoogendyk	Moolenaar	Stakoe
Caswell	Hummel	Mortimer	Steil
Caul	Hune	Palmer	Van Regenmorter
DeRoche	Johnson, Ruth	Robertson	Voorhees
Drolet	Koetje	Rocca	Ward
Emmons	Meyer	Shaffer	

Nays—80

Accavitti	Gielegem	McConico	Sheltrown
Adamini	Gillard	Meisner	Shulman
Amos	Gleason	Middaugh	Smith
Anderson	Hager	Minore	Spade
Bieda	Hardman	Murphy	Stahl
Bisbee	Hart	Newell	Stallworth
Brown	Hood	Nitz	Stewart
Byrum	Hopgood	Nofs	Tabor
Casperson	Howell	O’Neil	Taub
Cheeks	Huizenga	Palsrok	Tobocman
Clack	Hunter	Pappageorge	Vagnozzi
Condino	Jamnick	Pastor	Vander Veen
Daniels	Johnson, Rick	Phillips	Walker
Dennis	Julian	Plakas	Waters
DeRossett	Kolb	Pumford	Wenke
Ehardt	Kooiman	Reeves	Whitmer
Elkins	LaJoy	Richardville	Williams
Farhat	LaSata	Rivet	Wojno
Farrah	Law	Sak	Woodward
Gaffney	Lipsey	Shackleton	Woronchak

In The Chair: Julian

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5528, entitled

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

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

Roll Call No. 203

Yeas—106

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

Nays—1

Garfield

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 state transportation department and certain transportation purposes for the fiscal year ending September 30, 2005; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

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

Second Reading of Bills

Rep. Richardville moved that Rule 48 be suspended.
 The motion prevailed, 3/5 of the members present voting therefor.

House Bill No. 5526, entitled

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

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. Hunter moved to amend the bill as follows:

1. Amend page 22, following line 24, by inserting:

“Sec. 503. It is the intent of the legislature that the Detroit police department crime laboratory be funded with an amount sufficient to supplement the laboratory’s efforts to assist in clearing the current state DNA backlog contingent upon the enactment of an 81 cent increase on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436 on or before September 30, 2004.”.

The motion did not prevail and the amendment was 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. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5526, entitled

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

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

Roll Call No. 204

Yeas—103

Accavitti	Gillard	Middaugh	Sheltrown
Acciavatti	Gleason	Milosch	Shulman
Adamini	Hager	Minore	Smith
Amos	Hardman	Moolenaar	Spade
Anderson	Hart	Mortimer	Stahl
Bieda	Hood	Murphy	Stakoe
Bisbee	Hopgood	Newell	Stallworth
Brown	Howell	Nitz	Steil
Byrum	Huizenga	Nofs	Stewart
Casperson	Hummel	O’Neil	Tabor

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

Nays—4

Bradstreet	Drolet	Garfield	Hoogendyk
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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 state police and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

Rep. Richardville moved that Rule 48 be suspended.

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

House Bill No. 5522, entitled

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

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. Williams moved to amend the bill as follows:

1. Amend page 14, following line 19, by inserting:

“(4) The department shall take steps to ensure that at least 75% of the participants in the challenge program are members of families with incomes at or below 200% of the federal poverty level.”.

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

The demand was supported.

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

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

Roll Call No. 205**Yeas—47**

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

Nays—60

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

In The Chair: Julian

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5522, entitled**

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

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

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. Minore moved to amend the bill as follows:

1. Amend page 33, line 3, by striking out all of section 355.

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

Rep. Nofs moved to amend the bill as follows:

1. Amend page 16, line 18, by striking out all of line 18 and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 17, line 21, by decreasing the amount by "500,000" and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 42, line 26, by striking out all of section 409.

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

Rep. Nofs demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 207

Yeas—37

Acciavatti	Garfield	Moolenaar	Shackleton
Bisbee	Hager	Mortimer	Shaffer
Bradstreet	Hoogendyk	Newell	Sheen
Casperson	Huizenga	Nitz	Stahl
Caswell	Hummel	Nofs	Stakoe
Caul	Hune	Palmer	Van Regenmorter
DeRoche	Johnson, Ruth	Palsrok	Voorhees
DeRossett	Middaugh	Pappageorge	Ward
Drolet	Milosch	Robertson	Wenke
Farhat			

Nays—70

Accavitti	Gillard	McConico	Smith
Adamini	Gleason	Meisner	Spade
Amos	Hardman	Meyer	Stallworth
Anderson	Hart	Minore	Steil
Bieda	Hood	Murphy	Stewart
Brown	Hopgood	O'Neil	Tabor
Byrum	Howell	Pastor	Taub
Cheeks	Hunter	Phillips	Tobocman
Clack	Jamnick	Plakas	Vagnozzi
Condino	Johnson, Rick	Pumford	Vander Veen
Daniels	Julian	Reeves	Walker
Dennis	Koetje	Richardville	Waters
Ehardt	Kolb	Rivet	Whitmer
Elkins	Kooiman	Rocca	Williams
Emmons	LaJoy	Sak	Wojno
Farrah	LaSata	Sheltrown	Woodward

Gaffney
Gielegem

Law
Lipse

Shulman

Woronchak

In The Chair: Julian

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

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

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

House Bill No. 5521, entitled

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

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

Roll Call No. 208

Yeas—97

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

Nays—10

Acciavatti	Drolet	Mortimer	Sheen
Bradstreet	Garfield	Palmer	Tabor
DeRoche	Hoogendyk		

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 labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The motion prevailed.

The House agreed to the title as amended.

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

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

Messages from the Governor

The following veto messages from the Governor were received and read:

Executive Office, Lansing, March 29, 2004

Michigan House of Representatives
State Capitol
Lansing, Michigan 48909-7514

Ladies and Gentlemen:

Today I have vetoed and return to you **Enrolled House Bills 5434 and 5440**, as provided under Section 33 of Article IV of the Michigan Constitution of 1963.

These bills would amend Michigan tax law to reverse course in our joint effort to expand electronic filing of tax returns by professional tax preparers. Individuals filing their own returns are not required to file electronically.

In place since the 1990s, electronic filing is less costly, quicker, and more accurate than traditional paper filing. While no one relishes paying taxes, electronic filing makes it easier. Michigan state government must be a leader, and should not step backwards, in making the innovative technological changes necessary to successfully operate in today's competitive business environment.

House Bills 5434 and 5440 would interfere with the Department of Treasury's use of new technology to process tax returns more efficiently. It is noteworthy that the Legislature was a full partner in this effort when it eliminated \$2.7 million in funding for Department of Treasury to pay for the distribution and processing of paper tax returns. Changing direction now, in the middle of tax filing season would send an unfortunate, mixed message to the business community and increase the operating costs of state government at a time when Michigan taxpayers cannot afford it. Further confusion also would be generated because these bills were not given immediate effect.

Because I do not support legislation creating obstacles to more advanced, efficient, and effective tax administration, I return Enrolled House Bills 5434 and 5440 without signature.

Respectfully,
Jennifer M. Granholm
Governor

The question being on the passage of the bills, the objections of the Governor to the contrary notwithstanding,

Rep. Richardville moved that the bills be re-referred to the Committee on Tax Policy.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL §§ 830.415 AND 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Reps. Shackleton, Accavitti, Adamini, Brown, Caswell, Ehardt, Gielegem, Jamnick, Kooiman, Minore, Plakas, Rivet, Stallworth, Tobocman, Voorhees, DeRossett, Koetje, Meyer and Milosch offered the following concurrent resolution:

House Concurrent Resolution No. 49.

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 Washtenaw Community College relative to the Washtenaw Community College Plumbers and Pipefitters Building.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Washtenaw Community College (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Plumbers and Pipefitters Building (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Washtenaw Community College Plumbers and Pipefitters Building shall not exceed \$4,741,000 (the Authority share is \$1,999,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$2,741,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$1,999,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$150,000 and \$200,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of Washtenaw Community College, and the State Budget Director.

The concurrent resolution was referred to the Committee on Appropriations.

Reps. Stallworth, Hummel, McConico, Hunter, Reeves, Cheeks, Hardman, Stahl, Hager, Newell, Bisbee, Sheen, Vander Veen, Voorhees, Moolenaar and Hoogendyk offered the following resolution:

House Resolution No. 226.

A resolution to express opposition to efforts to circumvent the federal drug approval process for the consideration of medical uses for marijuana.

Whereas, The Michigan Legislature supports the goal of safe and drug-free communities; and

Whereas, Substantial scientific evidence shows that smoked marijuana is harmful and offers no medical benefit to suffering patients; and

Whereas, The Michigan Legislature strongly denounces any attempt to exploit the suffering of sick people by deceptive media campaigns; and

Whereas, Medical policy should be set for the state of Michigan by Michigan lawmakers working in conjunction with federal and state officials and not by judges, celebrity spokespeople, or public relations efforts; and

Whereas, The National Cancer Institute has found that inhaling marijuana smoke for any purpose is a health hazard, because it contains over 400 potential carcinogens and delivers up to five times the amount of tar and carbon monoxide to the body as cigarette tobacco; and

Whereas, Studies by the National Institute of Allergy and Infectious Diseases reveal that HIV-positive marijuana smokers progress to full-blown AIDS twice as quickly as nonsmokers and have an increased incidence of bacterial pneumonia; and

Whereas, There are safe and effective medicines, including chemical derivatives of the beneficial components of marijuana, that can help control and lessen symptoms of persistent nausea, vomiting, wasting syndrome, or loss of appetite from AIDS, chemotherapy, or radiation treatment, as well as medications available for multiple sclerosis, glaucoma, and other medical conditions; and

Whereas, Statistics on drug use document that when teen perception of risk decreases, due to mixed messages sent by adults, teen use of marijuana increases; and

Whereas, Marijuana is a gateway drug, as illustrated by the National Center on Addiction and Substance Abuse at Columbia University, which found that teenagers who smoke marijuana are 85 times more likely to use cocaine than those who do not; and

Whereas, The following medical organizations are opposed to making smoked marijuana available for medical use:

American Medical Association

American Cancer Society

National Multiple Sclerosis Association

National Eye Institute

National Cancer Institute

National Institute on Dental Research

National Institute on Allergy and Infectious Diseases

National Institute for Neurological Disorders and Stroke

; now, therefore, be it

Resolved by the House of Representatives, That we express our opposition to any efforts to circumvent the federal drug approval process for the consideration of medical uses for marijuana; and be it further

Resolved, That we encourage the scientific community to continue its efforts to discover and test safe and effective medicines for people who are seriously ill, including potential medicines containing synthesized components of marijuana, including Marinol and Sativex; and be it further

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

The resolution was referred to the Committee on Health Policy.

Reps. Sak, Kooiman, Voorhees, Dennis, Plakas, Accavitti, Adamini, Anderson, Bieda, Brown, Byrum, Caswell, Condino, Ehardt, Garfield, Gielegem, Gillard, Gleason, Jamnick, Lipsey, Minore, O'Neil, Pappageorge, Phillips, Rivet, Rocca, Sheltroun, Spade, Stallworth, Tobocman, Vagnozzi, Woronchak, DeRossett, Milosch, Murphy and Waters offered the following resolution:

House Resolution No. 227.

A resolution commemorating Andersonville National Historic Site's 100th Anniversary and the rededication of the Michigan Monument on May 30, 2004.

Whereas, Andersonville, or Camp Sumter as it was officially known, was one of the largest of many Confederate military prisons established during the Civil War. It was built in 1864 and during the 14 months the prison existed, more than 45,000 Union soldiers were confined there. Almost 13,000 of these soldiers died from disease, poor sanitation, malnutrition, overcrowding, and exposure to the elements; and

Whereas, There are over 640 Michigan soldiers buried at Andersonville. In 1902, Dr. J.A. Griffen, a member of the Grand Army of the Republic (GAR) and former prisoner at Andersonville, passionately led an undertaking to honor the Michigan dead with a monument. The Michigan Legislature appropriated \$6,000 for the creation of the monument and Governor Bliss signed the bill, approving the project; and

Whereas, The Michigan Monument, made of Vermont granite, is inscribed with the words "In Memoriam" and "Erected by the State of Michigan to her soldiers and sailors who were imprisoned on these grounds"; and

Whereas, On May 28, 1904, a special train left Detroit for Georgia to share in ceremonies for the original dedication for the Michigan Monument at the Andersonville National Historic Site in Andersonville, Georgia. Included in the contingent of prominent Michiganders were Governor Bliss and his military staff, the President of the Senate, the Speaker of the House of Representatives, a committee of three from the Senate and six from the House, as well as numerous family members and several veterans from the Civil War; and

Whereas, Currently, 100th anniversary plans are now being made to rededicate the Michigan Monument on Sunday, May 30, 2004, with a GAR ceremony honoring Michigan's prisoners of war; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body proudly join in commemorating all the Michigan soldiers who were prisoners of war, especially those for whom Andersonville became their final resting place, and pay tribute to them for their bravery and dedication to liberty for all; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department Commander of the Sons of Union Veterans of the Civil War as evidence of our highest esteem and heartfelt gratitude.

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. Dennis, Accavitti, Adamini, Anderson, Bieda, Brown, Byrum, Clack, Condino, Ehardt, Farhat, Gielegem, Gillard, Gleason, Jamnick, Kooiman, Lipsey, Minore, O'Neil, Pappageorge, Phillips, Plakas, Rivet, Rocca, Sak, Sheltrown, Spade, Stallworth, Tobocman, Vagnozzi, Woronchak, DeRossett, Murphy and Waters offered the following resolution:

House Resolution No. 228.

A resolution recognizing September 20-26, 2004, as Pollution Prevention Week in the state of Michigan.

Whereas, Pollution Prevention Week is an opportunity for the people of Michigan to join together to make a clean and vibrant Michigan by taking action to promote the reduction of waste at its source, or where this is not feasible, identify opportunities to reuse and recycle. It is also promoted as a priority in achieving environmental quality in the state of Michigan to observe, educate, and outreach. The people of Michigan are proud of our state's beauty, natural resources, and environment, yet the presence of pollutants continue to pose a threat to our environment, public health, and safety; and

Whereas, Pollution prevention is a fundamental strategy to protect the environment and maintain the health and safety of workers in the workplace by stopping pollution before it occurs. Pollution prevention can benefit businesses by increasing industrial efficiency through process and material waste reduction, thereby saving businesses time and money. With a proactive approach to pollution prevention, Michigan can meet the challenges of having both a sustainable environment and healthy economy for its citizens and businesses; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize September 20-26, 2004, as Pollution Prevention Week in the state of Michigan. We commend all businesses and community members who participate in local and regional celebratory and educational activities. We also support pollution prevention as a means to promote environmental stewardship which improves our communities and protects our natural resources for future generations; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Environmental Quality.

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 Select Committees

Senate Bill No. 252, entitled

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

The Senate has adopted the report of the second Committee of Conference.

The Conference Report was read as follows:

Second Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 252, entitled

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

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3103, 3112, 3113, 3115, 3118, and 3119 (MCL 324.3103, 324.3112, 324.3113, 324.3115, 324.3118, and 324.3119), section 3118 as amended by 1999 PA 35 and section 3119 as amended by 1999 PA 106, and by adding sections 3120 and 3121.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3103. (1) The department shall protect and conserve the water resources of the state and shall have control of the pollution of surface or underground waters of the state and the Great Lakes, which are or may be affected by waste disposal of any person. The department may make or cause to be made surveys, studies, and investigations of the uses of waters of the state, both surface and underground, and cooperate with other governments and governmental units

and agencies in making the surveys, studies, and investigations. The department shall assist in an advisory capacity a flood control district that may be authorized by the legislature. The department, in the public interest, shall appear and present evidence, reports, and other testimony during the hearings involving the creation and organization of flood control districts. The department shall advise and consult with the legislature on the obligation of the state to participate in the costs of construction and maintenance as provided for in the official plans of a flood control district or intercounty drainage district.

(2) The department shall enforce this part and ~~shall~~ **may** promulgate rules as it considers necessary to carry out its duties under this part. **However, notwithstanding any rule-promulgation authority that is provided in this part, the department shall not promulgate any additional rules under this part after December 31, 2006.**

(3) ~~(2)~~ The department may promulgate rules and take other actions as may be necessary to comply with the federal water pollution control act, chapter 758, 86 Stat. 816, 33 ~~U.S.C.~~ **USC** 1251 to 1252, 1253 to 1254, 1255 to 1257, 1258 to 1270, 1281, 1282 to 1293, 1294 to 1299, 1311 to 1313, 1314 to 1330, 1341 to 1345, 1361 to 1377, and 1381 to 1387, and to expend funds available under such law for extension or improvement of the state or interstate program for prevention and control of water pollution. This part shall not be construed as authorizing the department to expend or to incur any obligation to expend any state funds for such purpose in excess of any amount that is appropriated by the legislature.

(4) Notwithstanding the limitations on rule promulgation under subsection (2), rules promulgated under this part before January 1, 2007 shall remain in effect unless rescinded.

Sec. 3112. (1) A person shall not discharge any waste or waste effluent into the waters of this state unless the person is in possession of a valid permit from the department. ~~Compliance with the terms of an outstanding order of determination or final order of determination or stipulation with the former water resources commission that is in effect on April 15, 1973, shall be considered to meet the requirements of this section until the department issues its permit.~~

(2) An application for a permit under subsection (1) shall be submitted to the department. Within 30 days after an application for a new or increased use is received, the department shall determine whether the application is administratively complete. Within 90 days after an application for reissuance of a permit is received, the department shall determine whether the application is administratively complete. If the department determines that an application is not complete, the department shall notify the applicant in writing within the applicable time period. If the department does not make a determination as to whether the application is complete within the applicable time period, the application shall be considered to be complete.

(3) The department shall condition the continued validity of a permit upon the permittee's meeting the effluent requirements that the department considers necessary to prevent unlawful pollution by the dates that the department considers to be reasonable and necessary and to assure compliance with applicable federal law and regulations. If the department finds that the terms of a permit have been, are being, or may be violated, it may modify, suspend, or revoke the permit or grant the permittee a reasonable period of time in which to comply with the permit. The department may reissue a revoked permit upon a showing satisfactory to the department that the permittee has corrected the violation. A person who has had a permit revoked may apply for a new permit.

(4) ~~(2)~~ If the department determines that a person is causing or is about to cause unlawful pollution of the waters of this state, the department may notify the alleged offender of its determination and enter an order requiring the person to abate the pollution or refer the matter to the attorney general for legal action, or both.

(5) ~~(3)~~ A person who is aggrieved by an order of abatement of the department or by the reissuance, modification, suspension, or revocation of an existing permit of the department executed pursuant to this section may file a sworn petition with the ~~commission~~ **department** setting forth the grounds and reasons for the complaint and asking for a contested case hearing on the matter pursuant to the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws~~ **1969 PA 306, MCL 24.201 to 24.328.** A petition filed more than 60 days after action on the order or permit may be rejected by the ~~commission~~ **department** as being untimely.

Sec. 3113. (1) A person who seeks a new or increased use of the waters of the state for sewage or other waste disposal purposes shall file with the department an application setting forth the information required by the department, including the nature of the enterprise or development contemplated, the amount of water required to be used, its source, the proposed point of discharge of the wastes into the waters of the state, the estimated amount to be discharged, and a statement setting forth the expected bacterial, physical, chemical, and other known characteristics of the wastes.

(2) ~~Within 180 days after receipt of a complete application, the department shall either grant or deny a permit, unless the applicant and the department agree to extend this time period.~~ If a permit is granted, the department shall condition the permit upon such restrictions that the department considers necessary to adequately guard against unlawful uses of the waters of the state as are set forth in section 3109.

(3) If the permit or denial of a new or increased use is not acceptable to the permittee, the applicant, or any other person, the permittee, the applicant, or other person may file a sworn petition with the department setting forth the grounds and reasons for the complaint and asking for a contested case hearing on the matter pursuant to the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the~~

~~Michigan Compiled Laws 1969 PA 306, MCL 24.201 to 24.328.~~ A petition filed more than 60 days after action on the permit application may be rejected by the ~~commission~~ **department** as being untimely.

Sec. 3115. (1) The department may request the attorney general to commence a civil action for appropriate relief, including a permanent or temporary injunction, for a violation of this part or a provision of a permit, order, rule, or stipulation of the department. An action under this subsection may be brought in the circuit court for the county of Ingham or for the county in which the defendant is located, resides, or is doing business. **If requested by the defendant within 21 days after service of process, the court shall grant a change of venue to the circuit court for the county of Ingham or for the county in which the alleged violation occurred, is occurring, or, in the event of a threat of violation, will occur.** The court has jurisdiction to restrain the violation and to require compliance. In addition to any other relief granted under this subsection, the court shall impose a civil fine of not less than \$2,500.00 and may award reasonable attorney fees and costs to the prevailing party. However, the maximum fine imposed by the court shall be not more than \$25,000.00 per day of violation.

(2) A person who at the time of the violation knew or should have known that he or she discharged a substance contrary to this part, or contrary to a permit, order, rule, or stipulation of the department, or who intentionally makes a false statement, representation, or certification in an application for or form pertaining to a permit or in a notice or report required by the terms and conditions of an issued permit, or who intentionally renders inaccurate a monitoring device or record required to be maintained by the department, is guilty of a felony and shall be fined not less than \$2,500.00 or more than \$25,000.00 for each violation. The court may impose an additional fine of not more than \$25,000.00 for each day during which the unlawful discharge occurred. If the conviction is for a violation committed after a first conviction of the person under this subsection, the court shall impose a fine of not less than \$25,000.00 per day and not more than \$50,000.00 per day of violation. Upon conviction, in addition to a fine, the court in its discretion may sentence the defendant to imprisonment for not more than 2 years or impose probation upon a person for a violation of this part. With the exception of the issuance of criminal complaints, issuance of warrants, and the holding of an arraignment, the circuit court for the county in which the violation occurred has exclusive jurisdiction. However, the person shall not be subject to the penalties of this subsection if the discharge of the effluent is in conformance with and obedient to a rule, order, or permit of the department. In addition to a fine, the attorney general may file a civil suit in a court of competent jurisdiction to recover the full value of the injuries done to the natural resources of the state and the costs of surveillance and enforcement by the state resulting from the violation.

(3) Upon a finding by the court that the actions of a civil defendant pose or posed a substantial endangerment to the public health, safety, or welfare, the court shall impose, in addition to the penalties set forth in subsection (1), a fine of not less than \$500,000.00 and not more than \$5,000,000.00.

(4) Upon a finding by the court that the actions of a criminal defendant pose or posed a substantial endangerment to the public health, safety, or welfare, the court shall impose, in addition to the penalties set forth in subsection (2), a fine of not less than \$1,000,000.00 and, in addition to a fine, a sentence of 5 years' imprisonment.

(5) To find a defendant civilly or criminally liable for substantial endangerment under subsections (3) and (4), the court shall determine that the defendant knowingly or recklessly acted in such a manner as to cause a danger of death or serious bodily injury and that either of the following occurred:

(a) The defendant had an actual awareness, belief, or understanding that his or her conduct would cause a substantial danger of death or serious bodily injury.

(b) The defendant acted in gross disregard of the standard of care that any reasonable person should observe in similar circumstances.

(6) Knowledge possessed by a person other than the defendant under subsection (5) may be attributable to the defendant if the defendant took affirmative steps to shield himself or herself from the relevant information.

(7) ~~Any~~ **A civil** fine or other award ordered paid pursuant to this section shall do both of the following:

(a) Be payable to the state of Michigan and credited to the general fund.

(b) Constitute a lien on any property, of any nature or kind, owned by the defendant.

(8) A lien under subsection (7)(b) shall take effect and have priority over all other liens and encumbrances except those filed or recorded prior to the date of judgment only if notice of the lien is filed or recorded as required by state or federal law.

(9) A lien filed or recorded pursuant to subsection (8) shall be terminated according to the procedures required by state or federal law within 14 days after the fine or other award ordered to be paid is paid.

(10) In addition to any other method of collection, any fine or other award ordered paid may be recovered by right of setoff to any debt owed to the defendant by the state of Michigan, including the right to a refund of income taxes paid.

Sec. 3118. (1) Until October 1, ~~2003~~ **2009**, the department shall collect storm water discharge fees from persons who apply for or have been issued storm water discharge permits as follows:

(a) ~~The A 1-time~~ **A 1-time** fee of ~~\$400.00~~ **\$400.00** is required for a permit related solely to a site of construction activity ~~is a 1-time fee of \$125.00 per for each~~ permitted site. The fee shall be submitted by the permit applicant with his or her application for ~~a general or an individual permit or for a certificate of coverage under a general permit. If rules~~

~~promulgated under this part provide for~~ For a permit by rule, the fee shall be submitted by the construction site permittee along with his or her notice of coverage. A person needing more than 1 permit may submit a single payment for more than 1 permit and receive appropriate credit. Payment of the fee under this subdivision or verification of prepayment is a necessary part of a valid permit application or notice of coverage under a permit by rule.

~~(b) The fee for a permit not related solely to a site of construction activity is \$200.00. For each fiscal year, a person possessing a permit not related solely to a site of construction activity as of January 1 of that fiscal year shall be assessed the fee. The department shall notify those persons of their fee assessments by February 1 of that fiscal year. Payment shall be postmarked no later than March 15 of that fiscal year.~~ **An annual fee of \$260.00 is required for a permit related solely to a storm water discharge associated with industrial activity or from a commercial site for which the department determines a permit is needed.**

(c) An annual fee of \$500.00 is required for a permit for a municipal separate storm sewer system, unless the permit is issued to a city, a village, a township, or a county or is a single permit authorization for municipal separate storm sewer systems in multiple locations statewide.

(d) An annual fee for a permit for a municipal separate storm sewer system issued to a city, village, or township shall be determined by its population in an urbanized area as defined by the United States bureau of the census. The fee shall be based on the latest available decennial census as follows:

(i) For a population of 1,000 people or fewer, the annual fee is \$500.00.

(ii) For a population of more than 1,000 people, but fewer than 3,001 people, the annual fee is \$1,000.00.

(iii) For a population of more than 3,000 people, but fewer than 10,001 people, the annual fee is \$2,000.00.

(iv) For a population of more than 10,000 people, but fewer than 30,001 people, the annual fee is \$3,000.00.

(v) For a population of more than 30,000 people, but fewer than 50,001 people, the annual fee is \$4,000.00.

(vi) For a population of more than 50,000 people, but fewer than 75,001 people, the annual fee is \$5,000.00.

(vii) For a population of more than 75,000 people, but fewer than 100,001 people, the annual fee is \$6,000.00.

(viii) For a population of more than 100,000 people, the annual fee is \$7,000.00.

(e) An annual fee of \$3,000.00 is required for a permit for a municipal separate storm sewer system issued to a county.

(f) An annual fee for a single municipal separate storm sewer systems permit authorizing a state or federal agency to operate municipal separate storm sewer systems in multiple locations statewide shall be determined in accordance with a memorandum of understanding between that state or federal agency and the department and shall be based on the projected needs by the department to administer the permit.

(2) The permit fees identified in subsection (1) are nonrefundable.

(3) A person possessing a permit not related solely to a site of construction activity as of January 1 shall be assessed a fee. The department shall notify those persons of their fee assessments by February 1. Payment shall be postmarked no later than March 15. Failure by the department to send a fee assessment notification by the deadline, or failure of a person to receive a fee assessment notification, does not relieve that person of his or her obligation to pay the fee. If the department does not meet the February deadline for sending the fee assessment, the fee assessment is due not later than 45 days after receiving a fee notification.

(4) If a storm water permit is issued for a drainage district, the drainage district is responsible for the applicable fee under this section.

~~(5) (2)~~ **The department shall assess interest on all fee payments submitted under this section after the due date. The permittee shall pay an additional amount equal to 0.75% of the payment due for each month or portion of a month the payment remains past due.**

~~(6) (3)~~ **The department shall forward all fees and interest payments collected under this section to the state treasurer for deposit into the fund.**

~~(7) (4)~~ **The department shall make payment of the required fee assessed under this section a condition of issuance or reissuance of a permit not related solely to a site of construction activity. at the time of permit issuance or reissuance.**

~~(5) If a person fails to pay the fee required under this section in full, plus any interest accrued, by October 1 of the year following the date of notification of the fee assessment, the department may revoke the permit held by that person. The failure by a person to pay a fee imposed by this section is a violation of this part and subjects that person to the penalty provisions in section 3115.~~

~~(6) Within 1 year after the reauthorization of the clean water act, the department shall convene a committee to review the storm water discharge fee system provided in this section. The committee shall be composed of a member of the department and representatives of groups affected by the storm water discharge fee. The committee shall make recommendations for changes in the fee system to the department and to the chairpersons of the house and senate appropriations committees.~~

(8) In addition to any other penalty provided in this part, if a person fails to pay the fee required under this section by its due date, the person is in violation of this part and the department may undertake enforcement actions as authorized under this part.

(9) The attorney general may bring an action to collect overdue fees and interest payments imposed under this section.

(10) If the permit is for a municipal separate storm sewer system and the population served by that system is different than the latest decennial census, the permittee may appeal the annual fee determination and submit written verification of actual population served by the municipal separate storm sewer system.

(11) A person who wishes to appeal either a fee or a penalty assessed under this section is limited to an administrative appeal, in accordance with section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631. The appeal shall be filed within 30 days of the department's fee notification under subsection (3).

(12) ~~(7)~~ As used in this section and section 3119:

(a) "Certificate of coverage" means a document issued by the department that authorizes a discharge under a general permit.

(b) ~~(a)~~ "Clean water act" means the federal water pollution control act, chapter 758, 86 Stat. 816, 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255 to 1257, 1258 to 1263, 1265 to 1270, **1273 to 1274, 1281, 1282 to 1293, 1294 to ~~1299~~ **1301**, 1311 to 1313, 1314 to 1330, 1341 to ~~1345~~ **1346**, 1361 to **1375, 1376 to** 1377, and 1381 to 1387.**

(c) ~~(b)~~ "Construction activity" means a human-made earth change or disturbance in the existing cover or topography of land that is 5 acres or more in size, for which a national permit is required pursuant to 40 C.F.R. 122.26(a), and which is described as a construction activity in 40 C.F.R. 122.26(b)(14)(x). Construction activity includes clearing, grading, and excavating activities. Construction activity does not include the practice of clearing, plowing, tilling soil, and harvesting for the purpose of crop production.

(d) ~~(c)~~ "Fee" means a storm water discharge fee authorized under this section.

~~(d) "Fiscal year" means the state fiscal year beginning October 1 and ending September 30.~~

(e) "Fund" means the storm water fund created in section 3119.

(f) "General permit" means a permit issued authorizing a category of similar discharges.

(g) "Individual permit" means a site-specific permit.

(h) "Municipal separate storm sewer system" means all separate storm sewers that are owned or operated by the United States or a state, city, village, township, county, district, association, or other public body created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law, such as a sewer district, flood control district, or drainage district or similar entity, or a designated or approved management agency under section 208 of the clean water act, 33 U.S.C. 1288, that discharges to waters of the state. Municipal separate storm sewer system includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. Municipal separate storm sewer system does not include separate storm sewers in very discrete areas, such as individual buildings.

(i) "Notice of coverage" means a notice that a person engaging in construction activity agrees to comply with a permit by rule for that activity.

(j) ~~(f)~~ "Permit" or "storm water discharge permit" means a permit authorizing the discharge of wastewater or any other substance to surface waters of the state under the national pollutant discharge elimination system, pursuant to the clean water act or this part and the rules and regulations promulgated under that act or this part.

(k) "Public body" means the United States, the state of Michigan, a city, village, township, county, school district, public college or university, or single purpose governmental agency, or any other body which is created by federal or state statute or law.

(l) "Separate storm sewer system" means a system of drainage, including, but not limited to, roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, or man-made channels, which has the following characteristics:

(i) The system is not a combined sewer where storm water mixes with sanitary wastes.

(ii) The system is not part of a publicly owned treatment works.

(m) ~~(g)~~ "Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.

(n) "Storm water discharge associated with industrial activity" means a point source discharge of storm water from a facility which is defined as an industrial activity under 40 C.F.R. 122.26(b)(14)(i-ix and xi).

Sec. 3119. (1) The storm water fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:

(a) Review of storm water permit applications.

(b) Storm water permit development, issuance, reissuance, modification, and termination.

(c) Surface water monitoring to support the storm water permitting process.

(d) Assessment of compliance with storm water permit conditions.
 (e) Enforcement against storm water permit violations.
 (f) Classification of storm water control facilities.
 (g) Not more than 10% of the money in the fund for training for certification of storm water operators and educational material to assist persons regulated under this part.

(h) Regional or statewide public education to enhance the effectiveness of storm water permits.

(5) Money in the fund shall not be used to support the direct costs of litigation undertaken to enforce this part.

(6) Upon the expenditure or appropriation of money raised in section 3118 for any other purpose than those specifically listed in this section, authorization to collect fees under section 3118 shall be suspended until such time as the money expended or appropriated for purposes other than those listed in this section is returned to the fund.

(7) By January 1, 2006 and by January 1 of each year thereafter, the department shall prepare and submit to the governor, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department a report that details the departmental activities of the previous fiscal year in administering the department's storm water program that were funded by the fund. This report shall include, at a minimum, all of the following:

(a) The number of full-time equated positions performing each of the following functions:

(i) Permit issuance and development.

(ii) Compliance.

(iii) Enforcement.

(b) The number of new permit applications received by the department in the preceding year.

(c) The number of renewal permits in the preceding year.

(d) The number of permit modifications requested in the preceding year.

(e) The number of staff hours dedicated to each of the fee categories listed in section 3118.

(f) The number of permits issued for fee categories listed in section 3118.

(g) The average number of days required for review of a permit from the date the permit application is determined to be administratively complete.

(h) The number of permit applications denied.

(i) The number of permit applications withdrawn by the applicant.

(j) The percentage and number of permit applications that were reviewed for administrative completeness within 10 days of receipt by the department.

(k) The percentage and number of permit applications submitted to the department that were administratively complete as received.

(l) The percentage and number of new permit applications for which a final action was taken by the department within 180 days.

(m) The percentage and number of permit renewals and modifications processed within the required time.

(n) The number of permits reopened by the department.

(o) The number of unfilled positions dedicated to the department's storm water program.

(p) The amount of revenue in the fund at the end of the fiscal year.

Sec. 3120. (1) Until October 1, 2009, an application for a new permit, a reissuance of a permit, or a modification of an existing permit under this part authorizing a discharge into surface water, other than a storm water discharge, shall be accompanied by an application fee as follows:

(a) For an EPA major facility permit, \$750.00.

(b) For an EPA minor facility individual permit, a CSO permit, or a wastewater stabilization lagoon individual permit, \$400.00.

(c) For an EPA minor facility general permit, \$75.00.

(2) Within 180 days after receipt of a complete application for a new or increased use permit, the department shall either grant or deny the permit, unless the applicant and the department agree to extend this time period.

(3) By September 30 of the year following the submittal of a complete application for reissuance of a permit, the department shall either grant or deny the permit, unless the applicant and the department agree to extend this time period.

(4) If the department fails to make a decision on an application within the applicable time period under subsection (2) or (3), the department shall return to the applicant the application fee submitted under subsection (1) and the applicant shall not be subject to an application fee and shall receive a 15% annual discount on an annual permit fee required for a permit issued based upon that application.

(5) Until October 1, 2009, a person who receives a permit under this part authorizing a discharge into surface water, other than a stormwater discharge, is subject to an annual permit fee as follows:

(a) For an industrial or commercial facility that is an EPA major facility, \$8,700.00.

- (b) For an industrial or commercial facility that is an EPA minor facility, the following amounts:
- (i) For a general permit for a low-flow facility, \$150.00.
 - (ii) For a general permit for a high-flow facility, \$400.00.
 - (iii) For an individual permit for a low-flow facility, \$1,650.00.
 - (iv) For an individual permit for a high-flow facility, \$3,650.00.
- (c) For a municipal facility that is an EPA major facility, the following amounts:
- (i) For an individual permit for a facility discharging 500 MGD or more, \$213,000.00.
 - (ii) For an individual permit for a facility discharging 50 MGD or more but less than 500 MGD, \$20,000.00.
 - (iii) For an individual permit for a facility discharging 10 MGD or more but less than 50 MGD, \$13,000.00.
 - (iv) For an individual permit for a facility discharging less than 10 MGD, \$5,500.00.
- (d) For a municipal facility that is an EPA minor facility, the following amounts:
- (i) For an individual permit for a facility discharging 10 MGD or more, \$3,775.00.
 - (ii) For an individual permit for a facility discharging 1 MGD or more but less than 10 MGD, \$3,000.00.
 - (iii) For an individual permit for a facility discharging less than 1 MGD, \$1,950.00.
 - (iv) For a general permit for a high-flow facility, \$600.00.
 - (v) For a general permit for a low-flow facility, \$400.00.
- (e) For a municipal facility that is a CSO facility, \$6,000.00.
- (f) For an individual permit for a wastewater stabilization lagoon, \$1,525.00.
- (g) For an individual or general permit for an agricultural purpose, \$600.00, unless either of the following applies:
- (i) The facility is an EPA minor facility and would qualify for a general permit for a low-flow facility, in which case the fee would be \$150.00.
 - (ii) The facility is an EPA major facility that is not a farmers' cooperative corporation, in which case the fee would be \$8,700.00.
- (h) For a facility that holds a permit issued under this part but has no discharge and the facility is connected to and is authorized to discharge only to a municipal wastewater treatment system, an annual permit maintenance fee of \$100.00. However, if a facility does have a discharge or at some point is no longer connected to a municipal wastewater treatment system, the annual permit fee shall be the appropriate fee as otherwise provided in this subsection.
- (6) If the person required to pay an application fee under subsection (1) or an annual permit fee under subsection (5) is a municipality, the municipality may pass on the application fee or the annual permit fee, or both, to each user of the municipal facility.
- (7) The department shall send invoices for annual permit fees under subsection (5) to all permit holders by December 1 of each year. The fee shall be based on the status of the facility as of October 1 of that year. A person subject to an annual permit fee shall pay the fee not later than January 15 of each year. Failure by the department to send an invoice by the deadline, or failure of a person to receive an invoice, does not relieve that person of his or her obligation to pay the annual permit fee. If the department does not meet the December 1 deadline for sending invoices, the annual permit fee is due not later than 45 days after receiving an invoice. The department shall forward annual permit fees received under this section to the state treasurer for deposit into the national pollutant discharge elimination system fund created in section 3121.
- (8) The department shall assess a penalty on all annual permit fee payments submitted under this section after the due date. The penalty shall be an amount equal to 0.75% of the payment due for each month or portion of a month the payment remains past due.
- (9) Following payment of an annual permit fee, if a permittee wishes to challenge its annual permit fee under this section, the owner or operator shall submit the challenge in writing to the department. The department shall not process the challenge unless it is received by the department by March 1 of the year the payment is due. A challenge shall identify the facility and state the grounds upon which the challenge is based. Within 30 calendar days after receipt of the challenge, the department shall determine the validity of the challenge and provide the permittee with notification of a revised annual permit fee and a refund, if appropriate, or a statement setting forth the reason or reasons why the annual permit fee was not revised. If the owner or operator of a facility desires to further challenge its annual permit fee, the owner or operator of the facility has an opportunity for a contested case hearing as provided for under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
- (10) The attorney general may bring an action for the collection of the annual permit fee imposed under this section.
- (11) Within 30 days after the effective date of the amendatory act that added this section, the director of the department shall notify each person holding a permit under this part authorizing a discharge into surface water, other than a storm water permit, of the requirements of this section.

(12) As used in this section:

(a) "Agricultural purpose" means the agricultural production or processing of those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy animals and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product, as determined by the commission of agriculture, that incorporates the use of food, feed, fiber, or fur. Agricultural purpose includes an operation or facility that produces wine.

(b) "Combined sewer overflow" means a discharge from a combined sewer system that occurs when the flow capacity of the combined sewer system is exceeded at a point prior to the headworks of a publicly owned treatment works during wet weather conditions.

(c) "Combined sewer system" means a sewer designed and used to convey both storm water runoff and sanitary sewage, and which contains lawfully installed regulators and control devices that allow for delivery of sanitary flow to treatment during dry weather periods and divert storm water and sanitary sewage to surface waters during storm flow periods.

(d) "CSO facility" means a facility whose discharge is solely a combined sewer overflow.

(e) "EPA major facility" means a facility that is designated by the United States environmental protection agency as being a major facility under 40 C.F.R. 122.2.

(f) "EPA minor facility" means a facility that is not an EPA major facility.

(g) "Farmers' cooperative corporation" means a farmers' cooperative corporation organized within the limitations of section 98 of 1931 PA 327, MCL 450.98.

(h) "General permit" means a permit suitable for use at facilities meeting eligibility criteria as specified in the permit. With a general permit, the discharge from a specific facility is acknowledged through a certificate of coverage issued to the facility.

(i) "High-flow facility" means a facility that discharges 1 MGD or more.

(j) "Individual permit" means a permit developed for a particular facility, taking into account that facility's specific characteristics.

(k) "Industrial or commercial facility" means a facility that is not a municipal facility.

(l) "Low-flow facility" means a facility that discharges less than 1 MGD.

(m) "MGD" means 1,000,000 gallons per day.

(n) "Municipal facility" means a facility that is designed to collect or treat sanitary wastewater, and is either publicly or privately owned, and serves a residential area or a group of municipalities.

(o) "Wastewater stabilization lagoon" means a type of treatment system constructed of ponds or basins designed to receive, hold, and treat sanitary wastewater for a predetermined amount of time. Wastewater is treated through a combination of physical, biological, and chemical processes.

Sec. 3121. (1) The national pollutant discharge elimination system fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, only to administer the national pollutant discharge elimination system program under this part including, but not limited to, all of the following:

(a) Water quality standards development and maintenance.

(b) Permit development and issuance.

(c) Maintenance of program data.

(d) Ambient water quality monitoring conducted to determine permit conditions and evaluate the effectiveness of permit requirements.

(e) Activities conducted to determine a discharger's permit compliance status, including, but not limited to, inspections, discharge monitoring, and review of submittals.

(f) Laboratory services.

(g) Enforcement.

(h) Program administration activities.

(5) By January 1, 2006 and by January 1 of each year thereafter, the department shall prepare and submit to the governor, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department a report that details the departmental activities of the previous fiscal year in administering

the department's national pollutant discharge elimination system program that were funded by the fund. This report shall include, at a minimum, all of the following as it relates to the department:

- (a) The number of full-time equated positions performing each of the following functions:
 - (i) Permit issuance and development.
 - (ii) Compliance.
 - (iii) Enforcement.
 - (b) The number of permit applications received by the department in the preceding year, including applications for new and increased uses and reissuances.
 - (c) The number of staff hours dedicated to each of the fee categories listed in section 3120.
 - (d) The number of permits issued for fee categories listed in section 3120.
 - (e) The number of permit applications denied.
 - (f) The number of permit applications withdrawn by the applicant.
 - (g) The percentage and number of permit applications that were reviewed for administrative completeness within statutory time frames.
 - (h) The percentage and number of permit applications submitted to the department that were administratively complete as received.
 - (i) The percentage and number of permit applications for which a final action was taken by the department within statutory time frames for new and increased uses and reissuances.
 - (j) The number of permits reopened by the department.
 - (k) The number of unfilled positions dedicated to the national pollutant discharge elimination system program.
 - (l) The amount of revenue in the fund at the end of the fiscal year.
- (6) As used in this section:
- (a) "Fund" means the national pollutant discharge elimination system fund created in subsection (1).
 - (b) "National pollutant discharge elimination system program" means the national pollutant discharge elimination system program delegated to the department under section 402 of title IV of the federal water pollution control act, chapter 758, 86 Stat. 880, 33 U.S.C. 1342, and implemented under this part.

Second: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 3103, 3112, 3113, 3115, 3118, and 3119 (MCL 324.3103, 324.3112, 324.3113, 324.3115, 324.3118, and 324.3119), section 3118 as amended by 1999 PA 35 and section 3119 as amended by 1999 PA 106, and by adding sections 3120 and 3121.

Michelle McManus
Patricia L. Birkholz
Elizabeth S. Brater
Conferees for the Senate

James Koetje
Jim Howell
Steve Tobocman
Conferees for the House

The Speaker announced that under Joint Rule 9 the second conference report would lie over one day.

Notices

March 30, 2004

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Please remove Representative Byrum as a member of the Tax Policy Committee and replace her with Representative Paula Zelenko.

Sincerely,
Rick Johnson
Speaker of the House

Introduction of Bills

Rep. Minore introduced

House Bill No. 5708, entitled

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending sections 32, 33, 52, and 56 (MCL 205.232, 205.233, 205.252, and 205.256), sections 32, 33, and 52 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. Amos, Meyer, Taub, Nitz, Voorhees, Shackleton, Emmons, Palmer, Vander Veen, Garfield, Stahl, Ward, Gaffney, Ruth Johnson, Bisbee, LaJoy, Robertson, Howell, Wenke, Palsrok, Newell, Huizenga, Hune, Phillips, O'Neil, Sak, Jamnick, Accavitti, Wojno, Cheeks, Hopgood, Casperson and Daniels introduced

House Bill No. 5709, entitled

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

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

Reps. Meyer, Amos, LaJoy, Nitz, Wenke and Vander Veen introduced

House Bill No. 5710, entitled

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

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

Reps. LaJoy, Meyer, Amos, Nitz, Pastor, Acciavatti, Ward, Steil, Gaffney, Moolenaar, Hune, Brandenburg, Milosch, Garfield, Wenke, Voorhees, Hoogendyk, Stewart, Drolet, Stahl, Farhat, Casperson and Taub introduced

House Bill No. 5711, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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

Reps. Kolb, Minore, Tobocman, Lipsey, Gleason and Anderson introduced

House Bill No. 5712, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30301 (MCL 324.30301), as amended by 2003 PA 14, and by adding section 30312a.

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

Reps. Kolb, Tobocman, Lipsey, Milosch and Gleason introduced

House Bill No. 5713, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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

Reps. Kolb, Minore, Tobocman, Lipsey, Milosch and Gleason introduced

House Bill No. 5714, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 275.

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

Reps. O'Neil, Bieda, Wojno, Spade, Pappageorge, Caswell, Gleason, Koetje, Vander Veen, Nitz, Voorhees, Dennis, Stahl, Palmer, Drolet, Hummel, Huizenga, Richardville, Sheen, Hoogendyk, Hager, Newell, Kooiman, Plakas and Sak introduced

House Bill No. 5715, entitled

A bill to amend 1990 PA 211, entitled "The parental rights restoration act," by amending sections 3 and 4 (MCL 722.903 and 722.904).

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

Reps. Meisner, Tobocman and Law introduced

House Bill No. 5716, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 6 and 18 of chapter XHIA (MCL 712A.6 and 712A.18), section 6 as amended by 1996 PA 409 and section 18 as amended by 2003 PA 71.

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

Reps. Voorhees, Milosch, Meyer, Brandenburg, Sheen and Vander Veen introduced

House Bill No. 5717, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 270.

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

Reps. Gaffney, Lipsey, Accavitti, Ward, Wojno, Adamini, LaJoy, Vander Veen, Law, Pappageorge, Voorhees, Shaffer, Sheen, Hune and Amos introduced

House Bill No. 5718, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5509 and 5511 (MCL 700.5509 and 700.5511), section 5509 as amended by 1999 PA 52, and by adding section 5525.

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

Reps. Bieda, Meisner, Spade, Lipsey, Tobocman, Hopgood, Plakas, Gleason, Drolet, DeRoche, Pappageorge and Vagnozzi introduced

House Bill No. 5719, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1159.

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

Rep. Stewart introduced

House Bill No. 5720, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 16 (MCL 791.216), as added by 1980 PA 303.

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

Rep. Stewart introduced

House Bill No. 5721, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74103a.

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

Rep. Woodward introduced

House Bill No. 5722, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 321a.

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

Rep. Woodward introduced

House Bill No. 5723, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16p of chapter XVII (MCL 777.16p), as amended by 2000 PA 279.

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

Reps. Palmer, Vander Veen, Acciavatti, Wenke, Ruth Johnson, Brandenburg, Stahl, Nitz, Huizenga and Pastor introduced

House Bill No. 5724, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 52a. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Palmer, Vander Veen, Acciavatti, Wenke, Ruth Johnson, Brandenburg, Stahl, Nitz, Huizenga and Pastor introduced

House Bill No. 5725, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 13 (MCL 207.563).

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

Reps. Palmer, Vander Veen, Acciavatti, Wenke, Ruth Johnson, Brandenburg, Stahl, Nitz, Huizenga and Pastor introduced

House Bill No. 5726, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 5 (MCL 211.905), as amended by 2002 PA 244.

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

Rep. Byrum moved that the House adjourn.
The motion prevailed, the time being 10:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, March 31, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

