

**No. 19**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Tuesday, March 9, 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—excused	Spade—present
Bieda—present	Hardman—excused	Moolenaar—present	Stahl—present
Bisbee—present	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—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—excused	Jamnack—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—excused	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—present
Gaffney—present			

e/d/s = entered during session

Rep. Michael C. Murphy, from the 68th District, offered the following invocation:

“If I knew you and you knew me, then each of us could clearly see, by that inner light divine, the meaning of your life and mine. We would clasp our hands in friendliness, and then we would differ less, if I knew you and you knew me. Almighty God, we come today gathered here in this Michigan House of Representatives chamber. We come first, Lord, to say thank You for this yet another day. Thank You, Lord, for Your goodness, Your mercy and Your grace. Lord, as we gather here to tend to the business of the people of this great state of Michigan, we come knowing that You are God Almighty and that we are Your sons and daughters—Your children. Lord, we have that in common—we are one blood, one with another. Lord, we recognize there are differences. Lord, we recognize that only You, Your grace and Your mercy are sufficient for even our differences. So I pray today, Lord, that You would be with us as we deliberate, as we debate, and as we take care of the business of the people of this great state. Lord, we hear the words of the prophet who said that there are some things You don’t find pleasing. You said that there are some things that You do not accept. Your prophet Amos said, ‘Let justice run down his water and righteousness as a mighty stream.’ Another prophet said that we should do justice, love mercy and walk humbly. So we gather today asking that You be with us and, Lord, that You would lead us. At the end of the day we will give Your name the praise, the glory, and the honor. We pray, search into our hearts. Try us and know our thoughts. Lord, if there be any way in us that is not right, lead us in Your way, down Your path. For we pray this prayer in Your wonderful name. Amen.”

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Rep. Waters moved that Reps. Hardman and Minore be excused from today’s session.  
The motion prevailed.

Rep. Waters moved that Reps. Clack and Reeves be excused from this week’s session.  
The motion prevailed.

### **Second Reading of Bills**

#### **Senate Bill No. 350, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 666 and 668 (MCL 168.666 and 168.668) and by adding section 668a.

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

The substitute (H-1) was 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.

#### **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.

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

The substitute (H-3) was 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.

**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, February 25:

**Senate Bill Nos. 1007 1008 1009**

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

**Senate Bill Nos. 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021**

The Clerk announced that the following Senate bills had been received on Thursday, February 26:

**Senate Bill Nos. 581 582**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, February 27:

**House Bill Nos. 5599 5600 5601 5602 5603 5604 5605 5606 5607 5608 5609 5610 5611 5612  
5613 5614 5615 5616 5617 5618 5619 5620 5621 5622 5623 5624**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, February 27:

**Senate Bill Nos. 1022 1023 1024 1025 1026**

The Clerk announced that the following Senate bills had been received on Thursday, March 4:

**Senate Bill Nos. 804 829 839 874 885**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, March 3:

**Senate Bill Nos. 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040**

By unanimous consent the House returned to the order of

**Messages from the Senate**

**House Bill No. 5234, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11526a.

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 on March 2, 2004.

**House Bill No. 4178, entitled**

A bill to provide compensation to dependents of public safety officers who are killed or who are permanently and totally disabled in the line of duty; to create the public safety officers benefit fund; to prescribe the duties and responsibilities of certain state officers; and to make an appropriation.

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

**House Bill No. 4706, entitled**

A bill to provide for and to regulate access to and disclosure of medical records; to prescribe powers and duties of certain state agencies and departments; to establish fees; to prescribe administrative sanctions; and to provide remedies.

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.

**House Bill No. 4755, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), section 16221 as amended by 2002 PA 402 and section 16226 as amended by 2002 PA 643, and by adding section 20170.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), as amended by 2003 PA 234, and by adding section 20170.

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

**House Bill No. 5434, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 471 (MCL 206.471), as amended by 2002 PA 486.

The Senate has amended the bill as follows:

1. Amend page 2, line 4, after "**electronically.**" by striking out "**The**" and inserting "**For the tax year that begins on or after January 1, 2003 and before January 1, 2004 only, the**".

The Senate has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

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

**House Bill No. 5440, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 80 (MCL 208.80), as added by 1985 PA 139.

The Senate has amended the bill as follows:

1. Amend page 1, line 8, after "**(2)**" by striking out "**The**" and inserting "**For the tax year that begins on or after January 1, 2003 and before January 1, 2004 only, the**".

The Senate has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

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

**House Concurrent Resolution No. 38.**

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 the Board of Control of Northern Michigan University relative to the Northern Michigan University Student Services Building.

(For text of concurrent resolution, see House Journal No. 91 of 2003, p. 2293.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Cherry, Switalski and Allen as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 39.**

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 the Board of Control of Northern Michigan University relative to the Northern Michigan University Fine and Practical Arts Project.

(For text of concurrent resolution, see House Journal No. 91 of 2003, p. 2294.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Cherry, Switalski and Allen as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 40.**

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 Mid Michigan Community College relative to the Mid Michigan Community College Student Assessment Center.

(For text of concurrent resolution, see House Journal No. 91 of 2003, p. 2295.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Cherry, Switalski and Allen as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 41.**

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 Michigan Technological University relative to the Michigan Technological University Center for Integrated Learning and Information Technology Project.

(For text of concurrent resolution, see House Journal No. 91 of 2003, p. 2296.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Cherry, Switalski and Allen as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 42.**

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 the Community College District of Monroe County relative to the Community College District of Monroe County Instructional Center for Business Training and Performing Arts Building.

(For text of concurrent resolution, see House Journal No. 91 of 2003, p. 2297.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Cherry, Switalski and Allen as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 43.**

A concurrent resolution approving an amendment to the conveyance of property to the State Building Authority and the lease among the State of Michigan, the State Building Authority, and Jackson Community College relative to the Jackson Community College Lenawee Extension Center.

(For text of concurrent resolution, see House Journal No. 91 of 2003, p. 2298.)

The Senate has adopted the concurrent resolution and named Senators Cassis, Cherry, Switalski and Allen as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**Communications from State Officers**

The following communications from the Secretary of State were received and read:

Notices of Filing  
Administrative Rules

February 2, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:03 P.M. this date,

administrative rule (04-02-01) for the Department of Labor and Economic Growth, Public Service Commission, entitled "*Electric Distribution Service Standards*", effective 7 days after filing with the Secretary of State.

February 12, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:20 P.M. this date, administrative rule (04-02-02) for the Department of Labor and Economic Growth, Director's Office, entitled "*Construction Code – Part 8. Electrical Code*", effective February 29, 2004.

February 12, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:22 P.M. this date, administrative rule (04-02-03) for the Department of Labor and Economic Growth, Workers' Compensation Agency, entitled "*Workers' Compensation Health Care Services Rules*", effective 7 days after filing with the Secretary of State.

February 12, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:24 P.M. this date, administrative rule (04-02-04) for the Department of Labor and Economic Growth, Director's Office, entitled "*Construction Code – Part 4. Building Code*", effective February 29, 2004.

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

The communications were referred to the Clerk.

The following communications from the Auditor General were received and read:

February 25, 2004

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of  
Wayne State University  
February 2004

February 27, 2004

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of the Criminal Investigation Programs,  
Department of State Police  
February 2004

March 1, 2004

Enclosed is a copy of the following audit report and/or report summary:  
Financial Related Audit of the  
Use of Transportation-Related Funding  
October 1, 2001 through September 30, 2002

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

The following communication from the Department of Consumer and Industry Services was received and read:

February 25, 2004

Pursuant to Section 311 of P.A. 167 of 2003, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Inv. Report	Sequoyah Center	2004C0207001	CS470201401
License Study Report	Arbor Heights Community Justice Ctr.		CS810200952

This report was preformed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "Inside CIS" at the following address: <http://www.michigan.gov/cis/>.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,  
Allan R. Pohl  
Director  
Finance and Administrative Services

The communication was referred to the Clerk.

### Introduction of Bills

Reps. Brandenburg, Pastor, Nitz, Milosch, Hoogendyk, Bisbee, Voorhees, Palmer, Bradstreet, Garfield, DeRoche, Drolet, Vander Veen, Shaffer, Stahl, Rocca, DeRossett, Amos, Ehardt, Mortimer, Julian, Farhat, Meyer, Caswell, Steil, Shackleton, Casperson, Stakoe, Woronchak, Sheen, Ruth Johnson, Howell, Ward, Robertson, Hune, Tabor, Gaffney, Newell, Acciavatti, Taub and Kooiman introduced

#### **House Bill No. 5625, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg. The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. Brandenburg, Pastor, Nitz, Milosch, Nofs, Hoogendyk, Bisbee, Voorhees, Palmer, Bradstreet, Garfield, Huizenga, DeRoche, Drolet, Vander Veen, Stahl, Caul, Rocca, DeRossett, Amos, Mortimer, Farhat, Shaffer, Ehardt, Julian, Meyer, Steil, Shackleton, Casperson, Stakoe, Woronchak, Sheen, Ruth Johnson, Howell, Ward, Robertson, Hune, Tabor, Acciavatti, Gaffney, Taub, Kooiman and Newell introduced

#### **House Bill No. 5626, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg. The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Rep. Ruth Johnson introduced

#### **House Bill No. 5627, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 7 and 18 (MCL 388.1607 and 388.1618), section 7 as amended by 1996 PA 300 and section 18 as amended by 2003 PA 158.

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

By unanimous consent the House returned to the order of

### Reports of Standing Committees

The Speaker laid before the House

#### **House Resolution No. 168.**

A resolution to memorialize the Congress of the United States and the United States Department of Transportation to permit the use of 75-foot crib carrier log hauling equipment.

(For text of resolution, see House Journal No. 85 of 2003, p. 2094.)

(The resolution was reported by the Committee on Transportation on February 24, with substitute (H-1), consideration of which, under the rules, was postponed until February 25.)

(For substitute, see House Journal No. 16, p. 257.)

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. 128.**

A resolution to memorialize the Congress of the United States to enact the Great Lakes Controlled Data Collection and Monitoring Act.

(For text of resolution, see House Journal No. 68 of 2003, p. 1763.)

(The resolution was reported by the Committee on Great Lakes and Tourism on February 24, consideration of which, under the rules, was postponed until February 25.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

**House Resolution No. 129.**

A resolution calling for environmental officials of Canada, the United States, Michigan, and Ontario to develop stronger safeguards for notifications when spills of toxic materials occur.

(For text of resolution, see House Journal No. 68 of 2003, p. 1764.)

(The resolution was reported by the Committee on Great Lakes and Tourism on February 24, with substitute (H-1), consideration of which, under the rules, was postponed until February 25.)

(For substitute, see House Journal No. 16, p. 260.)

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.

### Messages from the Senate

The Speaker laid before the House

**House Bill No. 4675, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16611 (MCL 333.16611), as amended by 2002 PA 423.

(The bill was received from the Senate on February 24, with substitute (S-5), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 25, see House Journal No. 16, p. 266.)

The question being on concurring in the substitute (S-5) made to the bill by the Senate,

The substitute (S-5) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 89**

**Yeas—105**

Accavitti	Garfield	Meisner	Sheltrown
Acciavatti	Gielegem	Meyer	Shulman
Adamini	Gillard	Middaugh	Smith
Amos	Gleason	Milosch	Spade
Anderson	Hager	Moolenaar	Stahl
Bieda	Hart	Mortimer	Stakoe
Bisbee	Hood	Murphy	Stallworth
Bradstreet	Hoogendyk	Newell	Steil
Brandenburg	Hopgood	Nitz	Stewart
Brown	Howell	Nofs	Tabor



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

**Nays—0**

In The Chair: Julian

The House agreed to the title as amended.

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

The Speaker laid before the House

**House Bill No. 5199, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 9 and 9a of chapter X (MCL 770.9 and 770.9a), section 9a as amended by 2002 PA 483, and by adding section 9b to chapter X.

(The bill was received from the Senate on February 25, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 26, see House Journal No. 17, p. 289.)

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. 90****Yeas—105**

Accavitti	Garfield	Meisner	Sheltrown
Acciavatti	Gielegem	Meyer	Shulman
Adamini	Gillard	Middaugh	Smith
Amos	Gleason	Milosch	Spade
Anderson	Hager	Moolenaar	Stahl
Bieda	Hart	Mortimer	Stakoe
Bisbee	Hood	Murphy	Stallworth
Bradstreet	Hoogendyk	Newell	Steil
Brandenburg	Hopgood	Nitz	Stewart
Brown	Howell	Nofs	Tabor
Byrum	Huizenga	O'Neil	Taub
Casperson	Hummel	Palmer	Tobocman
Caswell	Hune	Palsrok	Vagnozzi
Caul	Hunter	Pappageorge	Van Regenmorter
Cheeks	Jamnick	Pastor	Vander Veen
Condino	Johnson, Rick	Phillips	Voorhees

Daniels	Johnson, Ruth	Plakas	Walker
Dennis	Julian	Pumford	Ward
DeRoche	Koetje	Richardville	Waters
DeRossett	Kolb	Rivet	Wenke
Drolet	Kooiman	Robertson	Whitmer
Ehardt	LaJoy	Rocca	Williams
Elkins	LaSata	Sak	Wojno
Emmons	Law	Shackleton	Woodward
Farhat	Lipsey	Shaffer	Woronchak
Farrah	McConico	Sheen	Zelenko
Gaffney			

### 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.

### Senate Bill No. 498, entitled

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 section 11514 (MCL 324.11514); and to repeal acts and parts of acts.

The Senate has substituted (S-10) the House substitute (H-2).

The Senate has concurred in the House substitute (H-2) as substituted (S-10), ordered that the bill be given immediate effect and agreed to the title as amended.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-10) to the House substitute (H-2) made to the bill by the Senate,

The substitute (S-10) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

### Roll Call No. 91

### Yeas—96

Accavitti	Gielegem	Meisner	Shulman
Acciavatti	Gillard	Meyer	Smith
Adamini	Gleason	Middaugh	Spade
Amos	Hager	Milosch	Stahl
Anderson	Hart	Moolenaar	Stallworth
Bieda	Hood	Mortimer	Steil
Bisbee	Hopgood	Murphy	Stewart
Bradstreet	Howell	Newell	Tabor
Brandenburg	Huizenga	Nofs	Taub
Brown	Hummel	O’Neil	Tobocman
Byrum	Hune	Palsrok	Vagnozzi
Casperson	Hunter	Pappageorge	Van Regenmorter

Caul	Jamnick	Pastor	Vander Veen
Cheeks	Johnson, Rick	Phillips	Voorhees
Condino	Johnson, Ruth	Plakas	Walker
Daniels	Julian	Pumford	Ward
Dennis	Koetje	Richardville	Waters
DeRossett	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	Sheltrown	Zelenko

**Nays—9**

Caswell	Garfield	Nitz	Sheen
DeRoche	Hoogendyk	Palmer	Stakoe
Drolet			

In The Chair: Julian

**House Bill No. 5235, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11527a.

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

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

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

Rep. Richardville moved that Rule 45 be suspended.

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

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. 92****Yeas—99**

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

**Nays—5**

DeRoche	Garfield	Hoogendyk	Sheen
Drolet			

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****House Joint Resolution U, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 25 to article I, to define marriage as only between one man and one woman.

The joint resolution was read a second time.

Rep. Newell moved to substitute (H-3) the joint resolution.

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

Rep. Newell moved to amend the joint resolution as follows:

1. Amend page 1, line 4, by striking out “**union**” and inserting “**marriage**”.

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

Rep. Newell moved that the joint resolution be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the joint resolution 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 Joint Resolution U, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 25 to article I, to define marriage as only between one man and one woman.

Was read a third time and not adopted, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 93****Yeas—65**

Acciavatti	Hoogendyk	Mortimer	Sheltrown
Amos	Howell	Newell	Shulman
Bisbee	Huizenga	Nitz	Spade

Bradstreet	Hummel	Nofs	Stahl
Brandenburg	Hune	Palmer	Stakoe
Casperson	Johnson, Rick	Palsrok	Steil
Caswell	Johnson, Ruth	Pappageorge	Stewart
Caul	Julian	Pastor	Tabor
DeRoche	Koetje	Pumford	Taub
DeRossett	Kooiman	Richardville	Van Regenmorter
Ehardt	LaJoy	Robertson	Vander Veen
Emmons	LaSata	Rocca	Voorhees
Farhat	Meyer	Sak	Walker
Gaffney	Middaugh	Shackleton	Ward
Garfield	Milosch	Shaffer	Wojno
Gleason	Moolenaar	Sheen	Woronchak
Hager			

### Nays—38

Accavitti	Elkins	Lipsey	Stallworth
Adamini	Farrah	McConico	Tobocman
Anderson	Gielegem	Meisner	Vagnozzi
Bieda	Gillard	Murphy	Waters
Brown	Hart	O'Neil	Wenke
Byrum	Hopgood	Phillips	Whitmer
Condino	Hunter	Plakas	Williams
Daniels	Jamnick	Rivet	Woodward
Dennis	Kolb	Smith	Zelenko
Drolet	Law		

In The Chair: Julian

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

“Mr. Speaker and members of the House:

I am grateful for this opportunity to clarify my position on the proposed marriage protection amendment. I wish to thank *The Kalamazoo Gazette* and Julie Mack for a two-hour interview that resulted in an accurate and honest report. Other individuals who have made no attempt to speak with me have misrepresented my stance. For more than 30 years I have been a husband and father and a business owner. I have spent eight years as a Kalamazoo county commissioner and have completed one year as a state representative. None of these experiences, either singularly or collectively, has received as much examination as my position on the marriage protection amendment.

I do not support gay marriage. I do not endorse using the word *marriage* to define a relationship between members of the same sex. I do, however, support the creation and recognition of a legal arrangement between same sex couples. I am not alone in my conclusion as Governor Granholm and about half of all Americans favor civil unions for homosexuals. I cannot support the marriage protection amendment because the clear intent of this amendment is to discriminate against a specific segment of our population – that being gay men and women. This amendment will prevent same sex couples from forming a legal union and therefore deny them the same benefits granted to their heterosexual counterparts. I will not vote to discriminate against any group of citizens. The Constitution of Michigan should not be amended for the purpose of limiting access to equal rights.

Proponents of this amendment sincerely believe they are protecting marriage from its current rapid decline as an integral element of our society. I respect their position. It has never been my intention to antagonize or preach to others on this issue. In fact, my focus in the legislature, as Chair of the House Tax Policy Committee, has been equitable taxation, employment and the economy. My position on this amendment, while unpopular with some, is a matter of conscience, research and a thorough examination of issues regarding homosexuality. I have also gleaned much information from acquaintances and friends who are gay – including my best childhood friend. Many families have

homosexual members – most extended families do. Are we to believe these family members are less valued? Do they pose a threat to the family institution?

I believe that homosexuality is a state that generally we do not choose, but with which we are born. Same sex attraction is based in human biology. This is the teaching of the Roman Catholic Church as well as the Christian Reformed Church in which I was raised. We do not choose our sexual preference when we attain the age of puberty. I ask, ‘Why would anyone choose to be gay when, in our society, that choice usually brings great heartache to the individual and his or her family?’

People who have a religiously based position against homosexuality will have a difficult time acknowledging gay men and women as deserving of equal rights. The Constitution is not the place to implement discrimination against those with whom we have a religious difference. With good reason, our country has embraced the concept of separation of church and state. I will not remove a single brick from the wall that separates the church from the state.

As a state representative, I have taken an oath to uphold the Constitution of the State of Michigan. That oath requires me to protect the rights of all citizens, including homosexuals. I believe homosexual partners are entitled to health benefits, social security benefits, and the protections afforded by estate planning. Amending the Constitution for the purpose of excluding specific groups of individuals is unacceptable. Prominent conservatives, including George Will, oppose gay marriage but still do not support amending the Constitution to deal with this issue. The Constitution should advance, preserve and protect the rights we cherish and not be used an instrument to withhold rights.

I represent all the citizens of my district including homosexuals, and it is my responsibility to ensure justice and equality for all. I cannot walk out of the Capitol Building – where the American flag, a symbol of American freedom and justice waves overhead – having voted for an amendment that is clearly discriminatory.”

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

“Mr. Speaker and members of the House:

I believe this to be simply another conservative wedge issue. No reasonable legislator would believe that changing the state constitution will have any more effect than Michigan’s current laws banning same sex marriages. Our state Constitution is supposed to provide protections for individual’s rights against the potential tyrannies of the majority. The definition of marriage amendment would be a wholly different type of amendment - it would block certain people’s access to rights generally granted to others. Is this truly the sort of face Michigan wants to show to the world, equality for some and not others?”

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

“Mr. Speaker and members of the House:

Back in junior high school we used to play a game at recess called ‘smear the queer’. The game didn’t have any real rules but went like this; an unpopular boy would be targeted by a group of other boys and labeled ‘queer’. The group of boys would then chase down and surround the victim, ending the game by piling on top of the targeted boy. Rarely was any real harm done physically, but some children feared recess because of the game, and other boys felt they had to play in order to avoid being targeted as ‘queer’. I am ashamed to say that I sometimes joined in the game. But then I grew up, and I forgot about the game.

What reminded me of the game was the Committee on Family and Children Services hearing held two weeks ago on the resolution before us now. This resolution, if adopted and voted into the Constitution, would have longstanding and significant impact on the lives of many gay and lesbian citizens in Michigan. One might expect that a proposed constitutional amendment dealing with human rights would be carefully evaluated by lawmakers who would also solicit testimony from the citizens of this state. Sadly, that was not the case at the committee hearing. The committee allowed only 40 minutes of public testimony. The great majority of citizens who drove to Lansing from throughout Michigan were not permitted to speak. Regardless of your position on the resolution before us, what happened in that committee hearing was demeaning and dismissive to the citizens of the state of Michigan.

What role should government play in marriage? Certainly not to regulate or enforce any person’s relationship with God. Our country’s first immigrants came to these shores to escape governments that regulated their relationship with God. Nor can the government regulate or enforce the personal and private emotions, thoughts and intimate actions between two people.

Marriage is primarily a contract between two people and, if they choose, God. Society, as in neighbors, friends and family, may choose to accept two people’s relationship or reject it as morally invalid regardless of any decree from politicians or bureaucrats.

The only role for government, if it is to be in the marriage business at all, is to enforce and regulate the contract of marriage in its’ civil capacity. The crux of the amendment before us is to prohibit the state from recognizing a voluntary contract made between two adults. Why would we single out some people for unequal contracting rights?

Proponents claim that homosexual people need to be singled out for unequal contracting rights in order to protect the institution of marriage. Let me see if I have this right: Forty years of skyrocketing divorce rates and nobody proposes a constitutional amendment to deal with divorce. Thirty years of recognizing ‘common-law’ marriages and

nobody proposes a constitutional amendment to deal with people who 'shack-up'. The USA Today reported just this past Friday that out-of-wedlock births have tripled over the past 30 years; but no one has proposed we amend the constitution to prohibit premarital sex. Decreasing stigmatization of infidelity, yet no constitutional amendment. In 1994, Bill Bennett said the following to the Christian Coalition, 'In terms of damage to the children of America, you cannot compare what the homosexual movement has done to what divorce has done. It is not even close.'

But for some reason, gay marriage is such a threat that an amendment to the constitution is required. You know what I think? We have found a minority that can be made into a scapegoat so that we don't have to seriously address the detrimental actions of the majority.

'It's not the log in OUR eye, but the splinter in THEIRS! It's not OUR fault that marriage is a troubled institution, it is other people's fault!' That is how this amendment can be interpreted. The heterosexual majority would never propose to use government force to prohibit divorce, infidelity or 'shacking-up' because those are things that many heterosexual people choose to do.

But loving and committing to someone of the same sex is something that only a small minority chooses to do. So it is easy to blame them. We are back on the playground still playing 'smear the queer.'

Allow me to make my position on human rights very clear: I support equal constitutional and legal rights for each and every individual Michigan citizen. I do NOT support group rights, special rights based on any factor, race or gender preferences, or special protections such as 'hate crime' laws. Every citizen deserves true equal protection under the law.

Americans have fought too long and too hard to eliminate constitutionally mandated discrimination against ethnic groups, women, and other minorities. Already, polls show younger Americans are much more prone to support equal treatment under the law for homosexuals than older Americans. These young Americans, and history, will not judge this constitutional amendment well.

I ran for the state legislature because I believe that the size, scope and cost of government should be reduced. It is not the proper role of government to interfere with peoples' relationships, nor to discourage or encourage love or commitments between consenting adults who harm no one. This amendment is designed to demonstrate governmental disapproval of some peoples' relationships and will do nothing to protect or strengthen the marriages of heterosexual people.

Of course, initiatives like this amendment aren't new. Efforts to single out gays and lesbians for unequal treatment have been proposed and often adopted many times in the last 30 years. Back in 1978, a conservative state senator in California named John Briggs began an initiative to prohibit homosexuals from holding jobs as teachers. Now, I grant that this was California, but remember it was also 1978 and early polls showed 2 – 1 support for the Briggs Initiative. But something unexpected happened in August of that year, as the initiative headed toward a vote. The Governor of California wrote a newspaper editorial opposing the Briggs Initiative on the grounds that it singled out a group of people for unequal treatment under the law. The Governor wrote that the initiative had, 'the potential of infringing on basic rights of privacy and perhaps even constitutional rights.' Who was that 'activist' governor? Was it Governor Jerry 'Moonbeam' Brown? No, that governor was named Ronald Reagan. Governor Reagan's opposition to the Briggs Initiative is credited with turning the tide and when the final votes were cast, the Briggs Initiative was defeated. Writer Jonathan Rauch wrote in *The New York Times* that 'Mr. Reagan single-handedly turned the tide against the measure.'

For Reagan, on the cusp of launching his bid for President of the United States and asking for Republican delegate votes in Alabama and Mississippi, opposing the Briggs Initiative was a breathtakingly courageous act of principle. I will always admire and be inspired by Ronald Reagan's unswerving commitment to principle; whether standing up to an evil Soviet Empire, or standing against antigay ballot initiatives.

We don't know where Ronald Reagan, if he had all of his faculties, would stand on the resolution before us today. He may well have been in support. But before you assert that he would be, listen to what best-selling conservative author Dinesh D'Souza writes in his biography of Reagan, *Ronald Reagan: How an Ordinary Man Became an Extraordinary Leader*, a biography highly praised by Rush Limbaugh, Wall Street Journal editor Robert Bartley and P.J. O'Rourke. D'Souza writes, 'Reagan's views on homosexuality were not entirely compatible with those of his evangelical Christian supporters or with those of the gay rights community. Before he became President, he once confessed his belief that homosexuality is a "tragic illness"... Yet, as we might expect, Reagan knew lots of gays in Hollywood, and he and his wife socialized with people who were avowedly homosexual. Reagan did not support state-sponsored discrimination against homosexuals as a group.'

Reagan Biographer Lou Cannon, who covered Reagan as a reporter for the *Washington Post* and *San Jose News* for 36 years wrote in his book *Governor Reagan: His Rise to Power* about Reagan's views on gay issues. Cannon, when referring to later accounts of gay couples, friends of Nancy's that would spend the night with their partners at the White House, wrote, 'The sentiment about Reagan's tolerance is accurate – Reagan would a decade later play a pivotal and courageous role in defeating a ballot initiative that discriminated against homosexual teachers.'

Again, I stress that I have no idea what President Reagan would do or say about this resolution before us today, if he could be here with us. But I do know that the number of well-known and highly regarded conservatives who oppose both state and federal constitutional amendments to define marriage is growing rapidly. Those already on the record

opposing such amendments include: George Will, William Safire, former Republican Congressman Bob Barr, Lyn Nofzinger who was President Reagan's press secretary, commentator Andrew Sullivan, David Horowitz, Republican Rep. Bob Simmons, and a growing number of elected Republicans and conservative writer and talk show hosts.

My friends, today, before us we have an important choice. We can vote with the courage of our convictions, or we can vote out of fear.

I urge my colleagues to reject scapegoating, political expediency, and hypocrisy. Please stand up for equal protection under the law and for human equality by voting 'No' on this proposed amendment. And may the venomous serpent of discrimination and unequal treatment of people never again slither through the doors of this chamber. Thank you."

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

"Mr. Speaker and members of the House:

I voted against this resolution because I believe it offends and discriminates against people based on their sexual orientation. Current Michigan law recognizes marriages only between a man and a woman. Because of that law, an amendment to the Michigan Constitution is completely unnecessary. I no of no other part of the Michigan Constitution that singles out a distinct group of people to insure that they are not afforded certain rights or liberties. The State Constitution is no place to voice our religious or social differences.

Even within the last half-century, the United States has witnessed a significant number of its citizens who voiced opposition to certain marriages that some believed threatened the institution of marriage. These critics argues that certain marriages were an offense to the Bible and nature. In the 1950s and early 1960s, these critics were speaking of intermarriage or marriage between persons of distinct races. I find the arguments voiced today against two members of the same sex making a loving commitment to each other to be somewhat parallel to that unfortunate chapter in our history. The clear intent of today's resolution is to discriminate against persons based upon their sexual orientation.

Every day in the House we have a moment of silence to honor those who defend our freedoms. Everyday in the House we take a pledge of allegiance to our nation's flag and to our republic because at their foundation are 'liberty and justice for all.' This resolution is an abomination to personal liberties and the freedom of choice. For these reasons, I vote against the resolution."

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

"Mr. Speaker and members of the House:

There were many reasons for my voting against HJR U, including the fact that same sex marriage is already banned at both the state and federal levels. What's more, our state constitution is a vehicle for protecting the rights of Michigan citizens, not taking them away. I regret that the time used by the house to debate this issue was not used to address an issue of greater concern to the people of the 27th District and Michigan — namely the tragic outsourcing of American jobs overseas."

Reps. Gillard and Elkins, having reserved the right to explain their nay vote, made the following statement:

"Mr. Speaker and members of the House:

The state Constitution is supposed to provide protections for individual's rights against potential tyrannies of the majority. The definition of marriage amendment would be a wholly different type of amendment – it would block certain people's access to rights generally granted to others. Is this truly the sort of face Michigan wants to show to the world, equality for some and not others?

This is simply another conservative wedge issue. No reasonable legislator would believe that changing the state constitution will have any more effect than Michigan's current laws banning same sex marriages. On questions of the government's authority to interfere in people's lives, the Supreme Court of the United States' word is final (but, admittedly not unchanging). If the Supreme Court says that such laws are valid, then our law will stand (regardless of what our constitution says on the matter) and, if the Supreme Court says that bans on gay marriage are unconstitutional, then our law will be overturned (regardless of what our Constitution says on the matter)."

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

"Mr. Speaker and members of the House:

I voted no on HJR U because Michigan's law already forbids same sex marriage! I believe that regardless of what our State Constitution says on the matter, it will be no more valid than the existing state law if the Supreme Court rules it unconstitutional. The State Constitution plays second fiddle to the U.S. Constitution on matters of individual rights. In addition, I believe to add such language to our constitution violates civil rights. To waste legislative time and effort solely to give false hope to certain groups that truly and passionately believe that homosexuality is a sin, is wrong.

This is simply another ultra-conservative wedge issue presenting another way for the religious right of the Republican Party to try to claim a higher moral ground by trying to make a change that they know will have no more impact than our existing laws. This is part of the National and State Republican Party's strategy to take focus off the economic mess and job hemorrhaging we are suffering in this country and particularly in Michigan. It is a monumental



and divisive waste of time Our focus needs to be on creating and keeping good paying jobs, balancing the State's budget, fixing the structural problems in our budget and growing Michigan's economy by getting people back to work!"

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

"Mr. Speaker and members of the House:

The state Constitution is supposed to provide protections for individual's rights against potential tyrannies of the majority. The definition of marriage amendment would be a wholly different type of amendment: it would block certain people's access to rights generally granted to others. Is this truly the sort of face Michigan wants to show to the world, equality for some and not others? I believe that denying fairness and justice to some of us is denying fairness and justice to all of us."

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

"Mr. Speaker and members of the House:

The state Constitution is intended to provide protections for our citizens' rights against potential tyrannies of the majority. The definition of marriage amendment would be a wholly different type of amendment - without precedent, it would deliberately block certain people's access to rights generally granted to all others. Is this truly the face that Michigan wants to show the world, equality for some but not others?

This is simply a solution in search of a problem. Michigan currently has a statute banning gay marriages. A Federal statute contains the same. No reasonable legislator would believe that changing the state constitution will have any more effect than these current laws. The United States Supreme Court is the final arbiter on questions of the government's authority to interfere in people's lives. If the Supreme Court says that these laws (or similar laws of other states) are valid, then our law is valid, regardless of what our state Constitution says. If the Supreme Court says these laws are unconstitutional, then our law will be invalid (regardless of what our state Constitution says on the matter)."

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

"Mr. Speaker and members of the House:

I voted no on this resolution because I believe the Michigan constitution should not be used to discriminate against Michigan's citizens. While I don't support gay marriage, I do believe constitutional protections should be provided to all our citizens. I also recognize that on occasions we must realize that ones personal beliefs and our constitutional responsibilities as leaders are different.

I recognize that many citizens support this amendment because they have religious objections to homosexuality, but this is one example of the value of the separation of church and state.

This amendment is not only discriminatory, but is unnecessary, since it is Michigan law already. When I was sworn in as state representative, I took an oath to protect and defend the constitution of this great state. I believe this oath included the responsibility to protect the rights of all Michigan citizens, not just those I agree with, but ALL Michigan citizens. I also believe this legislative body has a responsibility to take action on the many other pressing issues of our time, such as job creation and retention, providing greater access to health care, and improving the quality of education for our children. Instead we have before us a constitutional amendment resolution to create a campaign issue to distract voters from the real problems we face and would further divide our citizens.

I feel in my heart that no matter how difficult this vote was politically, it was the right vote to cast."

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

"Mr. Speaker and members of the House:

Recently, I had the opportunity to read to students of one of the many elementary schools in the district that I represent. The story that I read - one I'm sure my colleagues will remember from their own childhood - was the story of 'Chicken Little.' You may remember Chicken Little. It is the story of a little chicken, who, while walking through the woods, is hit by a falling acorn. Chicken Little quickly reaches the frenzied conclusion that the sky is falling, and in the process creates mass hysteria. The moral of the story is don't get caught up in mob psychology.

How appropriate this simple childhood story is today. On the issue of amending the state constitution, no reasonable legislator would believe that taking the extraordinary action in changing the state constitution will have any more effect than Michigan's current laws defining marriage. This is simply a diversionary tactic - but one that engenders a great deal of emotion, and looks more like a politically motivated attack on a segment of our population that is an easy target for prejudice and hatred. Certainly, I strongly believe that marriage is a fundamental and universal social institution. Marriage encompasses many obligations and benefits affecting husband and wife, father and mother, son and daughter. It is the foundation of a harmonious family life. It is the basic building block of society: The development, productivity and happiness of new generations are bound inextricably to the family unit. As a result, marriage bears a real relation to the well-being, health and enduring strength of society.

But today's action is unnecessary, indeed reactionary. The Michigan Constitution sets forth the broad parameters of state government. It protects rights. There are strong laws on the books that define marriage. To waste legislative time and effort solely to give false hope to certain groups that truly and passionately believe that homosexuality is a sin, is wrong. Indeed, it is very dishonest. It is not a serious commitment to finding ways to strengthen marriage in this state. Regardless of what our constitution says on the matter, this proposed amendment will be no more valid than the existing state law if the Supreme Court rules it unconstitutional.

We have serious problems in this state: high unemployment, a stagnant economy, huge budget shortfalls, and serious cuts in essential state services. Does anyone realize how much these problems impact marriage and family?"

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

"Mr. Speaker and members of the House:

I voted NO on HJR U. I support marriage between a man and a woman. I support equal protection under the law for all the people of Michigan. Marriage has both civil and religious significance. In America we impose specific legal requirements for marriage but also allow the marriage to be certified by religious authorities. We also allow civil unions with no religious affiliation. In other countries, such as Italy, separate religious and civil ceremonies exist, however. neither of the Italian intuitions recognizes the validity of the other.

To amend the Michigan Constitution for changing social mores is excessive. It was not that many years ago that marriage between Blacks and Whites was illegal. Times change, society matures and our culture reflects those changes. The Constitution of the State is the legal framework for the protection of the rights of Michigan and is unwisely amended to suit a social agenda."

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

"Mr. Speaker and members of the House:

The Michigan Constitution has a noble history of providing for protections of the rights of individuals against potential 'tyrannies of the majority.' But House Joint Resolution U would be a wholly different type of amendment - its language would affirmatively block certain people's access to rights generally granted to others. I think it is simply wrong to provide for discrimination in the Constitution. And in any case, both Michigan law and federal law already define marriage as between one man and one woman.

Furthermore, it is wrong for the Legislature to use this issue in the way it is now doing. It is taking an issue of tremendous importance to people's lives and using it for purposes of political gamesmanship.

The Legislature has great and important tasks before us. We should be spending our time and the Legislature's precious resources to ensure that Michigan residents have jobs and health care. But instead, this body is entertaining television cameras with the apparent hope of pulling a political bait-and-switch on the public."

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

"Mr. Speaker and members of the House:

Michigan currently has a statute which bans gay marriages. A Federal statute contains the same. No reasonable legislator would believe that changing the state constitution will have any more effect than current laws. The U.S. Supreme Court is the final arbiter on questions of the government's authority to interfere in peoples' lives. If the Supreme Court says that these laws (or similar laws in other states) are valid, then our law is valid, regardless of what the State Constitution says. If the Supreme Court says these laws are unconstitutional, then our law will be invalid (regardless of what our State Constitution says on the matter."

Rep. Richardville moved to reconsider the vote by which the House did not adopt the joint resolution.

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

The question being on the adoption of the joint resolution,

Rep. Richardville moved that consideration of the joint resolution be postponed for the day.

The motion prevailed.

### Second Reading of Bills

#### House Bill No. 5482, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 679a.

The bill was read a second time.

Rep. Ward 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

#### House Bill No. 5482, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 679a.  
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 94

Yeas—104

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 5500, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1113 (MCL 436.2113), as amended by 1998 PA 416, and by adding section 1114.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Regulatory Reform (for amendment, see House Journal No. 16, p. 262),

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 1, line 1, by striking out all of section 1113 and inserting:

“Sec. 1101a. A petition under section 1101~~7~~, ~~or~~ 1107, ~~1111~~, ~~or~~ ~~1113~~, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.”.

2. Amend page 5, line 7, after “**Sec. 1114.**” by striking out “(1)”.

3. Amend page 5, line 11, after “**day**” by striking out the balance of the section and inserting a period and:

“Enacting section 1. Sections 1111, 1113, and 1115 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.2111, 436.2113, and 436.2115, are repealed.”.

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

Rep. Casperson moved to amend the bill as follows:

1. Amend page 5, following line 21, by inserting:

“(3) **A reference to the time of day under this act or a rule of the commission includes daylight savings time, when observed.**”.

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

Rep. Casperson 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. 5500, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 1113 (MCL 436.2113), as amended by 1998 PA 416, and by adding section 1114.

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

#### Roll Call No. 95

#### Yeas—103

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

Elkins  
Emmons  
Farhat  
Farrah

LaJoy  
LaSata  
Law  
Lipsey

Rocca  
Sak  
Shackleton  
Shaffer

Woodward  
Woronchak  
Zelenko

### 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.

### Messages from the Governor

The following veto message from the Governor was received and read:

Executive Office, Lansing, March 5, 2004

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

Ladies and Gentlemen:

Today I have vetoed and return to you **Enrolled House Bill 4463**, as provided under Section 33 of Article IV of the Michigan Constitution of 1963.

This legislation would provide for the creation of a cancer awareness fund-raising license plate. I am a **strong** supporter of efforts by the American Cancer Society, the Karmanos Cancer Institute, and similar organizations to promote public awareness of cancer and to raise funds to fight this disease. As public officials I am sure we can work together, in partnership with those in the private and nonprofit sector, to find other new, creative, and more effective ways to promote cancer awareness.

I veto House Bill 4463 because it would authorize another fund-raising license plate in Michigan. The primary purposes of license plates are identification and law enforcement. Police agencies and organizations oppose the proliferation of fund-raising and other specialty license plates because the multiplicity of plates impedes these purposes and makes law enforcement more difficult. For these reasons, I cannot support legislation creating yet another type of license plate.

Accordingly, I return Enrolled House Bill 4463 without signature.

Respectfully,  
Jennifer M. Granholm  
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Richardville moved that consideration of the bill be postponed for the day.  
The motion prevailed.

The following veto message from the Governor was received and read:

Executive Office, Lansing, February 20, 2004

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

Ladies and Gentlemen:

Today I have vetoed and am returning with my objections **Enrolled House Bill 4724**.

Let me be clear: I support flexibility. Fortunately, the Superintendent of Public Instruction currently has the authority to waive administrative rules. This bill, however, would amend the State School Aid Act of 1979 to vest in

a single state officer unprecedented and nearly unbridled discretion to suspend state law, ignoring the constitutional roles in the enactment of laws provided for the Legislature and the Governor under Article IV of the Michigan Constitution of 1963. Under House Bill 4724 an unelected Superintendent could waive statutory provisions of the State School Aid Act of 1979. Some examples of current statutory requirements questionably subject to waiver under the bill include:

1. Promises made to Michigan taxpayers under Proposal A of 1994. While I have full confidence in the judgment of Superintendent Watkins, I am not prepared to provide any Superintendent of Public Instruction with unchecked authority to tweak key provisions of Proposal A.

2. Accountability Requirements for School Districts, including Intermediate School Districts. In light of the on-going investigation into the financial activities of one or more intermediate school districts, I find it inadvisable to provide any Superintendent of Public Instruction with the power to waive conflict of interest restrictions for district board members. Nor is it the time to allow the waiver of financial penalties imposed for the provision of cars or chauffeurs to district board members, for the payment of unauthorized expenses to board members and administrators, or for disallowances found during a state audit of a district.

3. Open Enrollment Efforts by Public School Academies. Public school academies are public schools and must be open to all students. Unfortunately this legislation would allow the waiver of the legal mandate that a public school academy use good faith efforts to advertise that the school is enrolling students and the procedures for applying to enroll.

Accordingly, I return Enrolled House Bill 4724 without my signature. I look forward to working with you to find more focused and effective ways to grant flexibility to Michigan schools.

Respectfully,  
Jennifer M. Granholm  
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Richardville moved that the bill be re-referred to the Committee on Education.  
The motion prevailed.

The following veto message from the Governor was received and read:

Executive Office, Lansing, February 20, 2004

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

Ladies and Gentlemen,

Today I have vetoed and return with my objections, **Enrolled House Bill 4693**.

Let me be clear: I support flexibility. Fortunately, the Superintendent of Public Instruction currently has the authority to waive administrative rules. This bill, however, would amend the Revised School Code to vest in a single state officer unprecedented and nearly unbridled discretion to suspend state law, ignoring the constitutional roles in the enactment of laws provided for the Legislature and the Governor under Article IV of the Michigan Constitution of 1963.

While I have full confidence in the judgment of Superintendent Watkins, I am not prepared to provide any Superintendent of Public Instruction with such unchecked authority. Under House Bill 4693 an unelected Superintendent could waive statutory provisions of the Revised School Code pertaining to many different areas, such as:

1. Competitive Bidding
2. Corporal punishment
3. Textbook approval
4. Sex education
5. Special education programs
6. School attendance
7. Curriculum
8. The annexation and transfer of a school district
9. School elections
10. The issuance of bonds and notes

Accordingly, I return Enrolled House Bill 4693 without my signature. I look forward to working with you to find more focused and effective ways to grant flexibility to Michigan schools.

Respectfully,  
Jennifer M. Granholm  
Governor

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

Rep. Richardville moved that the bill be re-referred to the Committee on Education.  
The motion prevailed.

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

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Reps. Ward, Accavitti, Adamini, Anderson, Bieda, Brandenburg, DeRossett, Ehardt, Emmons, Garfield, Gillard, Howell, Hummel, Hune, Jamnick, Koetje, Law, Meyer, Middaugh, Milosch, Nitz, Palsrok, Pastor, Rocca, Shaffer, Shulman, Stakoe, Stallworth, Tobocman, Vagnozzi, Vander Veen, Voorhees, Wojno, Brown, Byrum, Huizenga, Lipsey and Sak offered the following resolution:

#### **House Resolution No. 209.**

A resolution recognizing March 6-12, 2004, as National Voter Registration Week.

Whereas, The Declaration of Independence of the United States of America declares, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." It further proclaims, "That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,..."; and

Whereas, The United States of America was founded on democratic principles and the word "democracy" literally means government by the people; and

Whereas, Many who have gone before us have risked their lives for this right and by exercising the privilege of voting, we honor those brave individuals who sacrificed much to win us the right to vote; and

Whereas, Voting in the United States is central to our democratic way of life, giving each of us a feeling of being a part of America when we get involved in the decision-making process by exercising our right to vote; and

Whereas, In 1994, the United States Congress passed the National Voter Registration Act, which took effect on January 1, 1995. This milestone voter registration law requires states to allow citizens to register to vote when they obtain or renew their driver's licenses or at designated government agencies, including those serving public assistance recipients and people with disabilities; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize March 6-12, 2004, as National Voter Registration Week. We acknowledge our country is a better country and our state a better state when its citizens exercise their voice in the democratic process; and, be it further

Resolved, That the members recognize that each vote is priceless and we encourage all eligible citizens in the state of Michigan to register to vote.

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. Kooiman, Accavitti, Adamini, Anderson, Bieda, Brandenburg, DeRossett, Ehardt, Emmons, Garfield, Gillard, Hopgood, Howell, Hummel, Jamnick, Koetje, LaSata, Law, Meyer, Middaugh, Milosch, Murphy, Palsrok, Pastor, Rocca, Shaffer, Sheltroun, Shulman, Spade, Stakoe, Stallworth, Tobocman, Vagnozzi, Vander Veen, Voorhees, Wojno, Brown, Byrum, Gleason, Huizenga, Lipsey, Pumford and Sak offered the following resolution:

#### **House Resolution No. 210.**

A resolution commemorating March 2004 as American Red Cross Month in the state of Michigan.

Whereas, The American Red Cross was founded in 1881 by Clara Barton, a woman selflessly devoted to the needs of humanity. Compassion, courage, character, and civic duty are inherent in the Red Cross' mission, which is to prevent and relieve human suffering. The Michigan chapters share these grand ideals; and

Whereas, The American Red Cross, chartered and authorized by Congress to act in times of need, provides compassionate assistance to people afflicted by personal, local, or national disasters. American Red Cross volunteers from all across Michigan responded to hundreds of disasters last year, providing food, clothing, shelter, and mental health support; and

Whereas, Many people have counted on the American Red Cross for the information and skills they need to be safe at home, work, school, and at play. Each year, the Michigan chapters of the American Red Cross train thousands of people in lifesaving CPR, first aid, life guarding, water safety, babysitting, HIV/AIDS education, automated external defibrillation, ergonomics, and emergency response; and

Whereas, American Red Cross staff deploy with the U.S. military to provide emergency communication and a caring presence to the service men and women separated from their families. In 1943, President Franklin Delano Roosevelt called upon the American people with this request: "...that during this month our people rededicate themselves to the splendid aims and activities of the Red Cross"; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate March 2004 as American Red Cross Month in the state of Michigan as we recognize its outstanding service to the people of the state of Michigan.

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. Richardville, Accavitti, Adamini, Anderson, Bieda, Brandenburg, DeRossett, Ehardt, Garfield, Gillard, Howell, Meyer, Milosch, Palsrok, Pastor, Shaffer, Stakoe, Stallworth, Vander Veen, Voorhees, Byrum, Dennis and Sak offered the following resolution:

**House Resolution No. 211.**

A resolution to urge the President of the United States to oppose World Trade Organization policies that are contrary to the Continued Dumping and Subsidy Offset Act.

Whereas, Michigan companies and workers in a variety of industries are being harmed by unfairly traded, dumped, and subsidized foreign imports, including a variety of manufactured goods, wood products, seafood, agricultural goods, and many other items. The dumping of subsidized products onto our markets is in violation of United States trade laws; and

Whereas, As a result of unfair and illegal trade, Michigan and the United States have experienced a dramatic loss of skilled, high-paying manufacturing jobs; and

Whereas, In 2000, the Congress of the United States passed the Continued Dumping and Subsidy Offset Act (CDSOA), frequently referred to as the Byrd Amendment, to encourage fair trade and to help industries harmed by illegal imports; and

Whereas, The World Trade Organization (WTO) is attempting to stop the United States from implementing the CDSOA, which supports American industries and workers harmed by unfair trade; now, therefore, be it

Resolved by the House of Representatives, That we hereby urge the President of the United States to oppose the World Trade Organization ruling against the Byrd Amendment and its policies opposing efforts to encourage fair trade and help industries harmed by illegal imports. We support retention of the Continued Dumping and Subsidy Offset Act as legislation that is in the best interests of Michigan's businesses and industrial base and the state's economic well-being; and be it further

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

The resolution was referred to the Committee on Regulatory Reform.

Reps. Ruth Johnson, Accavitti, Adamini, Anderson, Bieda, Brandenburg, DeRossett, Ehardt, Emmons, Garfield, Gillard, Hopgood, Howell, Jamnick, Koetje, LaSata, Law, Meyer, Middaugh, Murphy, Palsrok, Pastor, Rocca, Shaffer, Sheltrown, Shulman, Stakoe, Stallworth, Tobocman, Vagnozzi, Vander Veen, Voorhees, Wojno, Brown, Byrum, Gleason, Huizenga, Lipsey, Pumford and Sak offered the following resolution:

**House Resolution No. 212.**

A resolution recognizing the week of March 7-13, 2004, as School Social Worker Week in the state of Michigan.

Whereas, The Michigan Association of School Social Workers is a professional organization serving more than 500 members; and

Whereas, School social workers serve as vital members of a school's educational team, playing a central role in creating partnerships among home, school, and community to ensure student academic success; and

Whereas, School social workers specialize in providing services to students who are often facing enormous challenges such as poverty, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and learning disorders; and



Whereas, There is a growing need for school districts to provide the services offered by school social workers to the students by addressing problems such as school violence, as well as working with families, teachers, principals, community agencies, and others to address emotional, physical, and environmental needs so a student may achieve behavioral and academic success; and

Whereas, Fewer than one in five of the 17.5 million children in need of mental health services actually receive them and the President's New Freedom Commission on Mental Health indicates that school mental health programs improve educational outcomes; and

Whereas, School social workers are uniquely trained to provide specialized services that include clinical skills and understanding of psychopathology such as depression, autism and eating disorders, as well as development of behavior intervention plans and crisis intervention in cases of suicide, school violence, and other traumatic events; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize March 7-13, 2004, as School Social Work Week; and be it further

Resolved, That we congratulate the Michigan Association of School Social Workers and commend the organization for the valuable role it plays in providing for the mental, physical, and emotional well-being of the young people of the great state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of School Social Workers.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

### Reports of Standing Committees

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

#### **House Bill No. 5552, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 50501, 50502, 50504, 50506, 50507, and 50508 (MCL 324.50501, 324.50502, 324.50504, 324.50506, 324.50507, and 324.50508), as added by 1995 PA 57.

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. Meyer, Nitz, DeRossett, Hager, Casperson, Hune and Stahl

Nays: Reps. Rivet and Law

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

#### **House Bill No. 5553, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 52511.

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. Meyer, Nitz, DeRossett, Hager, Casperson, Hune and Stahl

Nays: Reps. Rivet and Law

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported  
**House Bill No. 5554, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading to part 525 and section 52501 (MCL 324.52501), as added by 1995 PA 57, and by adding sections 52502, 52503, 52504, 52505, 52506, and 52507.

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. Meyer, Nitz, DeRossett, Hager, Casperson, Hune and Stahl

Nays: Reps. Rivet and Law

#### 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 9, 2004

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

Absent: Rep. Sheltroun

Excused: Rep. Sheltroun

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

**House Bill No. 5545, entitled**

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

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. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Jamnick and Tobocman

Nays: None

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

**House Bill No. 5550, entitled**

A bill to amend 1992 PA 116, entitled "Records media act," by amending the title and sections 1, 2, and 3 (MCL 24.401, 24.402, and 24.403), section 2 as amended by 2001 PA 72, and by adding sections 4, 5, and 6.

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, Hager, Drolet, Stakoe, Jamnick, 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 9, 2004

Present: Reps. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Jamnick, Tobocman and Accavitti

Absent: Reps. Wenke and Hardman

Excused: Reps. Wenke and Hardman

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

**House Bill No. 5483, entitled**

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 2 (MCL 125.2782).

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Palmer, Huizenga, Hune, Palsrok, Rivet, McConico, Murphy, Tobocman and Accavitti

Nays: None

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

**House Bill No. 5484, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 5 and 12 (MCL 207.775 and 207.782), section 12 as amended by 2001 PA 217.

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. Bisbee, DeRoche, Howell, Koetje, Middaugh, Palmer, Huizenga, Hune, Palsrok, Rivet, McConico, Murphy, Tobocman and Accavitti

Nays: None

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

**Senate Bill No. 841, entitled**

A bill to create certain offices in the Michigan economic development corporation; to provide for the appointment of certain officers with the advice and consent of the senate; and to impose certain duties and responsibilities on those officers and on certain state employees and public employees.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: Reps. Rivet, O'Neil, Murphy, Tobocman and Accavitti

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 9, 2004

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

Absent: Reps. Milosch and Lipsey

Excused: Reps. Milosch and Lipsey

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, March 9, 2004

Present: Reps. Rocca, Gaffney, Bisbee, Julian, DeRoche, Palsrok, Sheen, Wojno, Meisner, Hopgood and Gielegem

**Messages from the Senate****Senate Bill No. 581, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 438.

The Senate has passed the bill.

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

**Senate Bill No. 582, entitled**

A bill to establish the Amanda's fund for breast cancer research in the department of community health; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

The Senate has passed the bill.

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

**Senate Bill No. 804, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 183 (MCL 560.183).

The Senate has passed the bill.

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

**Senate Bill No. 829, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

The Senate has passed the bill.

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

**Senate Bill No. 839, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; to prescribe certain powers and duties of state departments and agencies regarding the conveyance; and to provide for disposition of the revenue from the conveyance.

The Senate has passed the bill.

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

**Senate Bill No. 874, entitled**

A bill to amend 1998 PA 492, entitled "An act to authorize the state administrative board to convey certain parcels of state owned property in Oakland county and Genesee county; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to that property; to prescribe conditions for the conveyances; and to provide for disposition of the revenue derived from the conveyances; and to alter certain use restrictions," by amending section 3.

The Senate has passed the bill.

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

**Senate Bill No. 885, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 32j (MCL 388.1632j), as added by 2003 PA 158.

The Senate has passed the bill.

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

**Messages from the Governor**

Date: February 26, 2004

Time: 9:18 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4276 (Public Act No. 10, I.E.), being**

An act to establish Holocaust remembrance week in the state of Michigan.

(Filed with the Secretary of State February 26, 2004, at 10:57 a.m.)

Date: February 26, 2004

Time: 9:33 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5009 (Public Act No. 11, I.E.), being**

An act to amend 1953 PA 192, entitled “An act to create a county department of veterans’ affairs in certain counties, and to prescribe its powers and duties; and to transfer the powers and duties of the soldiers’ relief commission in such counties,” by amending section 1 (MCL 35.621), as amended by 1996 PA 108.

(Filed with the Secretary of State February 26, 2004, at 10:59 a.m.)

Date: February 26, 2004

Time: 9:36 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5129 (Public Act No. 12, I.E.), being**

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 1301a, 1303a, 1304, 1304a, 1305, 1307a, 1308, 1309, 1310, 1312, 1313, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1329, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1345, 1346, 1347, 1372, and 1375 (MCL 600.1301a, 600.1303a, 600.1304, 600.1304a, 600.1305, 600.1307a, 600.1308, 600.1309, 600.1310, 600.1312, 600.1313, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1329, 600.1331, 600.1332, 600.1333, 600.1334, 600.1335, 600.1336, 600.1337, 600.1338, 600.1339, 600.1340, 600.1341, 600.1342, 600.1343, 600.1345, 600.1346, 600.1347, 600.1372, and 600.1375), sections 1301a, 1304, 1310, 1312, and 1375 as amended by 1986 PA 104 and section 1307a as amended by 2002 PA 739; and to repeal acts and parts of acts

(Filed with the Secretary of State February 26, 2004, at 11:01 a.m.)

Date: February 26, 2004

Time: 9:41 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5179 (Public Act No. 13, I.E.), being**

An act 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 section 662 (MCL 168.662), as amended by 1999 PA 216.

(Filed with the Secretary of State February 26, 2004, at 11:03 a.m.)

Date: March 4, 2004  
Time: 9:12 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5183 (Public Act No. 18, I.E.), being**

An act to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” (MCL 400.1 to 400.119b) by adding section 18e.

(Filed with the Secretary of State March 4, 2004, at 10:14 a.m.)

Date: March 4, 2004  
Time: 9:15 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4887 (Public Act No. 19, I.E.), being**

An act to amend 1949 PA 300, entitled “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,” by amending section 2 (MCL 257.2), as amended by 1997 PA 8.

(Filed with the Secretary of State March 4, 2004, at 10:16 a.m.)

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Rep. Acciavatti moved that the House adjourn.  
The motion prevailed, the time being 5:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, March 10, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives