

**No. 22**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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House Chamber, Lansing, Thursday, March 20, 2003.

10:00 a.m.

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

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

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

e/d/s = entered during session

Rep. Paul Gielegem, from the 31st District, offered the following invocation:

“Dear Lord, as we come together as a collection of policymakers, let us strive to be peacemakers. As we join together as legislators, let us truly listen to one another. As we come together as representatives, let us show our respect for one another. Lord, let our words reflect Your wisdom. Let our mission be to serve You by meeting our responsibility to serve all of the people of our state and of our nation. Let our call for freedom be guided by justice. Let our call for equality be guided by opportunity for all. Let our call for dignity be guided by compassion. As our nation prepares for and our President commits our nation to war, let us recognize the sacrifices that are made by those who fight in the name of our nation. Let us recognize the sacrifices of their loved ones who pray every day for their safe return. Let us pray that any sacrifice truly leads to a more peaceful world. Amen.”

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

### Third Reading of Bills

#### House Bill No. 4290, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” (MCL 169.201 to 169.282) by adding section 65a.

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

#### Roll Call No. 28

#### Yeas—62

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

#### Nays—41

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

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.

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Reps. Phillips, Hunter, Condino, Accavitti, Minore, Farrah, Smith, Spade, Murphy, Plakas, Williams, Gillard, Paletko, Jamnick and Gleason, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 4290 (H-3) based on the following reasons: This bill has sparked conversation on both sides of the aisle about developing the most efficient mechanism for ensuring that the candidates for the state’s highest office are subjected to a thoughtful debate process. Since 1987, the Commission on Presidential Debates (CPD) has established a system to ensure that the candidates for the nation’s highest office have a series of non-partisan debates for the electorate. The CPD is a non-profit, non-partisan corporation. It is governed by a bi-partisan body. This model has successfully sponsored the presidential debates since 1988. I believe that we should examine this body and use it as a model for Michigan’s gubernatorial debate process.”

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

“Mr. Speaker and members of the House:

This bill has sparked conversation on both sides of the aisle about developing the most efficient mechanism for ensuring that the candidates for the state’s highest office are subjected to a thoughtful debate process. Since 1987, the Commission on Presidential Debates (CPD) has established a system to ensure that the candidates for the nation’s highest office have a series of non-partisan debates for the electorate. The CPD is a non-profit, non-partisan corporation. It is governed by a bi-partisan body. This model has successfully sponsored the presidential debates since 1988. I believe that we should examine this body and use it as a model for Michigan’s gubernatorial debate process.”

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

“Mr. Speaker and members of the House:

I voted no on House Bill 4290 (H-3) based on the following reasons: This bill has sparked a worthy conversation on both sides of the aisle about developing the most efficient mechanism for ensuring that the candidates for the state’s highest office are subjected to a thoughtful debate process. Since 1987, the Commission on Presidential Debates (CPD) has established a system to ensure that the candidates for the nation’s highest office have a series of non-partisan debates for the electorate. The CPD is a non-profit, non-partisan corporation. It is governed by a bi-partisan body. This model has successfully sponsored the presidential debates since 1988. I believe that we should examine this body and use it as a model for Michigan’s gubernatorial debate process. Since there was not a discussion on developing such a model for Michigan, and the process outlined in the bill is not the best or even most efficient mechanism to develop a debate process, I cannot support the bill in its current form. I do support the development of a gubernatorial debate process, but this bill has not yet had enough input and consideration to warrant support.”

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

“Mr. Speaker and members of the House:

I voted no on House Bill 4290 (H-3) based on the following reasons: This bill has sparked conversation on both sides of the aisle about developing the most efficient mechanism for ensuring that the candidates for the state’s highest office are subjected to a thoughtful debate process. Since 1987, the Commission on Presidential Debates (CPD) has established a system to ensure that the candidates for the nation’s highest office have a series of non-partisan debates for the electorate. The CPD is a non-profit, non-partisan corporation. It is governed by a bi-partisan body. This model has successfully sponsored the presidential debates since 1988. I believe that we should examine this body and use it as a model for Michigan’s gubernatorial debate process. A private secote model is my preference over another layer of government.”

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

“Mr. Speaker and members of the House:

I voted no on House Bill 4290 (H-3) based on the following reasons: While I agree that debates can prove to be beneficial to voters in making a decision during the election process, this bill would not achieve the intended result in

the fairest and most impartial way. This bill will place the decision making process in the hands of the board of canvassers, which has never been done. Furthermore, the deliberative process was short-circuited and this bill was rushed to a vote without adequate consideration of possible amendments or its ramifications. Michigan would be much farther ahead to develop a Gubernatorial Debate Commission based on the federal Commission on Presidential Debates (CPD) which established a system to ensure that the candidates for the nation's highest office have a series of non-partisan debates for the electorate. It is not necessary for Michigan to 're-invent the wheel' when the CPD has proven itself to be effective in sponsoring the presidential debates since 1988."

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

"Mr. Speaker and members of the House:

I voted no on House Bill 4290 (H-3) based on the following reasons: This bill has sparked conversation on both sides of the aisle about developing the most efficient mechanism for ensuring that the candidates for the state's highest office are subjected to a thoughtful debate process. Since 1987, the Commission on Presidential Debates (CPD) has established a system to ensure that the candidates for the nation's highest office have a series of non-partisan debates for the electorate. The CPD is a non-profit, non-partisan corporation. It is governed by a bi-partisan body. This model has successfully sponsored the presidential debates since 1988. I believe that we should examine this body and use it as a model for Michigan's gubernatorial debate process. I remain committed to insuring that the public has the opportunity to hear from the candidates running for public office and believe the bill's fundamental principles lay at the heart of reinvigorating our republican democracy. I commend the bill's author for his work on this issue in a non-election year, as well as his diligence and look forward to the day when we can find a mechanism for strong bi-partisan support for such a measure."

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

"Mr. Speaker and members of the House:

Thank you Mr. Speaker. I applaud the sponsor's intent on House Bill 4290 (H-3). I appreciate the fact that this Bill has initiated conversation regarding the development of the most efficient mechanism for ensuring that the candidates for Governor are subjected to a thoughtful public debate process. I voted against this particular legislation primarily because I believe a better model exists. For example, since 1987, the Commission on Presidential Debates has established a system to ensure that candidates for President have a series of non-partisan debates. This Presidential Debate Commission is a non-profit, non-partisan corporation that is governed by a bi-partisan body and has successfully sponsored the presidential debates since the 1988 Presidential Election. I favor an approach more closely modeled on the Commission on Presidential Debates because it has a proven track record for success. I will be supporting legislation that will be introduced shortly that more closely follows the successful federal model."

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Reps. Hardman and Dennis entered the House Chambers.

By unanimous consent the House returned to the order of  
**Reports of Standing Committees**

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

**House Bill No. 4008, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 512 (MCL 206.512), as amended by 1996 PA 484.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, Bieda and Condino

Nays: None

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

**House Bill No. 4219, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3 (MCL 205.93), as amended by 2002 PA 511. With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 19, 2003, at 9:00 a.m.

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

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

**House Resolution No. 26.**

A resolution to direct the Department of Education and the Family Independence Agency to convene a task force to develop quality after-school programs for all Michigan children.

(For text of resolution, see House Journal No. 19, p. 229.)

With the recommendation that the following substitute (H-2) be adopted and that the resolution then be adopted.

**Substitute for House Resolution No. 26.**

A resolution to request the Department of Education and the Family Independence Agency to convene a task force to develop quality after-school programs for all Michigan children.

Whereas, Current studies about what happens to unsupervised children indicate that, when left alone, these children have higher absentee rates at school; have lower academic test scores; exhibit higher levels of fear, stress, nightmares, loneliness, and boredom; are 1.7 times more likely to use alcohol; and are 1.6 times more likely to smoke cigarettes; and

Whereas, Recent data shows that in communities around this state, the violent juvenile crime rate soars in the hours immediately after the school bell rings, and children are most likely to be victims of a violent crime committed by a non-family member between 3 p.m. and 6 p.m.; and

Whereas, Research indicates that children who attend high quality after-school programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct in school compared to their peers who are not in after-school programs; and

Whereas, Children who attend after-school programs spend more time in learning opportunities, academic activities, and enrichment activities and spend less time watching television than their peers; and

Whereas, In one study, children who attended an after-school program missed fewer days of school, had better homework completion rates, better school behavior, and higher test scores; and

Whereas, Polls show that 92% of Americans believe there should be organized activities for children and teens during after-school hours; and

Whereas, As working parents can attest, child care concerns are not over once children are old enough to go to school. A parent who is employed full time can be away from home an average of 2,400 hours a year. Children spend less than half of that time in school. If their children participate in a quality school-age care program or another organized out-of-school-time activity, parents can rest easy because they know that their children are safe and supervised; now, therefore, be it

Resolved by the House of Representatives, That we request the Department of Education and the Family Independence Agency to convene and co-chair a task force, to be known as the Michigan After-school Initiative, to develop a plan to ensure quality after-school programs for every school-age child in the state. The Michigan After-school Initiative shall be comprised of other related state agencies and private organizations representing violence prevention organizations, parents, park districts, special needs populations, private foundations, civic and cultural organizations, businesses, manufacturers, community-based youth service providers, law enforcement, education, local

voluntary organizations, faith-based communities, health, evaluation, and research institutions, child and youth advocacy groups, alcohol, tobacco, and substance abuse prevention professionals, and mental health interests; and be it further

Resolved, That the activities of the Michigan After-school Initiative shall include (i) an assessment of the state of after-school services in this state, including identification of the number of children and youth served statewide in after-school programs, identification of the number and location of children and youth who are in need of after-school programs, and identification of the various funding streams currently supporting after-school programs, and (ii) the development of a plan for coordinating after-school services and for achieving a goal of providing after-school services for every school-age child in this state; and be it further

Resolved, That the Michigan After-school Initiative plan shall include strategies for this state to promote best practice models for after-school programs and to promote coordination and collaboration of after-school services at the local level; and be it further

Resolved, That the Michigan After-school Initiative shall engage children and youth in development of the plan; and be it further

Resolved, That the Michigan After-school Initiative shall review and report to the Legislature on model programs operating in this state and other states and that the review shall look at program components identified as best-practices and based on proven research; and be it further

Resolved, That the Department of Education or the Family Independence Agency may provide, by grant or contract, support to a statewide organization for the development and implementation of the Michigan After-school Initiative plan and assessment, that funds for the Michigan After-school Initiative shall be sought from the federal government and state human service departments, and that private sponsorship may also be sought; and be it further

Resolved, That the Department of Education and the Family Independence Agency shall report to the Governor and Legislature on the Michigan After-school Initiative plan and submit recommendations by December 15, 2003; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Education and the Family Independence Agency.

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Hager, Stahl, Hart, Vander Veen, Hardman, Clack and Elkins

Nays: None

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 19, 2003, at 3:35 p.m.

Present: Reps. Hager, Stahl, Hart, Vander Veen, Voorhees, Sheen, Hardman, Clack and Elkins

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 20, 2003, at 9:00 a.m.

Present: Reps. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Murphy and Elkins

Absent: Rep. Adamini

Excused: Rep. Adamini

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 20, 2003, at 9:00 a.m.

Present: Reps. Woronchak, Brandenburg, Pappageorge, Rocca, Stallworth, Vagnozzi and Zelenko

Absent: Reps. Tabor and Vander Veen

Excused: Reps. Tabor and Vander Veen

### Announcement by the Clerk of Printing and Enrollment

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

**House Bill Nos. 4406 4407 4408 4409 4410 4411 4412 4413 4414 4415 4416 4417 4418 4419**  
**4420 4421 4422 4423 4424 4425 4426 4427 4428 4429 4430 4431**

The Clerk announced that the following Senate bills had been received on Thursday, March 20:

**Senate Bill Nos. 239 240 255**

### Communications from State Officers

The following communication from the Office of the State Budget was received and read:

March 10, 2003

Transmitted under this cover is a schedule entitled "Statement of Revenue Subject to Constitutional Limitation—Legal Basis." The statement is submitted pursuant to Section 18.1350 of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 26 of the Michigan Constitution for the fiscal year 2001-2002.

The statement has been reviewed by the Office of the Auditor General and a copy of the independent accountant's review is enclosed.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,  
 Mary A. Lannoye  
 State Budget Director

The communication was referred to the Clerk.

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

March 13, 2003

Pursuant to Section 314 of P.A. 527 of 2002, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Invest. Report	Woodland Center	2003C0105021	CS470245817

This report was performed 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 under "Inside CIS" at the following address: <http://www.michigan.gov/cis/>.

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

Sincerely,  
 Allan R. Pohl  
 Acting Director  
 Finance and Administrative Services

The communication was referred to the Clerk.

By unanimous consent the House returned to the order of

### Messages from the Senate

#### Senate Bill No. 239, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 11 (MCL 46.11), as amended by 1998 PA 97.

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. 240, entitled**

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act," by amending the title and section 2 (MCL 123.872), the title as amended and section 2 as added by 1985 PA 9.

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. 255, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 45a (MCL 24.245a), as added by 1999 PA 262.

The Senate has passed the bill.

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

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Sheltroun, DeRossett, Emmons, Brown, Elkins, Bieda, Milosch, Hune, Gielegem, Accavitti, Dennis, Gleason, Farrah, Sak, Gillard, O'Neil, Rivet, Byrum, Woodward, Hardman, Condino, Minore, Wojno, Tobocman, Cheeks, Plakas, Paletko, Spade, Williams, Meisner, Clack, Zelenko, Phillips, Anderson, Murphy, Kolb, Jamnick, Stallworth, Law, Hopgood, Stahl, Meyer, Lipsey, Amos, Caswell, Julian, LaSata, Vander Veen, Voorhees, Nofs and Palsrok offered the following concurrent resolution:

**House Concurrent Resolution No. 9.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation to provide for tariff rate quotas to deal with the importation of dry milk protein concentrates.

Whereas, The dairy industry has been significantly impacted in recent years by the rising use of dry milk protein concentrates (MPCs). The technology that makes possible the ultrafiltration process that separates proteins and the other components of milk was not fully developed when the General Agreement on Tariffs and Trade (GATT) was finalized in 1994. As a result, there are almost no restrictions on the importation of MPCs. This is causing serious damage to the domestic dairy industry; and

Whereas, According to the General Accounting Office report on dairy products, the volume of MPC imports grew from 805 metric tons in 1990 to 44,878 in 1999. The quotas set under GATT for nonfat dry milk are clearly not working. Foreign exporters are known to blend dairy proteins for the purpose of circumventing existing tariff rate quotas; and

Whereas, In the 108<sup>th</sup> Congress, legislation has been introduced to establish tariff rate quotas for MPCs. With the enactment of legislation to close this loophole, American agriculture will be able to compete on a more equal basis. The overall benefits, to our national economy and the domestic dairy industry, will strengthen a vitally important industry and restore the stability of the marketplace; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to provide for tariff rate quotas for dry milk protein concentrates that are equivalent to the import quotas currently in place on other dairy products; and be it further

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

The concurrent resolution was referred to the Committee on Agriculture and Resource Management.

Reps. Sheltroun, DeRossett, Emmons, Brown, Elkins, Bieda, Hune, Gielegem, Accavitti, Dennis, Gleason, Farrah, Sak, Gillard, Reeves, O'Neil, Rivet, Byrum, Woodward, Hardman, Condino, Minore, Wojno, Tobocman, Cheeks, Plakas, Paletko, Spade, Williams, Meisner, Clack, Zelenko, Phillips, Anderson, Murphy, Kolb, Jamnick, Stallworth, Law, Hopgood, Stahl, Meyer, Lipsey, Amos, Caswell, Julian, LaSata, Vander Veen, Voorhees, Nofs and Palsrok offered the following concurrent resolution:

**House Concurrent Resolution No. 10.**

A concurrent resolution to urge the United States Customs Service to work for greater enforcement of food safety standards by reconsidering the classification of dairy products, especially those containing milk protein concentrates.

Whereas, The domestic dairy industry is very concerned about the effect that imported dry milk protein concentrates (MPCs) are having. The increasing use of these key components in many dairy products and the fact that regulations have clearly lagged behind technology are serious threats to a key part of American agriculture; and

Whereas, Farm groups concerned about the negative trends in the dairy industry strongly believe the dairy protein blends are being incorrectly classified by the United States Customs Service. The improper classification has created



a trade loophole that encourages importers to circumvent tariffs on certain dairy products. It also undermines food safety standards. A key impact of this situation is economic hardship for American agriculture; and

Whereas, Although the United States Customs Service earlier took a stand advocating the proper classification of products with MPCs to ensure that high-fat dairy protein products are not immune from tariff, the Customs Service has since reversed its position. This has led key dairy industry representatives to challenge the current classification system. The long-term vitality of the American dairy industry hangs in the balance; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge United States Customs Service to work for greater enforcement of food safety standards by reconsidering the classification of dairy products, especially those containing milk protein concentrates; and be it further

Resolved, That copies of this resolution be transmitted to the United States Customs Service.

The concurrent resolution was referred to the Committee on Agriculture and Resource Management.

Reps. Sheltroun, DeRossett, Emmons, Brown, Elkins, Bieda, Hune, Gielegem, Accavitti, Dennis, Gleason, Farrah, Sak, Gillard, O'Neil, Rivet, Byrum, Woodward, Hardman, Condino, Tobocman, Minore, Wojno, Cheeks, Plakas, Paletko, Spade, Williams, Meisner, Zelenko, Phillips, Anderson, Murphy, Kolb, Jamnick, Stallworth, Law, Hopgood, Stahl, Meyer, Lipsey, Amos, Caswell, Ehardt, Julian, LaSata, Vander Veen, Voorhees, Nofs and Palsrok offered the following concurrent resolution:

**House Concurrent Resolution No. 11.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation that will address the issue of the improper labeling and classification of dairy products.

Whereas, Technological advances have led to a dramatic increase in the use of imported dry milk protein concentrates (MPCs) in dairy products. The widespread use of this technology has largely developed after the negotiations for the landmark General Agreement on Tariffs and Trade (GAAT). Since MPCs are not subject to quotas and tariffs, they are imported into this country at much lower prices. This economic advantage is wreaking havoc in the domestic dairy industry; and

Whereas, Within the American dairy industry, there is great concern that not all manufacturers may be fully complying with requirements for listing accurately all ingredients in standardized food. Since using MPCs in producing dairy products, including cheese, offers significant cost advantages, it is essential that labeling of products reflect the contents accurately. It must be easy for consumers to identify companies that fully comply with standards of identity and that do not use imported MPCs; and

Whereas, Since substituting MPCs offers price advantages in the marketplace, the volume of their use is increasing substantially. The result is the displacement of domestic milk solids and the erosion of a major component of American agriculture. Action needs to be taken to protect existing food standards and correct unlawful practices as soon as possible; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation that will address the issue of the improper labeling and classification of dairy products; and be it further

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

The concurrent resolution was referred to the Committee on Agriculture and Resource Management.

Reps. Nofs, Bieda, Dennis, Voorhees, DeRossett, Caul, Middaugh, Farhat, Koetje, Walker, Pumford, Wenke, Moolenaar, DeRoche, Stahl, Huizenga, Wojno, Brandenburg, Accavitti, Garfield, Stakoe, Casperson, Woronchak, Milosch, Palsrok, Bisbee, Shackleton, Emmons, Hager, Hummel, Gaffney, Ward, Pastor, Tabor, Nitz, Caswell, Bradstreet, Van Regenmorter, Newell, Ehardt, Robertson, Amos, Pappageorge, Vander Veen, Steil, Shulman, Shaffer, Drolet, Hoogendyk, Taub, Richardville, Hune, LaJoy, Acciavatti, Gielegem, Hunter, Vagnozzi, Meisner, Elkins, Gillard, Gleason, Lipsey, Spade, O'Neil, Smith, Rivet, Paletko, Sheltroun, Anderson, Plakas, Law, Minore, Hardman, Murphy, Jamnick, Kolb, Brown, Byrum, Clack, Farrah, Howell, Ruth Johnson, Julian, Kooiman, LaSata, Rocca, Sak and Tobocman offered the following resolution:

**House Resolution No. 31.**

A resolution to express support for our troops and to pledge our commitment to public policies that will advance the nation's efforts against terrorism and threats to liberty.

Whereas, As the United States military faces several difficult situations around the globe, Michigan is joining this effort to protect our liberties from a wide range of threats. Numerous National Guard units in Michigan have been called to active duty. Many of these personnel are going to replace other units that have been on duty throughout the country, and several are active in the work of providing homeland security; and

Whereas, While preserving our liberties in a troubled world always demands great vigilance and the sacrifice of our men and women in uniform, the current situation is demonstrating the debt we owe to our fellow citizens in the military. Even though the threats facing us are in many ways different than those that have challenged previous generations, the role of courage and commitment in securing our freedoms remains as clear as ever; and

Whereas, Success in dealing with the crisis in Iraq and the continuing demands of the war on terrorism in countless locales requires not only the commitment of our troops, but also great sacrifices by the families of these brave Americans. These men, women, and children face difficulties in many ways, and the uncertain duration of the separation for many of them makes the situation even worse. Support for our troops is incomplete without support for them as well; and

Whereas, In the weeks and months that lie before us, there is no telling what will be asked of our country. We can, however, promise that the people of Michigan stand ready to express our support for our troops with public policy decisions that will advance the nation's efforts in the work before us; now, therefore, be it

Resolved by the House of Representatives, That we express support for our troops and pledge our commitment to public policies that will advance the nation's efforts against terrorism and threats to liberty; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Military and Veterans Affairs, the United States Department of Defense, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Michigan congressional delegation, the Office of the President of the United States, and appropriate local military service organizations throughout 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,

Rep. Nofs demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the resolution,

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

### Roll Call No. 29

### Yeas—107

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

**Nays—0**

In The Chair: Julian

Reps. McConico, Woodward, Rick Johnson, Whitmer, Cheeks, Hood, Hopgood and Sheen were named co-sponsors of the resolution.

**Third Reading of Bills****House Bill No. 4070, entitled**

A bill to require textbook publishers to provide electronic versions of certain instructional materials used in colleges and universities.

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

**Roll Call No. 30****Yeas—102**

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

**Nays—5**

Bradstreet	Garfield	Koetje	Milosch
Drolet			

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.

Reps. Waters, Anderson, Rocca, Woodward, Shulman, Phillips, Minore, Zelenko, Kolb, Jamnick, DeRossett, Richardville, Lipsey, Sheltroun, Brown, Smith, Paletko, Pastor, LaJoy, Law, Bieda, Wojno, Clack, Condino, Taub, Accavitti, Amos, Hune, Wenke, Ward, Sak, Elkins and Gillard were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4148, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 501, 502, 503, 504, 504a, and 507 (MCL 380.501, 380.502, 380.503, 380.504, 380.504a, and 380.507), sections 501, 502, 503, 504a, and 507 as amended by 1995 PA 289 and section 504 as amended by 1994 PA 416, and by adding sections 503b and 1320.

Was read a second time, and the question being on the adoption of the proposed substitute (H-7) previously recommended by the Committee on Education,

The substitute (H-7) was not adopted, a majority of the members serving not voting therefor.

Rep. Spade moved to substitute (H-6) the bill.

The question being on the adoption of the substitute (H-6) offered by Rep. Spade,

Rep. Spade demanded the yays and nays,

The demand was supported.

The question being on the adoption of the substitute (H-6) offered by Rep. Spade,

The substitute (H-6) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

#### Roll Call No. 31

#### Yeas—44

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

#### Nays—60

Acciavatti	Garfield	Meyer	Shaffer
Amos	Hager	Middaugh	Sheen
Bisbee	Hart	Milosch	Shulman
Bradstreet	Hoogendyk	Moolenaar	Stahl
Brandenburg	Howell	Newell	Stakoe
Casperson	Huizenga	Nitz	Steil
Caswell	Hummel	Nofs	Tabor
Caul	Hune	Palmer	Taub
DeRoche	Johnson, Rick	Palsrok	Van Regenmorter
DeRossett	Johnson, Ruth	Pappageorge	Vander Veen
Drolet	Julian	Pastor	Voorhees

Ehardt  
Emmons  
Farhat  
Gaffney

Koetje  
Kooiman  
LaJoy  
LaSata

Richardville  
Robertson  
Rocca  
Shackleton

Walker  
Ward  
Wenke  
Woronchak

In The Chair: Julian

Rep. Palmer moved to substitute (H-8) the bill.

The motion prevailed and the substitute (H-8) was adopted, a majority of the members serving voting therefor.

Rep. Vagnozzi moved to amend the bill as follows:

1. Amend page 9, line 26, after “(b)” by striking out “An” and inserting “**Except as otherwise provided in subdivision (d), an**”.

2. Amend page 10, line 1, after “of,” by inserting “and”.

3. Amend page 10, line 2, after “to,” by striking out “and direct academic support to”.

4. Amend page 10, following line 7, by inserting:

“(d) From this fee, an authorizing body shall pay to the department an amount equal to 1% of the total state school aid received by the public school academy in the school year in which the fee is charged. The department shall use this fee to support the activities of the department and superintendent of public instruction required under this part.”.

5. Amend page 11, following line 4, by inserting:

“(9) Before issuing a contract for a public school academy, an authorizing body shall notify the board of the school district in which the proposed public school academy is to be located and the board of any school district that has any territory located within a 30-mile radius of the proposed public school academy that it intends to issue the contract and shall give those school boards at least 30 days to submit comments to the authorizing body on the proposed contract.”.

6. Amend page 25, following line 19, by inserting:

“Sec. 508. (1) The superintendent of public instruction shall do all of the following with respect to public school academies:

(a) Establish a submission process that monitors the date and time of submission of contracts by authorizing bodies to the department pursuant to section 507 and that ensures that contracts are recognized as issued in the order in which they are submitted, regardless of the authorizing body or type of authorizing body. The superintendent of public instruction shall not establish a submission process that prohibits an authorizing body from submitting a contract and shall not invalidate a contract issued under this part.

(b) Establish a procedure for monitoring the number of contracts submitted by authorizing bodies for public school academies that are not special purpose public school academies. The procedure shall be consistent with the limitations under section 502 concerning the number of contracts that may be issued.

(c) Promulgate rules establishing a process for the periodic certification of eligible governing boards listed in section 502(2) to serve as authorizing bodies. All of the following apply to this certification process:

(i) The certification process shall occur on an advertised periodic schedule, with a scheduled periodic certification review for each authorizing body once every 5 years. Each of the eligible governing boards listed in section 502(2) shall be considered to be certified until the particular governing board is considered for certification according to that schedule. Under extraordinary circumstances, the superintendent of public instruction may initiate an early, unscheduled certification review.

(ii) The standards for certification shall be based only on the performance of the governing board in the following matters:

(A) Holding a public school academy board of directors accountable for meeting the academic performance standards established under the contract.

(B) Enforcing the terms of a contract.

(C) Ensuring compliance with this part and this act.

(D) Demonstrating fiscal responsibility in the performance of the duties of an authorizing body.

(iii) The superintendent of public instruction shall appoint a certification panel to assist in the certification process. This panel shall consist of knowledgeable persons selected by the superintendent of public instruction, at least a majority of whom shall be residents of this state.

(iv) If the certification panel appointed by the superintendent of public instruction recommends that the authorizing body is not eligible for certification, the superintendent of public instruction shall inform the authorizing body of the reasons or deficiencies in the authorizing body's operations that are the basis for the proposed denial of certification. The authorizing body shall correct the deficiencies or may request a hearing challenging the proposed findings of the certification panel. If the deficiencies are corrected, the superintendent shall certify the authorizing body. If the deficiencies are not corrected or the hearing officer determines that the deficiencies are valid, the superintendent shall not certify the authorizing body.

(v) An authorizing body that has been denied certification by the superintendent of public instruction may request reinstatement of certification and the certification shall be reinstated if the superintendent of public instruction finds that the authorizing body has corrected the reasons or deficiencies in the authorizing body's operations that resulted in the denial of certification.

(d) Promulgate rules to ensure all of the following:

(i) That authorizing bodies collaborate with each other to share best-practice oversight models developed by authorizing bodies; to develop standards for permissible and impermissible family relationships between and among public school academy board of directors members, public school academy employees, educational management company owners and shareholders, and educational management company employees; to develop standards and procedures for pupil admissions; and to develop standards and procedures for selection and reappointment of public school academy board of directors members.

(ii) That training sessions are provided for new members of a public school academy board of directors and there is ongoing training for members of a public school academy board of directors. This training shall cover at least the responsibilities and independence of board of directors members, standards to be met by a board of directors, and responsibilities of public school academies with respect to pupils with disabilities.

(iii) That intermediate school districts include representatives of the public school academies located within their boundaries in the process of developing, modifying, and evaluating the intermediate school district special education plan for special education programs and services.

(2) Subject to subsections (3) and (4), the superintendent of public instruction may revoke an authorizing body's authority to issue contracts under this part. However, the superintendent of public instruction may revoke an authorizing body's authority to issue contracts under this part only if the superintendent of public instruction determines either of the following:

(a) The authorizing body has failed to establish high expectations for its public school academies in achieving the required academic performance standards under the contract and has failed to act effectively to correct this situation.

(b) The authorizing body has failed to insist that a public school academy it authorized take appropriate actions when it is determined that the public school academy has engaged in significant or continuous violations of law.

(3) Before initiating revocation of an authorizing body's authority to issue contracts under this part, the superintendent of public instruction shall provide written notice to the authorizing body of a possible violation under subsection (2). Upon receipt of the notice, the authorizing body shall be given an opportunity to respect to the possible violation under subsection (2) and take corrective action. If the authorizing body acknowledges that a possible violation under subsection (2) has occurred, the superintendent of public instruction and the authorizing body shall agree on a plan and reasonable timetable to correct the violation under subsection (2).

(4) If the superintendent of public instruction finds that the authorizing body has not responded to the possible violation under subsection (2) or has not corrected the violation under subsection (2) in accordance with the plan and timetable agreed upon under subsection (3), the superintendent of public instruction shall notify the authorizing body of the noncompliance and may initiate a revocation hearing. The revocation hearing shall be conducted as a contested case proceeding under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(5) If the superintendent of public instruction revokes an authorizing body's authority to issue contracts under subsection (2), all of the following apply:

(a) Any existing contract issued by the authorizing body remains valid.

(b) The authorizing body shall enter into an agreement with 1 or more other authorizing bodies to provide oversight as required under this part.

(6) If the superintendent of public instruction revokes an authorizing body's authority to issue contracts under subsection (2), the authorizing body may apply to the superintendent of public instruction for

reinstatement as an authorizing body any time after the expiration of 1 year after the date of the revocation order. If the superintendent of public instruction finds that the authorizing body has corrected the violations under subsection (2), the superintendent of public instruction shall reinstate the authorizing body's authority to issue contracts under this part.

(7) This section shall not infringe upon the constitutional autonomy of an institution of higher education with statewide jurisdiction that is a state public university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

Sec. 509. (1) The department shall commission large-scale research studies to provide policymakers with information concerning the overall role played by public school academies in the educational system of this state. The research shall examine at least all of the following:

(a) Public school academy pupil achievement data from existing state assessment programs and from additional assessment programs developed in accordance with federal law.

(b) The impact of public school academies as a whole on the educational system of this state.

(c) The impact of public school academies that have been in existence for 5 years or more.

(d) The impact of public school academies on at-risk pupils, special education pupils, and other subgroups.

(2) The department shall ensure that a research study under this section is completed not later than 2007 and that a follow-up study is completed not later than 2012.

Sec. 1258. If the board of a school district or the board of directors of a public school academy determines that it will open a new school building or close an existing school building, the board or board of directors shall provide public notification of the proposed school opening or closing to the general public and to other school districts and public school academies located within a 30-mile radius of the proposed new school or school closing by publishing a notice in a newspaper of general circulation in this area within 30 days after making the determination.”.

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

Rep. Vagnozzi demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 32**

**Yeas—48**

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

**Nays—59**

Acciavatti	Garfield	Middaugh	Sheen
Amos	Hager	Milosch	Shulman
Bisbee	Hoogendyk	Moolenaar	Stahl
Bradstreet	Howell	Newell	Stakoe
Brandenburg	Huizenga	Nitz	Steil
Casperson	Hummel	Nofs	Tabor

Caswell	Hune	Palmer	Taub
Caul	Johnson, Rick	Palsrok	Van Regenmorter
DeRoche	Johnson, Ruth	Pappageorge	Vander Veen
DeRossett	Julian	Pastor	Voorhees
Drolet	Koetje	Richardville	Walker
Ehardt	Kooiman	Robertson	Ward
Emmons	LaJoy	Rocca	Wenke
Farhat	LaSata	Shackleton	Woronchak
Gaffney	Meyer	Shaffer	

In The Chair: Julian

Rep. Meisner moved to amend the bill as follows:

1. Amend page 1, line 5, after "1225" by striking out "**and section 1351a**".

2. Amend page 21, line 24, by striking out all of subdivision (g).

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

Rep. Meisner demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 33**

**Yeas—45**

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

**Nays—61**

Acciavatti	Hager	Middaugh	Sheen
Amos	Hart	Milosch	Shulman
Bisbee	Hoogendyk	Moolenaar	Stahl
Bradstreet	Howell	Newell	Stakoe
Brandenburg	Huizenga	Nitz	Steil
Casperson	Hummel	Nofs	Stewart
Caswell	Hune	Palmer	Tabor
Caul	Johnson, Rick	Palsrok	Taub
DeRoche	Johnson, Ruth	Pappageorge	Van Regenmorter
DeRossett	Julian	Pastor	Vander Veen



Drolet	Koetje	Richardville	Voorhees
Ehardt	Kooiman	Robertson	Walker
Emmons	LaJoy	Rocca	Ward
Farhat	LaSata	Shackleton	Wenke
Gaffney	Meyer	Shaffer	Woronchak
Garfield			

In The Chair: Julian

Rep. Hopgood moved to amend the bill as follows:

1. Amend page 20, line 20, after “**academy.**” by striking out the balance of the line through “**school.**” on line 22.

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

Rep. Hopgood demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 34**

**Yeas—46**

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

**Nays—61**

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

In The Chair: Julian

Rep. Pumford moved to amend the bill as follows:

1. Amend page 5, line 27, after “**jurisdiction.**” by striking out the balance of the subdivision.
2. Amend page 6, following line 14, by inserting:

**“(3) Before a contract issued under this section is valid, the contract shall be approved by a majority of the school electors voting on the question of the school district in which the public school academy is to be located. The question shall be placed on the ballot at the next regular school election of the school district occurring at least 60 days after the date the contract is issued. The authorizing body shall reimburse the board of the school district for the costs of placing the question on the ballot whether or not the question is approved.”** and renumbering the remaining subsections.

3. Amend page 11, line 1, after “**void.**” by striking out the balance of the subsection.

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

Rep. Pumford demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 35

### Yeas—48

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

### Nays—58

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

Rep. Pumford moved to amend the bill as follows:

1. Amend page 11, following line 4, by inserting:

**“Sec. 502a. The foundation allowance calculated pursuant to section 20 of the state school aid act of 1979, MCL 388.1620, for pupils enrolled in a public school academy shall be the lesser of the foundation allowance of the pupil’s district of residence or the foundation allowance of the public school academy in which the pupil is enrolled, not to exceed an amount equal to the sum of the basic foundation allowance pursuant to section 20 of the state school aid act of 1979, MCL 388.1620, plus \$300.”.**

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

Rep. Pumford demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 36**

**Yeas—53**

Accavitti	Gillard	Lipsey	Sheltrown
Anderson	Gleason	McConico	Smith
Bieda	Hardman	Meisner	Spade
Bisbee	Hart	Minore	Stallworth
Brown	Hood	Murphy	Stewart
Byrum	Hopgood	O’Neil	Tobocman
Caul	Hunter	Paletko	Vagnozzi
Cheeks	Jamnick	Phillips	Waters
Clack	Julian	Plakas	Whitmer
Condino	Kolb	Pumford	Williams
Dennis	Kooiman	Reeves	Wojno
Elkins	LaSata	Sak	Woodward
Farrah	Law	Shackleton	Zelenko
Gielegem			

**Nays—51**

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

In The Chair: Julian

Rep. LaSata moved to amend the bill as follows:

1. Amend page 20, line 27, after “504a.” by inserting “(1)”.

2. Amend page 21, line 15, after “(d)” by striking out “To” and inserting “**subject to subsection (2), to**”.

3. Amend page 21, following line 27, by inserting:

**“(2) Beginning on the effective date of the amendatory act that added this subsection, a public school academy shall not enter into an agreement with an educational management company unless the educational management company is a nonprofit corporation.”**

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

Rep. LaSata demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 37**

**Yeas—48**

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

**Nays—59**

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

In The Chair: Julian

Rep. Palmer 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. 4148, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 501, 502, 503, 504, 504a, and 507 (MCL 380.501, 380.502, 380.503, 380.504, 380.504a, and 380.507), sections 501, 502, 503, 504a, and 507 as amended by 1995 PA 289 and section 504 as amended by 1994 PA 416, and by adding sections 503b and 1320.

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

**Roll Call No. 38**

**Yeas—56**

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

**Nays—51**

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

In The Chair: Julian

The House agreed to the title of the bill.

Reps. Vagnozzi, Kolb, Gleason, Anderson, Phillips, Murphy, Hopgood, Zelenko, Dennis and Condino, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on House Bill 4148 (H-8) for several reasons. First, this version of the bill increases the cap on public school academies (PSAs) far beyond what the Legislative Commission on Charter Schools (Commission)

recommended. This bill would allow for 30 additional PSAs per year until the cap increased from the current cap of 150 until it reached 450 schools, an increase of 200 percent. This is far too big of an increase, especially given the fact that the Department of Education does not have the funding to provide proper oversight for the current 150 university chartered PSAs.

Secondly, much of the accountability provisions from the Commission's recommendations are not included in this legislation, including requirements that training be provided for new PSA board members, that authorizers collaborate on best-practice oversight models, and that further research be conducted to provide policymakers with clear information on the overall roll that PSAs play in the 'public school arena.' Also, not included in this legislation are the oversight responsibilities of the State Superintendent of Public Instruction that were included in the Commissions recommendations and in HB 4800 of last session. Public notice to the area in which PSAs plan to open new schools was also in HB 4800 of last session but is not included in this legislation.

Additionally as mentioned above and much like HB 4800 of last session, this bill does not address the lack of funding in the Department of Education for PSA oversight. It is irresponsible to increase the number of PSAs without increasing the resources to ensure they are meeting statutory obligations and are providing a quality education to our children.

Finally, the public was not allowed to testify or provide input on the version of the bill reported from the House Education committee and furthermore were not provided copies of the 29-page legislation until minutes before the vote to report the bill from that committee. This is unfair to the public and to the members of the committee whose job is to represent their constituents through thoughtful debate on the legislation.

It is for these reasons that I voted 'no' on HB 4148 at this time."

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

"Mr. Speaker and members of the House:

I voted 'no' on House Bill 4148 (H-8) for several reasons. First, this version of the bill increases the cap on public school academies (PSAs) far beyond what the Legislative Commission on Charter Schools (Commission) recommended. This bill would allow for 30 additional PSAs per year until the cap increased from the current cap of 150 until it reached 450 schools, an increase of 200 percent. This is far too big of an increase, especially given the fact that the Department of Education does not have the funding to provide proper oversight for the current 150 university chartered PSAs. Secondly, much of the accountability provisions from the Commission's recommendations are not included in this legislation, including requirements that training be provided for new PSA board members, that authorizers collaborate on best-practice oversight models, and that further research be conducted to provide policymakers with clear information on the overall roll that PSAs play in the 'public school arena.' Also, not included in this legislation are the oversight responsibilities of the State Superintendent of Public Instruction that were included in the Commissions recommendations and in HB 4800 of last session. Public notice to the area in which PSAs plan to open new schools was also in HB 4800 of last session but is not included in this legislation. Additionally as mentioned above and much like HB 4800 of last session, this bill does not address the lack of funding in the Department of Education for PSA oversight. It is irresponsible to increase the number of PSAs without increasing the resources to ensure they are meeting statutory obligations and are providing a quality education to our children. Finally, the public was not allowed to testify or provide input on the version of the bill reported from the House Education committee and furthermore were not provided copies of the 29-page legislation until minutes before the vote to report the bill from that committee. This is unfair to the public and to the members of the committee whose job is to represent their constituents through thoughtful debate on the legislation. It is for these reasons that I vote no."

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

"Mr. Speaker and members of the House:

I voted 'no' on House Bill 4148 for several reasons. First, this version of the bill increases the cap on public school academies (PSAs) far beyond what the Legislative Commission on Charter Schools (Commission) recommended. This bill would allow for 50 additional PSAs per year until the cap increased from the current cap of 150 until it reached 500 schools, an increase of 233 percent. This is far too big of an increase, especially given the fact that the Department of Education does not have the funding to provide proper oversight for the current 150 university chartered PSAs. Secondly, much of the accountability provisions from the Commission's recommendations are not included in this legislation, including requirements that training be provided for new PSA board members, that authorizers collaborate on best-practice oversight models, and that further research be conducted to provide policymakers with clear information on the overall roll that PSAs play in the 'public school arena.' Also, not included in this legislation are the oversight responsibilities of the State Superintendent of Public Instruction that were included in the Commissions recommendations and in HB 4800 of last session. Public notice to the area in which PSAs plan to open new schools was also in HB 4800 of last session but is not included in this legislation. Additionally as mentioned above and much

like HB 4800 of last session, this bill does not address the lack of funding in the Department of Education for PSA oversight. It is irresponsible to increase the number of PSAs without increasing the resources to ensure they are meeting statutory obligations and are providing a quality education to our children. Finally, the public was not allowed to testify or provide input on the version of the bill reported from the House Education committee and furthermore were not provided copies of the 29-page legislation until minutes before the vote to report the bill from that committee. This is unfair to the public and to the members of the committee whose job is to represent their constituents through thoughtful debate on the legislation. It is for these reasons that I voted 'no' on HB 4148 at this time."

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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.

### Introduction of Bills

Rep. Julian introduced

**House Bill No. 4432, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2834. The bill was read a first time by its title and referred to the Committee on Insurance.

Reps. Smith, Hardman, Reeves, McConico, Vagnozzi, Clack, Hopgood, Gleason, Tobocman, Hunter, Cheeks, Bieda and Daniels introduced

**House Bill No. 4433, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1147 (MCL 380.1147). The bill was read a first time by its title and referred to the Committee on Education.

Reps. Smith, Cheeks, Hune, Law, Tobocman and Hopgood introduced

**House Bill No. 4434, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 1998 PA 520.

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

Reps. Smith, Hardman, McConico, Hunter, Cheeks and Daniels introduced

**House Bill No. 4435, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1304. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Milosch, Drolet, Pastor, Acciavatti, LaJoy, Hoogendyk, Sheen, Garfield, Wenke, Brandenburg, Robertson, Caswell, Palmer, Caul, Ruth Johnson, Bradstreet, Tabor, Stahl, Taub, Amos, Stakoe, Hummel and Casperson introduced

**House Bill No. 4436, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4a (MCL 408.384a), as amended by 1997 PA 2.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. Ehardt, Taub, Brandenburg, Vander Veen and Shaffer introduced

**House Bill No. 4437, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 418a.

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

Reps. Ehardt, Taub, Brandenburg, Vander Veen and Shaffer introduced

**House Bill No. 4438, entitled**

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

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

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Rep. DeRossett moved that the House adjourn.

The motion prevailed, the time being 2:10 p.m.

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

GARY L. RANDALL  
Clerk of the House of Representatives