

No. 38
STATE OF MICHIGAN
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House of Representatives
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House Chamber, Lansing, Tuesday, May 13, 2003.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Scott Hummel, from the 93rd District, offered the following invocation:

“O Lord, You are greatly to be praised and Your greatness is unsearchable. Lord, Your thoughts are above our thoughts. Your ways are beyond even our comprehension. We don’t always understand, but Lord, I know that when we ask, You will give us what we need to carry out the responsibilities that You’ve entrusted us with. Lord, we ask today, we ask for wisdom. Lord, we ask for Your presence. Guide us, to enlighten us, to help us fulfill the responsibilities You’ve entrusted to us through the people of this state. Lord, thank You for this opportunity to do Your will. We do give You the praise and we do say You are great. Amen.”

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

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

Second Reading of Bills

House Bill No. 4396, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2004; and to provide for the expenditures of the appropriations.

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

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

Rep. Bieda moved to amend the bill as follows:

- 1. Amend page 1, line 1, by striking out all of part 1 and inserting:

“PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for higher education for the fiscal year ending September 30, 2004, from the funds indicated in this part. The following is a summary of the appropriations in this part:

HIGHER EDUCATION

Full-time equated classified positions	1.0	
GROSS APPROPRIATION.....		\$ 1,775,437,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		\$ 0
ADJUSTED GROSS APPROPRIATION		\$ 1,775,437,000

Appropriated from:

Federal revenues:

Total federal revenues		4,400,000
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Special revenue funds:

Total other state restricted revenues		138,350,000
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State general fund/general purpose		\$ 1,632,687,000
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Sec. 102. CENTRAL MICHIGAN UNIVERSITY

Operations.....		\$ 81,003,300
GROSS APPROPRIATION.....		\$ 81,003,300

Appropriated from:

State general fund/general purpose		\$ 81,003,300
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Sec. 103. EASTERN MICHIGAN UNIVERSITY

Operations.....		\$ 78,873,300
GROSS APPROPRIATION.....		\$ 78,873,300

Appropriated from:

State general fund/general purpose		\$ 78,873,300
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Sec. 104. FERRIS STATE UNIVERSITY	
Operations.....	\$ 49,968,200
GROSS APPROPRIATION.....	\$ 49,968,200
Appropriated from:	
State general fund/general purpose	\$ 49,968,200
Sec. 105. GRAND VALLEY STATE UNIVERSITY	
Operations.....	\$ 54,085,800
GROSS APPROPRIATION.....	\$ 54,085,800
Appropriated from:	
State general fund/general purpose	\$ 54,085,800
Sec. 106. LAKE SUPERIOR STATE UNIVERSITY	
Operations.....	\$ 12,841,800
GROSS APPROPRIATION.....	\$ 12,841,800
Appropriated from:	
State general fund/general purpose	\$ 12,841,800
Sec. 107. MICHIGAN STATE UNIVERSITY	
Operations.....	\$ 293,383,700
GROSS APPROPRIATION.....	\$ 293,383,700
Appropriated from:	
State general fund/general purpose	\$ 293,383,700
Sec. 108. MICHIGAN TECHNOLOGICAL UNIVERSITY	
Operations.....	\$ 49,717,400
GROSS APPROPRIATION.....	\$ 49,717,400
Appropriated from:	
State general fund/general purpose	\$ 49,717,400
Sec. 109. NORTHERN MICHIGAN UNIVERSITY	
Operations.....	\$ 46,811,500
GROSS APPROPRIATION.....	\$ 46,811,500
Appropriated from:	
State general fund/general purpose	\$ 46,811,500
Sec. 110. OAKLAND UNIVERSITY	
Operations.....	\$ 47,146,100
GROSS APPROPRIATION.....	\$ 47,146,100
Appropriated from:	
State general fund/general purpose	\$ 47,146,100
Sec. 111. SAGINAW VALLEY STATE UNIVERSITY	
Operations.....	\$ 24,653,900
GROSS APPROPRIATION.....	\$ 24,653,900
Appropriated from:	
State general fund/general purpose	\$ 24,653,900
Sec. 112. UNIVERSITY OF MICHIGAN-ANN ARBOR	
Operations.....	\$ 327,206,100
GROSS APPROPRIATION.....	\$ 327,206,100
Appropriated from:	
State general fund/general purpose	\$ 327,206,100
Sec. 113. UNIVERSITY OF MICHIGAN-DEARBORN	
Operations.....	\$ 25,193,900
GROSS APPROPRIATION.....	\$ 25,193,900
Appropriated from:	
State general fund/general purpose	\$ 25,193,900
Sec. 114. UNIVERSITY OF MICHIGAN-FLINT	
Operations.....	\$ 21,661,300
GROSS APPROPRIATION.....	\$ 21,661,300
Appropriated from:	
State general fund/general purpose	\$ 21,661,300
Sec. 115. WAYNE STATE UNIVERSITY	
Operations.....	\$ 228,279,900
GROSS APPROPRIATION.....	\$ 228,279,900
Appropriated from:	
State general fund/general purpose	\$ 228,279,900

Sec. 116. WESTERN MICHIGAN UNIVERSITY

Operations.....	\$ 113,109,300
GROSS APPROPRIATION.....	\$ 113,109,300
Appropriated from:	
State general fund/general purpose	\$ 113,109,300

Sec. 117. STATE AND REGIONAL PROGRAMS

Full-time equated classified positions	1.0
Agricultural experiment station.....	\$ 33,163,800
Cooperative extension service.....	28,604,300
Japan center for Michigan universities.....	150,000
Higher education database maintenance and enhancement—1.0 FTE position.....	200,000
Midwestern higher education compact.....	82,500
GROSS APPROPRIATION.....	\$ 62,200,600
Appropriated from:	
State general fund/general purpose	\$ 62,200,600

Sec. 118. MARTIN LUTHER KING, JR. - CESAR CHAVEZ - ROSA PARKS PROGRAM

Select student supportive services.....	\$ 1,956,100
Michigan college/university partnership program	586,800
Morris Hood, Jr. educator development program	148,600
GROSS APPROPRIATION.....	\$ 2,691,500
Appropriated from:	
State general fund/general purpose	\$ 2,691,500

Sec. 119. GRANTS AND FINANCIAL AID

State competitive scholarships	\$ 35,993,500
Tuition grants.....	64,447,700
Michigan work-study program	9,547,900
Dental clinics grant.....	4,547,000
Michigan education opportunity grants	2,223,300
Robert C. Byrd honors scholarship program	1,500,000
Nursing scholarship program	4,000,000
Michigan merit award program	125,100,000
Tuition incentive program.....	9,250,000
GROSS APPROPRIATION.....	\$ 256,609,400

Appropriated from:

Federal revenues:

Higher education act of 1965, title IV, 20 U.S.C.	2,900,000
Higher education act of 1965, title IV, part A	1,500,000

Special revenue funds:

Michigan merit award trust fund.....	138,350,000
State general fund/general purpose	\$ 113,859,400”.

The question being on the adoption of the amendment offered by Rep. Bieda, Rep. Bieda demanded the yeas and nays. The demand was supported.

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

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

Roll Call No. 120

Yeas—46

Accavitti	Farrah	Lipsey	Sak
Adamini	Gaffney	McConico	Sheltrown
Anderson	Gielegem	Meisner	Smith
Bieda	Gillard	Minore	Spade
Brown	Gleason	Murphy	Tobocman
Byrum	Hardman	O’Neil	Vagnozzi
Cheeks	Hood	Paletko	Waters
Clack	Hopgood	Phillips	Whitmer

Condino	Hunter	Plakas	Williams
Daniels	Jamnick	Reeves	Wojno
Dennis	Kolb	Rivet	Woodward
Elkins	Law		

Nays—61

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

In The Chair: Julian

Rep. Kolb moved to amend the bill as follows:

1. Amend page 6, line 7, by striking out “125,100,000” and inserting “65,100,000”.
2. Amend page 6, line 9, by striking out “252,609,400” and inserting “192,609,400”.
3. Amend page 6, line 15, by striking out “138,350,000” and inserting “78,350,000” and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 12, line 17, by striking out all of section 305 and inserting:

“Sec. 305. The sums appropriated in part 1 for the Michigan merit award program are payable for qualifying students from the high school graduating classes of 2000 through 2003. Students from high school graduating classes beginning with the graduating class of 2004 shall have their Michigan merit awards paid equally over 4 academic years from the state fiscal year appropriation for the Michigan merit award program that begins in the academic year for which the student requests payment.”.

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

Rep. Kolb demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 121**Yeas—42**

Accavitti	Elkins	Law	Rivet
Adamini	Farrah	Lipsey	Sak
Anderson	Gielegghem	McConico	Sheltrown
Bieda	Gillard	Meisner	Smith

Brown	Gleason	Minore	Spade
Byrum	Hardman	Murphy	Vagnozzi
Cheeks	Hood	O'Neil	Waters
Clack	Hopgood	Phillips	Whitmer
Condino	Hunter	Plakas	Williams
Daniels	Jamnick	Reeves	Wojno
Dennis	Kolb		

Nays—62

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

In The Chair: Julian

Rep. Kolb moved to amend the bill as follows:

1. Amend page 18, following line 10, by inserting:

“Sec. 316. (1) The Michigan opportunity scholarship program shall be implemented beginning in the fiscal year ending September 30, 2005. Funding for the Michigan opportunity scholarships shall equal the amounts appropriated in part 1 of this act for the state competitive scholarships, tuition grants, Michigan work-study program, and the Michigan education opportunity grants. The Michigan opportunity scholarships program shall be administered by the Michigan higher education assistance authority.

(2) The Michigan higher education assistance authority shall utilize Michigan opportunity scholarships program funding to continue awards to all students who received awards in the fiscal year ending September 30, 2004, under the state competitive scholarship program pursuant to 1964 PA 208, MCL 390.971 to 390.981 and the tuition grant program pursuant to 1966 PA 313, MCL 390.991 to 390.997a and who remain eligible under those former programs.

(3) The remaining Michigan opportunity scholarships program funds shall be paid by the Michigan higher education assistance authority to financially needy Michigan students attending a Michigan public or independent college or university. The Michigan higher education assistance authority shall determine the application process, the needs analysis criteria for students to qualify for an award, and the annual maximum award amount under the Michigan opportunity scholarships program.

(4) When statutory provisions are enacted to provide for the Michigan opportunity scholarships programs, the provisions of subsection 2 and 3 are superseded.”.

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

Rep. Kolb demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 122

Yeas—42

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

Nays—64

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

In The Chair: Julian

Rep. Brown moved to amend the bill as follows:

1. Amend page 3, line 21, by striking out all of section 109 and inserting:

“Sec. 109. NORTHERN MICHIGAN UNIVERSITY

Operations.....	\$	46,811,500
Labor education program		90,000
GROSS APPROPRIATION.....	\$	46,901,500

Appropriated from:

State general fund/general purpose	\$	46,901,500”.
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2. Amend page 5, line 13, by striking out “200,000” and inserting “110,000”.

3. Amend page 5, line 15, by striking out “62,200,600” and inserting “62,110,600”.

4. Amend page 5, line 17, by striking out “62,200,600” and inserting “62,110,600”.

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

Rep. Brown demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 123**Yeas—48**

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

Nays—58

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

In The Chair: Julian

Rep. Woodward moved to amend the bill as follows:

1. Amend page 23, following line 8, by inserting:

“Sec. 439. Any of Michigan’s public universities which have a policy allowing smoking in their dormitories or residence halls shall report to the legislature, by December 1, 2003, the reason or reasons for that policy.”.

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

Rep. Woodward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 124**Yeas—68**

Accavitti	Gielegem	McConico	Sak
Acciavatti	Gillard	Meisner	Shackleton
Adamini	Gleason	Middaugh	Shaffer
Anderson	Hager	Milosch	Shulman
Bieda	Hardman	Minore	Smith

Brown	Hart	Murphy	Spade
Byrum	Hood	Nitz	Stewart
Casperson	Hopgood	O'Neil	Tobocman
Caul	Hunter	Paletko	Vagnozzi
Cheeks	Jamnick	Phillips	Vander Veen
Clack	Johnson, Ruth	Plakas	Walker
Condino	Julian	Pumford	Waters
Daniels	Kolb	Reeves	Whitmer
Dennis	Kooiman	Richardville	Williams
Elkins	LaSata	Rivet	Wojno
Farrah	Law	Robertson	Woodward
Gaffney	Lipsey	Rocca	Woronchak

Nays—38

Amos	Garfield	Moolenaar	Stahl
Bisbee	Hoogendyk	Newell	Stakoe
Bradstreet	Howell	Nofs	Steil
Brandenburg	Huizenga	Palmer	Tabor
Caswell	Hummel	Palsrok	Taub
DeRoche	Hune	Pappageorge	Van Regenmorter
DeRossett	Johnson, Rick	Pastor	Voorhees
Drolet	Koetje	Sheen	Ward
Emmons	LaJoy	Sheltrown	Wenke
Farhat	Meyer		

In The Chair: Julian

Rep. Caswell moved to amend the bill as follows:

1. Amend page 6, line 8, by increasing the amount by “3,750,000” and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Caul moved to amend the bill as follows:

1. Amend page 17, line 7, after “30,” by striking out “2003” and inserting “2004”.

2. Amend page 17, line 8, after “30,” by striking out “2003” and inserting “2004”.

3. Amend page 17, line 17, after “30,” by striking out “2003” and inserting “2004”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4396, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2004; and to provide for the expenditures of the appropriations.

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

Roll Call No. 125**Yeas—68**

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

Nays—38

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

In The Chair: Julian

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

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

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2004; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Farrah, Hopgood, Dennis, Hunter, Byrum, Brown, Jamnick, Anderson, Minore, Condino and Waters, 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 4396 (H-1), the 2004 Higher education budget for several reasons.

First, this version removes the \$4 million increase that the Governor recommended for Tuition Incentive Payments (TIP).

This program helps the neediest students in the State to be able to afford college. At a time when our economy is weak and unemployment is high, it is critical that we assist those who wish to gain a higher education, making them more employable.

Second, this budget continues the problems begun in the Department of Community Health budget by putting in an additional \$60 million in tobacco funds that was in the Governor's recommendation for the DCH budget. It is still unclear how House Republicans intend to fill the \$60 million general fund hole they created by this switch. It is irresponsible to pass budgets that are not balanced.

Finally, negotiations on this budget did not occur. This bill was presented by the Republicans as a *fait accompli*. We must work together to address the fiscal crisis facing our State. This budget was a one-sided, Republican effort that continues to blow a hole in the budget. Therefore, I voted no on House Bill 4396 (H-1)."

Rep. Whitmer, 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:

While it is particularly difficult for me to vote against a Higher Education budget, I voted no on House Bill 4396 (H-1), the 2004 Higher education budget for several reasons.

First, this version removes the \$4 million increase that the Governor recommended for Tuition Incentive Payments (TIP). This program helps the neediest students in the State to be able to afford college. At a time when our economy is weak and unemployment is high, it is critical that we assist those who wish to gain a higher education, making them more employable.

Second, this budget continues the problems begun in the Department of Community Health budget by putting in an additional \$60 million in tobacco funds that was in the Governor's recommendation for the DCH budget. It is still unclear how House Republicans intend to fill the \$60 million general fund hole they created by this switch. Additionally, we will forfeit over \$75 million in federal matching funds. It is irresponsible to pass budgets that are not balanced.

Finally, negotiations on this budget did not occur. This bill was presented by the Republicans as a *fait accompli*. We must work together to address the fiscal crisis facing our State. This budget was a one-sided, Republican effort that continues to blow a hole in the budget. Therefore, I voted no on House Bill 4396 (H-1)."

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 4396 (H-1), the 2004 Higher education budget for several reasons.

First, this version removes the \$4 million increase that the Governor recommended for Tuition Incentive Payments (TIP). This program helps the neediest students in the State to be able to afford college. At a time when our economy is weak and unemployment is high, it is critical that we assist those who wish to gain a higher education, making them more employable. Second, this budget continues the problems begun in the Department of Community Health budget by putting in an additional \$60 million in tobacco funds that was in the Governor's recommendation for the DCH budget. It is still unclear how House Republicans intend to fill the \$60 million general fund hole they created by this switch. It is irresponsible to pass budgets that are not balanced. Finally, negotiations on this budget did not occur. This bill was presented by the Republicans as a *fait accompli*. We must work together to address the fiscal crisis facing our State."

Rep. Gleason, 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 4396 (H-1), the 2004 Higher education budget for several reasons. First, this version removes the \$4 million increase that the Governor recommended for Tuition Incentive Payments (TIP). This program helps the neediest students in the State to be able to afford college. At a time when our economy is weak and unemployment is high, it is critical that we assist those who wish to gain a higher education, making them more employable. Second, this budget continues the problems begun in the Department of Community Health budget by putting in an additional \$60 million in tobacco funds that was in the Governor's recommendation for the DCH budget. It is still unclear how House Republicans intend to fill the \$60 million general fund hole they created by this switch. It is irresponsible to pass budgets that are not balanced. Negotiations on this budget did not occur. This bill was presented by the Republicans as a *fait accompli*. We must work together to address the fiscal crisis facing our State. This budget was a one-sided, Republican effort that continues to blow a hole in the budget. Therefore, I voted no on House Bill 4396 (H-1). Finally, regarding state funding for higher education should be spread equally among all institutions and a yes vote compromises medicaid funding for those needing this healthcare and subsequent millions of funds from federal dollars."

Rep. Lipsey, 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 am severely troubled by the direction taken by my colleagues with this budget. Not only have we limited access to higher education with the reduction in the Tuition Incentive Program funding but we have also tried to fund a portion of this budget on the backs of our medicaid recipients. While the majority of this house continue to fund programs and cut revenue, we cannot continue to pretend that we can pay for everything without making some sacrifices. I will be happy to support the structure presented IF we can find money for the merit scholarships from some other source.”

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 4396 (H-1), the 2004 Higher education budget for several reasons.

First, this version removes the \$4 million increase that the Governor recommended for Tuition Incentive Payments (TIP). This program helps the neediest students in the State to be able to afford college. At a time when our economy is weak and unemployment is high, it is critical that we assist those who wish to gain a higher education, making them more employable.

Second, this budget continues the problems begun in the Department of Community Health budget by putting in an additional \$60 million in tobacco funds that was in the Governor’s recommendation for the DCH budget. It is still unclear how House Republicans intend to fill the \$60 million general fund hole they created by this switch. It is irresponsible to pass budgets that are not balanced. I offered an amendment to fund the Merit Scholarship program in a fiscally responsible manner and not create a \$60 million hole in the budget. The Republicans rejected this amendment without saying how they are going to fill the \$60 million hole they have created in the state’s budget. I offered a second amendment to help create the Michigan Opportunity Scholarship, a needs based scholarship program. My amendment would have implemented this needs based scholarship program without harming existing students whose scholarships are funded by current programs. With the removal of the TIP dollars, it is imperative that we establish a needs base scholarship program to help out students whose family income may prevent them from attending the college or university of their choice. We need to help make higher education more affordable especially as we cut state appropriations to our public higher education institutions. This scholarship program would have helped those students in most need of financial assistance. But the majority party rejected this amendment.

Finally, negotiations on this budget did not occur. This bill was presented by the Republicans as a fait accompli. We must work together to address the fiscal crisis facing our State. This budget was a one-sided, Republican effort that continues to blow a hole in the budget. Therefore, I voted no on House Bill 4396 (H-1).”

Second Reading of Bills

House Bill No. 4145, entitled

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

The bill was read a second time.

Rep. LaSata moved to amend the bill as follows:

1. Amend page 28, line 6, by striking out all of enacting section 1 and inserting:

“Enacting section 1. 1958 PA 203, MCL 3.701 to 3.706, is repealed on the date that the compact administrator appointed under this act certifies to the secretary of state that the thirty-fifth state has enacted this compact as provided in article X.”.

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

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

The motion prevailed.

House Bill No. 4456, entitled

A bill to amend 1965 PA 261, entitled “An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions,” by amending section 1 (MCL 46.351), as amended by 2000 PA 496.

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. Accavitti moved to amend the bill as follows:

1. Amend page 1, line 6, after “following” by striking out “10”.
2. Amend page 2, line 22, after “1,000,000,” by striking out the balance of the line through “(d)” on line 23 and inserting “**the county board of commissioners shall appoint a neighborhood representative. The appointee under this subdivision**”.
3. Amend page 2, line 25, after “located” by striking out “within 1/2 mile from” and inserting “**totally or partially within 500 feet of**”.
4. Amend page 3, line 2, by striking out “**that 1/2-mile area**” and inserting “**500 feet**”.
5. Amend page 3, line 2, after “then” by striking out the balance of the line through “**appointed**” on line 3 and inserting “**the appointee**”.
6. Amend page 3, line 6, after “then” by striking out the balance of the line through “**appointed**” on line 7 and inserting “**the appointee**”.
7. Amend page 3, line 9, after “**commission.**” by striking out the balance of the line through “**commission.**” on line 14 and inserting “**The first appointment under this subdivision shall be made not less than 30 days from the effective date of the amendatory act that added this subdivision.**”.
8. Amend page 3, line 19, after “January 1.” by inserting “**The first member appointed under subdivision (e) shall be appointed for a term ending 2 years from the following January 1.**”.

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

Rep. Rocca 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. 4456, entitled

A bill to amend 1965 PA 261, entitled “An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions,” by amending section 1 (MCL 46.351), as amended by 2000 PA 496.

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

Roll Call No. 126

Yeas—76

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

Nays—29

Adamini	Farrah	Law	Plakas
Anderson	Gillard	Lipsey	Reeves
Byrum	Hardman	McConico	Sheltrown
Cheeks	Hopgood	Meisner	Tobocman
Clack	Hunter	Minore	Waters
Daniels	Jamnick	Murphy	Whitmer
Dennis	Kolb	Phillips	Williams
Elkins			

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.

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 HB 4456 since it would impose a requirement on a county commission to reserve a position for a local neighborhood representative. This is a clear legislative directive that flies in the face of local control.”

Reps. Lipsey, Waters and Murphy, 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 4456 (H-1 as amended) because if enacted, it would not honor the sovereign rights of local units of government to manage their own jurisdictions. It appears this bill was introduced because of a dilemma in Macomb County. The problem is that if this bill is enacted what would happen if a county were to fall into that population range in the future? It would be in the best public interest to simply pressure or remove the county commissioners who will not represent the home owner’ needs. If state law were to be amended every time there was a dilemma in a locality, state lawmakers would have their workload doubled and there would be no need for local elected officials.”

Second Reading of Bills**House Bill No. 4519, entitled**

A bill to require certain notices regarding the transmission of unsolicited commercial e-mail; to establish procedures for e-mail service providers; to allow recipients of e-mail to be excluded from receiving future unsolicited commercial e-mail; and to prescribe penalties and remedies.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Energy and Technology,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. 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. 4519, entitled

A bill to require certain notices regarding the transmission of unsolicited commercial e-mail; to establish procedures for e-mail service providers; to allow recipients of e-mail to be excluded from receiving future unsolicited commercial e-mail; and to prescribe penalties and remedies.

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

Roll Call No. 127

Yeas—107

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

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. 4227, entitled

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

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Appropriations,

The substitute (H-5) was adopted, a majority of the members serving voting therefor.
Rep. Pumford 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. 4227, entitled

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

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

Roll Call No. 128

Yeas—73

Adamini	Hager	Middaugh	Sheen
Amos	Hardman	Milosch	Sheltrown
Bisbee	Hart	Minore	Shulman
Bradstreet	Hood	Moolenaar	Smith
Brown	Hoogendyk	Murphy	Spade
Casperson	Howell	Newell	Stahl
Caswell	Huizenga	Nitz	Stakoe
Caul	Hummel	Nofs	Steil
Cheeks	Hunter	Palsrok	Tabor
Clack	Johnson, Rick	Pappageorge	Taub
Daniels	Julian	Pastor	Tobocman
Dennis	Koetje	Plakas	Van Regenmorter
DeRossett	Kooiman	Pumford	Vander Veen
Ehardt	LaSata	Reeves	Voorhees
Elkins	Lipsey	Rivet	Walker
Emmons	McConico	Sak	Waters
Farhat	Meisner	Shackleton	Wenke
Gillard	Meyer	Shaffer	Williams
Gleason			

Nays—34

Accavitti	Farrah	LaJoy	Rocca
Acciavatti	Gaffney	Law	Stewart
Anderson	Garfield	O'Neil	Vagnozzi
Bieda	Gielegem	Paletko	Ward
Brandenburg	Hopgood	Palmer	Whitmer
Byrum	Hune	Phillips	Wojno
Condino	Jamnick	Richardville	Woodward
DeRoche	Johnson, Ruth	Robertson	Woronchak
Drolet	Kolb		

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. Daniels, McConico, Lipsey, Julian, Hummel, Vander Veen, Cheeks, Smith, Hunter, Tobocman, Gleason, Stahl, Farhat, Elkins and Gillard were named co-sponsors of the bill.

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

“Mr. Speaker and members of the House:

I voted against this bill today because of my 7 school districts, which includes our ISD, only one gains under this formula. I find it difficult to impossible to support such a loss.”

Rep. Whitmer, 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:

While I acknowledge there are merits to this bill, I believe the time is ripe for a full comprehensive review of the benefits and unintended negative consequences of Proposal A. This new formula penalized every school district in the 69th district and virtually every district in Ingham County. Until we commit to giving those schools the tools they need to survive and thrive in post Prop A era. We should create a bipartisan, commission with community representatives, educators, and administrators to examine these issues. Further, the House should take up related legislation like my bill to expand the purposes for which schools can use their sinking funds. Until this legislature is committed to such a comprehensive review and is amenable to a package of legislation committed toward that end, I cannot support a new proration formula that hurts my schools when house leadership refuses to give them the tools they need to educate our kids.”

Rep. Casperson moved that Rep. DeRossett be excused temporarily from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 4515, entitled

A bill to improve the training and education of local corrections officers; to provide for the certification of local corrections officers and the development of standards and requirements for local corrections officers; to provide for the creation of a sheriffs coordinating and training office and a local corrections advisory board; and to prescribe the powers and duties of certain local and state officers and agencies.

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

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.

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. 4515, entitled

A bill to improve the training and education of local corrections officers; to provide for the certification of local corrections officers and the development of standards and requirements for local corrections officers; to provide for the creation of a sheriffs coordinating and training office and a local corrections advisory board; and to prescribe the powers and duties of certain local and state officers and agencies.

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

Roll Call No. 129

Yeas—99

Accavitti
Acciavatti

Gillard
Gleason

Middaugh
Milosch

Sheltrown
Shulman

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

Nays—4

Bradstreet	Drolet	Garfield	Hoogendyk
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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. 4516, entitled

A bill to amend 1982 PA 415, entitled "Correctional officers' training act of 1982," by amending the title and sections 2, 3, 4, 5, and 15 (MCL 791.502, 791.503, 791.504, 791.505, and 791.515); and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Justice (for amendment, see House Journal No. 37, p. 529),

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

Rep. Amos 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. Hood moved that Rep. Smith be excused from the balance of today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4516, entitled

A bill to amend 1982 PA 415, entitled "Correctional officers' training act of 1982," by amending the title and sections 2, 3, 4, 5, and 15 (MCL 791.502, 791.503, 791.504, 791.505, and 791.515); and to repeal acts and parts of acts.

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

Roll Call No. 130

Yeas—102

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

Nays—2

Bradstreet

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.

Second Reading of Bills

House Bill No. 4517, entitled

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," (MCL 801.1 to 801.27) by adding section 4b.

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

The substitute (H-1) was adopted, a majority of the members serving voting therefor.
 Rep. Wojno 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. 4517, entitled

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," (MCL 801.1 to 801.27) by adding section 4b.

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

Roll Call No. 131

Yeas—101

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

Nays—3

Bradstreet	Drolet	Garfield
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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.

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
Reports of Standing Committees

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported
Senate Bill No. 150, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78106, 78108, 78110, 78115, and 79112 (MCL 324.78106, 324.78108, 324.78110, 324.78115, and 324.79112), sections 78106, 78108, and 79112 as added by 1995 PA 58 and section 78110 as amended and section 78115 as added by 1998 PA 210.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Brandenburg, Tabor, Meyer, Law and Gleason

Nays: None

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported
Senate Concurrent Resolution No. 5.

A concurrent resolution calling for the creation of a Great Lakes Legislative Caucus.
(For text of concurrent resolution, see House Journal No. 14, p. 171.)

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

Substitute for Senate Concurrent Resolution No. 5.

A concurrent resolution calling for the creation of a Great Lakes legislative caucus.

Whereas, The challenges facing the Great Lakes can only be met successfully through a well-coordinated and systematic approach. Issues as diverse as aquatic nuisance species, pollution, water levels, and water diversions and consumptive uses will be addressed in the coming years by dozens of laws and regulations in each of the Great Lakes states and provinces; and

Whereas, Legislation impacting the Great Lakes will be far more effective if it is based on information developed and shared by policymakers from the entire Great Lakes region. An organization to bring key Great Lakes lawmakers together regularly to share knowledge and hear other perspectives would be invaluable in improving the impact and uniformity of practices established in statute; and

Whereas, Regular meetings of legislative leaders from each of the Great Lakes states and provinces will bring many benefits. Regularly exchanging information can bring immediacy to the work of dealing with Great Lakes issues. The current practice of legislative bodies relying primarily on regional forums can be supplemented significantly through a legislative caucus working directly with experts to develop model legislation. Clearly, there will be a stronger sense of urgency brought to Great Lakes issues by a Great Lakes legislative caucus than is sometimes the case now; and

Whereas, Another benefit of a Great Lakes legislative caucus will be a more unified and stronger voice on specific issues. This can only help in articulating the unique situations facing the Great Lakes basin; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we call for the creation of a Great Lakes legislative caucus. We call on the legislatures of Illinois, Indiana, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin and the legislative bodies of Ontario and Quebec to join us in developing this vehicle to address the many Great Lakes issues that cross jurisdictional boundaries; and be it further

Resolved, That copies of this resolution be transmitted to the leadership of each of the legislative bodies of the Great Lakes states and provinces, the Great Lakes Commission, the International Joint Commission, the National Conference of State Legislatures, the Council of State Governments, and the members of the congressional delegations from the Great Lakes states.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Brandenburg, Tabor, Meyer, Law and Gleason

Nays: None

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

Senate Concurrent Resolution No. 6.

A concurrent resolution to urge the International Joint Commission to maintain its vigilance in opposing diversion of Great Lakes water and to support the prompt resolution of all issues related to the finalization of Annex 2001.

(For text of concurrent resolution, see House Journal No. 14, p. 172.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Brandenburg, Tabor, Meyer, Law and Gleason

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 8, 2003, at 1:15 p.m.

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

Absent: Rep. Stallworth

Excused: Rep. Stallworth

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

Senate Bill No. 397, entitled

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

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.

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, May 13, 2003, at 9:00 a.m.

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

Absent: Rep. Wenke

Excused: Rep. Wenke

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported
House Resolution No. 51.

A resolution to urge the United States Secretary of Agriculture, the United States Trade Representative, and the President of the United States to take actions to enforce NAFTA agreements and work with Mexican authorities to reopen the border with Mexico to shipments of dry beans.

(For text of resolution, see House Journal No. 34, p. 470.)

With the recommendation that the resolution be adopted.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Meyer, Nitz, DeRossett, Hager, Casperson, Stahl, Sheltroun, Rivet and Spade

Nays: None

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported
House Concurrent Resolution No. 13.

A concurrent resolution to urge the United States Secretary of Agriculture, the United States Trade Representative, and the President of the United States to take actions to enforce NAFTA agreements and work with Mexican authorities to reopen the border with Mexico to shipments of dry beans.

(For text of concurrent resolution, see House Journal No. 34, p. 470.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Meyer, Nitz, DeRossett, Hager, Casperson, Stahl, Sheltroun, Rivet and Spade

Nays: None

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, May 13, 2003, at 10:30 a.m.

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

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

House Bill No. 4172, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5129 (MCL 333.5129), as amended by 1995 PA 253.

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

Nays: None

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

House Bill No. 4272, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20188. With the recommendation that the substitute (H-4) 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. Ehardt, Vander Veen, Ruth Johnson, Rocca, Hart, Woronchak, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack

Nays: None

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

House Bill No. 4507, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2685a. 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. Vander Veen, Ruth Johnson, Rocca, Hart, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward and Wojno

Nays: Reps. Adamini, Hardman, Gillard and Clack

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ehardt, Chair of the Committee on Health Policy, was received and read:
Meeting held on: Tuesday, May 13, 2003, at 10:30 a.m.

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bisbee, Chair of the Committee on Commerce, was received and read:
Meeting held on: Tuesday, May 13, 2003, at 10:30 a.m.

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

Messages from the Senate

Senate Concurrent Resolution No. 18.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to include the services of licensed professional counselors and marriage and family therapists among services covered under Medicare.

Whereas, Mental health and emotional stability are key components of every person's overall health and well-being. The correlation between mental health and physical health is well established. However, there are numerous situations in which mental health and mental health services are considered far differently than physical maladies; and

Whereas, Under the current practices of our Medicare system, several types of mental health and counseling services are not covered. This omission is especially inappropriate in view of the fact that senior citizens often face more challenges to their emotional and mental well-being than other age groups. Senior citizens suffer from depression at higher rates than many other age groups, for example; and

Whereas, Congress has before it a measure that would address this gap in Medicare coverage. The Seniors Mental Health Access Improvement Act, S. 310, would amend the Medicare system to provide for the coverage of marriage

and family therapist services and mental health counselor services under Part B of Medicare. The impact of adding this coverage would be beneficial not only to countless individuals and families, but also to the Medicare system through the improved overall health it would encourage; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation to include the services of licensed professional counselors and marriage and family therapists among services covered under Medicare; and be it further

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

The Senate has adopted the concurrent resolution.

Reps. DeRossett, Ehardt, Hager, Hunter, Jamnick, Meyer, Pappageorge, Tobocman, Vander Veen, Voorhees and Woodward were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Senior Health, Security and Retirement.

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, Wednesday, May 7:

Senate Bill Nos. 458 459 460

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

House Bill Nos. 4659 4660 4661 4662 4663 4664 4665

The Clerk announced the enrollment printing and presentation to the Governor on Friday, May 9, for her approval of the following bills:

Enrolled House Bill No. 4078 at 1:09 p.m.

Enrolled House Bill No. 4086 at 1:11 p.m.

Enrolled House Bill No. 4332 at 1:13 p.m.

By unanimous consent the House returned to the order of

Notices

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

House Bill No. 4660 referred to the Committee on Energy and Technology.

Communications from State Officers

The following communication from the Auditor General was received and read:

May 9, 2003

Enclosed is a copy of the following audit report and/or report summary:

Performance Audit of the

Office of Postsecondary Services

Michigan Department of Career Development

May 2003

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

Introduction of Bills

Rep. Ward introduced

House Bill No. 4666, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 4b (MCL 125.584b). The bill was read a first time by its title and referred to the Committee on Land Use and Environment.

Rep. Ward introduced

House Bill No. 4667, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 16c (MCL 125.286c). The bill was read a first time by its title and referred to the Committee on Land Use and Environment.

Rep. Ward introduced

House Bill No. 4668, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 16c (MCL 125.216c). The bill was read a first time by its title and referred to the Committee on Land Use and Environment.

Reps. Ward, Rocca, Julian, Hummel, Stahl, Nofs and Kooiman introduced

House Bill No. 4669, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 65 (MCL 169.265), as amended by 1993 PA 262.

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

Reps. Ehardt, Farhat, Stahl, Vander Veen, LaJoy, Tabor, Pastor, Casperson, Amos, Brandenburg, Robertson and Nofs introduced

House Bill No. 4670, entitled

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

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

Rep. Whitmer introduced

House Bill No. 4671, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74117 (MCL 324.74117), as added by 1995 PA 58, and by adding section 501b; and to repeal acts and parts of acts.

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

Reps. Woodward, LaJoy, Tobocman, Rivet, Ruth Johnson and Lipsey introduced

House Bill No. 4672, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2002 PA 615.

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

Reps. Woodward, LaJoy, Meisner, Tobocman, Sak, Rivet, Vagnozzi, Ruth Johnson and Lipsey introduced

House Bill No. 4673, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2002 PA 437.

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

Reps. Bieda, Wojno, Gleason, Meisner, Rocca, Vagnozzi, Minore, Condino, Accavitti, Gieleghem, Anderson and Lipsey introduced

House Bill No. 4674, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17757b. The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Vander Veen, Kooiman, Drolet, LaJoy, Hager, Voorhees, Newell, Robertson and Caswell introduced
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 read a first time by its title and referred to the Committee on Health Policy.

Reps. Vander Veen, Kooiman, LaJoy, Hager, Voorhees, Newell, Robertson and Caswell introduced
House Bill No. 4676, 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 read a first time by its title and referred to the Committee on Health Policy.

Reps. Garfield, Acciavatti, Ward, Amos, Vagnozzi, Robertson, Shaffer, Pastor, Condino, Sheltroun, Woodward and Minore introduced

House Bill No. 4677, entitled

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

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

Reps. Minore, Anderson, Tobocman, Zelenko, Gielegem, Stakoe, Sak, Drolet, Sheltroun, Spade, Elkins and Sheen introduced

House Bill No. 4678, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 107 (MCL 55.107), as amended by 2000 PA 116.

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

Reps. Pastor, Moolenaar, Brandenburg, Farhat, Ehardt, Acciavatti, Casperson, Steil, Amos, Hummel, Milosch, Stakoe, Garfield, Robertson, Vander Veen, Rocca, Van Regenmorter, Ward, Newell, Stahl, Hoogendyk, Emmons, Taub, LaJoy, Pappageorge, Gaffney, Shaffer, Palmer, Hager, Palsrok, Hune, Sheen, Wenke, Drolet, Bisbee, Voorhees, Bradstreet, DeRossett, Meyer, DeRoche and Woronchak introduced

House Bill No. 4679, 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 Local Government and Urban Policy.

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

House Bill No. 4680, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 217j.

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

Rep. Hoogendyk moved that the House adjourn.

The motion prevailed, the time being 4:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, May 14, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

