

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

House Chamber, Lansing, Wednesday, December 10, 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	Meyer—present	Sheen—present
Acciavatti—present	Gieleghem—present	Middaugh—present	Sheltrown—present
Adamini—present	Gillard—present	Milosch—present	Shulman—present
Amos—present	Gleason—present	Minore—present	Smith—present
Anderson—present	Hager—present	Moolenaar—present	Spade—present
Bieda—present	Hardman—present	Mortimer—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—excused
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	Meisner—present		

e/d/s = entered during session

Rep. Fulton Sheen, from the 88th District, offered the following invocation:

“Lord, we are gathered here today as the elected legislative body in the state of Michigan. We’ve been sent here by the people to do what is best and what is right for the citizens of our state. There are many opinions as to what is best and what is right. However, our prayer is not our will, but Yours; not our agenda, but Yours. My prayer is that we could be sensitive to Your leading and attentive to Your voice. May each of us understand the responsibility and privilege of serving and representing the people. Reverend Martin Luther King, Jr. said, ‘There are two kinds of laws, just and unjust. A just law is a man-made code that squares off against moral law or the law of God. An unjust law is a code that is out of harmony with moral law.’ Lord, let us be in harmony with moral law and Your law. Lord, let us move forward in the fear of God because it says in Your word that the fear of God is the beginning of wisdom, and so we pray for wisdom, discernment, insight, knowledge and prudence to do what is right, what is best and what is just. In Jesus’ name, Amen.”

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

Motions and Resolutions

Rep. Richardville moved that a respectful message be sent to the Senate requesting the return of **Senate Bill No. 474** and **Senate Bill No. 482**.

The motion prevailed.

Messages from the Senate

The Senate returned, in accordance with the request of the House

Senate Bill No. 474, entitled

A bill to regulate the business of deferred presentment services; to require the licensing of providers of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

(The bill was passed on November 12, see House Journal No. 86, p. 2160.)

House Bill No. 5089, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 320a, 601b, and 627 (MCL 257.320a, 257.601b, and 257.627), section 320a as amended by 2003 PA 61, section 601b as amended by 2001 PA 103, and section 627 as amended by 1990 PA 165, and by adding sections 79d and 616a.

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by

amending sections 320a and 627 (MCL 257.320a and 257.627), section 320a as amended by 2003 PA 61 and section 627 as amended by 1990 PA 165, and by adding section 79d.

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

House Bill No. 5173, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 601b (MCL 257.601b), as amended by 2001 PA 103.

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

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

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

Messages from the Governor

The following message from the Governor was received December 10, 2003 and read:

**EXECUTIVE ORDER
No. 2003 - 23**

**IMPLEMENTATION OF EXPENDITURE REDUCTIONS UNDER
SECTION 20 OF ARTICLE V OF THE MICHIGAN CONSTITUTION OF 1963**

WHEREAS, under Section 20 of Article V of the Michigan Constitution of 1963 no appropriation is a mandate to spend, and the Governor, with the approval of the appropriating committees of the House of Representatives and the Senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based, and the reductions shall be made in accordance with procedures prescribed by law;

WHEREAS, it appears that actual revenues for the fiscal period beginning on October 1, 2003 and ending on September 30, 2004, will fall below the revenue estimates on which appropriations for that period were based, the estimates having been determined by the Legislature as required under Section 31 of Article IV of the Michigan Constitution of 1963;

WHEREAS, pursuant to Section 391 of the Management and Budget Act, 1984 PA 431, MCL 18.1391, on the basis of written information from the State Budget Director and the State Treasurer, it appears that actual revenue will fall below such revenue estimates;

WHEREAS, there is an unanticipated loss of funding that the departments and agencies of state government do not expect to obtain or make up during the current fiscal year;

WHEREAS, expenditure reductions totaling \$231,930,172.00 general fund-general purpose and \$147,899,300.00 special purpose funds are necessary;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the authority vested in me by the Michigan Constitution of 1963 and Michigan law, and with the approval of a majority of members of each appropriations committee, order the following reductions:

A. Portions of general fund-general purpose appropriations amounting to \$200,937,582.00 contained in the following public acts are hereby reduced. Where the expenditure reductions of general fund-general purpose appropriations in this order reduce the restricted portions of gross appropriations and sources of financing that will be earned, the amounts to be reduced shall be provided separately to the State Budget Director for approval and entry into the accounts.

<u>Public Act</u>	<u>Department</u>	<u>Reduction Amount</u>
2003 PA 157	Agriculture	1,119,800
2003 PA 161	Attorney General	750,000
2003 PA 193	Capital Outlay	29,000,000
2003 PA 169	Career Development	371,726
2003 PA 161	Civil Rights	463,042
2003 PA 161	Civil Service	220,063
2003 PA 146	Community Colleges	12,434,500
2003 PA 159	Community Health	5,090,400

2003 PA 167	Consumer and Industry Services	704,382
2003 PA 154	Corrections	6,044,819
2003 PA 145	Education	332,800
2003 PA 171	Environmental Quality	3,135,525
2003 PA 172	Family Independence Agency	32,260,400
2003 PA 144	Higher Education	73,172,000
2003 PA 160	History, Arts and Libraries	583,100
2003 PA 161	Management and Budget	500,000
2003 PA 169	Michigan Strategic Fund	2,175,791
2003 PA 156	Military and Veterans Affairs	970,000
2003 PA 147	Natural Resources	712,000
2003 PA 161	State	288,249
2003 PA 149	State Police	12,876,271
2003 PA 161	Treasury	17,732,714
		<u>200,937,582</u>

The Department of Information Technology shall reduce user charges to state agencies consistent with reductions in appropriations for information technology services and projects contained in Section B.

B. The reduction totals for the departments and agencies in Section A include the following appropriation items or are predicated upon the following actions:

1. Department of Agriculture

Appropriation Number	Item	Reduction Amount
01005	Commissions and boards	10,000
01070	Executive direction	85,000
01210	Management services	115,433
01250	Agriculture development, marketing and emergency management	120,200
02205	Pesticide and plant pest management	312,918
02320	Animal health and welfare	91,783
02490	Food safety and quality assurance	67,133
02530	Laboratory analysis program	86,433
03120	Environmental stewardship	170,000
03908	Local conservation districts	60,900
		<u>1,119,800</u>

The amount in Section 604(a) of 2003 PA 157 for Local Conservation District training is reduced to \$20,300.00.

2. Department of Attorney General

Appropriation Number	Item	Reduction Amount
01040	Attorney general operations	722,100
05000	Prosecuting attorneys coordinating council	27,900
		<u>750,000</u>

The amount in Section 307(3) of 2003 PA 161 for carryforward of unexpended funds is reduced to \$200,000.00.

3. Capital Outlay

Appropriation Number	Item	Reduction Amount
01738	State building authority rent - state agencies	13,342,700
01739	State building authority rent - department of corrections	7,118,900
01737	State building authority rent - universities	8,538,400
		<u>29,000,000</u>

4. Department of Career Development

Appropriation Number	Item	Reduction Amount
03001	Administration	61,533
03012	Workers' compensation	2,309
09520	Employment training services	218,378
09502	Michigan career and technical institute	34,966
07303	Career and technical education	20,344
07301	Postsecondary education	21,355

07302	Adult education	5,429
07304	Commission on Spanish-speaking affairs	<u>7,412</u>
		371,726

Expenditure reductions for the Department of Career Development include reductions for functions and programs transferred to the Department of Labor and Economic Growth effective December 7, 2003, pursuant to Executive Order 2003-18.

5. Department of Civil Rights

Appropriation Number	Item	Reduction Amount
01000	Civil rights operations	<u>463,042</u>
		463,042

6. Department of Civil Service

Appropriation Number	Item	Reduction Amount
19200	Agency services	150,000
19300	Human resources/administrative support	<u>70,063</u>
		220,063

7. Community Colleges

Appropriation Number	Item	Reduction Amount
07600	Alpena Community College	215,900
07605	Bay de Noc Community College	208,700
07610	Delta College	583,800
07620	Glen Oaks Community College	98,000
07625	Gogebic Community College	178,600
07630	Grand Rapids Community College	734,400
07635	Henry Ford Community College	895,000
07645	Jackson Community College	495,400
07650	Kalamazoo Valley Community College	505,500
07655	Kellogg Community College	397,100
07660	Kirtland Community College	120,500
07665	Lake Michigan College	213,700
07670	Lansing Community College	1,269,900
07675	Macomb Community College	1,355,000
07680	Mid Michigan Community College	180,800
07685	Monroe County Community College	175,900
07690	Montcalm Community College	127,200
07615	C.S. Mott Community College	642,100
07695	Muskegon Community College	365,400
07700	North Central Michigan College	123,800
07705	Northwestern Michigan College	372,800
07710	Oakland Community College	854,800
07715	St. Clair County Community College	286,300
07720	Schoolcraft College	501,700
07725	Southwestern Michigan College	269,300
07730	Washtenaw Community College	509,900
07735	Wayne County Community College	659,100
07740	West Shore Community College	<u>93,900</u>
		12,434,500

8. Department of Community Health

Appropriation Number	Item	Reduction Amount
01191	Departmental administration and management	373,500
01130	Mental health/substance abuse program administration	429,500
11230	Executive administration	30,000
11254	Vital records and health statistics	9,800
16753	Sexually transmitted disease control management and field support	58,300

16230	Laboratory services	86,500
15155	Epidemiology administration	11,500
14230	Community living, children, and families administration	67,200
14330	Children's special health care services administration	15,600
22100	Drug control policy	38,500
46502	Office of services to aging administration	34,800
34010	Medical services administration	499,800
51601	Grants administration services	414,500
33550	Health plan services	1,000,000
04000	Center for forensic psychiatry	200,000
02999	Civil service charges	300,000
01755	Closed site, transition, and related costs	500,000
11232	Workers' compensation program	1,000,000
01061	Community health advisory council	20,900
		<hr/> 5,090,400

9. Department of Consumer and Industry Services

Appropriation Number	Item	Reduction Amount
06001	Adult foster care, children's welfare and day care licensure	354,382
17001	Operations	350,000
		<hr/> 704,382

Expenditure reductions for the Department of Consumer and Industry Services include reductions for functions and programs transferred to the Department of Labor and Economic Growth and the Family Independence Agency effective December 7, 2003, pursuant to Executive Order 2003-18.

10. Department of Corrections

Appropriation Number	Item	Reduction Amount
01070	Human resources	224,400
10370	DOJ, psychiatric plan - MDCH mental health services	1,150,000
10366	DOJ, psychiatric plan - MDOC staff and services	1,100,000
16381	Hospital and specialty care services	700,000
17530	Southeastern region clinical complexes	500,000
17520	Southwestern region clinical complexes	250,000
46002	Alger maximum correctional facility - Munising	1,900
47002	Baraga maximum correctional facility - Baraga	8,000
49002	Chippewa correctional facility - Kincheloe	131,619
50002	Kinross correctional facility - Kincheloe	13,300
54002	Newberry correctional facility - Newberry	200
52002	Oaks correctional facility - Eastlake	13,200
55002	Ojibway correctional facility - Marenisco	2,700
56002	Pugsley correctional facility - Kinglsey	9,900
53002	Standish maximum correctional facility - Standish	5,400
35002	Cooper Street correctional facility - Jackson	400
79002	Gus Harrison correctional facility - Adrian	284,147
80002	Thumb correctional facility - Lapeer	1,024,500
48002	Carson City correctional facility - Carson City	50,600
76002	Florence Crane correctional facility - Coldwater	5,600
63002	Deerfield correctional facility - Ionia	1,300
64002	Riverside correctional facility - Ionia	502,719
69002	St. Louis correctional facility - St. Louis	64,934
		<hr/> 6,044,819

11. Department of Education

Appropriation Number	Item	Reduction Amount
03801	Information technology operations	42,800
04801	School excellence operations	221,000
07501	Government services operations	49,900
07601	Safe schools operations	19,100
		<hr/> 332,800

12. Department of Environmental Quality

Appropriation Number	Item	Reduction Amount
01345	Building occupancy charges	1,907,125
01346	Rent-privately owned property	128,400
01150	Information technology services and projects	1,100,000
		<u>3,135,525</u>

13. Family Independence Agency

Appropriation Number	Item	Reduction Amount
11010	Salaries and wages	130,200
11040	Contractual services, supplies, and materials	157,500
11110	Commission on disability concerns	14,700
11210	Commission for the blind	7,700
11220	Youth low-vision program	18,200
11350	Demonstration projects	72,900
11820	Other unclassified salaries	11,000
12050	Travel	40,800
12060	Equipment	325,800
12070	Rent	118,000
12080	Payroll taxes and fringe benefits	144,800
12250	Grand tower facility reimbursement	426,600
14100	Disability determination operations	35,300
14200	Medical consultation program	110,400
16100	Information technology services and projects	250,000
16500	Child support automation	11,600,000
32550	Day care services	11,000,000
32580	State supplementation administration	131,000
47400	Juvenile justice operations	3,278,000
47700	Juvenile accountability incentive block grant	4,500
47800	Committee on juvenile justice administration	13,800
62040	Contractual services, supplies, and materials	612,500
62510	Volunteer services and reimbursement	63,000
62610	Field staff, salaries and wages	2,142,100
72040	Contractual services, supplies, and materials	26,600
72260	Family preservation and prevention services	2,100
72420	Youth in transition	72,700
72530	Child care fund administration	40,400
72540	Community support services	166,400
72760	Adoption support services	2,700
81010	Salaries and wages	167,300
81040	Contractual services, supplies, and materials	379,400
81550	Wage employment verification reporting	197,600
81700	Training and staff development	99,000
83100	Child support operations	328,700
83400	Child support distribution computer system	68,700
		<u>32,260,400</u>

Expenditure reductions for the Family Independence Agency include reductions for functions and programs transferred to the Department of Labor and Economic Growth effective December 7, 2003, pursuant to Executive Order 2003-18.

The amount in Section 657(3) of 2003 PA 172 for before-or-after-school pilot programs is reduced to \$2,550,000.00.

14. Higher Education

Appropriation Number	Item	Reduction Amount
01001	Central Michigan University	4,077,100
01501	Eastern Michigan University	3,943,700
02001	Ferris State University	2,498,400
02501	Grand Valley State University	2,954,300

04001	Lake Superior State University	642,100
03001	Michigan State University	14,669,200
03501	Michigan Technological University	2,485,900
04501	Northern Michigan University	2,340,600
03201	Oakland University	2,454,400
05001	Saginaw Valley State University	1,333,700
05501	University of Michigan - Ann Arbor	16,360,300
05801	University of Michigan - Dearborn	1,259,700
05701	University of Michigan - Flint	1,083,100
06501	Wayne State University	11,414,000
06001	Western Michigan University	5,655,500
		<u>73,172,000</u>

The amount in Section 401 of 2003 PA 144 is reduced to \$5,434,400.00.

15. Department of History, Arts and Libraries

Appropriation Number	Item	Reduction Amount
01100	Management services	25,000
05000	Information technology services and projects	99,000
03050	Library of Michigan operations	144,100
02001	Administration	31,300
04100	Historical administration and services	206,900
01400	Office of film and television services	5,000
07511	Mackinac Island state park operations	71,800
		<u>583,100</u>

The amount in Section 505 of 2003 PA 160 for historical administration and services is reduced to \$49,700.00.

16. Department of Management and Budget

Appropriation Number	Item	Reduction Amount
12000	Administrative services	201,400
14000	Office of the state employer	61,100
00005	Information technology services and projects	237,500
		<u>500,000</u>

The Department of Management and Budget shall reduce building occupancy general fund expenditures by \$5,900,000.00. The State Budget Director is authorized to take any and all actions necessary to properly record expenditure reductions as part of the financial transactions for the fiscal year ending September 30, 2004.

17. Michigan Strategic Fund

Appropriation Number	Item	Reduction Amount
01100	Job creation services	654,891
01000	Administration	1,520,900
		<u>2,175,791</u>

Expenditure reductions for the Michigan Strategic Fund include reductions for functions and programs transferred to the Department of Labor and Economic Growth effective December 7, 2003, pursuant to Executive Order 2003-18.

18. Department of Military and Veterans Affairs

Appropriation Number	Item	Reduction Amount
03016	Special maintenance – state	200,000
03500	Grand Rapids veterans' home	570,000
03700	D.J. Jacobetti veterans' home	200,000
		<u>970,000</u>

19. Department of Natural Resources

Appropriation Number	Item	Reduction Amount
01001	Executive direction	25,000
01093	Unclassified salaries	22,100
01126	Human resources	56,900
01107	Office of financial services	150,000

01105	Program assistance and review	30,000
01104	Office of land and facilities	243,000
01103	Education and outreach	25,000
03116	General law enforcement	160,000
		<u>712,000</u>

20. Department of State

Appropriation Number	Item	Reduction Amount
10920	Unclassified positions	5,000
19050	Customer services administration	42,221
19100	Branch operations	128,246
19200	Central records	30,429
45500	Information technology services and projects	82,353
		<u>288,249</u>

21. Department of State Police

Appropriation Number	Item	Reduction Amount
11010	Executive direction	59,700
10950	Unclassified positions	20,000
51140	Fleet leasing	700,000
16010	Human resources	19,900
15010	Management services	32,600
22010	Training administration	55,800
37400	Communications	153,300
11210	State program planning and administration	10,071
41140	Traffic safety	17,600
42010	Laboratory operations	291,500
22210	Standards and training	18,100
27010	Fire marshal programs	176,500
28010	Emergency management planning and administration	36,700
32010	Uniform services	1,944,900
37100	Operational support	79,600
37300	Aviation program	39,800
34010	Criminal investigations	600,400
34160	Federal antidrug initiatives	9,900
36220	School bus inspection	9,900
32500	At-post troopers	8,600,000
		<u>12,876,271</u>

22. Department of Treasury

Appropriation Number	Item	Reduction Amount
01301	Workers' compensation insurance premium	32,714
01314	Travel	300,000
01308	Rent and building occupancy charges	100,000
01800	Finance and accounting	300,000
08340	Clean Michigan initiative	17,000,000
		<u>17,732,714</u>

C. Portions of appropriations financed with special purpose revenue amounting to \$147,899,300.00 contained in the following public acts are reduced as follows:

Public Act	Department	Reduction Amount
2003 PA 169	Career Development	6,000,000
2003 PA 145	Education	6,100,000
2003 PA 172	Family Independence Agency	773,500
2003 PA 144	Higher Education	63,000,000
2003 PA 161	Treasury	72,025,800
		<u>147,899,300</u>

D. The reduction totals for the departments and agencies in Section C include the following appropriation items or are predicated upon the following actions:

1. Career Development - Temporary Assistance for Needy Families - Federal Funds

Appropriation Number	Item	Reduction Amount
08230	Welfare-to-work programs	5,000,000
		<u>5,000,000</u>

2. Career Development - Tobacco Settlement Trust Fund

Appropriation Number	Item	Reduction Amount
08221	Council of Michigan foundations	1,000,000
		<u>1,000,000</u>

3. Education - Driver Fees Revenue

Appropriation Number	Item	Reduction Amount
03652	Driver education	6,100,000
		<u>6,100,000</u>

4. Family Independence Agency - Child Support Enforcement System Penalty Refund Revenue

The amounts in Section 413 of 2003 PA 172 are reduced as follows:		
Subsection (1)(a), community-based innovation grants is reduced to:		0
Subsection (1)(f), supervised parenting time centers is reduced to:		0
Subsection (1)(h), school-based demonstration project is reduced to:		0
Subsection (1)(i), at-risk males of color networks is reduced to:		0
Subsection (1)(o), teen pregnancy prevention project is reduced to:		0

5. Higher Education - Michigan Merit Award Trust Fund

Appropriation Number	Item	Reduction Amount
80000	Michigan merit award program	63,000,000
		<u>63,000,000</u>

6. Treasury - Sales Tax Revenue

Appropriation Number	Item	Reduction Amount
09466	Statutory state general revenue sharing grants	72,025,800
		<u>72,025,800</u>

E. The following general fund-general purpose amounts from work project or capital outlay accounts, totaling \$30,992,590.00, are hereby reduced:

Appropriation Number (Appropriation Year)	Item	Reduction Amount
74306 (AY 98)	Capital Outlay: Major special maintenance and remodeling for department of management and budget	6,322
74404 (AY 99)	Capital Outlay: Major special maintenance and remodeling for department of management and budget	448,534
74418 (AY 99)	Capital Outlay: Major special maintenance of remodeling for state agencies	8,929,381
74527 (AY 01)	Capital Outlay: Major special maintenance and remodeling for department of management and budget	2,844,000
29507 (AY 02)	Department of Corrections: Capacity enhancements	7,300,984
19200 (AY 01)	Department of State: Implementation of Uniform Commercial Code standards	251,297
16500 (AY 03)	Family Independence Agency: Child support automation	4,838,400
16250 (AY 03)	Family Independence Agency: Data system enhancement	3,000,000
28180 (AY 01)	Department of State Police: Grants for disaster assistance	1,676,572
09470 (AY 01)	Department of Treasury: Tax increment finance authority	1,197,000
09470 (AY 02)	Department of Treasury: Tax increment finance authority	500,100
		<u>30,992,590</u>

The State Budget Director is authorized to take any and all actions necessary to implement the provisions of this Order to reduce expenditures authorized by appropriations as specified above for the fiscal year beginning on October 1, 2003 and ending on September 30, 2004.

This Order is effective upon approval by the appropriations committees of the House of Representatives and the Senate, as provided under Section 391 of the Management and Budget Act, 1984 PA 431, MCL 18.1391.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 10th day of December, 2003.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

Communications from State Officers

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

Notice of Filing Administrative Rules

November 25, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:50 P.M. this date, administrative rule (03-11-04) for the Department of Consumer and Industry Services, Director's Office, entitled "*Elevators*", effective December 31, 2003.

Sincerely,

Terri Lynn Land

Secretary of State

Elena L. Beasley, Manager

Office of the Great Seal

The communication was referred to the Clerk.

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 5074, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a), as amended by 2002 PA 709.

The bill was read a second time.

Rep. Spade 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. 5074, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a), as amended by 2002 PA 709.

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

Roll Call No. 699

Yeas—106

Accavitti
Acciavatti

Gaffney
Garfield

McConico
Meisner

Shaffer
Sheen

Adamini	Gielegem	Meyer	Sheltrown
Amos	Gillard	Middaugh	Shulman
Anderson	Gleason	Milosch	Smith
Bieda	Hager	Moolenaar	Spade
Bisbee	Hardman	Mortimer	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	Pumford	Ward
DeRoche	Julian	Reeves	Waters
DeRossett	Koetje	Richardville	Wenke
Drolet	Kolb	Rivet	Williams
Ehardt	Kooiman	Robertson	Wojno
Elkins	LaJoy	Rocca	Woodward
Emmons	LaSata	Sak	Woronchak
Farhat	Law	Shackleton	Zelenko
Farrah	Lipsev		

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

Senate Bill No. 718, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 15 (MCL 125.2665), as amended by 2002 PA 727.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 718, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 15 (MCL 125.2665), as amended by 2002 PA 727.

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

Roll Call No. 700**Yeas—104**

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

Nays—1

Law

In The Chair: Julian

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

“An act to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans relating to the designation and treatment of brownfield redevelopment zones; to promote the revitalization of environmentally distressed areas; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing.

The House agreed to the full title.

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

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

Rep. Law, 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 did not support SB718. Creation of a Brownfield Development Authority by a municipality for the purpose of environmental clean up if the municipality is the responsible party is a responsible use of local tax money, the

community benefits. Allowing a polluter, a private entity in a BRA, set up by a municipality to use public money to clean up environmental problems of their making is improper use of public money. I think the wording in this bill is ambiguous and leaves room for interpretations which will undermine the Brownfield Redevelopment Program and create much confusion.”

Second Reading of Bills

House Bill No. 5154, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 8303, 8306, and 8316 (MCL 324.8303, 324.8306, and 324.8316), sections 8303 and 8306 as amended by 2002 PA 418.

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

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

Rep. Meyer moved to amend the bill as follows:

1. Amend page 5, line 22, after “**management**” by striking out “**plan**” means a **plan**” and inserting “**program**” means a **program**”.

2. Amend page 6, line 11, by striking out all of line 11 and inserting “**program to determine the program’s effectiveness and the need for program**”.

3. Amend page 7, line 7, after “**management**” by striking out “**plan**” and inserting “**program**”.

4. Amend page 10, line 25, after “**management**” by striking out “**plan**” and inserting “**program**”.

5. Amend page 12, line 7, after “**management**” by striking out “**plan**” and inserting “**program**”.

6. Amend page 13, line 19, after “**management**” by striking out “**plan**” and inserting “**policy**”.

7. Amend page 13, line 20, after “**the**” by striking out “**plan**” and inserting “**policy**”.

8. Amend page 13, line 27, by striking out “**plan**” and inserting “**policy**”.

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

Rep. Gaffney moved to amend the bill as follows:

1. Amend page 12, line 24, by striking out “**telecommunications network**” and inserting “**information center**”.

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

Rep. Gaffney 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. 5154, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 8303, 8306, and 8316 (MCL 324.8303, 324.8306, and 324.8316), sections 8303 and 8306 as amended by 2002 PA 418.

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

Roll Call No. 701

Yeas—108

Accavitti	Gaffney	McConico	Shackleton
Acciavatti	Garfield	Meisner	Shaffer
Adamini	Gielegem	Meyer	Sheen
Amos	Gillard	Middaugh	Sheltrown
Anderson	Gleason	Milosch	Shulman
Bieda	Hager	Minore	Smith
Bisbee	Hardman	Moolenaar	Spade
Bradstreet	Hart	Mortimer	Stahl
Brandenburg	Hood	Murphy	Stakoe

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

Nays—0

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 amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8303, 8304, 8306, and 8316 (MCL 324.8303, 324.8304, 324.8306, and 324.8316), sections 8303, 8304, and 8306 as amended by 2002 PA 418.

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. Hardman, Waters, Daniels, McConico, Anderson, Stewart, Pappageorge, Phillips, Jamnick, DeRossett, Richardville, Lipsey, Voorhees, Middaugh, Meyer, Dennis, Shackleton, Hunter, Hood, Paletko, Pastor, Hopgood, Wojno, Taub, Accavitti, Shaffer, Stahl and Moolenaar were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5009, entitled

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

The bill was read a second time.

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

The motion prevailed.

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

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

Rep. Nitz moved that Reps. Rick Johnson and Tabor be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5009, entitled

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

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

Roll Call No. 702

Yeas—105

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

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. 5333, 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 30a (MCL 46.30a).

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. Sheltroun 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. 5333, 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 30a (MCL 46.30a).

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

Roll Call No. 703

Yeas—94

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

Nays—13

Caswell	Hune	LaSata	Nofs
Caul	Johnson, Ruth	Middaugh	Steil
DeRoche	Koetje	Nitz	Taub
Hoogendyk			

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. 4308, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 328 and 907 (MCL 257.328 and 257.907), section 328 as amended by 1995 PA 287 and section 907 as amended by 2002 PA 534.

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

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

Rep. Garfield moved to amend the bill as follows:

1. Amend page 8, line 15, after "**section**" by striking out the balance of the subdivision and inserting "**3101, 3102(1), or 3103 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.**".

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

Rep. Howell moved to amend the bill as follows:

1. Amend page 13, line 7, after the first "**the**" by inserting "**appearance**".

2. Amend page 23, line 19, after "**court**" by inserting "**may waive the fee described in section 328(3)(c) and**".

3. Amend page 23, line 20, after "**and**" by striking out the balance of the line through "**328(3),**" on line 21.

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

Rep. Smith moved to amend the bill as follows:

1. Amend page 16, line 8, after "**section**" by striking out "**301**" and inserting "**328**".

2. Amend page 16, line 15, after "**section**" by striking out "**328**" and inserting "**301**".

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

Rep. Smith demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 704

Yeas—45

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

Nays—62

Acciavatti	Hager	Milosch	Shaffer
Amos	Hart	Moolenaar	Sheen
Bisbee	Hoogendyk	Mortimer	Shulman
Bradstreet	Howell	Newell	Stahl
Brandenburg	Huizenga	Nitz	Stakoe
Casperson	Hummel	Nofs	Steil
Caswell	Hune	Palmer	Stewart

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

In The Chair: Julian

Rep. Smith moved that consideration of the bill be postponed temporarily.
The motion prevailed.

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

The Senate returned, in accordance with the request of the House

Senate Bill No. 482, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1274a (MCL 380.1274a), as amended by 1990 PA 227.

(The bill was passed on December 9, see House Journal No. 91, p. 2272.)

Rep. Richardville moved to reconsider the vote by which the House passed the bill.
The motion prevailed, a majority of the members serving voting therefor.

Third Reading of Bills

Senate Bill No. 482, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1274a (MCL 380.1274a), as amended by 1990 PA 227.

The question being on the passage of the bill,

Rep. Palmer moved to amend the bill as follows:

1. Amend page 3, line 9, after "**with**" by striking out the balance of the subdivision and inserting "**the protocols published in January 2001 by the international performance measurement and verification protocol inc.**".

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 705

Yeas—105

Accavitti	Garfield	McConico	Sak
Acciavatti	Gielegem	Meisner	Shackleton
Adamini	Gillard	Meyer	Shaffer
Amos	Gleason	Middaugh	Sheen
Anderson	Hager	Milosch	Sheltrown
Bieda	Hardman	Minore	Shulman
Bisbee	Hart	Moolenaar	Spade
Bradstreet	Hood	Mortimer	Stahl
Brandenburg	Hoogendyk	Murphy	Stakoe
Brown	Hopgood	Newell	Steil

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

Nays—1

Caswell

In The Chair: Julian

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

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

The House agreed to the full title.

Second Reading of Bills

The House returned to the consideration of

House Bill No. 4308, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 328 and 907 (MCL 257.328 and 257.907), section 328 as amended by 1995 PA 287 and section 907 as amended by 2002 PA 534.

(The bill was considered earlier today, see today’s Journal, p. 2322.)

Rep. Smith moved to amend the bill as follows:

1. Amend page 5, line 7, by striking out all of sections 732 and 732a.

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

Rep. Smith demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 706**Yeas—46**

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

Nays—61

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

In The Chair: Julian

Rep. Garfield 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. 4308, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 328 and 907 (MCL 257.328 and 257.907), section 328 as amended by 1995 PA 287 and section 907 as amended by 2002 PA 534.

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

Roll Call No. 707**Yeas—89**

Accavitti	Farrah	Law	Sak
Acciavatti	Gaffney	Lipsey	Shackleton
Adamini	Garfield	Meyer	Shaffer

Amos	Gielegem	Middaugh	Sheen
Anderson	Gillard	Milosch	Sheltrown
Bieda	Gleason	Moolenaar	Shulman
Bisbee	Hager	Mortimer	Spade
Bradstreet	Hart	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Brown	Howell	Nofs	Steil
Byrum	Huizenga	O'Neil	Stewart
Casperson	Hummel	Paletko	Taub
Caswell	Hune	Palmer	Vagnozzi
Caul	Jamnick	Palsrok	Van Regenmorter
Condino	Johnson, Rick	Pappageorge	Vander Veen
Dennis	Johnson, Ruth	Pastor	Voorhees
DeRoche	Julian	Plakas	Walker
DeRossett	Koetje	Pumford	Ward
Drolet	Kolb	Richardville	Wenke
Ehardt	Kooiman	Rivet	Wojno
Elkins	LaJoy	Robertson	Woodward
Emmons	LaSata	Rocca	Woronchak
Farhat			

Nays—15

Cheeks	Hood	Phillips	Waters
Clack	Hopgood	Reeves	Williams
Daniels	Meisner	Smith	Zelenko
Hardman	Minore	Tobocman	

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 amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 328, 732, 732a, and 907 (MCL 257.328, 257.732, 257.732a, and 257.907), section 328 as amended by 1995 PA 287, section 732 as amended by 2002 PA 534, section 732a as added by 2003 PA 165, and section 907 as amended by 2003 PA 73.

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. Woronchak, Stewart, DeRossett, Richardville, Middaugh, Meyer, Hummel, Newell, Howell, Ruth Johnson, Palmer, Gaffney, DeRoche, Taub, Hune, Robertson, Caswell, Hoogendyk, Nitz, Stahl, Palsrok and Mortimer were named co-sponsors of the bill.

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:

I voted no on House Bill 4308 because, although it reinstates the waiver provisions for people who have auto insurance but don't have their proof of insurance in their car when stopped by a police officer, it also doubles the driver responsibility fee for people who do not have insurance. This can mean a fee of \$300 per year for two years on top of the regular fine for failure to have proof of insurance.

This is unfair for a number of reasons. First, not every person without insurance is a scofflaw. Sometimes a driver may simply have forgotten to renew a policy because he or she moved and didn't receive notice or because the

policy renewal came at a time of crisis in their lives. The \$600 penalty seems particularly harsh in those situations. How does this affect the person who in order to save a little money for sending a kid to college, stores the kid's auto while he is away at college and doesn't have auto coverage but storage coverage via their homeowner's until the kid is home for summer break?

Second, most people who don't have auto-insurance simply cannot afford the increasingly high rates charged by insurance companies. These people who are already being forced to decide between food and rent versus insurance, will not be able to pay the additional costs of this fee on top of the penalty increase that we recently passed in HB 5045.

Third, we are not addressing the underlying problem of high rates of mandated auto insurance. Lower income people, who are good drivers, who have jobs, who are doing everything possible to raise their families and make ends meet are further punished when they have to wait for the next paycheck before they can renew their auto insurance. On top of the other fines, these additional fines make it even more difficult and prolongs the driver's ability to purchase the insurance until they have paid off these fines."

Rep. Minore, 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 4308 because it is yet another effort to balance the budget on the backs on the poor. While I understand the appeal of allowing those who have insurance but have misplaced their proof of insurance to avoid penalty, I cannot support the doubling of the driver responsibility fee. Once again, instead of addressing the skyrocketing costs of insurance, particularly in poorer and urban areas like Detroit, the State is moving to enhance revenues with ever increasing fines for those who have not having purchased insurance that is already priced well beyond their ability to pay.

The State of Michigan requires people to buy no-fault insurance, as a result, the State owes a duty to its citizens to make sure that insurance is available to everyone at reasonable rates. Unfortunately, many people in our urban areas face insurance rates that are so high, particularly when compared to their suburban neighbors, that they are forced to choose between purchasing insurance and putting food on the table.

Clearly what is needed to solve the problem of people driving without insurance is a significant change in the regulation of the insurance industry – the elimination of territorial pricing that inflates rates in some areas in order to decrease them in others, the use of premium discounts to drive up base rates, the use of credit scoring, the ability of insurance companies to increase their rates without notice to their customers or the approval of the insurance commissioner, the gross disparity between rates in neighboring communities that makes people feel they are being cheated by the insurance companies, the fact that uninsured motorists are rarely caught and a host of other changes aimed at forcing insurance rates down. All of these issues should be addressed before we go after the simplistic 'solution' of increasing penalties."

Rep. Meisner, 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 4308 because it places too high a financial burden on the people who can afford it the least. At a time when so many of the practices of the insurance industry are being questioned and investigated, it seems inappropriate to double a \$300 punishment to \$600 for people not having the insurance which they can't afford to begin with. We're already financing too much of this state's budget deficit on the backs of my constituents. Enough is enough."

Rep. Hopgood, 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 4308 because, although it reinstates the waiver provisions for people who have auto insurance but don't have their proof of insurance in their car when stopped by a police officer, it also doubles the driver responsibility fee for people who do not have insurance. This can mean a fee of \$300 per year for two years on top of the regular fine for failure to have proof of insurance.

This is unfair for a number of reasons. First, not every person without insurance is a scofflaw. Sometimes a driver may simply may have forgotten to renew a policy because he or she moved and didn't receive notice or because the policy renewal came at a time of crisis in their lives. The \$600 penalty seems particularly harsh in those situations.

Second, many people who don't have insurance simply cannot afford the increasingly high rates charged by insurance companies. These people who are already being forced to decide between food and rent versus insurance, will not be able to pay the additional costs of this fee on top of the penalty increase that we recently passed in HB 5045."

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 4308 because it is yet another effort to balance the budget on the backs on the poor. While I understand the appeal of allowing those who have insurance but have misplaced their proof of insurance to avoid penalty, I cannot support the doubling of the driver responsibility fee for no other reason than to make up lost revenues. Once again, instead of addressing the skyrocketing costs of insurance, particularly in poorer and urban areas like Detroit, the State is moving to enhance revenues with ever increasing fines for those who have not having purchased insurance that is already priced well beyond their ability to pay.

The State of Michigan requires people to buy no-fault insurance, as a result, the State owes a duty to its citizens to make sure that insurance is available to everyone at reasonable rates. Unfortunately, many people in our urban areas face insurance rates that are so high, particularly when compared to their suburban neighbors, that they are forced to choose between purchasing insurance and putting food on the table.

Clearly what is needed to solve the problem of people driving without insurance is a significant change in the regulation of the insurance industry - the elimination of territorial pricing that inflates rates in some areas in order to decrease them in others, the use of premium discounts to drive up base rates, the use of credit scoring, the ability of insurance companies to increase their rates without notice to their customers or the approval of the insurance commissioner, the gross disparity between rates in neighboring communities that makes people feel they are being cheated by the insurance companies, the fact that uninsured motorists are rarely caught and a host of other changes aimed at forcing insurance rates down. All of these issues should be addressed before we go after the simplistic ‘solution’ of increasing penalties.”

Rep. Hood, 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 4308 because it is yet another effort to balance the budget on the backs of the people. I cannot support the doubling of the driver responsibility fee. Once again, instead of addressing the skyrocketing costs of insurance, particularly in urban areas like Detroit, the State is moving to enhance revenues with ever increasing fines for those who can least afford to pay them.

The State of Michigan requires people to buy no-fault insurance, as a result, the State owes a duty to its citizens to make sure that insurance is available to everyone at reasonable rates. Unfortunately, many people in our urban areas face insurance rates that are so high, particularly when compared to their suburban neighbors, that they are forced to choose between purchasing insurance and putting food on the table.

Clearly what is needed to solve the problem of people driving without insurance is a significant change in the regulation of the insurance industry including the elimination of territorial pricing that inflates rates in some areas in order to decrease them in others, the use of premium discounts to drive up base rates, the use of credit scoring, the ability of insurance companies to increase their rates without notice to their customers or the approval of the insurance commissioner, the gross disparity between rates in neighboring communities and the fact that uninsured motorists are rarely caught, and a host of other changes aimed at forcing insurance rates down. All of these issues should be addressed before we go after the simplistic ‘solution’ of increasing penalties.”

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 Speaker laid before the House
House Resolution No. 182.

A resolution to memorialize the Congress of the United States to enact measures that support venture capital activities in Michigan.

(For text of resolution, see House Journal No. 89, p. 2252.)

(The resolution was reported by the Committee on Commerce on December 9, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

The resolution was adopted.

Second Reading of Bills

House Bill No. 5322, entitled

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

Rep. Amos moved to substitute (H-1) the bill.

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

Rep. 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.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5322, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 708

Yeas—95

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

Nays—12

Bradstreet	Hart	Meisner	Pumford
DeRoche	Hoogendyk	Moolenaar	Sheen
Drolet	Hummel	Palmer	Stahl

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. Meisner, 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 against this bill, understanding that it may well be good public policy. My reason for voting against this bill is that I believe the state should grant no tax credit or exemption until we have the opportunity to review all tax credits in current Michigan law. This discussion should take place in the context of broader budget negotiations, and the merits of tax credits should be weighed against proposed cuts in essential programs.”

Second Reading of Bills

Senate Bill No. 834, entitled

A bill to promote investment in certain businesses; to promote economic development in this state; to provide for a Michigan early stage venture investment corporation; to prescribe the powers and duties of a Michigan early stage venture investment corporation; to prescribe the powers and duties of certain public officers and departments; to establish the Michigan early stage venture investment fund and other funds; to provide for tax credits and incentives; to authorize certain investments; to provide for the expiration of the fund; to provide or allow for appropriations; and to provide penalties and remedies.

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

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

Rep. Rivet moved to amend the bill as follows:

1. Amend page 10, line 14, after “a” by striking out the balance of the line through “follows” on line 17 and inserting “7-member board of directors consisting of the following members”.

2. Amend page 10, line 18, after “designee” by inserting “from within the department of treasury”.

3. Amend page 10, line 20, after “designee” by inserting “from within the Michigan economic development corporation”.

4. Amend page 10, line 21, after “(c)” by striking out the balance of the subsection and inserting “Five additional members appointed by the governor by and with the advice and consent of the senate including each of the following:

(i) One individual appointed from a list of not fewer than 3 names recommended by the speaker of the house of representatives.

(ii) One individual appointed from a list of not fewer than 3 names recommended by the majority leader of the senate.

(iii) One individual appointed from a list of 1 or more names recommended by a statewide organization exempt from taxation under section 501(c)(3) of the internal revenue code, the members of which represent more than 50% of the venture capital companies in this state and that has a common interest in stimulating an entrepreneurial environment in this state, encouraging investments in new and emerging companies in this state, and promoting venture capital investing.

(iv) Two people representing the general public.”.

5. Amend page 11, line 6, after “(1)(c)” by striking out “to (f)”.

6. Amend page 11, line 9, by striking out “(1)(c)” and inserting “(1)(c)(i)”.

7. Amend page 11, line 10, by striking out “(1)(f) shall each serve for a” and inserting “(1)(c)(iv) shall each be appointed for an initial”.

8. Amend page 11, line 11, after “subsection” by striking out “(1)(d)” and inserting “(1)(c)(ii)”.

9. Amend page 11, line 12, after “subsection” by striking out “(1)(f) shall each serve for a” and inserting “(1)(c)(iv) shall each be appointed for an initial”.

10. Amend page 11, line 13, after “subsection” by striking out “(1)(e) shall serve for a” and inserting “(1)(c)(iii) shall be appointed for an initial”.

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

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

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

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

Senate Bill No. 834, entitled

A bill to promote investment in certain businesses; to promote economic development in this state; to provide for a Michigan early stage venture investment corporation; to prescribe the powers and duties of a Michigan early stage venture investment corporation; to prescribe the powers and duties of certain public officers and departments; to establish the Michigan early stage venture investment fund and other funds; to provide for tax credits and incentives; to authorize certain investments; to provide for the expiration of the fund; to provide or allow for appropriations; and to provide 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. 709

Yeas—97

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

Nays—11

Bradstreet	Hart	Moolenaar	Sheen
DeRoche	Hoogendyk	Palmer	Stahl
Drolet	Hummel	Pumford	

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

Senate Bill No. 835, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37e.
 Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Commerce,
 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

Senate Bill No. 835, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37e.
 Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 710

Yeas—96

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

Nays—12

Bradstreet	Hart	Moolenaar	Pumford
DeRoche	Hoogendyk	Palmer	Sheen
Drolet	Hummel	Pastor	Stahl

In The Chair: Julian

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

“An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,”

The House agreed to the full title.

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

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

Rep. Hoogendyk, 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:

Economic development is crucial to tax revenue growth in Michigan. One way this should happen is through investment in venture capital. However, Venture capital investments carry very high risk. In the free market, high risk/high reward is a fact of life. This would not be the case in the artificial market which this package of bills would create. In essence the State of Michigan is guaranteeing the risk by offering tax credits to those investors who might lose on their investment. But the state is not in the best position to determine how to invest venture capital. This is government meddling in an area that is rightfully reserved to the private sector. We should be spending our time on the essential services that the citizens demand and not on creating additional bureaucracy and future liabilities for future generations. In time, the venture capital market will grow in Michigan on its own. The free market is best place for this to occur.

I will continue to advocate for less government, lower taxes and individual responsibility.”

Second Reading of Bills**Senate Bill No. 476, entitled**

A bill to amend 1989 PA 24, entitled “The district library establishment act,” by amending section 25 (MCL 397.195), as amended by 2002 PA 540; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-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. Ward moved to substitute (H-2) the bill.

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

Rep. Ward moved to amend the bill as follows:

1. Amend page 3, line 12, after “library” by inserting “**and district library board**”.

The motion prevailed and the amendment 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

Senate Bill No. 476, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending section 25 (MCL 397.195), as amended by 2002 PA 540; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Second Reading of Bills

House Bill No. 5280, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1305.

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

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

Rep. Spade moved to substitute (H-2) the bill.

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

Rep. Ward moved to amend the bill as follows:

1. Amend page 1, line 3, after "**unless**" by inserting "**the governing body that operates the school has ensured**".

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5280, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1305.

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

Roll Call No. 711

Yeas—108

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

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

Senate Bill No. 849, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 2 (MCL 125.2652), as amended by 2002 PA 254.

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. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Palmer, Milosch, Nofs, O'Neil, Farrah, Bieda, Zelenko and Condino

Nays: None

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, December 10, 2003, at 9:00 a.m.

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

Absent: Rep. Hummel

Excused: Rep. Hummel

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

House Bill No. 5344, entitled

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

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. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Milosch, Palsrok, Wenke, Rivet, O'Neil, Lipsey, Murphy, Tobocman and Accavitti
Nays: None

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

Senate Bill No. 366, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1526, 1526a, and 1527 (MCL 380.1526, 380.1526a, and 380.1527), section 1526 as amended and section 1527 as added by 1995 PA 289 and section 1526a as added by 1996 PA 159.

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. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Milosch and Palsrok
Nays: Reps. Rivet, Tobocman and Accavitti

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

Senate Bill No. 840, entitled

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

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune and Milosch
Nays: Reps. Rivet, O'Neil, Tobocman and Accavitti

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 10, 2003, at 8:30 a.m.

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

Absent: Rep. McConico

Excused: Rep. McConico

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

House Bill No. 5336, entitled

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

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. Van Regenmorter, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

House Bill No. 5347, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 465a. 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. Van Regenmorter, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 508, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2002 PA 278.

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. Van Regenmorter, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 511, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 160c.

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. Van Regenmorter, Howell, LaSata, Gaffney, Nofs, Meisner, Condino and Hood

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 637, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 1999 PA 53.

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. Van Regenmorter, Stakoe, Howell, LaSata, Meisner, Condino and Hood

Nays: Rep. Gaffney

COMMITTEE ATTENDANCE REPORT

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

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

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

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported

House Bill No. 4752, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30104 (MCL 324.30104), as amended by 1999 PA 106.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported

House Bill No. 4867, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 504, 43510, and 43516 (MCL 324.504, 324.43510, and 324.43516), section 504 as amended by 1996 PA 171, section 43510 as amended by 1996 PA 585, and section 43516 as added by 1995 PA 57.

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. Tabor, Milosch, Bradstreet, Ehardt, Richardville, Rocca, Nitz, Gillard, Farrah, Sheltroun and Accavitti

Nays: None

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported

House Bill No. 5023, 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.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported
House Bill No. 5194, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9307 (MCL 324.9307), as amended by 2002 PA 107.

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. Tabor, Milosch, Bradstreet, Ehardt, Richardville, Rocca, Nitz, Gillard, Farrah, Sheltroun and Accavitti

Nays: None

COMMITTEE ATTENDANCE REPORT

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

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

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

The Committee on Transportation, by Rep. DeRossett, Chair, reported

House Bill No. 4707, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675d (MCL 257.675d), as amended by 2000 PA 268.

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. DeRossett, Casperson, Hummel, Gaffney, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Adamini, Murphy and Elkins

Nays: None

The Committee on Transportation, by Rep. DeRossett, Chair, reported

House Bill No. 4927, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 217o and 217p.

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. DeRossett, Casperson, Hummel, Gaffney, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Adamini and Elkins

Nays: None

The Committee on Transportation, by Rep. DeRossett, Chair, reported

Senate Bill No. 785, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217d, 801, 811d, 811e, 811f, 811g, 811h, 811i, 811j, 811k, 811l, and 811n (MCL 257.217d, 257.801, 257.811d, 257.811e, 257.811f, 257.811g, 257.811h, 257.811i, 257.811j, 257.811k, 257.811l, and 257.811n), sections 217d, 801, and 811h as amended by 2003

PA 152, sections 811d, 811f, and 811g as added by 2000 PA 77, section 811e as amended by 2001 PA 124, section 811i as added by 2000 PA 74, section 811j as added by 2000 PA 71, section 811k as added by 2000 PA 73, section 811l as added by 2000 PA 70, and section 811n as added by 2000 PA 79, and by adding sections 811m, 811o, and 811p; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. DeRossett, Casperson, Hummel, Gaffney, Hune, Huizenga, LaJoy, Robertson, Ward, Jammick, Tobocman, Murphy and Elkins

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 10, 2003, at 9:00 a.m.

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

COMMITTEE ATTENDANCE REPORT

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

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

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

Absent: Reps. Hummel, Tabor and Meisner

Excused: Reps. Hummel, Tabor and Meisner

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 10, 2003, at 12:00 p.m.

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 10, 2003, at 1:00 p.m.

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Drolet, Chair of the Committee on Employment Relations, Training and Safety, was received and read:

Meeting held on: Wednesday, December 10, 2003, at 3:40 p.m.

Present: Reps. Drolet, Middaugh, Pappageorge, Huizenga, LaJoy, Van Regenmorter, Minore, Dennis and Bieda

Second Reading of Bills

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

Senate Bill No. 840, entitled

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

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 840, entitled**

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

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Second Reading of Bills

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

House Bill No. 5344, entitled

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

The bill was read a second time.

Rep. Hardman 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. Daniels be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5344, entitled**

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

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

Roll Call No. 712**Yeas—107**

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

Rep. Richardville moved that Rule 48 be suspended.

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

Senate Bill No. 366, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1526, 1526a, and 1527 (MCL 380.1526, 380.1526a, and 380.1527), section 1526 as amended and section 1527 as added by 1995 PA 289 and section 1526a as added by 1996 PA 159.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 366, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1526, 1526a, and 1527 (MCL 380.1526, 380.1526a, and 380.1527), section 1526 as amended and section 1527 as added by 1995 PA 289 and section 1526a as added by 1996 PA 159.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Quorum Call

Rep. Richardville questioned the presence of a quorum and moved that the roll be called and printed in the Journal. The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 713

Yeas—97

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

In The Chair: Julian

Second Reading of Bills

Senate Bill No. 771, entitled

A bill to amend 1990 PA 72, entitled "Local government fiscal responsibility act," by amending section 21 (MCL 141.1221), as amended by 2002 PA 408.

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. Minore moved to amend the bill as follows:

1. Amend page 4, line 20, after the first "of" by inserting "**the chief administrative officer and**".

2. Amend page 4, line 25, after the first "of" by inserting "**the chief administrative officer and**".

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

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

The motion prevailed.

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

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

Rep. Waters moved that Reps. Hunter, Elkins, Rivet, McConico and Kolb be excused temporarily from today's session.

The motion prevailed.

Rep. Palmer moved that Rep. Tabor be excused temporarily from today's session.

The motion prevailed.

Rep. Caul moved that Rep. LaSata 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

Senate Bill No. 771, entitled

A bill to amend 1990 PA 72, entitled "Local government fiscal responsibility act," by amending section 21 (MCL 141.1221), as amended by 2002 PA 408.

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

Roll Call No. 714

Yeas—100

Accavitti	Farrah	Meyer	Shaffer
Acciavatti	Gaffney	Middaugh	Sheen
Adamini	Garfield	Milosch	Sheltrown
Amos	Gielegem	Minore	Shulman
Anderson	Gillard	Moolenaar	Smith
Bieda	Hager	Mortimer	Spade
Bisbee	Hardman	Murphy	Stahl
Bradstreet	Hart	Newell	Stakoe
Brandenburg	Hood	Nitz	Steil
Brown	Hoogendyk	Nofs	Stewart
Byrum	Hopgood	O'Neil	Taub
Casperson	Howell	Paletko	Tobocman
Caswell	Huizenga	Palmer	Vagnozzi

Caul	Hummel	Palsrok	Van Regenmorter
Cheeks	Hune	Pappageorge	Vander Veen
Clack	Jamnick	Pastor	Voorhees
Condino	Johnson, Rick	Phillips	Walker
Daniels	Johnson, Ruth	Plakas	Ward
Dennis	Julian	Pumford	Waters
DeRoche	Koetje	Reeves	Wenke
DeRossett	Kooiman	Richardville	Williams
Drolet	LaJoy	Robertson	Wojno
Ehardt	Law	Rocca	Woodward
Emmons	Lipsey	Sak	Woronchak
Farhat	Meisner	Shackleton	Zelenko

Nays—1

Gleason

In The Chair: Julian

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

“An act to provide for review, management, planning, and control of the financial operation of units of local government, including school districts; to provide criteria to be used in determining the financial condition of a local government; to permit a declaration of the existence of a local government financial emergency and to prescribe the powers and duties of the governor, other state boards, agencies, and officials, and officials and employees of units of local government; to provide for a review and appeal process; to provide for the appointment and to prescribe the powers and duties of an emergency financial manager; to require the development of financial plans to regulate expenditures and investments by a local government in a state of financial emergency; to set forth the conditions for termination of a local government financial emergency; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills

Rep. Richardville moved that Rule 48 be suspended.

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

House Bill No. 4927, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding sections 217o and 217p.

The bill was read a second time.

Rep. Adamini moved to amend the bill as follows:

1. Amend page 2, line 16, after “**address.**” by inserting “**Beginning not later than February 1, 2005, and annually after that, an organization receiving money under this section shall report to the state treasurer. A report under this subsection shall include a summary of expenditures during the preceding year of the money received under this section.**”.

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

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

The motion prevailed.

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

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

Rep. DeRossett moved that Rep. Stakoe 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. 4927, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 217o and 217p.

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

Roll Call No. 715

Yeas—105

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

Nays—1

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. Hardman, Waters, Woronchak, Stewart, O'Neil, Rocca, Phillips, Minore, Zelenko, Jamnick, DeRossett, Richardville, Spade, Lipsey, Bisbee, Murphy, Kooiman, Voorhees, Hager, Meyer, Julian, Ruth Johnson, Sheltrown, Adamini, Brown, Gaffney, Hunter, Paletko, Pastor, LaJoy, Hopgood, Law, Bieda, Wojno, Acciavatti, Clack, Vagnozzi, Taub, Accavitti, Hune, Gleason, Robertson, Milosch, Caswell, Nofs, Sak, Huizenga, Elkins, Palsrok and Gillard were named co-sponsors of the bill.

The House returned to the consideration of
Senate Bill No. 840, entitled

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

(The bill was considered earlier today, see today's Journal p. 2341.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 716

Yeas—58

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

Nays—47

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

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. 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:

I voted against SB 840 because it would add an additional, and I believe unnecessary, layer of bureaucracy to a state government that is struggling with a very contentious and severe budget problem. I believe that the problems that SB 840 intends to address are currently being addressed through the current reorganization of the MEDC and that this legislation would be counter-productive.”

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4236, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16131, 16186, and 16263 (MCL 333.16131, 333.16186, and 333.16263), sections 16131 and 16263 as amended by 2001 PA 139 and section 16186 as amended by 2002 PA 643, and by adding section 16344 and part 187.

(The bill was received from the Senate on September 25, with substitute (S-1) and title amendment, consideration of which, under the rules, was postponed until September 30, see House Journal No. 67, p. 1750.)

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

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

1. Amend page 11, line 26, by striking out all of subsection (3) and renumbering the remaining subsection. The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

1. Amend page 13, following line 14, by striking out all of Enacting section 1 and inserting:
“Enacting section 1. This amendatory act takes effect July 1, 2004.”.

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

Reps. Ehardt and Adamini moved to amend the Senate substitute (S-1) as follows:

1. Amend page 11, following line 25, by inserting:

“(3) The department shall issue a license as a respiratory therapist to an individual who is a holder of a temporary license as a respiratory therapist if a holder of a temporary license meets all of the following requirements:

(a) Applies for licensure as a respiratory therapist prior to the expiration of his or her temporary license as prescribed in section 18711(2).

(b) Provides proof to the department that he or she has successfully completed the national credentialing exam by the national board for respiratory care or its successor organization, as approved by the department.” and renumbering the remaining subsections.

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

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

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

Roll Call No. 717

Yeas—74

Acciavatti	Gielegem	Middaugh	Shaffer
Adamini	Gillard	Moolenaar	Sheltrown
Amos	Hager	Mortimer	Shulman
Bieda	Hardman	Murphy	Spade
Bisbee	Hart	Newell	Stahl
Bradstreet	Hoogendyk	Nitz	Steil
Brandenburg	Howell	Nofs	Stewart
Byrum	Huizenga	O’Neil	Tabor
Casperson	Hummel	Palmer	Taub
Caswell	Johnson, Rick	Palsrok	Van Regenmorter

Caul	Johnson, Ruth	Pappageorge	Vander Veen
Dennis	Julian	Pastor	Voorhees
DeRossett	Koetje	Pumford	Walker
Ehardt	Kolb	Richardville	Ward
Elkins	Kooiman	Robertson	Wenke
Emmons	LaJoy	Rocca	Wojno
Farhat	Lipsey	Sak	Woodward
Gaffney	Meisner	Shackleton	Woronchak
Garfield	Meyer		

Nays—31

Accavitti	Drolet	Law	Sheen
Anderson	Farrar	McConico	Smith
Brown	Gleason	Milosch	Tobocman
Cheeks	Hood	Minore	Vagnozzi
Clack	Hopgood	Paletko	Waters
Condino	Hune	Phillips	Williams
Daniels	Hunter	Plakas	Zelenko
DeRoche	Jamnick	Reeves	

In The Chair: Julian

The House agreed to the title as amended.

Third Reading of Bills

The House returned to the consideration of

Senate Bill No. 476, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending section 25 (MCL 397.195), as amended by 2002 PA 540; and to repeal acts and parts of acts.

(The bill was considered earlier today, see today's Journal p. 2333.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 718**Yeas—106**

Accavitti	Gaffney	Meisner	Shackleton
Acciavatti	Garfield	Meyer	Shaffer
Adamini	Gielegem	Middaugh	Sheen
Amos	Gillard	Milosch	Sheltrown
Anderson	Gleason	Minore	Shulman
Bieda	Hager	Moolenaar	Smith
Bisbee	Hardman	Mortimer	Spade
Bradstreet	Hart	Murphy	Stahl
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	Williams
Ehardt	Kooiman	Rivet	Wojno
Elkins	LaJoy	Robertson	Woodward
Emmons	Law	Rocca	Woronchak
Farhat	Lipsey	Sak	Zelenko
Farrah	McConico		

Nays—0

In The Chair: Julian

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

“An act to provide for the establishment and maintenance of district libraries; to provide for district library boards; to define the powers and duties of certain state and local governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills

House Bill No. 5234, entitled

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

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

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

Rep. Ruth Johnson moved to amend the bill as follows:

1. Amend page 2, line 10, after “**landfill**” by striking out “**under section 11514**”.

2. Amend page 2, line 15, by striking out all of Enacting section 1 and inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 502 of the 92nd Legislature is enacted into law.”.

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

Rep. Ruth Johnson moved to amend the bill as follows:

1. Amend page 1, line 1, after “**Sec. 11526a.**” by inserting “(1)”.

2. Amend page 2, following line 14, by inserting:

“(2) **Notwithstanding section 11538 or any other provision of this part, if there is sufficient disposal capacity for a county’s disposal needs in or within 150 miles of the county, all of the following apply:**

(a) **The county is not required to identify a site for a new landfill in its solid waste management plan.**

(b) **An interim siting mechanism shall not become operative in the county unless the county board of commissioners determines otherwise.**

(c) **The department is not required to issue a construction permit for a new landfill in the county.”.**

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

Rep. Acciavatti 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. 5234, entitled

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

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

Roll Call No. 719

Yeas—105

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

Nays—1

Hoogendyk

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. Hardman, Waters, Daniels, Plakas, Anderson, Phillips, Minore, Zelenko, Jamnick, Richardville, Spade, Bisbee, Murphy, Kooiman, Julian, Vander Veen, Dennis, Caul, Pumford, Ruth Johnson, Adamini, Palmer, Hunter, Hood, Tobocman, Farrah, Paletko, Pastor, Hopgood, Meisner, Clack, Condino, Vagnozzi, Milosch, Nofs, Byrum, Steil, Van Regenmorter and Sak were named co-sponsors of the bill.

House Bill No. 5254, entitled

A bill to amend 2002 PA 49, entitled “Michigan broadband development authority act,” by amending section 7 (MCL 484.3207).

(The bill was considered on Third Reading, amended and bill postponed for the day on December 9, see House Journal No. 91, p. 2301.)

The question being on the passage of the bill,

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

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

Second Reading of Bills**House Bill No. 5254, entitled**

A bill to amend 2002 PA 49, entitled “Michigan broadband development authority act,” by amending section 7 (MCL 484.3207).

Rep. Nitz moved to amend the bill as follows:

1. Amend page 5, line 10, after “areas” by striking out “**and to qualified tool and die businesses described in (6)**”.
2. Amend page 6, line 7, by striking out all of subsection (6) and inserting:

“(6) **Priority shall be given to the application of any broadband developer who applies to develop broadband capability within a recovery zone as that term is defined in section 8d of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2688d.**”.

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

Rep. Nitz 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. 5254, entitled**

A bill to amend 2002 PA 49, entitled “Michigan broadband development authority act,” by amending section 7 (MCL 484.3207).

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 720**Yeas—106**

Accavitti	Gaffney	Meisner	Shackleton
Acciavatti	Garfield	Meyer	Shaffer
Adamini	Gielegem	Middaugh	Sheen
Amos	Gillard	Milosch	Sheltrown
Anderson	Gleason	Minore	Shulman
Bieda	Hager	Moolenaar	Smith
Bisbee	Hardman	Mortimer	Spade
Bradstreet	Hart	Murphy	Stahl
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	Williams
Ehardt	Kooiman	Rivet	Wojno
Elkins	LaJoy	Robertson	Woodward
Emmons	Law	Rocca	Woronchak
Farhat	Lipsey	Sak	Zelenko
Farrah	McConico		

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

Senate Bill No. 814, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 38e (MCL 208.38e), as amended by 1999 PA 184.

The bill was read a second time.

Rep. Bisbee moved to amend the bill as follows:

1. Amend page 2, line 16, after “the” by striking out the balance of the line through “**department**” on line 17 and inserting “**department of labor and economic growth**”.

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

Rep. Nitz moved to amend the bill as follows:

1. Amend page 1, line 7, after “(b)” by inserting “or (c)”.

2. Amend page 2, following line 4, by inserting:

“(c) **For companies that have a classification under the North American industrial classification system (NAICS) of 333511, 333512, 333513, 333514, or 333515 and for tax years that begin after December 31, 2003, an amount not to exceed \$1,000.00 for each special apprentice trained by the taxpayer in the tax year.**”.

3. Amend page 4, following line 19, by inserting:

“(e) **“Special apprentice” means a person who is not an apprentice as defined by subsection (5)(a), is a resident of this state, is 16 years of age or older but younger than 25 years of age, and is trained by a taxpayer through a program that meets all of the criteria under subdivision (a)(i) to (iv).**”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 814, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 38e (MCL 208.38e), as amended by 1999 PA 184.

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

Roll Call No. 721**Yeas—106**

Accavitti	Gaffney	Meisner	Shackleton
Acciavatti	Garfield	Meyer	Shaffer
Adamini	Gielegem	Middaugh	Sheen
Amos	Gillard	Milosch	Sheltrown
Anderson	Gleason	Minore	Shulman
Bieda	Hager	Moolenaar	Smith
Bisbee	Hardman	Mortimer	Spade
Bradstreet	Hart	Murphy	Stahl
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	Williams
Ehardt	Kooiman	Rivet	Wojno
Elkins	LaJoy	Robertson	Woodward
Emmons	Law	Rocca	Woronchak
Farhat	Lipsey	Sak	Zelenko
Farrah	McConico		

Nays—0

In The Chair: Julian

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

“An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,”

The House agreed to the full title.

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

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

Second Reading of Bills**Senate Bill No. 825, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 8 (MCL 125.2688), as amended by 2003 PA 93, and by adding section 8d.

The bill was read a second time.

Rep. Bisbee moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 825, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 8 (MCL 125.2688), as amended by 2003 PA 93, and by adding section 8d.

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

Roll Call No. 722

Yeas—98

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

Nays—8

Bradstreet	Garfield	Hoogendyk	Pumford
Drolet	Hart	Middaugh	Sheen

In The Chair: Julian

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

“An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and

credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials.”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 502, entitled

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

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

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

Rep. Ruth Johnson moved to amend the bill as follows:

1. Amend page 2, line 18, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5234 of the 92nd Legislature is enacted into law.”.

The motion prevailed and the amendment 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

Senate Bill No. 502, entitled

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

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

Roll Call No. 723

Yeas—103

Accavitti	Gaffney	Meisner	Shaffer
Acciavatti	Garfield	Meyer	Sheen
Adamini	Gielegem	Middaugh	Sheltrown
Amos	Gillard	Milosch	Shulman
Anderson	Gleason	Minore	Smith
Bieda	Hager	Moolenaar	Spade
Bisbee	Hardman	Mortimer	Stahl
Bradstreet	Hart	Murphy	Steil
Brandenburg	Hood	Newell	Stewart
Brown	Hopgood	Nofs	Tabor
Byrum	Howell	O’Neil	Taub
Casperson	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	Williams
Ehardt	Kooiman	Rivet	Wojno
Elkins	LaJoy	Robertson	Woodward
Emmons	Law	Rocca	Woronchak
Farhat	Lipsey	Sak	Zelenko
Farrah	McConico	Shackleton	

Nays—3

Caswell	Hoogendyk	Nitz
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In The Chair: Julian

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

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

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4518, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20919 (MCL 333.20919), as amended by 2000 PA 375.

(The bill was received from the Senate on November 6, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 12, see House Journal No. 85, p. 2108.)

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

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

Roll Call No. 724**Yeas—106**

Accavitti	Gaffney	Meisner	Shackleton
Acciavatti	Garfield	Meyer	Shaffer
Adamini	Gielegem	Middaugh	Sheen
Amos	Gillard	Milosch	Sheltrown
Anderson	Gleason	Minore	Shulman
Bieda	Hager	Moolenaar	Smith
Bisbee	Hardman	Mortimer	Spade
Bradstreet	Hart	Murphy	Stahl
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	Williams
Ehardt	Kooiman	Rivet	Wojno
Elkins	LaJoy	Robertson	Woodward
Emmons	Law	Rocca	Woronchak
Farhat	Lipsey	Sak	Zelenko
Farrah	McConico		

Nays—0

In The Chair: Julian

The House agreed to the full title of the bill.

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

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, December 4:

Senate Bill Nos. 874 876 877

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, December 5:

Senate Bill Nos. 878 879 880 881

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, December 10:

House Bill Nos. 5357 5358 5359 5360 5361 5362

The Clerk announced that the following Senate bills had been received on Wednesday, December 10:

Senate Bill Nos. 220 657 792 793 794 795 797 798 803 842 843 852

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 220, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

The Senate has passed the bill.

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

Senate Bill No. 657, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

The Senate has passed the bill.

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

Senate Bill No. 792, entitled

A bill to prohibit certain acts and practices concerning identity theft; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 793, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 10c to chapter II.

The Senate has passed the bill.

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

Senate Bill No. 794, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 23 to chapter XVI.

The Senate has passed the bill.

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

Senate Bill No. 795, entitled

A bill to establish the social security number privacy act in the state of Michigan; to prescribe penalties and civil sanctions; and to provide remedies.

The Senate has passed the bill.

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

Senate Bill No. 797, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 14h and 16o of chapter XVII (MCL 777.14h and 777.16o), section 14h as amended by 2003 PA 134 and section 16o as amended by 2000 PA 389.

The Senate has passed the bill.

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

Senate Bill No. 798, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

The Senate has passed the bill.

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

Senate Bill No. 803, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2002 PA 119.

The Senate has passed the bill.

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

Senate Bill No. 842, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 616a.

The Senate has passed the bill.

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

Senate Bill No. 843, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12e of chapter XVII (MCL 777.12e), as added by 2002 PA 34.

The Senate has passed the bill.

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

Senate Bill No. 852, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51e (MCL 206.51e), as added by 1999 PA 5.

The Senate has passed the bill.

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

Messages from the Governor

The following message from the Governor was received December 10, 2003 and read:

EXECUTIVE ORDER

No. 2003 - 24

MICHIGAN MENTAL HEALTH COMMISSION**EXECUTIVE OFFICE OF THE GOVERNOR**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 1 of 1931 PA 195, MCL 10.51, authorizes and empowers the Governor, at such times and for such purposes as the Governor deems necessary or advisable, to create special advisory bodies consisting of as many members as the Governor deems appropriate;

WHEREAS, Michigan's publicly-supported mental health system must be committed to providing adequate and appropriate mental health care, treatment, and support in an efficient, effective, and fiscally accountable manner;

WHEREAS, the consumers and families involved with, and most affected by, publicly-supported mental health programs and services must be included in the decision-making process;

WHEREAS, Michigan must move toward a more user-friendly mental health system that ensures timely access to care, fosters quality and excellence in service delivery, and promotes innovative and effective strategies to best serve adults and children with serious mental illness or emotional disturbances;

WHEREAS, the services provided by the publicly-supported mental health system should be culturally competent and responsive to consumer needs and preferences;

WHEREAS, the publicly-supported mental health system is currently at a crossroads, requiring the input of interested parties working together to address the challenges confronting the system;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

1. "Commission" means the Michigan Mental Health Commission created under this Order.

2. "Department of Community Health" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the "Department of Community Health" under Executive Order 1996-1, MCL 330.3101.

II. MICHIGAN MENTAL HEALTH COMMISSION

A. The Michigan Mental Health Commission ("Commission") is created as an advisory body within the Executive Office of the Governor.

B. The Governor shall appoint 29 members to the Commission to serve as members of the Commission at the pleasure of the Governor.

C. In addition to the 29 members appointed under Section II.B, the Directors of the Department of Community Health, the Family Independence Agency and the Department of Corrections, or their designated representatives, shall serve as ex officio, non-voting members of the Commission. The Governor may appoint additional persons as non-voting members.

D. A vacancy on the Commission shall be filled in the same manner as the original appointment.

E. The Governor shall designate one of the members of the Commission to serve as its Chairperson at the pleasure of the Governor.

III. CHARGE TO THE COMMISSION

A. The Commission is advisory in nature and shall:

1. Identify and prioritize pressing issues and significant challenges that must be addressed to preserve and improve services for adults and children with serious mental illness or emotional disturbances.

2. Recommend options to improve the organization, delivery, quality, and effectiveness of publicly-supported mental health services.

3. Identify methods to enhance current state and county partnerships for planning, management, and delivery of mental health services.

4. Assess opportunities for collaborative interagency and intergovernmental approaches to the provision of mental health care.

5. Identify methods designed to simplify access to care, promote effective service and support practices, improve care outcomes, and enhance consumer and family satisfaction.

6. Recommend approaches to improve federal, state, county, and community collaboration while increasing the efficiency and fiscal accountability of the publicly-supported mental health system.

7. Identify strategies and financing options for expanding prevention and early intervention efforts within the publicly-supported mental health system.

8. Provide recommendations on the best strategies to enhance public awareness and understanding of mental illness.

9. Identify strategies that will increase collaboration and communication between law enforcement, courts, corrections, community mental health programs, and public and private hospitals in most effectively meeting the needs of adults and children with serious mental illness or emotional disturbances.

10. Formulate policy and program recommendations to improve and promote community-based services and integration for adults and children with serious mental illness or emotional disturbances.

11. Develop a Michigan-specific plan to determine the most appropriate strategy for achieving mental health parity in this state.

B. In exercising its duties the Commission may:

1. Assess the most appropriate organizational framework for the delivery of publicly-supported mental health services in Michigan.

2. Review model legislation and studies on the effective delivery of publicly-supported mental health services and collect information on states that have developed innovative solutions and best practices for similar challenges.

3. Identify training and technological assistance needs related to the efficient management and delivery of services provided through the publicly-supported mental health system.

C. The Commission shall provide other information or advice as directed by the Governor or the Chairperson of the Commission.

D. The Commission shall complete its work and issue a final report and recommendations, including any proposed legislation, to the Governor not later than September 30, 2004.

IV. OPERATIONS OF THE COMMISSION

A. The Commission may promulgate bylaws, not inconsistent with Michigan law and this Order, governing its organization, operation, and procedures. The Commission may establish subcommittees as it deems advisable.

B. The Commission shall be staffed by personnel from and assisted by the Department of Community Health, as directed by the Governor or the Chairperson of the Commission.

C. The Chairperson of the Commission shall select from among the members of the Commission a Vice-Chairperson and a Secretary. Commission staff shall assist the Secretary with record-keeping responsibilities.

D. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission.

E. The Commission may establish committees and request public participation on advisory panels as it deems necessary. The Commission may adopt, reject, or modify recommendations made by committees or advisory panels.

F. The Commission shall act by majority vote of its serving members. A majority of the members of the Commission constitutes a quorum for the transaction business.

G. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Commission may consult with outside experts, consumers, and their families in order to perform its duties.

H. Members of the Commission shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available appropriations.

I. The Commission may hire or retain contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties, as the Director of the Department of Community Health deems advisable and necessary in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

J. The Commission may accept donations of labor, services, or other things of value from any public or private agency or person.

K. Members of the Commission shall refer all legal, legislative, and media contacts to the Department of Community Health.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Commission, or to any member or representative of the Commission, any necessary assistance required by the Commission, or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Commission.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder the order.
This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 10th day of December, 2003.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

Introduction of Bills

Rep. Kolb introduced

House Bill No. 5363, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 213 (MCL 18.1213). The bill was read a first time by its title and referred to the Committee on Government Operations.

Reps. Daniels, Richardville, Zelenko, Woodward, Reeves, Waters, Stallworth, Phillips, Hood, Hunter, Accavitti, Smith, Cheeks, Paletko, Murphy, Hopgood, Elkins, Lipsey, Bieda, LaSata, Gillard, Meisner, Gleason, Woronchak, Tobocman, Gielegem, Farrah, Hardman and McConico introduced

House Bill No. 5364, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252g and 907 (MCL 257.252g and 257.907), section 252g as added by 1981 PA 104 and section 907 as amended by 2003 PA 73, and by adding sections 252h, 252i, 252j, 252k, 252l, 252m, 252n, 252o, 252p, 252q, and 252r; and to repeal acts and parts of acts.

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

Reps. Howell and Williams introduced

House Bill No. 5365, entitled

A bill to repeal 1905 LA 653, entitled "An act to provide the manner of voting by the members of the board of supervisors of Saginaw county.".

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

Reps. Howell and Williams introduced

House Bill No. 5366, entitled

A bill to repeal 1903 LA 540, entitled "An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties.".

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

Rep. DeRoche introduced

House Bill No. 5367, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A. The bill was read a first time by its title and referred to the Committee on Insurance.

Rep. Woronchak moved that Rep. Middaugh be excused temporarily from today's session.
The motion prevailed.

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

The House returned to the consideration of
House Bill No. 5234, entitled

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

(The bill was considered earlier today, see today's Journal p. 2350.)

Rep. Richardville moved to reconsider the vote by which the House passed the bill.
The motion prevailed, a majority of the members serving voting therefor.
The question being on the passage of the bill,

Rep. Ruth Johnson moved to amend the bill as follows:

1. Amend page 1, line 4, after "**landfill**" by striking out "**under section 11514**".

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 725**Yeas—103**

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

Nays—2

Emmons Hoogendyk

In The Chair: Julian

The House agreed to the title of the bill.

The House returned to the consideration of
Senate Bill No. 502, entitled

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

(The bill was considered earlier today, see today’s Journal p. 2356.)

Rep. Richardville moved to reconsider the vote by which the House passed the bill.
The motion prevailed, a majority of the members serving voting therefor.
The question being on the passage of the bill,

Rep. Ruth Johnson moved to amend the bill as follows:

1. Amend page 1, line 9, after “**landfill**” by striking out “**under section 11514**” and inserting “**located in this state**”.
2. Amend page 1, line 11, after “**landfill**” by striking out “**under section 11514**” and inserting “**located in this state**”.
3. Amend page 2, line 12, after “**landfill**” by striking out “**under section 11514**” and inserting “**located in this state**”.
4. Amend page 2, line 13, after the second “**landfill**” by striking out “**under section 11514**” and inserting “**located in this state**”.

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 726

Yeas—101

Accavitti	Gaffney	McConico	Shaffer
Acciavatti	Garfield	Meisner	Sheen
Adamini	Gielegem	Meyer	Sheltrown
Amos	Gillard	Milosch	Shulman
Anderson	Gleason	Minore	Smith
Bieda	Hager	Moolenaar	Spade
Bisbee	Hardman	Mortimer	Stahl
Bradstreet	Hart	Murphy	Steil
Brandenburg	Hood	Newell	Stewart
Brown	Hopgood	Nofs	Tabor
Byrum	Howell	O’Neil	Taub
Casperson	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	Williams
Ehardt	Kooiman	Robertson	Wojno
Elkins	LaJoy	Rocca	Woodward
Emmons	Law	Sak	Woronchak
Farhat	Lipsey	Shackleton	Zelenko
Farrah			

Nays—3

Caswell

Hoogendyk

Nitz

In The Chair: Julian

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

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

The House agreed to the full title.

Second Reading of Bills

House Bill No. 5255, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 4, 5, 6, and 10 (MCL 207.804, 207.805, 207.806, and 207.810), section 6 as amended by 2000 PA 144.

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

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

Rep. Richardville moved to amend the bill as follows:

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

“(a) **“Affiliated business” means a business that is 100% owned and controlled by an associated business.**

(b) **“Associated business” means a business which owns at least 50% of and controls, directly or indirectly, an authorized business.**” and relettering the remaining subdivisions.

2. Amend page 1, line 2, after “means” by striking out the balance of the subdivision and inserting **“1 of the following:**

(i) **A single eligible business with a unique federal employer identification number which has met the requirements of section 8 and with which the authority has entered into a written agreement for a tax credit under section 9.**

(ii) **A single eligible business with a unique federal employer identification number which has met the requirements of section 8, except as provided in this subparagraph, and with which the authority has entered into a written agreement for a tax credit under section 9. An eligible business is not required to create qualified new jobs or maintain retained jobs if qualified new jobs are created or retained jobs are maintained by an associated or affiliated business.”.**

3. Amend page 1, following line 6, by inserting:

“(c) **“Business” means proprietorship, joint venture, partnership, limited liability partnership, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, limited liability company, or any other organization.**” and relettering the remaining subdivisions.

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

Rep. Emmons moved to amend the bill as follows:

1. Amend page 18, line 26, after “(b)” by inserting **“Meets either of the following criteria:**

(i)”.

2. Amend page 19, following line 2, by inserting:

“(i) Makes capital investment of \$100,000,000.00 in a time period beginning 3 years prior to and 2 years following becoming an authorized business and agrees to maintain at least 2,000 jobs at the facility without permanent reduction in full-time employment except through attrition or retirement. The credit under this subparagraph can only be granted as part of a package of incentives that addresses international competition and includes a negotiated labor contribution.”.

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

Rep. Palsrok moved to amend the bill as follows:

1. Amend page 6, following line 22, by inserting:

“(m) “Rural business” means an eligible business located in a county with a population of 75,000 or less.” and relettering the remaining subdivision.

2. Amend page 13, following line 8, by inserting:

“(v) A minimum of 5 qualified new jobs at the facility if the eligible business is a rural business.”.

3. Amend page 14, following line 4, by inserting:

“(v) **If the eligible business is a rural business, all of the following apply:**

(A) A minimum of 5 qualified new jobs at the facility.

(B) A minimum of 25 qualified new jobs at the facility within 5 years after the date of the expansion or location as determined by the authority.”.

4. Amend page 19, line 6, after “businesses” by striking out “**or distressed businesses**” and inserting a comma and “**distressed businesses, or rural businesses**”.

5. Amend page 19, line 13, after “businesses” by inserting “**or rural business. Only 5 of the 50 written agreements for businesses that are qualified high-technology businesses or rural business may be executed each year for qualified rural businesses**”.

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

Rep. Huizenga moved to amend the bill as follows:

1. Amend page 2, line 3, after “**jobs**” by striking “**at the facility.**” and inserting “**in this state.**”.

2. Amend page 2, line 6, by striking “**at the facility**” and inserting “**in this state**”.

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

Rep. Bisbee moved to amend the bill as follows:

1. Amend page 5, following line 3, by inserting:

“(x) **Tool and die manufacturing.**”.

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

Rep. Bisbee moved to amend the bill as follows:

1. Amend page 8, following line 16, by inserting:

“(6) **The member appointed by the governor who is a nominee of the majority leader of the senate and the member appointed by the governor who is the nominee of the speaker of the house of representatives shall both serve on the executive committee that reviews applications under this act.**”.

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

Rep. Acciavatti 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. 5255, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 4, 5, 6, and 10 (MCL 207.804, 207.805, 207.806, and 207.810), section 6 as amended by 2000 PA 144.

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

Roll Call No. 727

Yeas—58

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

Farhat
GaffneyMilosch
Moolenaar

Shaffer

Woronchak

Nays—47Accavitti
Adamini
Anderson
Bieda
Brown
Byrum
Cheeks
Clack
Condino
Daniels
Dennis
ElkinsFarrah
Gielegem
Gillard
Gleason
Hardman
Hart
Hood
Hoogendyk
Hopgood
Hunter
Jamnick
KolbLaw
Lipsey
McConico
Meisner
Minore
Murphy
O'Neil
Paletko
Phillips
Plakas
Reeves
RivetSak
Sheltrown
Smith
Spade
Tobocman
Vagnozzi
Waters
Williams
Wojno
Woodward
Zelenko

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 amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3, 4, 5, 6, 8, and 10 (MCL 207.803, 207.804, 207.805, 207.806, 207.808, and 207.810), section 3 as amended by 2000 PA 428 and sections 6 and 8 as amended by 2000 PA 144, and by adding section 8a.

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. Brown and Dennis, 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 HB 5255(H-3) because the version presented was nothing more than 'playing politics' with what to date has been a successful formula for the Michigan Economic Growth Authority. The changes made as to how members to the MEGA board are appointed will do nothing but restrict the ability of the current administration to effectively work to create jobs."

Second Reading of Bills**House Bill No. 5246, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2002 PA 726.

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

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

Rep. Bisbee moved to substitute (H-2) the bill.

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

Rep. Bisbee moved to amend the bill as follows:

1. Amend page 19, line 4, after “**2009.**” by striking out the balance of the subsection and inserting “**If the Michigan economic growth authority or a designee of the Michigan economic growth authority requests that a taxpayer who claims the credit under subsection (20) get a statement prepared by a certified public accountant verifying that the actual number of new jobs created is the same number of new jobs used to calculate the credit under subsection (20), the taxpayer shall get the statement and attach that statement to its annual return under this act on which the credit under subsection (20) is claimed.**”.

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

Rep. Farhat 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. 5246, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 38g (MCL 208.38g), as amended by 2002 PA 726.

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

Roll Call No. 728

Yeas—104

Accavitti	Gaffney	McConico	Shackleton
Acciavatti	Garfield	Meisner	Shaffer
Adamini	Gielegem	Meyer	Sheen
Amos	Gillard	Milosch	Sheltrown
Anderson	Gleason	Minore	Shulman
Bieda	Hager	Moolenaar	Smith
Bisbee	Hardman	Mortimer	Spade
Bradstreet	Hart	Murphy	Stahl
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
Ehardt	Kolb	Richardville	Williams
Elkins	Koومان	Rivet	Wojno
Emmons	LaJoy	Robertson	Woodward
Farhat	Law	Rocca	Woronchak
Farrah	Lipsey	Sak	Zelenko

Nays—1

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

Senate Bill No. 821, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37c (MCL 208.37c), as amended by 2000 PA 429.

The bill was read a second time.

Rep. Bisbee moved to substitute (H-2) the bill.
The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Bisbee moved to amend the bill as follows:

1. Amend page 3, line 4, after "(7)" by striking out the balance of the subsection and inserting "**If the Michigan economic growth authority or a designee of the Michigan economic growth authority requests that a taxpayer who claims the credit under this section get a statement prepared by a certified public accountant verifying that the actual number of new jobs created is the same number of new jobs used to calculate the credit under this section, the taxpayer shall get the statement and attach that statement to its annual return under this act on which the credit under this section is claimed.**".

The motion prevailed and the amendment 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

Senate Bill No. 821, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37c (MCL 208.37c), as amended by 2000 PA 429.

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

Roll Call No. 729

Yeas—103

Accavitti	Garfield	Meisner	Shaffer
Acciavatti	Gielegem	Meyer	Sheen
Adamini	Gillard	Milosch	Sheltrown
Amos	Gleason	Minore	Shulman
Anderson	Hager	Moolenaar	Smith
Bieda	Hardman	Mortimer	Spade
Bisbee	Hart	Murphy	Stahl
Bradstreet	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
Ehardt	Kolb	Richardville	Williams
Elkins	Kooiman	Rivet	Wojno
Emmons	LaJoy	Robertson	Woodward
Farhat	Law	Rocca	Woronchak
Farrah	Lipsey	Sak	Zelenko
Gaffney	McConico	Shackleton	

Nays—2

Brandenburg

Drolet

In The Chair: Julian

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

“An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 820, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 37d (MCL 208.37d), as amended by 1999 PA 100.

The bill was read a second time.

Rep. Bisbee moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) 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

Senate Bill No. 820, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 37d (MCL 208.37d), as amended by 1999 PA 100.

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

Roll Call No. 730

Yeas—105

Accavitti	Gaffney	McConico	Shackleton
Acciavatti	Garfield	Meisner	Shaffer
Adamini	Gielegem	Meyer	Sheen

Amos	Gillard	Milosch	Sheltrown
Anderson	Gleason	Minore	Shulman
Bieda	Hager	Moolenaar	Smith
Bisbee	Hardman	Mortimer	Spade
Bradstreet	Hart	Murphy	Stahl
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	Williams
Ehardt	Kooiman	Rivet	Wojno
Elkins	LaJoy	Robertson	Woodward
Emmons	Law	Rocca	Woronchak
Farhat	Lipsey	Sak	Zelenko
Farrah			

Nays—0

In The Chair: Julian

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

“An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.”

The House agreed to the full title.

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

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

Second Reading of Bills

House Bill No. 5139, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding sections 811p and 811q; and to repeal acts and parts of acts.

(The bill was read a second time, substitute (H-2) adopted, amended and postponed for the day on November 13, see House Journal No. 87, page 2178.)

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

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

Roll Call No. 731

Yeas—80

Accavitti	Gaffney	McConico	Shaffer
Acciavatti	Gielegem	Meisner	Sheltrown
Adamini	Gillard	Meyer	Shulman

Amos	Gleason	Minore	Smith
Anderson	Hager	Murphy	Spade
Bieda	Hardman	Newell	Stahl
Bradstreet	Hart	O'Neil	Steil
Brown	Hood	Paletko	Stewart
Byrum	Hopgood	Palmer	Taub
Casperson	Howell	Palsrok	Tobocman
Caul	Hummel	Pappageorge	Vagnozzi
Cheeks	Hunter	Phillips	Vander Veen
Clack	Jamnick	Plakas	Voorhees
Condino	Johnson, Rick	Pumford	Waters
Daniels	Johnson, Ruth	Reeves	Wenke
Dennis	Julian	Richardville	Williams
Elkins	Koetje	Rivet	Wojno
Emmons	Kolb	Rocca	Woodward
Farhat	Law	Sak	Woronchak
Farrah	Lipsey	Shackleton	Zelenko

Nays—25

Bisbee	Garfield	Milosch	Robertson
Brandenburg	Hoogendyk	Moolenaar	Sheen
Caswell	Huizenga	Mortimer	Tabor
DeRoche	Hune	Nitz	Van Regenmorter
DeRossett	Kooiman	Nofs	Walker
Drolet	LaJoy	Pastor	Ward
Ehardt			

In The Chair: Julian

Rep. LaSata moved to amend the bill as follows:

1. Amend page 3, line 4, after “state” by striking out “both” and inserting “all”.
2. Amend page 3, following line 12, by inserting:

“(c) For professional sports teams, the agreement to discount admission ticket prices by 20% for those persons who display a Michigan professional sports teams fundraising registration plate on their vehicle.”.

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

Rep. DeRossett moved to amend the bill as follows:

1. Amend page 6, line 5, after “the” by striking out “Palace” and inserting “Palace-Pistons”.
2. Amend page 6, line 11, after “the” by striking out “Palace” and inserting “Palace-Pistons”.

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

Rep. Sheen moved to amend the bill as follows:

1. Amend page 1, following “THE PEOPLE OF THE STATE OF MICHIGAN ENACT:” by inserting:

“Sec. 803e. (1) A person who has been a prisoner of war or a person whose spouse has been a prisoner of war may make application to the secretary of state for a special registration plate which shall be inscribed with special identification numbers preceded by the letters “EX-POW” and shall have the words “ex-prisoner of war” inscribed beneath the registration number.

(2) A person who was a member of the armed services during World War I may make application to the secretary of state for a special registration plate, which shall be inscribed with special identification numbers preceded by the letters “WWI” and shall have the words “World War I veteran” inscribed beneath the registration number.

(3) A person who was a member of the armed services during 1941, stationed at a United States military or naval establishment at Pearl Harbor in the Hawaiian islands, and who survived the attack by Japan on Pearl Harbor on December 7, 1941 may make application to the secretary of state for a special registration plate, which shall be inscribed with special identification numbers and shall have the words “Pearl Harbor survivor” inscribed beneath the registration number.

(4) A person who is a recipient of the purple heart medal may make application to the secretary of state for a special registration plate which shall be inscribed with special identification numbers and shall have the words "combat wounded veteran" inscribed beneath the registration number. In addition, the special registration plate described under this subsection shall be inscribed with a vignette of the official purple heart medal.

(5) A person who is a member or former member of the military special forces of this state, another state, or the United States may make application to the secretary of state for a special forces special registration plate, which shall be inscribed with special identification numbers and shall have the words "special forces" inscribed beneath the registration number.

(6) ~~(5)~~ Application for a special registration plate shall be on a form prescribed by the secretary of state and shall be accompanied by any proof of the applicant having been a prisoner of war, World War I veteran, Pearl Harbor survivor, or recipient of the purple heart medal **or being a member of the special forces** that the secretary of state may require. The application for a special registration plate shall also be accompanied with payment of a \$5.00 service fee.

(7) ~~(6)~~ Upon proper application and payment of the \$5.00 service fee, the secretary of state shall issue 1 or more special registration plates for each applicant for use on a passenger vehicle. A person who is disabled who makes application for a special registration plate under this section and who makes payment of the \$5.00 service fee shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. One person in any household is entitled to 1 special registration plate issued under subsection (1) that is exempt from payment of the tax provided in section 801. The person who is issued an additional special registration plate under subsection (1) shall be assessed the applicable tax provided for in section 801. A person issued 1 or more special registration plates under subsection (2), (3), ~~or~~ (4), **or** (5) shall be assessed the applicable tax provided in section 801.

(8) ~~(7)~~ The use of a special registration plate on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor.

(9) ~~(8)~~ The special registration plate issued under this section expires on the birthday of the vehicle owner in a year in which new plates are issued by the secretary of state. Application for renewal of the special registration plate shall be accompanied by a \$5.00 service fee. The applicant is not required to furnish the proof provided in subsection ~~(5)~~ **(6)**."

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

Rep. Hunter 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. Murphy be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5139, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding sections 811p and 811q; 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. 732

Yeas—90

Accavitti
Acciavatti

Gaffney
Gielegem

Lipsey
McConico

Shackleton
Shaffer

Adamini	Gillard	Meisner	Sheen
Amos	Gleason	Meyer	Sheltrown
Bieda	Hager	Minore	Shulman
Bisbee	Hardman	Mortimer	Smith
Brandenburg	Hart	Newell	Spade
Brown	Hood	Nofs	Stahl
Byrum	Hoogendyk	O'Neil	Stewart
Casperson	Hopgood	Paletko	Tabor
Caswell	Howell	Palsrok	Taub
Caul	Huizenga	Pappageorge	Tobocman
Cheeks	Hummel	Pastor	Vagnozzi
Clack	Hune	Phillips	Vander Veen
Condino	Hunter	Plakas	Voorhees
Daniels	Jamnick	Pumford	Ward
DeRoche	Johnson, Rick	Reeves	Waters
DeRossett	Johnson, Ruth	Richardville	Wenke
Ehardt	Julian	Rivet	Williams
Elkins	Koetje	Robertson	Wojno
Emmons	Kolb	Rocca	Woronchak
Farhat	Kooiman	Sak	Zelenko
Farrah	Law		

Nays—12

Anderson	Garfield	Moolenaar	Steil
Bradstreet	LaJoy	Nitz	Van Regenmorter
Drolet	Milosch	Palmer	Walker

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 5139 because this bill would not ensure that children across our great state would be eligible to share the proceeds from the sale of this specialty plate. Instead it will permit private entities to distribute proceeds and to whomever they see fit without regard to need. There are children with family financial limitations that keep them from participating in sports programs. These children live in communities from Southeast Michigan to Iron Mountain. They too deserve an opportunity to receive funds from this specialty plate and this bill fails to address those needs.”

Second Reading of Bills

Senate Bill No. 667, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 222 (MCL 330.1222), as amended by 2002 PA 596.

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

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

Reps. O'Neil and Richardville moved to amend the bill as follows:

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"Sec. 216. Notwithstanding the provisions of sections 212 and 214, when a single county establishes a community mental health services program and totally situated within that county is a city having a population of at least 500,000, **that county's board may consist of 13 board members, 6 of the 12 board members whom** shall be appointed ~~to the board~~ by the city's chief executive officer **with the advice and consent of the city council**. In a charter county, the remaining **6 7 board** members shall be appointed to the board by the county's chief executive officer, with the advice and consent of the county board of commissioners. The 6 board members appointed by the city shall be residents of the city, and the **6 7 board** members appointed by the county or by the county executive in a charter county shall be residents of the county, ~~but not of the city~~ **with at least 1 of the 7 being a resident of the city.**"

The question being on the adoption of the amendment offered by Reps. O'Neil and Richardville,

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

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved that pursuant to House Rule 20, the Clerk of the House be authorized to enroll House bills while the House is not in session.

The motion prevailed.

Rep. Richardville moved that when the House adjourns today it stand adjourned until Thursday, December 11, at 12:01 a.m.

The motion prevailed.

Reps. Brown, Adamini, Shackleton and Casperson offered the following resolution:

House Resolution No. 183.

A resolution establishing Yooper as Michigan's official state dialect.

Whereas, Yooper, or the dialect of the Upper Peninsula, is a unique blend of accents tied to the rich mining heritage of the Upper Peninsula. It is a blend of Finnish, Swedish, Cornish, German, French, Irish, Italian, Russian, English, and Native American dialect. The Yooper dialect is noted for its unique intonations or vocal inflections, in particular, its drawn out vowels. It also ends sentences with 'eh' and substitutes the d or t for the 'th' sound; and

Whereas, The Yooper dialect is a direct tie to our state's heritage. It originated around 1840 during the height of iron and copper mining in the Upper Peninsula, when thousands of immigrants and American prospectors came to pursue the American dream by mining the Upper Peninsula's vast copper and iron resources. By 1917, 75 percent of the Upper Peninsula's population was foreign-born. Since there were so many immigrants, the people never relinquished their native accents. After several generations, the accents blended together; and

Whereas, The Yooper dialect is closely associated with our state by people throughout the United States. It is easy to recognize, since the media has used it as a source of entertainment. "Escanaba in da Moonlight" introduced the Yooper dialect to a vast population. Our dialect is associated with independent, hearty individualism and the active sportsmen's tradition; and

Whereas, Yooper is an endangered dialect, that is on the verge of vanishing forever. The population of the Upper Peninsula is declining and aging, and younger families are moving away. Proper English is being taught in schools, so only old-timers speak Yooper. Many people make fun of Yooper because it sounds different from what other Midwesterners speak; and

Whereas, If this dialect were protected, passed on from each generation, and preserved, we as a state could maintain a tie to our multi-cultural heritage; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body establish Yooper as Michigan's official state dialect.

The resolution was referred to the Committee on Government Operations.

Reps. Tabor, Palmer, Hoogendyk, Sheltroun, DeRossett, Vander Veen, Garfield, Sheen, Steil, Huizenga, Milosch, Robertson, Casperson, Acciavatti, Drolet, Pastor, Rocca, Emmons, Caswell, Pappageorge, Nofs, Farhat, DeRoche, Ward, Amos, Newell, LaJoy, Hummel, Brandenburg, Julian, Shackleton, Bisbee, Voorhees, Mortimer, Kooiman, Meyer, LaSata, Howell, Palsrok and Richardville offered the following resolution:

House Resolution No. 184.

A resolution to memorialize the Congress of the United States to enact the Protection of Lawful Commerce in Arms Act.

Whereas, Citizens have a right, protected by the Second Amendment to the United States Constitution, to keep and bear arms; and

Whereas, Lawsuits have been commenced against manufacturers, distributors, dealers, and importers of firearms that operate as designed and intended. These lawsuits seek monetary damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals; and

Whereas, The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States are heavily regulated by federal, state and local laws. Such federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act; and

Whereas, Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the public of firearms or ammunition that has been shipped or transported in interstate or foreign commerce are not, and should not, be liable for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed and intended; and

Whereas, The possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system, erodes public confidence in our nation's laws, threatens the diminution of a basic constitutional right and civil liberty, invites the disassembly and destabilization of other industries and economic sectors lawfully competing in the free enterprise system of the United States, and constitutes a reasonable burden on interstate and foreign commerce of the United States; and

Whereas, The purpose of S. 659, the Protection of Lawful Commerce in Arms Act, is to prohibit causes of action against manufacturers, distributors, dealers, and importers of firearms or ammunition products for the harm caused by the criminal or unlawful misuse of firearm products or ammunition products by others when the product functioned as designed and intended; and

Whereas, S. 659 will also preserve a citizen's access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting. It will also guarantee a citizen's rights, privileges, and immunities, as applied to the states, under the Fourteenth Amendment to the United States Constitution, pursuant to section 5 of that Amendment. The Protection of Lawful Commerce in Arms Act will prevent the use of such lawsuits to impose unreasonable burdens on interstate and foreign commerce; and

Whereas, This legislation is intended to protect the right, under the First Amendment to the Constitution, of manufacturers, distributors, dealers, and importers of firearms or ammunition products, and trade associations, to speak freely, to assemble peaceably, and to petition the government for a redress of their grievances; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact S. 659, the Protection of Lawful Commerce in Arms Act; and be it further

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

The resolution was referred to the Committee on Conservation and Outdoor Recreation.

Rep. Steil moved that the House adjourn.
The motion prevailed, the time being 11:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, December 11, at 12:01 a.m.

GARY L. RANDALL
Clerk of the House of Representatives