

**No. 37**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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House Chamber, Lansing, Wednesday, May 4, 2005.

1:00 p.m.

The House was called to order by Associate Speaker Pro Tempore Elsenheimer.

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—present	Rocca—present
Adamini—present	Farhat—present	Lemmons, Jr.—present	Sak—present
Amos—present	Farrah—present	Lipsey—present	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kehrl—present	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—present	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—present
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—present		

Rep. Tom Pearce, from the 73rd District, offered the following invocation:

“It’s our confession Lord, that we are weak, but You are strong. Today we pray for Your wisdom, Your discernment. May the prayers that we speak individually, be prayers that don’t seek for You to jump on our agenda, but be prayers that seek for us to come in line with Your agenda. May the decisions that we make today, may the lives that we touch, be done in such a way that it brings honor and glory to Your name. We ask this in Your name, Amen.”

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The Speaker Pro Tempore assumed the Chair.

### Second Reading of Bills

#### House Bill No. 4623, entitled

A bill to amend 1970 PA 29, entitled “An act relating to potatoes; to create a potato commission; to prescribe its powers and duties and authority; to impose an assessment on the privilege of introducing potatoes into the channels of trade and commerce; to provide for the collection of the assessment; to provide for penalties; and to repeal certain acts and parts of acts,” by amending section 2 (MCL 290.422), as amended by 2000 PA 5.

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

The substitute (H-1) was 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.

#### House Bill No. 4357, entitled

A bill to amend 2004 PA 438, entitled “An act to designate Police Officers Memorial Day in the state of Michigan,” by amending the title and sections 1 and 2 (MCL 435.351 and 435.352).

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

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

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

The motion prevailed.

#### Senate Bill No. 69, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1311g (MCL 380.1311g), as added by 1999 PA 23.

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

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

Rep. Angerer moved to amend the bill as follows:

1. Amend page 2, line 17, after “Other” by striking out “expelled pupils, **OR SUSPENDED PUPILS,**” and inserting “**PUPILS WHO HAVE BEEN EXPELLED FROM SCHOOL, OR PUPILS WHO HAVE BEEN SUSPENDED FROM SCHOOL FOR A SUSPENSION THAT IS FOR A PERIOD IN EXCESS OF 10 SCHOOL DAYS, AND**”.

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.

By unanimous consent the House returned to the order of

### Third Reading of Bills

Rep. Ward moved that **House Bill No. 4357** be placed on its immediate passage.

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

**House Bill No. 4357, entitled**

A bill to amend 2004 PA 438, entitled “An act to designate Police Officers Memorial Day in the state of Michigan,” by amending the title and sections 1 and 2 (MCL 435.351 and 435.352).

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

**Roll Call No. 102****Yeas—110**

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Amos	Farrah	Lipsey	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meisner	Smith, Virgil
Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Brown	Hildenbrand	Moore	Steil
Byrnes	Hood	Mortimer	Stewart
Byrum	Hoogendyk	Murphy	Taub
Casperson	Hopgood	Newell	Tobocman
Caswell	Huizenga	Nitz	Vagnozzi
Caul	Hummel	Nofs	Van Regenmorter
Cheeks	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Clemente	Jones	Pastor	Ward
Condino	Kahn	Pavlov	Waters
Cushingberry	Kehrl	Pearce	Wenke
DeRoche	Kolb	Phillips	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer	Law, Kathleen		

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Waters, McConico, Plakas, Anderson, Stewart, Drolet, Phillips, Zelenko, Kolb, Lipsey, Kooiman, Hummel, Williams, Adamini, Brown, Gaffney, Virgil Smith, Hunter, Farrah, Pastor, Hopgood, Kathleen Law, Brandenburg, Bieda, Wojno, Acciavatti, Clack, Condino, Vagnozzi, Taub, Accavitti, Amos, Stakoe, Garfield, Hune, Gleason, Shaffer, Nofs, Ward, Byrum, Sak, Nitz, Stahl, Sheen, Huizenga, Farhat, Palsrok, Gillard, Casperson, Dillon, Angerer, Ball, Baxter, Bennett, Booher, Byrnes, Caul, Cheeks, Clemente, Cushingberry, Donigan, Espinoza, Gonzales, Gosselin, Green, Hansen, Hildenbrand, Jones, Kehrl, David Law, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Miller, Moore, Mortimer, Palmer, Pearce, Polidori, Proos, Schuitmaker, Sheltrown, Alma Smith, Spade and Murphy were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4677, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 87.

The bill was read a second time.

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

The motion prevailed.

Rep. Ward 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. 4677, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 87.

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

#### Roll Call No. 103

#### Yeas—110

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Amos	Farrah	Lipsey	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meisner	Smith, Virgil
Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Brown	Hildenbrand	Moore	Steil
Byrnes	Hood	Mortimer	Stewart
Byrum	Hoogendyk	Murphy	Taub
Casperson	Hopgood	Newell	Tobocman
Caswell	Huizenga	Nitz	Vagnozzi
Caul	Hummel	Nofs	Van Regenmorter
Cheeks	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Clemente	Jones	Pastor	Ward
Condino	Kahn	Pavlov	Waters
Cushingberry	Kehrl	Pearce	Wenke
DeRoche	Kolb	Phillips	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer	Law, Kathleen		

#### Nays—0

The House agreed to the title of the bill.

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

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

Reps. Waters, McConico, Plakas, Anderson, Stewart, Drolet, Phillips, Zelenko, Kolb, Lipsey, Whitmer, Kooiman, Meyer, Hummel, Newell, Vander Veen, Williams, Adamini, Brown, Hunter, Pastor, LaJoy, Hopgood, Kathleen Law, Bieda, Wojno, Clack, Condino, Vagnozzi, DeRoche, Accavitti, Amos, Stakoe, Gleason, Shaffer, Nofs, Ward, Sak, Nitz, Stahl, Sheen, Huizenga, Moolenaar, Palsrok, Walker, Gillard, Dillon, Angerer, Ball, Baxter, Booher, Byrnes, Cheeks, Clemente, Cushingberry, Donigan, Elsenheimer, Espinoza, Gonzales, Gosselin, Green, Hansen, Hildenbrand, Jones, Leland, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Pavlov, Pearce, Polidori, Proos, Rocca, Sheltroun, Spade and Murphy were named co-sponsors of the bill.

**House Bill No. 4603, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3104 and 3109 (MCL 324.3104 and 324.3109), section 3104 as amended by 2004 PA 325.

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

**Roll Call No. 104**

**Yeas—109**

Accavitti	Espinoza	Leland	Robertson
Acciavatti	Farhat	Lemmons, III	Rocca
Adamini	Farrah	Lemmons, Jr.	Sak
Amos	Gaffney	Lipsey	Schuitmaker
Anderson	Garfield	Marleau	Shaffer
Angerer	Gillard	Mayes	Sheen
Ball	Gleason	McConico	Sheltroun
Baxter	Gonzales	McDowell	Smith, Alma
Bennett	Gosselin	Meisner	Smith, Virgil
Bieda	Green	Meyer	Spade
Booher	Hansen	Miller	Stahl
Brandenburg	Hildenbrand	Moolenaar	Stakoe
Brown	Hood	Moore	Steil
Byrnes	Hoogendyk	Mortimer	Stewart
Byrum	Hopgood	Murphy	Taub
Casperson	Huizenga	Newell	Tobocman
Caswell	Hummel	Nitz	Vagnozzi
Caul	Hune	Nofs	Van Regenmorter
Cheeks	Hunter	Palmer	Vander Veen
Clack	Jones	Palsrok	Walker
Clemente	Kahn	Pastor	Ward
Condino	Kehrl	Pavlov	Waters
Cushingberry	Kolb	Pearce	Wenke
DeRoche	Kooiman	Phillips	Whitmer
Dillon	LaJoy	Plakas	Williams
Donigan	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons			

**Nays—1**

Drolet

In The Chair: Kooiman

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

Rep. Ward 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 section 3109 (MCL 324.3109).

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. McConico, Plakas, Anderson, Stewart, Zelenko, Kolb, Lipsey, Kooiman, Newell, Vander Veen, Williams, Adamini, Brown, Farrah, Pastor, LaJoy, Kathleen Law, Bieda, Wojno, Acciavatti, Clack, Vagnozzi, Accavitti, Stakoe, Gleason, Nofs, Wenke, Ward, Byrum, Sak, Stahl, Gillard, Dillon, Angerer, Ball, Bennett, Booher, Byrnes, Caul, Clemente, Cushingberry, Donigan, Espinoza, Hansen, Hildenbrand, Jones, Kehrl, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Miller, Mortimer, Palmer, Pearce, Polidori, Rocca, Schuitmaker, Sheltroun, Alma Smith, Spade and Murphy were named co-sponsors of the bill.

### Senate Bill No. 332, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3103, 3104, 3109, and 3112 (MCL 324.3103, 324.3104, 324.3109, and 324.3112), sections 3103 and 3112 as amended by 2004 PA 91 and section 3104 as amended by 2004 PA 325.

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

### Roll Call No. 105

### Yeas—109

Accavitti	Espinoza	Leland	Robertson
Acciavatti	Farhat	Lemmons, III	Rocca
Adamini	Farrah	Lemmons, Jr.	Sak
Amos	Gaffney	Lipsey	Schuitmaker
Anderson	Garfield	Marleau	Shaffer
Angerer	Gillard	Mayes	Sheen
Ball	Gleason	McConico	Sheltroun
Baxter	Gonzales	McDowell	Smith, Alma
Bennett	Gosselin	Meisner	Smith, Virgil
Bieda	Green	Meyer	Spade
Booher	Hansen	Miller	Stahl
Brandenburg	Hildenbrand	Moolenaar	Stakoe
Brown	Hood	Moore	Steil
Byrnes	Hoogendyk	Mortimer	Stewart
Byrum	Hopgood	Murphy	Taub
Casperson	Huizenga	Newell	Tobocman
Caswell	Hummel	Nitz	Vagnozzi
Caul	Hune	Nofs	Van Regenmorter
Cheeks	Hunter	Palmer	Vander Veen
Clack	Jones	Palsrok	Walker
Clemente	Kahn	Pastor	Ward
Condino	Kehrl	Pavlov	Waters
Cushingberry	Kolb	Pearce	Wenke
DeRoche	Kooiman	Phillips	Whitmer
Dillon	LaJoy	Plakas	Williams
Donigan	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons			

### Nays—1

Drolet

In The Chair: Kooiman

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

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

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 3103, 3104, and 3112 (MCL 324.3103, 324.3104, and 324.3112), sections 3103 and 3112 as amended by 2004 PA 91 and section 3104 as amended by 2004 PA 325.

The motion prevailed.

The House agreed to the title as amended.

Rep. Ward 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

### **Motions and Resolutions**

Reps. Hopgood, Alma Smith, Waters, Kathleen Law, Clemente, Leland, Mayes, Espinoza, Dillon, Lipsey, Polidori, Miller, Hood, Gonzales, Kolb, Murphy, Donigan, Byrnes, Spade, Brown, Adamini, McDowell, Condino, Byrum, Meisner, Williams, Zelenko, Bennett, Phillips, Cheeks, Accavitti, Anderson, Ball, Bieda, Clack, Cushingberry, Farrah, Garfield, Gillard, Gleason, Kahn, Lemmons, III, Lemmons, Jr., Meyer, Nofs, Plakas, Proos, Sak, Sheltroun, Stakoe, Stewart, Taub, Vagnozzi, Wojno and Tobocman offered the following resolution:

#### **House Resolution No. 71.**

A resolution declaring May 2005 as Asian Pacific American Heritage Month in the state of Michigan.

Whereas, The state of Michigan is fortunate to have nearly 180,000 citizens of Asian and Pacific Island descent among its population. They have made, and continue to make, significant contributions to our society. Individuals of Asian and Pacific Island origin have migrated to Michigan from over 30 nations and are excelling in the fields of education, business, arts, and other various professions; and

Whereas, The dedication and commitment of our Great Lakes state's Asian Pacific American citizens is best reflected in the establishment of many Asian Pacific American organizations such as the Asian Pacific American Chamber of Commerce, the Council of Asian Pacific Americans, Asian American Citizens for Justice, the Asian Pacific American Women's Association, the Mid-Michigan Asian Pacific American Association, and the Asian American Bar Association; and

Whereas, Asian Pacific American citizens, through advocating issues of justice and equity, continue to break down the barriers of discrimination, indifference, and intolerance, thereby making it possible for all Asian Pacific Americans to move to the forefront of social, cultural, political, and economic arenas; and

Whereas, The state of Michigan is proud of its cultural diversity and welcomes the opportunity to honor our Asian Pacific American citizens for their commitment to leadership, dedication to knowledge, and determination to succeed; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 2005 as Asian Pacific American Heritage Month in the state of Michigan. We urge all citizens to recognize the many accomplishments and contributions that Asian Pacific Americans have made to our state, nation, and world.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Sak, Anderson, Booher, Clack, Cushingberry, Farrah, Gillard, Gleason, Gonzales, Hopgood, Kathleen Law, Leland, Lemmons, III, Lemmons, Jr., Lipsey, McDowell, Meyer, Miller, Murphy, Plakas, Polidori, Sheltroun, Alma Smith, Spade, Stewart, Vagnozzi, Waters, Wojno, Zelenko and Meisner offered the following resolution:

#### **House Resolution No. 72.**

A resolution recognizing May 4, 2005, as Aces With-a-Friend at the Capitol Day.

Whereas, The President's Council on Physical Fitness and Sports has designated the month of May 2005 as National Physical Fitness and Sports Month; and

Whereas, National Physical Fitness and Sports Month is our country's observance of fitness and sports. Many agencies have initiated programs designed to improve our quality of life; and

Whereas, ACES With-a-Friend stands for All Children Exercising Simultaneously and encourages schools to invite parents and others to join the fun; and

Whereas, ACES With-a-Friend was founded in 1989. All 50 states and more than 50 countries are active participants in the program; and

Whereas, ACES With-a-Friend is endorsed by the President's Council on Physical Fitness and Sports and the Michigan Governor's Council on Physical Fitness and Sports; and

Whereas, In 2002, the state of Michigan set the record for the most participants in an individual state; and

Whereas, Regular physical activity can have a significant impact on lifelong health and ACES With-a-Friend encourages students to be more physically active; and

Whereas, On Wednesday, May 4, 2005, students from across Michigan will be participating in ACES With-a-Friend at the State Capitol; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize May 4, 2005, as ACES With-a-Friend at the Capitol Day.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Miller, Accavitti, Anderson, Bennett, Bieda, Clack, Cushingberry, Farrah, Garfield, Gillard, Gleason, Gonzales, Kathleen Law, Leland, Lemmons, III, Lemmons, Jr., Lipsey, McDowell, Murphy, Plakas, Polidori, Alma Smith, Stewart, Vagnozzi, Waters, Zelenko, Meisner and Tobocman offered the following resolution:

**House Resolution No. 73.**

A resolution to memorialize the United States Congress to oppose the continuation of all provisions of the USA PATRIOT Act which infringe upon individuals' civil liberties and which are set to expire in 2005.

Whereas, The citizens of the state of Michigan honor the Constitution of the United States as the protector of the rights of the individual, including the right to assemble and the right to free speech; and

Whereas, The state of Michigan is home to citizens of many nationalities and religions, including many who immigrated to this land in search of the American standards of life, liberty, and the pursuit of happiness; and

Whereas, Terrorist attacks against the United States should not be tolerated, and federal, state and local governments should use all powers they are granted to prevent further attacks from occurring; and

Whereas, In this great nation, citizens can expect their government to both keep them safe from harm and protect their individual liberties and freedoms; and

Whereas, There are provisions in the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, also known as the USA PATRIOT Act of 2001, that threaten the system of checks and balances that this nation was founded upon and obstruct citizens' constitutionally protected rights to freedom of speech, freedom of assembly, freedom from unreasonable search and seizure, and entitlement to due process and equal protection under the law, specifically:

(1) Section 213, which allows law enforcement agents to enter a home or office and perform a search without notifying the resident of their presence;

(2) Section 215, which provides the Federal Bureau of Investigation with the power to request a secret court order for "any tangible thing" from a business or organization, such as library records, by telling the court the investigation is related to terrorism, while not allowing the court to investigate the matter;

(3) Section 411, which greatly expands the government's power to detain and deport immigrants, based on scant empirical evidence;

(4) Section 412, which allows for the indefinite detention of non-US citizens, even if they are never charged with a crime;

(5) Section 505, which allows the Attorney General to request an individual's records from a third party with little judicial oversight and no requirement that the individual be suspected of terrorism;

(6) Sections 507 and 508, which allow highly personal student records to be transmitted to law enforcement with no suspicion of wrong-doing;

(7) Section 802, which greatly expands the definition of "domestic terrorism" to include acts that "...appear to be intended to intimidate or coerce a civilian population"; and

(8) Section 805, which so broadly prohibits an individual's right to provide advice or assistance to any group designated by the U.S. Government to be a foreign terrorist organization that one can be prosecuted for providing medical assistance to children

; and



Whereas, It is the policy of the state of Michigan to uphold the state and federal constitutions by protecting the rights and liberties of the people of this state. We strongly support the goal of the administration to punish all groups and individuals responsible for the terrorist attacks of September 11, 2001, and to prevent similar attacks against United States citizens from occurring in the future; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to oppose the continuation of all provisions of the USA PATRIOT Act which infringe upon individuals' civil liberties and which are set to expire in 2005; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the Attorney General of the United States, the Office of the Governor, 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 Government Operations.

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, May 4:

<b>House Bill Nos.</b>	<b>4699</b>	<b>4700</b>	<b>4701</b>	<b>4702</b>	<b>4703</b>	<b>4704</b>	<b>4705</b>	<b>4706</b>	<b>4707</b>	<b>4708</b>	<b>4709</b>	<b>4710</b>	<b>4711</b>	<b>4712</b>
	<b>4713</b>	<b>4714</b>	<b>4715</b>	<b>4716</b>	<b>4717</b>	<b>4718</b>	<b>4719</b>	<b>4720</b>	<b>4721</b>	<b>4722</b>	<b>4723</b>	<b>4724</b>	<b>4725</b>	<b>4726</b>
<b>Senate Bill Nos.</b>	<b>449</b>	<b>450</b>	<b>451</b>	<b>452</b>	<b>453</b>	<b>454</b>	<b>455</b>	<b>456</b>						

The Clerk announced that the following Senate bills had been received on Wednesday, May 4:

**Senate Bill Nos.**     **73**   **348**

By unanimous consent the House returned to the order of

### Reports of Standing Committees

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

#### **House Bill No. 4638, entitled**

A bill to amend 1980 PA 523, entitled "Michigan code of military justice of 1980," by amending sections 2, 3, 4, 7, 8, 9, 13, 14, 15, 16, 25, 26, 27, 29, 80, 84, 85, 92, 94, 99, 103, 105, 107, 108, 112, 113, 132, and 134 (MCL 32.1002, 32.1003, 32.1004, 32.1007, 32.1008, 32.1009, 32.1013, 32.1014, 32.1015, 32.1016, 32.1025, 32.1026, 32.1027, 32.1029, 32.1080, 32.1084, 32.1085, 32.1092, 32.1094, 32.1099, 32.1103, 32.1105, 32.1107, 32.1108, 32.1112, 32.1113, 32.1132, and 32.1134), section 16 as amended by 1990 PA 300, and by adding sections 50a, 88, 109, and 121.

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.

### Favorable Roll Call

To Report Out:

Yeas: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

Nays: None

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 3, 2005

Present: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

The Committee on Education, by Rep. Palmer, Chair, reported

#### **Senate Bill No. 77, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2004 PA 351.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Lemmons, III, Virgil Smith, Kehrl and Clack

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 4, 2005

Present: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Lemmons, III, Virgil Smith, Kehrl and Clack

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 4702, entitled**

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

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.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 4703, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by amending the title, as amended by 1991 PA 56, and by adding section 143a.

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.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 4, 2005

Present: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Absent: Reps. Stakoe and McConico

Excused: Reps. Stakoe and McConico

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Monday, May 2, 2005

Present: Reps. Sheen, Newell, Hoogendyk, Stakoe, Jones, Marleau, Condino, Farrah and Zelenko

Absent: Reps. Meyer, Gosselin, Drolet, Palmer, Bieda, Miller, Meisner and Bennett

Excused: Reps. Meyer, Gosselin, Drolet, Palmer, Bieda, Miller, Meisner and Bennett

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wenke, Chair, of the Committee on Higher Education and Career Preparation, was received and read:

Meeting held on: Tuesday, May 3, 2005

Present: Reps. Wenke, Emmons, Palmer, Byrnes, Lipsey and Kehrl

Absent: Rep. Ward

Excused: Rep. Ward

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 3, 2005

Present: Reps. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, May 4, 2005

Present: Reps. Nofs, Proos, Drolet, Emmons, Garfield, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood and Clemente

Absent: Rep. Huizenga

Excused: Rep. Huizenga

**Messages from the Senate****House Bill No. 4065, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2000 PA 260.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 4188, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

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.

**House Bill No. 4482, entitled**

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 1998 PA 499.

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 73, entitled**

A bill to amend 1893 PA 451, entitled "Natural resources and environmental protection act," by amending section 5505 (MCL 324.5505).

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

**Senate Bill No. 348, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

The Senate has passed the bill.

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

**Senate Concurrent Resolution No. 17, entitled**

A concurrent resolution to urge the United States Coast Guard to immediately eliminate the "No Ballast on Board" (NOBOB) exemption from regulations on ballast water management and require all ships with ballast tanks that enter the Great Lakes to conform to all regulations for ballast water management in federal law.

Whereas, Great Lakes waters are among the most valuable natural resources in the world, vital to the economy and environment of the state; and

Whereas, More than 160 species of aquatic invasive plants and animals have been introduced into the Great Lakes. Several species, including the sea lamprey, zebra mussel, round goby, and purple loosestrife, have impaired Michigan's environment, affecting recreational and commercial fishing, beaches, municipal and industrial water supplies, coastal habitat, and fundamental ecosystems in the Great Lakes; and

Whereas, Many of these species have been accidentally introduced from foreign ports by discharge from ships' ballast tanks. There are many more species from all over the world that may still be introduced and pose a threat to the Great Lakes; and

Whereas, Most ships enter the Great Lakes through the St. Lawrence Seaway fully loaded, carrying no ballast, and are designated no ballast on board (NOBOB); and

Whereas, NOBOB ships are exempted by rule of the United States Coast Guard from meeting regulations under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act of 1996. These regulations require ships with ballast to meet certain requirements for best management practices regarding ballast water, including exchange of ballast water on the open ocean; and

Whereas, NOBOB ships are still carrying unpumpable water and sediments in ballast tanks that will be mixed with Great Lakes water and pumped out while the vessels are transiting the lakes; and

Whereas, This mixture may contain aquatic invasive species from foreign ports that could be discharged into the Great Lakes; and

Whereas, The Michigan Department of Environmental Quality petitioned the United States Coast Guard on July 14, 2004, seeking to end the exemption from federal ballast water regulations for NOBOB ships; and

Whereas, The United States Coast Guard has published in the *Federal Register*, pages 1448-1449 of Volume 70:5, a notice for consultation with all interested parties in identifying ballast water management strategies for NOBOB vessels entering the Great Lakes; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Coast Guard to immediately eliminate the "No Ballast on Board" (NOBOB) exemption from regulations on ballast water management and require all ships with ballast tanks that enter the Great Lakes to conform to all regulations for ballast water management in federal law; and be it further

Resolved, A copy of this resolution be transmitted to the United States Coast Guard and the United States Department of Transportation.

The Senate has adopted the concurrent resolution.

Reps. Accavitti, Adamini, Anderson, Ball, Byrnes, Clack, Cushingberry, Farrah, Garfield, Gillard, Gleason, Gonzales, Hoppood, Jones, Kahn, Lemmons, III, Lemmons, Jr., Lipsey, McDowell, Miller, Murphy, Phillips, Plakas, Polidori, Sak, Sheltrown, Alma Smith, Stakoe, Stewart, Vagnozzi, Waters, Wojno, Zelenko, Clemente, Meisner and Tobocman were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

**Notices**

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

**Senate Bill No. 195** referred to the Committee on Agriculture.

**Messages from the Governor**

Date: May 4, 2005  
Time: 9:35 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4318 (Public Act No. 13, I.E.), being**

An act to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending sections 1, 3, and 18 (MCL 125.1651, 125.1653, and 125.1668), section 1 as amended by 2004 PA 196 and section 3 as amended by 2004 PA 521.

(Filed with the Secretary of State May 4, 2005, at 10:48 a.m.)

Date: May 4, 2005  
Time: 9:37 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4013 (Public Act No. 14, I.E.), being**

An act to amend 1980 PA 450, entitled “An act to prevent urban deterioration and encourage economic development and activity and to encourage neighborhood revitalization and historic preservation; to provide for the establishment of tax increment finance authorities and to prescribe their powers and duties; to authorize the acquisition and disposal of interests in real and personal property; to provide for the creation and implementation of development plans; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to permit the issuance of bonds and other evidences of indebtedness by an authority; to permit the use of tax increment financing; to reimburse authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state agencies and officers,” by amending sections 3 and 17 (MCL 125.1803 and 125.1817), section 3 as amended by 1983 PA 148.

(Filed with the Secretary of State May 4, 2005, at 10:50 a.m.)

Date: May 4, 2005  
Time: 9:39 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4012 (Public Act No. 15, I.E.), being**

An act to amend 1986 PA 281, entitled “An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing,” by amending sections 4 and 16 (MCL 125.2154 and 125.2166), section 4 as amended by 2000 PA 248.

(Filed with the Secretary of State May 4, 2005, at 10:52 a.m.)

Date: May 4, 2005  
Time: 10:23 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4415 (Public Act No. 16, I.E.), being**

An act to amend 1936 (Ex Sess) PA 1, entitled “An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to

provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 26 (MCL 421.26), as amended by 1984 PA 172.

(Filed with the Secretary of State May 4, 2005, at 10:54 a.m.)

Date: May 4, 2005  
Time: 10:25 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4414 (Public Act No. 17, I.E.), being**

An act to amend 1936 (Ex Sess) PA 1, entitled "An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 22 (MCL 421.22).

(Filed with the Secretary of State May 4, 2005, at 10:56 a.m.)

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 4614, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81134, 81135, 81136, 81137, 81140, 81141, and 81144 (MCL 324.81101, 324.81134, 324.81135, 324.81136, 324.81137, 324.81140, 324.81141, and 324.81144), section 81101 as amended by 2003 PA 111, section 81134 as amended by 2001 PA 12, section 81135 as amended by 1999 PA 22, sections 81136 and 81141 as amended by 1996 PA 175, and sections 81137, 81140, and 81144 as added by 1995 PA 58, and by adding section 81140b.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion was seconded and the substitute (H-1) 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. 106**

**Yeas—107**

Accavitti  
Acciavatti

Emmons  
Espinoza

Law, Kathleen  
Leland

Robertson  
Rocca



**Roll Call No. 107****Yeas—106**

Accavitti	Espinoza	Leland	Robertson
Acciavatti	Farhat	Lemmons, III	Rocca
Adamini	Farrah	Lemmons, Jr.	Sak
Amos	Gaffney	Lipsey	Schuitmaker
Anderson	Garfield	Marleau	Shaffer
Angerer	Gillard	Mayes	Sheen
Ball	Gleason	McDowell	Sheltrown
Baxter	Gonzales	Meisner	Smith, Alma
Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	Pavlov	Waters
DeRoche	Kehrl	Pearce	Wenke
Dillon	Kolb	Phillips	Whitmer
Donigan	Kooiman	Plakas	Williams
Drolet	LaJoy	Polidori	Wojno
Elsenheimer	Law, David	Proos	Zelenko
Emmons	Law, Kathleen		

**Nays—3**

Bennett	McConico	Smith, Virgil
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In The Chair: Kooiman

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

Rep. Ward 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 80101, 80171, 80176, 80180, 80183, 80184, 80187, and 80190 (MCL 324.80101, 324.80171, 324.80176, 324.80180, 324.80183, 324.80184, 324.80187, and 324.80190), section 80101 as amended by 2004 PA 547, sections 80171 and 80190 as added by 1995 PA 58, section 80176 as amended by 2001 PA 12, and sections 80180, 80183, 80184, and 80187 as amended by 1996 PA 174.

The motion prevailed.

The House agreed to the title as amended.

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

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

**House Bill No. 4616, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101, 82127, 82136, 82139, 82140, and 82143 (MCL 324.82101, 324.82127, 324.82136, 324.82139, 324.82140, and



324.82143), section 82101 as amended by 2004 PA 587, section 82127 as amended by 2001 PA 12, section 82136 as added by 1995 PA 58, and sections 82139, 82140, and 82143 as amended by 1996 PA 183.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion was seconded and the substitute (H-2) 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. 108**

**Yeas—106**

Accavitti	Espinoza	Leland	Robertson
Acciavatti	Farhat	Lemmons, III	Rocca
Adamini	Farrah	Lemmons, Jr.	Sak
Amos	Gaffney	Lipse	Schuitmaker
Anderson	Garfield	Marleau	Shaffer
Angerer	Gillard	Mayes	Sheen
Ball	Gleason	McDowell	Sheltrown
Baxter	Gonzales	Meisner	Smith, Alma
Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	Pavlov	Waters
DeRoche	Kehrl	Pearce	Wenke
Dillon	Kolb	Phillips	Whitmer
Donigan	Kooiman	Plakas	Williams
Drolet	LaJoy	Polidori	Wojno
Elsenheimer	Law, David	Proos	Zelenko
Emmons	Law, Kathleen		

**Nays—3**

Bennett	McConico	Smith, Virgil
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In The Chair: Kooiman

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

Rep. Ward 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 82101, 82127, 82136, 82139, 82140, 82143, 82144, and 82146 (MCL 324.82101, 324.82127, 324.82136, 324.82139, 324.82140, 324.82143, 324.82144, and 324.82146), section 82101 as amended by 2004 PA 587, section 82127 as amended by 2001 PA 12, sections 82136 and 82146 as added by 1995 PA 58, and sections 82139, 82140, 82143, and 82144 as amended by 1996 PA 183.

The motion prevailed.

The House agreed to the title as amended.  
Rep. Ward 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  
**Motions and Resolutions**

Rep. Ward moved to reconsider the vote by which the House did not adopt **House Joint Resolution C**.  
(For first notice see House Journal No. 36, p. 554.)  
The question being on the motion made by Rep. Ward,  
The motion prevailed, a majority of the members serving voting therefor.

### **Third Reading of Bills**

#### **House Joint Resolution C, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article VIII, to provide for gubernatorial appointment of the superintendent of public instruction.  
(The joint resolution was not adopted on May 3, see House Journal No. 36, p. 544.)  
The question being on the adoption of the joint resolution,

Rep. Ward moved that consideration of the joint resolution be postponed for the day.  
The motion prevailed.

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

### **Notices**

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 4402**.

Rep. Hopgood

### **Introduction of Bills**

Rep. Elsenheimer introduced  
**House Bill No. 4727, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2003 PA 313.

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

Rep. Van Regenmorter introduced  
**House Bill No. 4728, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 226, 303d, 410, 810, 859, 871, 1105, 1701, 8322, 8344, 8507, and 8611 (MCL 600.226, 600.303d, 600.410, 600.810, 600.859, 600.871, 600.1105, 600.1701, 600.8322, 600.8344, 600.8507, and 600.8611), section 226 as amended by 1990 PA 185, section 303d as amended by 2004 PA 448, section 410 as added by 2002 PA 678, sections 859, 1105, and 8611 as amended by 1986 PA 308, section 1701 as amended by 1987 PA 99, section 8322 as amended by 1996 PA 388, section 8344 as amended

by 1992 PA 192, and section 8507 as amended by 1994 PA 5, and by adding sections 411 and 8808; and to repeal acts and parts of acts.

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

Reps. Tobocman, Gaffney, Vagnozzi, Lipsey, Ward, Hune, Farrah, McConico, Accavitti, Sheltroun, Schuitmaker, Walker and Cheeks introduced

**House Bill No. 4729, entitled**

A bill to amend 1968 PA 317, entitled "An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts," by amending section 4 (MCL 15.324).

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

Reps. Gaffney, Vagnozzi, Tobocman, Anderson, Wojno, Gleason, Ward, Wenke, Lemmons, III and Rocca introduced  
**House Bill No. 4730, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2002 PA 662.

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

Reps. Gaffney, Vagnozzi, Tobocman, Anderson, Wojno, Gleason, Ward, Wenke, Lemmons, III and Rocca introduced  
**House Bill No. 4731, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 2 and 3 (MCL 15.262 and 15.263), section 2 as amended by 2001 PA 38 and section 3 as amended by 1988 PA 278.

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

Reps. Sak, Spade, Vagnozzi, Kooiman, Booher and Lemmons, III introduced

**House Bill No. 4732, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 5707.

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

Reps. Baxter, Elsenheimer and Hildenbrand introduced

**House Bill No. 4733, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35c.

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

Reps. Elsenheimer, Baxter, Pastor, Stahl and Hildenbrand introduced

**House Bill No. 4734, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2003 PA 249.

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

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Rep. Nofs moved that the House adjourn.

The motion prevailed, the time being 3:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, May 5, at 10:30 a.m.

