

No. 89
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House of Representatives
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House Chamber, Lansing, Wednesday, December 3, 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—excused	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—present
Brandenburg—present	Hoogendyk—present	Nitz—present	Steil—present
Brown—present	Hopgood—present	Nofs—present	Stewart—present
Byrum—present	Howell—present	O’Neil—present	Tabor—present
Casperson—present	Huizenga—present	Paletko—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	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—excused
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. Shelley Goodman Taub, from the 40th District, offered the following invocation:

“The young soldiers do not speak. But they are heard in the still houses: who has not heard them? They have a silence that speaks for them at night and when the clock counts. They say, ‘We are young. We have died. Remember us.’ They say, ‘We have done what we could, but until it is finished no one can know what our lives gave.’ They say, ‘Our deaths are not ours; they are yours; they will mean what you make of them.’ They say, ‘Whether our lives and our deaths are for peace and a new hope or for nothing, we cannot say; it is you who must say this.’ They say, ‘We leave you our deaths. Give them meaning.’ ‘We were young’ they say. ‘We have died. Remember us.’ Amen.”

Rep. Palmer moved that Rep. Milosch be excused from today’s session.
The motion prevailed.

Reports of Standing Committees

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

Senate Bill No. 787, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280 (MCL 380.1280), as amended by 1997 PA 180.

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. Palmer, Hummel, Meyer, Bradstreet, Hager, Hart, Ruth Johnson, Voorhees, Vander Veen, Nofs, Stahl, Gielegem, Vagnozzi, Spade, Hopgood, Meisner 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: Tuesday, December 2, 2003, at 4:06 p.m.

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

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

House Bill No. 4508, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 375 (MCL 380.375), as added by 1999 PA 10.

With the recommendation that the substitute (H-7) 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. Bisbee, DeRoche, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Palsrok, Wenke and Rivet

Nays: Reps. O’Neil, McConico, Murphy and Tobocman

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

House Bill No. 5242, 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.

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. Bisbee, DeRoche, Koetje, Middaugh, Palmer, Huizenga, Hune, Palsrok, Wenke, Rivet, Lipsey, Murphy, Tobocman and Accavitti

Nays: Rep. Drolet

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

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.

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. Bisbee, DeRoche, Koetje, Middaugh, Palmer, Huizenga, Hune, Palsrok, Wenke, Rivet, O'Neil, Lipsey and Accavitti

Nays: Rep. Drolet

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

House Bill No. 5248, 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.

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, Koetje, Middaugh, Palmer, Huizenga, Hune, Palsrok, Wenke, Rivet, O'Neil, Lipsey, Murphy, Tobocman and Accavitti

Nays: Rep. Drolet

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

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.

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

Nays: Reps. Lipsey, Murphy, Tobocman and Accavitti

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

House Bill No. 5265, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19703 (MCL 324.19703), as added by 2002 PA 397.

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, Huizenga, Palsrok, Wenke, Rivet, O'Neil, McConico, Murphy, Tobocman and Accavitti

Nays: None

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

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.

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, Koetje, Middaugh, Palmer, Huizenga, Hune, Palsrok, Wenke, Rivet, O'Neil, Lipsey, Murphy, Tobocman and Accavitti

Nays: Rep. Drolet

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

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.

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, Koetje, Middaugh, Palmer, Huizenga, Hune, Palsrok, Wenke, Rivet, O'Neil, Lipsey, Murphy, Tobocman and Accavitti

Nays: Rep. Drolet

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

Senate Bill No. 822, 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.

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. Bisbee, DeRoche, Howell, Koetje, Middaugh, Palmer, Huizenga, Hune, Palsrok, Wenke, Lipsey and Accavitti

Nays: Rep. Drolet

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

Senate Bill No. 824, entitled

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.

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

Nays: Reps. Lipsey, Murphy and Tobocman

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 2, 2003, at 8:00 a.m.

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

Absent: Rep. Milosch

Excused: Rep. Milosch

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

House Bill No. 5329, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16186 (MCL 333.16186), as amended by 2002 PA 643.

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 3, 2003, at 9:00 a.m.

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

Absent: Reps. Hart, Van Regenmorter and Ward

Excused: Reps. Hart, Van Regenmorter and Ward

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

House Bill No. 5312, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the title, as amended by 1996 PA 434, and by adding section 43540a.

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, Richardville, Rocca, Gillard, Farrah, Sheltroun and Accavitti
 Nays: Rep. Bradstreet

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 3, 2003, at 10:30 a.m.

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

Absent: Rep. Milosch

Excused: Rep. Milosch

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

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.

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. Ward, Robertson, DeRossett, Drolet, Stakoe, Jamnick, Hardman, Tobocman and Accavitti

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ward, Chair of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Wednesday, December 3, 2003, at 9:00 a.m.

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

Absent: Reps. Hager and Wenke

Excused: Reps. Hager and Wenke

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

House Bill No. 5306, entitled

A bill to create certain offices in certain departments; 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.

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, Palmer, Huizenga, Hune, Palsrok and Wenke

Nays: Reps. Rivet, Lipsey and Murphy

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

House Bill No. 5320, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37e.

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, Koetje, Middaugh, Huizenga, Hune, Palsrok, Wenke, Rivet, O'Neil, McConico, Lipsey, Murphy, Tobocman and Accavitti

Nays: Reps. DeRoche, Drolet and Palmer

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

House Bill No. 5321, entitled

A bill to promote investment in certain businesses; to promote economic development in this state; to provide for a Michigan early stage venture capital investment corporation; to prescribe the powers and duties of a Michigan early stage venture capital investment corporation; to prescribe the powers and duties of certain public officers and departments; to establish the Michigan early stage venture capital 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.

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. Bisbee, Howell, Koetje, Middaugh, Huizenga, Hune, Palsrok, Wenke, Rivet, O'Neil, McConico, Lipsey, Murphy, Tobocman and Accavitti

Nays: Reps. DeRoche, Drolet and Palmer

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

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.

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, Howell, Koetje, Middaugh, Huizenga, Hune, Palsrok, Wenke, Rivet, O'Neil, McConico, Lipsey, Murphy, Tobocman and Accavitti

Nays: Reps. DeRoche, Drolet and Palmer

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 3, 2003, at 9:00 a.m.

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

Absent: Rep. Milosch

Excused: Rep. Milosch

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 2, 2003, at 9:00 a.m.

Present: Reps. DeRossett, Casperson, DeRoche, Hune, Huizenga, LaJoy, Anderson, Gleason, Tobocman, Adami, Murphy and Elkins

Absent: Reps. Hummel, Gaffney, Robertson, Ward and Jamnick

Excused: Reps. Hummel, Gaffney, Robertson, Ward and Jamnick

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 3, 2003, at 9:00 a.m.

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

Absent: Reps. Drolet and Milosch

Excused: Reps. Drolet and Milosch

Second Reading of Bills

House Bill No. 4104, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 60 of chapter X (MCL 710.60), as amended by 1996 PA 409.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 86, p. 2167),

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

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.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4104, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 60 of chapter X (MCL 710.60), as amended by 1996 PA 409.

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

Roll Call No. 672

Yeas—105

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

Elkins
Emmons
Farhat
Farrah
Gaffney

LaJoy
LaSata
Law
Lipsey

Robertson
Rocca
Sak
Shackleton

Wojno
Woodward
Woronchak
Zelenko

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Woronchak, Plakas, Anderson, Stewart, Rocca, Phillips, Minore, Jamnick, DeRossett, Richardville, Spade, Lipsey, Bisbee, Voorhees, Middaugh, Julian, Vander Veen, Sheltroun, Gaffney, Farrah, Paletko, Bieda, Taub, Stakoe, Gleason, Shaffer and Steil were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5039, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Judiciary,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Howell moved to amend the bill as follows:

1. Amend page 3, line 18, after "**subsection**" by striking out "**(11)**" and inserting "**(14)**".
2. Amend page 9, line 27, after "**court**" by striking out "**funds**" and inserting "**finds**".

The motion prevailed and the amendments were 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.

Rep. Accavitti moved that Reps. McConico, Smith, Hunter, Hood, Cheeks, Reeves and Tobocman be excused temporarily from today's session.

The motion prevailed.

Rep. Farrah moved that Rep. Clack 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. 5039, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

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

Roll Call No. 673**Yeas—97**

Accavitti	Garfield	Meisner	Shackleton
Acciavatti	Gieleghem	Meyer	Shaffer
Adamini	Gillard	Middaugh	Sheen
Amos	Gleason	Minore	Sheltrown
Anderson	Hager	Moolenaar	Shulman
Bieda	Hardman	Mortimer	Spade
Bisbee	Hart	Murphy	Stahl
Bradstreet	Hoogendyk	Newell	Stakoe
Brandenburg	Hopgood	Nitz	Steil
Brown	Howell	Nofs	Stewart
Byrum	Huizenga	O'Neil	Tabor
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	Phillips	Walker
DeRossett	Koetje	Plakas	Ward
Drolet	Kolb	Pumford	Waters
Ehardt	Kooiman	Richardville	Wenke
Elkins	LaJoy	Rivet	Wojno
Emmons	LaSata	Robertson	Woodward
Farhat	Law	Rocca	Woronchak
Farrah	Lipsey	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.

Reps. Woronchak, Anderson, O'Neil, Phillips, Minore, Jamnick, DeRossett, Spade, Bisbee, Middaugh, Dennis, Ruth Johnson, Bieda, Gleason, Hoogendyk, Steil and Sak were named co-sponsors of the bill.

House Bill No. 5224, entitled

A bill to amend 1941 PA 359, entitled "An act for controlling and eradicating certain noxious weeds within the state; to permit townships, villages, and cities to have a lien for expenses incurred in controlling and eradicating such weeds; to permit officials of counties and municipalities to appoint commissioners of noxious weeds; to define the powers, duties, and compensation of commissioners; to provide for sanctions; and to repeal certain acts and parts of acts," by amending section 4 (MCL 247.64), as amended by 1994 PA 26.

(The bill was read a third time and postponed for the day on December 2, see House Journal No. 88, p. 2215.)

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. 674**Yeas—88**

Accavitti	Gieleghem	Lipsey	Sak
Acciavatti	Gillard	Meisner	Shackleton
Adamini	Gleason	Meyer	Shaffer
Amos	Hager	Middaugh	Sheltrown
Anderson	Hardman	Minore	Shulman
Bieda	Hart	Moolenaar	Spade

Bradstreet	Hood	Mortimer	Stakoe
Brown	Hopgood	Murphy	Steil
Byrum	Howell	Newell	Stewart
Casperson	Huizenga	Nitz	Tabor
Caul	Hummel	Nofs	Taub
Condino	Hune	O'Neil	Vagnozzi
Dennis	Jamnick	Paletko	Van Regenmorter
DeRoche	Johnson, Rick	Palsrok	Vander Veen
DeRossett	Johnson, Ruth	Pappageorge	Voorhees
Ehardt	Julian	Pastor	Ward
Elkins	Koetje	Phillips	Waters
Emmons	Kolb	Plakas	Wenke
Farhat	Kooiman	Pumford	Wojno
Farrah	LaJoy	Richardville	Woodward
Gaffney	LaSata	Rivet	Woronchak
Garfield	Law	Robertson	Zelenko

Nays—10

Bisbee	Drolet	Rocca	Stahl
Brandenburg	Hoogendyk	Sheen	Walker
Caswell	Palmer		

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. 4512, entitled

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

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

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

Rep. Shaffer 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. 4512, entitled

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

The bill was read a 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.

Second Reading of Bills

Senate Bill No. 658, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80134a.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Justice (for amendment, see House Journal No. 86, p. 2136),

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. 658, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80134a.

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

Roll Call No. 675

Yeas—103

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

Nays—0

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.

Second Reading of Bills

Senate Bill No. 659, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13g of chapter XVII (MCL 777.13g), as added by 2002 PA 30.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Criminal Justice (for amendments, see House Journal No. 86, p. 2137),

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. 659, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13g of chapter XVII (MCL 777.13g), as added by 2002 PA 30.

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

Roll Call No. 676

Yeas—104

Accavitti	Gaffney	McConico	Shackleton
Acciavatti	Garfield	Meisner	Shaffer
Adamini	Gielegghem	Meyer	Sheen
Amos	Gillard	Middaugh	Sheltrown
Anderson	Gleason	Minore	Shulman
Bieda	Hager	Moolenaar	Spade
Bisbee	Hardman	Mortimer	Stahl
Bradstreet	Hart	Murphy	Stakoe
Brandenburg	Hoogendyk	Newell	Stallworth
Brown	Hopgood	Nitz	Steil
Byrum	Howell	Nofs	Stewart
Casperson	Huizenga	O’Neil	Tabor
Caswell	Hummel	Paletko	Taub
Caul	Hune	Palmer	Tobocman
Cheeks	Hunter	Palsrok	Vagnozzi
Condino	Jamnick	Pappageorge	Van Regenmorter
Daniels	Johnson, Rick	Pastor	Vander Veen
Dennis	Johnson, Ruth	Phillips	Voorhees
DeRoche	Julian	Plakas	Walker
DeRossett	Koetje	Pumford	Ward

Drolet	Kolb	Reeves	Waters
Ehardt	Kooiman	Richardville	Wenke
Elkins	LaJoy	Rivet	Wojno
Emmons	LaSata	Robertson	Woodward
Farhat	Law	Rocca	Woronchak
Farrah	Lipsev	Sak	Zelenko

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 revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,”

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.

The House returned to the consideration of

House Bill No. 4512, entitled

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

(The bill was considered earlier today, see today’s Journal p. 2239.)

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. 677

Yeas—106

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

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

Rep. Richardville moved that House Committees be given leave to meet during the balance of today's session.
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. 4508, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 375 (MCL 380.375), as added by 1999 PA 10.

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

The substitute (H-7) was adopted, a majority of the members serving voting therefor.

Rep. Bisbee moved to amend the bill as follows:

1. Amend page 29, line 16, by striking out all of line 16 and inserting "**promote the academic mission of the schools.**".

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

Rep. Koetje moved to amend the bill as follows:

1. Amend page 33, line 26, after "for" by striking out the balance of the line through "government" on line 27 and inserting "**conducting the business of the board**".

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

Rep. Hunter moved to amend the bill as follows:

1. Amend page 45, following line 27, by inserting:

“Enacting section 2. This amendatory act does not take effect unless approved by a majority of the electors of the city of Detroit voting on the question at the primary election to be held in August 2004. This amendatory act shall be submitted to the qualified electors of the city of Detroit at that election as provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. If approved by the electors, this amendatory act takes effect 30 days after that election.”.

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

Rep. Hunter moved to amend the bill as follows:

1. Amend page 45, following line 27, by inserting:

“Enacting section 2. This amendatory act does not take effect unless approved by a majority of the electors of the city of Detroit voting on the question at a special election to be held not later than May 2004. This amendatory act shall be submitted to the qualified electors of the city of Detroit at that election as provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. If approved by the electors, this amendatory act takes effect 30 days after that election. This state shall reimburse the city of Detroit for the costs of the special election. The city council shall call a special election as prescribed in this enacting section.”.

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

Rep. Reeves moved to amend the bill as follows:

1. Amend page 45, following line 27, by inserting:

“Enacting section 2. A special election shall be held on March 16, 2004 in the school district of the city of Detroit to decide whether to approve the form of governance provided in this amendatory act or whether to return the school district to the form of governance in effect in the school district before the enactment of 1999 PA 10. The form of governance that receives the most votes at this election shall be implemented in the school district effective 30 days after the special election.”.

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

Rep. O’Neil demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 678

Yeas—82

Accavitti	Garfield	LaSata	Sheen
Adamini	Gielegem	Lipsey	Sheltrown
Amos	Gillard	McConico	Shulman
Bieda	Gleason	Meisner	Spade
Bisbee	Hager	Meyer	Stahl
Bradstreet	Hart	Middaugh	Stakoe
Brown	Hood	Murphy	Stallworth
Casperson	Hoogendyk	Newell	Steil
Caswell	Hopgood	Nitz	Stewart
Caul	Howell	Nofs	Tabor
Cheeks	Huizenga	Palsrok	Taub
Condino	Hummel	Pappageorge	Tobocman
Daniels	Hune	Phillips	Vagnozzi
DeRoche	Hunter	Pumford	Vander Veen
DeRossett	Jamnick	Reeves	Voorhees
Drolet	Johnson, Rick	Richardville	Walker
Ehardt	Julian	Rivet	Ward
Emmons	Koetje	Robertson	Wenke
Farhat	Kolb	Rocca	Woodward
Farrah	Kooiman	Shaffer	Woronchak
Gaffney	LaJoy		

Nays—21

Acciavatti	Johnson, Ruth	Palmer	Smith
Anderson	Law	Pastor	Van Regenmorter
Brandenburg	Moolenaar	Plakas	Waters
Byrum	O'Neil	Sak	Wojno
Dennis	Paletko	Shackleton	Zelenko
Hardman			

In The Chair: Julian

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

“Mr. Speaker and members of the House:

I voted no on the Reeves amendment #7 because of the increased costs of a special election. This amendment would create an added expense of up to \$1.5 million to the State at a time when we are facing a \$920 million deficit. Additionally, if the State chooses not to provide this funding, then cash-strapped Detroit would be forced to pay for the special election on its own.

It is for this reason that I voted no on the Reeves amendment #7.”

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

“Mr. Speaker and members of the House:

I voted no on Amendment Number 7 for several reasons.

First, I find it fiscally irresponsible to require the spending of 1.5 million dollars to hold a special March election during these tough budget times. This additional money would not be needed if the election would just be held to coincide with the regular November election, as the existing law would have required. Also, holding a special March election, when far fewer voters are likely to turn out as compared to a November election, is unfair in itself.

The ultimate motivation behind the efforts to change this election date is a hope by Republicans that removing the school reform board issue from the November 2004 ballot will serve to reduce voter turnout in Detroit for the November 2004 presidential election. That is a sad commentary on the priorities of this Legislature.”

Rep. McConico 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. 4508, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 375 (MCL 380.375), as added by 1999 PA 10.

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

Roll Call No. 679**Yeas—88**

Accavitti	Gaffney	LaSata	Shackleton
Acciavatti	Garfield	Lipsey	Shaffer
Adamini	Gielegem	McConico	Sheen
Amos	Gillard	Meisner	Sheltrown
Bieda	Gleason	Meyer	Shulman
Bisbee	Hager	Middaugh	Spade
Bradstreet	Hart	Minore	Stahl
Brown	Hoogendyk	Moolenaar	Stallworth
Byrum	Hopgood	Murphy	Steil

Casperson	Howell	Newell	Stewart
Caswell	Huizenga	Nitz	Tabor
Caul	Hummel	Nofs	Taub
Cheeks	Hune	Palmer	Tobocman
Condino	Hunter	Palsrok	Vagnozzi
Daniels	Jamnick	Pappageorge	Vander Veen
DeRoche	Johnson, Rick	Phillips	Voorhees
DeRossett	Johnson, Ruth	Pumford	Walker
Drolet	Julian	Reeves	Ward
Ehardt	Koetje	Richardville	Wenke
Emmons	Kolb	Rivet	Woodward
Farhat	Kooiman	Robertson	Woronchak
Farrah	LaJoy	Rocca	Zelenko

Nays—16

Anderson	Hood	Pastor	Stakoe
Brandenburg	Law	Plakas	Van Regenmorter
Dennis	O'Neil	Sak	Waters
Hardman	Paletko	Smith	Wojno

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 1976 PA 451, entitled "The revised school code," by amending sections 3, 373, 375, 403a, 404b, 412a, 413a, 414a, 415, 416, 417a, 418a, 422, 424, 431a, 432, 433, 434, 441, 442, 443, 445, 449, 451, 461, 462, 472, and 485 (MCL 380.3, 380.373, 380.375, 380.403a, 380.404b, 380.412a, 380.413a, 380.414a, 380.415, 380.416, 380.417a, 380.418a, 380.422, 380.424, 380.431a, 380.432, 380.433, 380.434, 380.441, 380.442, 380.443, 380.445, 380.449, 380.451, 380.461, 380.462, 380.472, and 380.485), sections 3 and 416 as amended by 1995 PA 289, section 373 as amended by 2000 PA 230, sections 375 and 449 as added by 1999 PA 10, sections 403a, 418a, and 431a as amended and sections 404b and 485 as added by 1982 PA 71, section 412a as amended by 1989 PA 268, sections 413a and 414a as added by 1981 PA 96, section 417a as amended by 1985 PA 86, section 442 as amended by 2002 PA 58, section 443 as amended by 1983 PA 118, and section 445 as amended by 2002 PA 334, and by adding sections 420 and 421; and to repeal acts and parts of acts.

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. Law and Anderson, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on House Bill 4508 for one simple reason. This bill would create an added expense of up to \$1.5 million to the State at a time when we are facing a \$920 million deficit. Additionally, if the State chooses not to provide this funding, then cash-strapped Detroit would be forced to pay for the special election on its own.

It is for this reason that I voted no on House Bill 4508."

Rep. Waters, 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 HB 4508 for the following reasons:

When the current Detroit School Reform Board was mandated by Senate Bill 297 in 1999, a 5-year timeline was set that called for a November 2004 election to be held to provide for the citizens of Detroit to choose the system that would govern

Detroit schools. That law as it passed would have provided that Detroit residents choose either to keep the reform board now in place, or return to a voter-elected school board that would choose a superintendent to administer Detroit schools.

I hoped today that we would simply honor that commitment for a November 2004 vote to determine the manner in which Detroit schools are run. I believe it is fundamentally unfair for this legislative body to change the scheduled November 2004 election.

A dilution of voting rights in Detroit contributes to the erosion of democracy everywhere. We must not turn back the clock to a time when it took federal troops and an act of Congress to give African-Americans the right to vote and the right to participate in the American democracy that our children in uniform are now dying to protect and maintain.

Such tactics were wrong when I was growing up in Alabama. Such tactics are wrong now in Michigan.

I don't know how a person can vote for legislation that renders the right to vote meaningless, and ever look into the eyes of the mother of a Detroit soldier who has been wounded or killed in Iraq, fighting to defend our way of life. How can you say to that mother that she can only have a slight taste of the democracy that her son or daughter died defending? It is our duty to give that mother a full drink from the cup of democracy. Anything else dishonors our nation and those who serve and die on the battlefield.

As an American who is also a woman who was born black, I resist all bullying that would restrict my right to fully participate in American democracy. It is wrong that democracy and the right to vote must suffer a roadblock south of 8 Mile Road. Detroit deserves a school board that has the same rights and responsibilities as any other school board in Michigan.

It is time - and it is right - for the people of Detroit to be the ones to guide and protect the educational destinies of our children. The people of Detroit - like people in cities across Michigan - care deeply about our children. We want what's best for our children. We are no different from any other Michigan community in that regard.

The promise of an education for our children is not complete if we do not also include for them the promise that they will be able to participate fully in our American democracy when they become adults."

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved that Rule 45(c) be suspended.

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

Rep. Richardville moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 4367**.

(For first notice see House Journal No. 88, p. 2225.)

The question being on the motion made by Rep. Richardville,

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

The bill was placed on the order of Second Reading of Bills and laid over one day.

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. 4367, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2004; and to provide for the expenditure of the appropriations.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4367, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2004; and to provide for the expenditure of the appropriations.

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

Roll Call No. 680**Yeas—89**

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

Nays—7

Hart	LaSata	O'Neil	Spade
Johnson, Ruth	Mortimer	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

Rep. Richardville moved that Rule 48 be suspended.

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

House Bill No. 5265, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19703 (MCL 324.19703), as added by 2002 PA 397.

The bill was read a second time.

Rep. Bisbee 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. 5265, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19703 (MCL 324.19703), as added by 2002 PA 397.

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

Roll Call No. 681

Yeas—104

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

The Senate returned, in accordance with the request of the House
Senate Bill No. 805, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

(The bill was passed on November 13, see House Journal No. 87, p. 2183.)

Rep. Richardville moved that Rule 67 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

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. 805, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

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

Senate Bill No. 805, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

Rep. Kooiman moved to reconsider the vote by which the House adopted the amendments offered previously by Rep. Kooiman.

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

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

Rep. Bisbee moved to amend the bill as follows:

1. Amend page 7, line 15, after "unless" by striking out "Senate Bill No. 806" and inserting "House Bill No. 5270".
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. 805, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

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. 682

Yeas—102

Accavitti
Acciavatti
Adamini
Amos
Anderson

Garfield
Gielegem
Gillard
Gleason
Hager

Meisner
Meyer
Middaugh
Minore
Moolenaar

Sheen
Sheltrown
Shulman
Smith
Spade

Bieda	Hardman	Mortimer	Stahl
Bisbee	Hart	Murphy	Stakoe
Bradstreet	Hood	Newell	Stallworth
Brandenburg	Hoogendyk	Nitz	Steil
Brown	Hopgood	O'Neil	Stewart
Byrum	Howell	Paletko	Tabor
Casperson	Huizenga	Palmer	Taub
Caswell	Hummel	Palsrok	Tobocman
Caul	Hunter	Pappageorge	Vagnozzi
Cheeks	Jamnick	Pastor	Van Regenmorter
Condino	Johnson, Rick	Phillips	Vander Veen
Daniels	Johnson, Ruth	Plakas	Voorhees
Dennis	Julian	Pumford	Walker
DeRoche	Koetje	Richardville	Ward
DeRossett	Kolb	Rivet	Waters
Drolet	Kooiman	Robertson	Wenke
Ehardt	LaJoy	Rocca	Wojno
Emmons	LaSata	Sak	Woodward
Farhat	Law	Shackleton	Woronchak
Farrah	Lipsey	Shaffer	Zelenko
Gaffney	McConico		

Nays—2

Hune

Nofs

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved to vacate the enrollment of **House Bill No. 4938**.

The motion prevailed.

Messages from the Senate

House Bill No. 4938, entitled

A bill to provide for the qualification, appointment, and regulation of notaries; to provide for the levy, assessment, and collection of certain service charges and fees and to provide for their disposition; to create certain funds for certain purposes; to provide for liability for certain persons; to provide for the admissibility of certain evidence; to prescribe powers and duties of certain state agencies and local officers; to provide for remedies and penalties; and to repeal acts and parts of acts.

(The bill was enrolled on November 12, see House Journal No. 86, p. 2133.)

Rep. Richardville moved to reconsider the vote by which the House concurred in the Senate substitute (S-1).

The motion prevailed, 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,

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

1. Amend page 30, line 9, after "effective" by striking out "January" and inserting "April".

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. 683

Yeas—101

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

Nays—1

Bradstreet

In The Chair: Julian

Notices

I hereby give notice that on the next legislative session day I will move to reconsider the vote by which the House passed **Senate Bill No. 805**.

Rep. Richardville

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Stakoe, Accavitti, Caswell, Caul, DeRossett, Ehardt, Farhat, Garfield, Howell, Huizenga, Kooiman, LaJoy, Meyer, Richardville, Sak, Shulman, Stahl, Taub, Vander Veen and Voorhees offered the following resolution:

House Resolution No. 182.

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

Whereas, Access to capital is a key component of establishing a new enterprise. The ability to raise sufficient funding to start a business is one of the major hurdles any entrepreneur faces in attempting to create a new company; and

Whereas, Because the creation of new businesses is fundamental to job creation and a successful economy, making capital more available to start-up companies is a challenge of great significance to our communities and the entire country. In response to this need, Congress has on several occasions enacted measures to encourage the establishment of new businesses. Congressional tools, including tax incentives for high-risk companies at the early stages of development and other moves that encourage investment in start-up ventures, can be highly beneficial; and

Whereas, Michigan is strongly committed to encouraging venture capital investment in this state. Our efforts, however, will not be nearly as effective as they could be without similar leadership from Congress. A multi-pronged effort, with both the states and the national government encouraging private enterprise, can lead to greater innovation in any number of fields. This innovation, a hallmark of American society, is critical to the vitality of our national economy as we respond to challenges in an era of great change; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact measures that support venture capital activities in Michigan; 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 Commerce.

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, November 13:

Senate Bill Nos. 837 838 839

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, November 14:

Senate Bill Nos. 842 843 844

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

House Bill Nos. 5323 5324 5325 5326 5327 5328 5329 5330 5331

The Clerk announced that the following Senate bills had been received on Wednesday, December 3:

Senate Bill Nos. 193 601

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4454, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3, 4, and 8 (MCL 207.803, 207.804, and 207.808), section 3 as amended by 2000 PA 428 and section 8 as amended by 2000 PA 144.

The Senate has amended the bill as follows:

1. Amend page 6, line 26, after "(c)" by striking out the balance of the subdivision and inserting "**The chief executive officer of the Michigan economic development corporation.**".

The Senate has passed the bill as amended, 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. 4472, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2000 PA 415.

The Senate has amended the bill as follows:

1. Amend page 2, line 6, after "**exempt**" by striking out the balance of the line through "**act**" on line 7.

2. Amend page 2, line 9, after "**unit**" by inserting "**from the collection of taxes under this act**".

The Senate has passed the bill as amended, 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. 193, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811q; 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 Transportation.

Senate Bill No. 601, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 3 (MCL 117.3), as amended by 2002 PA 201.

The Senate has passed the bill.

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

Introduction of Bills

Rep. Ward introduced

House Bill No. 5332, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 495.

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

Rep. Sheltroun introduced

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).

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

Rep. Ward introduced

House Bill No. 5334, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg.

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

Rep. Stakoe introduced

House Bill No. 5335, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

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

Reps. Stakoe, Ward and Pastor introduced

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.

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

Rep. Howell introduced

House Bill No. 5337, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 517, 518, 542, 549g, 803, 810a, 8117, 8142, 8162, and 8163 (MCL 600.504, 600.517, 600.518, 600.542, 600.549g, 600.803, 600.810a, 600.8117, 600.8142, 600.8162, and 600.8163), sections 504, 517, 803, and 810a as amended by 2002 PA 715, section 518 as amended by 2001 PA 256, section 542 as amended by 1984 PA 95, section 549g as added by 1981 PA 182, and section 8117 as amended by 1997 PA 161.

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

Rep. Howell introduced

House Bill No. 5338, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2912d (MCL 600.2912d), as amended by 1993 PA 78; 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.

Rep. Howell introduced

House Bill No. 5339, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54B.

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

Rep. Drolet introduced

House Bill No. 5340, entitled

A bill to amend 2002 PA 440, entitled "An act to authorize the state administrative board to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance," by amending section 6.

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

Reps. Milosch, Drolet, Acciavatti, Garfield and Brandenburg introduced

House Bill No. 5341, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg.

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

Rep. Steil introduced

House Bill No. 5342, entitled

A bill to amend 1985 PA 224, entitled "Enterprise zone act," by amending section 21c (MCL 125.2121c), as amended by 1998 PA 242.

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

Reps. Hummel, Bisbee, Tabor, Nofs, Hoogendyk, Garfield, Amos, Wenke, Kooiman and Farhat introduced

House Bill No. 5343, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 10 (MCL 125.2790).

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

Reps. Hardman, McConico, Stallworth, Phillips and Reeves introduced

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 first time by its title and referred to the Committee on Commerce.

Rep. Farhat introduced

House Bill No. 5345, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 635a.

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

Reps. Sheen, Palsrok, Vander Veen, Hoogendyk, Hune, Wenke, Voorhees, Taub, Milosch, Ward, Moolenaar, Robertson, Shaffer, Amos, Garfield, Brandenburg, Nofs, Tabor, Meyer, Newell, Farhat, Ehardt, Gaffney, Bisbee, Steil, Palmer, Shackleton and Huizenga introduced

House Bill No. 5346, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51f.

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

Reps. Nofs, Stakoe, Meyer, Hager, Stewart, Shaffer, Mortimer, Acciavatti, LaJoy, Brandenburg, Newell, Pastor, Pappageorge, Stahl, Garfield, Wenke, Howell, Rocca, Gaffney, Hoogendyk, Ward, Casperson, Palsrok, DeRoche, Farhat, Moolenaar, Hune, Phillips, Kooiman, Farrah, Condino, Vagnozzi, Sak, O'Neil, Dennis, Hunter, Accavitti, Jamnick, Tobocman, Minore, Clack and Zelenko introduced

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

Rep. Drolet introduced

House Bill No. 5348, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 11 (MCL 207.561), as amended by 2001 PA 157.

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

Reps. Dennis, Rocca, O'Neil, Wojno, Hopgood, Meisner, Julian, Gielegem, Palsrok, Gaffney, Sheen, DeRoche, Zelenko, Minore, Condino and Farhat introduced

House Bill No. 5349, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending sections 1b and 3k (MCL 338.881b and 338.883k), as added by 1992 PA 130.

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

Rep. Stahl moved that the House adjourn.

The motion prevailed, the time being 5:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, December 4, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives