

**No. 34**  
**STATE OF MICHIGAN**  
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**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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House Chamber, Lansing, Thursday, May 1, 2003.

10:00 a.m.

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

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

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

e/d/s = entered during session

Rep. Morris Hood III, from the 11th District, offered the following invocation:

“Lord, thank You for allowing us to wake this morning to continue on the journey that You have paved for us so that we can do Your will. Lord, please guide us through these tough times, for we are Your servants. Give us the knowledge, the wisdom, the courage, the compassion and the patience to make good and correct decisions for the people of this great state. Lord, we must remember that You are almighty and that there is none greater than You. Lord, bless our families that have lost loved ones. Continue to bless the family of our fallen colleague from the 65th district. Continue to bless our colleague and his family from the 48th district who lost his nephew serving our country. Lord, let us be sympathetic and cognizant of the concerns of the next man, for some day that concern may be ours. We ask this in Your name, Lord. Amen.”

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Rep. Palmer moved that Reps. DeRoche, Hart and Tabor be excused from today’s session.  
The motion prevailed.

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

The Speaker assumed the Chair.

### **Messages from the Senate**

#### **Senate Concurrent Resolution No. 22.**

A concurrent resolution offered as a memorial for Martha Griffiths, President of the Senate from 1983 to 1990.

Whereas, It is with great admiration for the impact of her life of service to our state and nation that we mark the passing of Martha Griffiths, who served as the President of the Michigan Senate from 1983 to 1990. A true pioneer in many aspects of her varied and accomplishment-filled career, Martha Griffiths was a leader not only in shaping laws and public policy, but also in revamping attitudes and aspirations in our society; and

Whereas, History will remember Martha Griffiths as one of the most important advocates for women’s rights of her time. During her twenty-year tenure in Congress, she spearheaded legislative reforms, including making sure women’s rights were included in the landmark 1964 Civil Rights Act. With great determination, a strong sense of history, and personal integrity, she led the drive seeking passage of the Equal Rights Amendment that helped awaken public consciousness. In addition, she was a tireless and articulate voice of common sense and fairness on all issues; and

Whereas, In all her work, from the practice of law to responsibilities as a judge and from her membership on several corporate boards to her legendary work wielding the gavel in this legislative body, Martha Griffiths acted out of a deep love of people and our democracy. Her warmth, humor, and character touched all who knew her and inspired a generation of young women to pursue public service. Michigan is far stronger for her life and commitment; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we honor the memory of Martha Griffiths, judge, legislator, congresswoman, lieutenant governor, and pioneer in advancing women’s rights in our nation; and be it further

Resolved, That copies of this resolution be transmitted to the Griffiths family as evidence of our deep respect for her memory.

The Senate has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,  
The concurrent resolution was adopted by unanimous standing vote.

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

The Minority Leader and the Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

#### **House Resolution No. 48.**

A resolution to honor the memory of Martha Griffiths.

Whereas, The recent passing of Martha Griffiths marks the end of an era in Michigan history. With her life-long commitment to public service and her dynamic leadership at virtually all levels of governmental service, this spirited and visionary woman has strengthened our state and nation in many ways; and

Whereas, Martha Griffiths was a native of Missouri who came to Michigan to study at the University of Michigan Law School. Her remarkable career included accomplishments on behalf of others through the private practice of law and service through the Michigan House of Representatives from 1949 to 1952, the Detroit Recorder's Court bench, the United States House of Representatives from 1955 to 1974, numerous corporate boards, and the office of Lieutenant Governor from 1983 to 1990. Few individuals have served in a wider variety of leadership roles in Michigan, and none has had more of an impact on the issue of women's rights in our country. Over the course of her public service, she distinguished herself in all three branches of state government and as one of Michigan's most effective voices at the national level; and

Whereas, While any number of accomplishments could serve as her legacy, Martha Griffiths' impact in opening up opportunities for women will clearly endure. She fought in Congress to ensure women's rights in the landmark 1964 Civil Rights Act, and she championed the effort to gain support for the Equal Rights Amendment, which helped reshape expectations for an entire generation; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Martha Griffiths, former member of the House and the Congress of the United States and Lieutenant Governor; and be it further

Resolved, That copies of this resolution be transmitted to her family as evidence of the lasting respect held for her memory across Michigan.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

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The Speaker Pro Tempore resumed the Chair.

The Speaker laid before the House

**House Concurrent Resolution No. 12.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Delta College relative to the Delta College General Campus Renovations.

(For text of concurrent resolution, see House Journal No. 30, p. 381.)

(The concurrent resolution was introduced, Rule 77 suspended and postponed for the day on April 9, see House Journal No. 30, p. 381.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

"Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk's office."

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 87**

**Yeas—100**

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

Caul	Hunter	Pappageorge	Van Regenmorter
Cheeks	Jamnick	Pastor	Vander Veen
Clack	Johnson, Rick	Phillips	Voorhees
Condino	Johnson, Ruth	Plakas	Walker
Daniels	Julian	Pumford	Ward
Dennis	Koetje	Richardville	Waters
DeRossett	Kolb	Rivet	Wenke
Drolet	Kooiman	Robertson	Whitmer
Ehardt	LaJoy	Rocca	Williams
Elkins	LaSata	Sak	Wojno
Emmons	Law	Shackleton	Woodward
Farhat	Lipsey	Shaffer	Woronchak

**Nays—0**

In The Chair: Julian

Rep. Hardman entered the House Chambers.

**Second Reading of Bills**

**House Bill No. 4285, entitled**

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 4 (MCL 38.1304), as amended by 2002 PA 94, and by adding section 92.

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

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

Rep. Ehardt 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. 4285, entitled**

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 4 (MCL 38.1304), as amended by 2002 PA 94, and by adding section 92.

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

**Roll Call No. 88**

**Yeas—104**

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

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

### Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 4300, entitled

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

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

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

Rep. Jamnick moved to amend the bill as follows:

1. Amend page 2, line 10, after "**approved**" by inserting "**by a vote of the people**".

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

Rep. Wenke 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. 4300, entitled

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

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

### Second Reading of Bills

#### Senate Bill No. 239, entitled

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

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

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

Rep. Jamnick moved to amend the bill as follows:

1. Amend page 7, line 12, after “**approved**” by inserting “**by a vote of the people**”.

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. 239, entitled

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

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

#### Roll Call No. 89

#### Yeas—96

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

**Nays—9**

Acciavatti  
Bradstreet  
Brandenburg

Drolet  
Garfield

Milosch  
Pastor

Robertson  
Sheen

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. 4324, entitled**

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

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

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

Rep. Jamnick moved to amend the bill as follows:

1. Amend page 7, line 12, after “**approved**” by inserting “**by a vote of the people**”.

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

Rep. Lipsey 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. 4324, entitled**

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

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

**Roll Call No. 90****Yeas—95**

Accavitti  
Adamini  
Amos  
Anderson  
Bieda  
Bisbee  
Brown  
Byrum  
Casperson  
Caswell  
Caul  
Cheeks

Gleason  
Hager  
Hardman  
Hood  
Hoogendyk  
Hopgood  
Howell  
Huizenga  
Hummel  
Hune  
Hunter  
Jamnick

Meyer  
Middaugh  
Minore  
Moolenaar  
Murphy  
Newell  
Nitz  
Nofs  
O’Neil  
Paletko  
Palsrok  
Pappageorge

Shulman  
Smith  
Spade  
Stahl  
Stakoe  
Stallworth  
Steil  
Stewart  
Taub  
Tobocman  
Vagnozzi  
Van Regenmorter

Clack	Johnson, Rick	Pastor	Vander Veen
Condino	Johnson, Ruth	Phillips	Voorhees
Daniels	Julian	Plakas	Walker
Dennis	Koetje	Pumford	Ward
DeRossett	Kolb	Reeves	Waters
Elkins	Kooiman	Richardville	Wenke
Emmons	LaJoy	Rivet	Whitmer
Farhat	LaSata	Rocca	Williams
Farrah	Law	Sak	Wojno
Gaffney	Lipsey	Shackleton	Woodward
Gielegem	McConico	Shaffer	Woronchak
Gillard	Meisner	Sheltrown	

**Nays—10**

Acciavatti	Drolet	Milosch	Robertson
Bradstreet	Ehardt	Palmer	Sheen
Brandenburg	Garfield		

In The Chair: Julian

The House agreed to the title of the bill.

The House returned to the consideration of  
**House Bill No. 4300, entitled**

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

(The bill was considered earlier today, see today’s Journal p. 453.)

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. 91****Yeas—93**

Accavitti	Gleason	Meisner	Sheltrown
Adamini	Hager	Meyer	Shulman
Amos	Hardman	Middaugh	Smith
Anderson	Hood	Minore	Spade
Bieda	Hoogendyk	Moolenaar	Stakoe
Bisbee	Hopgood	Murphy	Stallworth
Brown	Howell	Newell	Steil
Byrum	Huizenga	Nitz	Stewart
Casperson	Hummel	Nofs	Taub
Caswell	Hune	O’Neil	Tobocman
Caul	Hunter	Paletko	Vagnozzi
Cheeks	Jamnick	Palsrok	Van Regenmorter
Clack	Johnson, Rick	Pappageorge	Vander Veen
Condino	Johnson, Ruth	Pastor	Voorhees
Daniels	Julian	Phillips	Walker
Dennis	Koetje	Plakas	Ward
DeRossett	Kolb	Pumford	Waters
Elkins	Kooiman	Reeves	Wenke
Emmons	LaJoy	Richardville	Whitmer
Farhat	LaSata	Rocca	Williams
Farrah	Law	Sak	Wojno



Gaffney  
Gielegem  
Gillard

Lipsey  
McConico

Shackleton  
Shaffer

Woodward  
Woronchak

### Nays—11

Acciavatti  
Bradstreet  
Brandenburg

Drolet  
Ehardt  
Garfield

Milosch  
Palmer  
Robertson

Sheen  
Stahl

In The Chair: Julian

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 4299, entitled

A bill to amend 1911 PA 235, entitled “An act to provide for the payment and reimbursement by counties, in certain cases upon application therefor, of expenses incurred in the burial of the bodies of honorably discharged members of the armed forces of the United States, or their spouses, and to repeal certain acts or parts of acts,” by amending section 1 (MCL 35.801).

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

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

Rep. Shackleton 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. 4299, entitled

A bill to amend 1911 PA 235, entitled “An act to provide for the payment and reimbursement by counties, in certain cases upon application therefor, of expenses incurred in the burial of the bodies of honorably discharged members of the armed forces of the United States, or their spouses, and to repeal certain acts or parts of acts,” by amending section 1 (MCL 35.801).

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

### Roll Call No. 92

### Yeas—104

Accavitti  
Acciavatti  
Adamini  
Amos  
Anderson  
Bieda  
Bisbee  
Bradstreet  
Brandenburg  
Brown  
Byrum

Gaffney  
Garfield  
Gielegem  
Gillard  
Gleason  
Hager  
Hardman  
Hood  
Hoogendyk  
Hopgood  
Howell

McConico  
Meisner  
Meyer  
Middaugh  
Milosch  
Minore  
Moolenaar  
Murphy  
Newell  
Nitz  
Nofs

Shaffer  
Sheen  
Sheltrown  
Shulman  
Smith  
Spade  
Stahl  
Stakoe  
Stallworth  
Steil  
Stewart

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

### Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 4556, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 110 (MCL 206.110), as amended by 1996 PA 484.

The bill was read a second time.

Rep. Bieda 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. 4556, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 110 (MCL 206.110), as amended by 1996 PA 484.

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

### Roll Call No. 93

### Yeas—97

Accavitti	Gielegem	Middaugh	Sheen
Adamini	Gillard	Milosch	Sheltrown
Amos	Gleason	Minore	Shulman
Anderson	Hager	Moolenaar	Spade
Bieda	Hardman	Murphy	Stahl
Bisbee	Hood	Newell	Stakoe
Bradstreet	Hopgood	Nitz	Stallworth
Brown	Howell	Nofs	Steil
Byrum	Huizenga	O'Neil	Stewart
Casperson	Hummel	Paletko	Taub
Caswell	Hune	Palmer	Tobocman
Caul	Hunter	Palsrok	Vagnozzi

Cheeks	Jamnick	Pappageorge	Van Regenmorter
Clack	Johnson, Rick	Pastor	Vander Veen
Condino	Johnson, Ruth	Phillips	Voorhees
Daniels	Julian	Plakas	Walker
Dennis	Kolb	Pumford	Ward
DeRossett	Kooiman	Reeves	Waters
Ehardt	LaSata	Richardville	Wenke
Elkins	Law	Rivet	Whitmer
Emmons	Lipsey	Rocca	Williams
Farhat	McConico	Sak	Wojno
Farrah	Meisner	Shackleton	Woodward
Gaffney	Meyer	Shaffer	Woronchak
Garfield			

### Nays—8

Acciavatti	Drolet	Koetje	Robertson
Brandenburg	Hoogendyk	LaJoy	Smith

In The Chair: Julian

The House agreed to the title of the bill.  
Rep. Richardville moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the House returned to the order of

### Reports of Standing Committees

The Committee on Family and Children Services, by Rep. Hager, Chair, reported  
**House Bill No. 4502, entitled**

A bill to amend 1981 PA 230, entitled "Michigan economic and social opportunity act of 1981," by amending the title and sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 (MCL 400.1103, 400.1104, 400.1105, 400.1106, 400.1107, 400.1108, 400.1109, 400.1110, and 400.1111), section 11 as amended by 1998 PA 76; and to repeal acts and parts of acts.

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

Nays: None

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 30, 2003, at 3:35 p.m.

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

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

### House Bill No. 4333, entitled

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

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, line 5, after "than" by striking out "**\$150.00**" and inserting "**\$100.00 or more than \$250.00**".

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

## Favorable Roll Call

## To Report Out:

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

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 1, 2003, at 9:00 a.m.

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

Absent: Rep. DeRoche

Excused: Rep. DeRoche

The Committee on Appropriations, by Rep. Shulman, Chair, reported

**House Bill No. 4388, entitled**

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 2004; and to provide for the expenditure of the appropriations.

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. Shulman, Emmons, Caul, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Whitmer, Brown, Kolb, Plakas, Reeves, Williams, Cheeks, Hunter, Paletko and Sak

Nays: Rep. Phillips

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 1, 2003, at 9:00 a.m.

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 1, 2003, at 9:00 a.m.

Present: Reps. Voorhees, Stakoe, Dennis, Hood and Smith

Absent: Reps. Hart and LaSata

Excused: Reps. Hart and LaSata

**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, May 1:

**House Bill Nos. 4597 4598 4599 4600 4601 4602 4603 4604 4605**

The Clerk announced that the following Senate bills had been received on Thursday, May 1:  
**Senate Bill Nos. 37 38 39 293 365 366 395**

### Communications from State Officers

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

Notice of Filing  
 Administrative Rules

March 24, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:55 P.M. this date, administrative rule (03-03-06) for the Department of Treasury, Bureau of State Lottery, entitled "*Charitable Gaming*", effective 7 days hereafter.

Sincerely,  
 Terri Lynn Land  
 Secretary of State  
 Elena L. Beasley, Manager  
 Office of the Great Seal

The communication was referred to the Clerk.

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

April 29, 2003

Enclosed is a copy of the following audit report and/or report summary:  
 Financial Audit of the  
 Michigan Education Trust  
 October 1, 2001 through September 30, 2002

Sincerely,  
 Thomas H. McTavish, C.P.A.  
 Auditor General

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

### Introduction of Bills

Reps. Koetje, Byrum, Lipsey, Tobocman, Howell and Drolet introduced  
**House Bill No. 4606, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 6 (MCL 169.206), as amended by 1995 PA 264.

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

Reps. Koetje, Sheen, Caswell, Hoogendyk and Steil introduced

**House Bill No. 4607, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding section 2413.

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

Rep. Koetje introduced

**House Bill No. 4608, entitled**

A bill to amend 1937 PA 103, entitled "An act to prescribe certain conditions relative to the execution of instruments entitled to be recorded in the office of the register of deeds," (MCL 565.201 to 565.203) by adding section 2a.

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

Rep. Julian introduced

**House Bill No. 4609, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending the title and sections 2, 8, 9, 10, 12, 16, 17, 23, and 25 (MCL 431.302, 431.308, 431.309, 431.310, 431.312, 431.316, 431.317, 431.323, and 431.325), sections 9, 10, and 12 as amended by 2000 PA 164 and section 17 as amended by 1998 PA 408, by adding a heading for article 1 and adding section 20a and articles 2 and 3.

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

Reps. Minore and Julian introduced

**House Bill No. 4610, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending the title and sections 3, 11, 23, and 32 (MCL 432.3, 432.11, 432.23, and 432.32), the title as amended by 1996 PA 95, sections 3, 11, and 23 as amended by 1996 PA 167, and section 32 as amended by 1996 PA 13, and by adding a heading for article 1 and adding article 2.

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

Reps. Hune and Julian introduced

**House Bill No. 4611, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14d of chapter XVII (MCL 777.14d), as added by 2002 PA 29.

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

Reps. Brown and Julian introduced

**House Bill No. 4612, entitled**

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 9b (MCL 432.209b), as added by 1997 PA 69.

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

Reps. Hopgood and Law introduced

**House Bill No. 4613, entitled**

A bill to amend 2001 PA 181, entitled "An act to authorize the board of a school district to award high school diplomas to World War II veterans under certain circumstances; and to prescribe duties and responsibilities of certain state officers and officials," by amending the title and section 1 (MCL 35.341).

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

Reps. Tobocman, Condino, Meisner, Drolet, Woodward, McConico, Byrum, Whitmer and Kolb introduced

**House Bill No. 4614, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing sections 338, 338a, and 338b (MCL 750.338, 750.338a, and 750.338b).

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

Reps. Tobocman, Meisner, Drolet, Woodward, McConico, Byrum, Kolb and Whitmer introduced

**House Bill No. 4615, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2002 PA 261.

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

Reps. Tobocman, Smith, Condino, Meisner, Vagnozzi, Drolet, Hopgood, Minore, Elkins, Ward, Woodward, McConico, Byrum, Kolb and Whitmer introduced

**House Bill No. 4616, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing sections 32, 102, 103, 335, and 337 (MCL 750.32, 750.102, 750.103, 750.335, and 750.337).

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

Reps. Tobocman, Smith, Meisner, Vagnozzi, Drolet, Hopgood, Minore, Elkins, Ward, Woodward, McConico, Byrum, Kolb and Whitmer introduced

**House Bill No. 4617, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter XVII (MCL 777.16a), 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. Williams introduced

**House Bill No. 4618, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 30104, 30109, 32312, and 32513 (MCL 324.3104, 324.30104, 324.30109, 324.32312, and 324.32513), as amended by 1999 PA 106.

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

Rep. Brown introduced

**House Bill No. 4619, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2505 and 3115 (MCL 324.2505 and 324.3115), section 2505 as added by 1995 PA 60, and by adding sections 3120, 3121, and 3122.

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

Rep. Minore introduced

**House Bill No. 4620, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2129 and 2150 (MCL 324.2129 and 324.2150), section 2129 as added by 1995 PA 60 and section 2150 as amended by 1996 PA 585, and by amending the heading to subpart 13 of part 21; and to repeal acts and parts of acts.

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

Rep. Cheeks introduced

**House Bill No. 4621, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81115, 81116, 81117, 81125, and 81129 (MCL 324.81101, 324.81115, 324.81116, 324.81117, 324.81125, and 324.81129), section 81101 as amended by 1998 PA 86, sections 81115, 81117, 81125, and 81129 as added by 1995 PA 58, and section 81116 as amended by 1995 PA 99; and to repeal acts and parts of acts.

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

Rep. Williams introduced

**House Bill No. 4622, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 312b, 312c, 314b, 801, and 811a (MCL 257.306, 257.312b, 257.312c, 257.314b, 257.801, and 257.811a), section 306 as amended by 2002 PA 534, section 312b as amended by 2000 PA 456, section 312c as amended by 1996 PA 345, section 314b as amended by 1991 PA 99, section 801 as amended by 2002 PA 417, and section 811a as amended by 1992 PA 59; and to repeal acts and parts of act.

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

Reps. Palmer, Brandenburg, O'Neil, Spade, Milosch, Sheen, Pastor, Farhat, LaJoy, Newell, Hummel, Caswell, Nitz, Pappageorge, Rocca, Hoogendyk and DeRossett introduced

**House Bill No. 4623, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h.

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

Rep. Palmer introduced

**House Bill No. 4624, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2002 PA 269.

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

By unanimous consent the House returned to the order of

**Second Reading of Bills**

**House Bill No. 4557, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 4 (MCL 206.4).

The bill was read a second time.

Rep. Koetje moved to amend the bill as follows:

1. Amend page 1, line 4, after "includes," by striking out the balance of the subsection and inserting "**and is limited to the following:**".

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

Rep. O'Neil demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 94**

**Yeas—57**

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

**Nays—47**

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

In The Chair: Julian



Rep. Taub moved to amend the bill as follows:

1. Amend page 2, following line 7, by inserting:

**“(3) Not later than 2 years after the effective date of the amendatory act that added subsection (2)(b), the department shall report the impact of the amendatory act that added subsection (2)(b) on the tax liability under this act of resident and nonresident taxpayers to the house tax policy committee and the senate finance committee.”.**

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

Rep. Farrah 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. 4557, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 4 (MCL 206.4).

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

**Roll Call No. 95**

**Yeas—71**

Accavitti	Gillard	Minore	Shulman
Adamini	Gleason	Moolenaar	Smith
Anderson	Hardman	Murphy	Spade
Bieda	Hood	Nitz	Stallworth
Bisbee	Hopgood	O’Neil	Taub
Brown	Howell	Paletko	Tobocman
Byrum	Huizenga	Palmer	Vagnozzi
Cheeks	Hunter	Pappageorge	Vander Veen
Clack	Jamnack	Phillips	Voorhees
Condino	Johnson, Rick	Plakas	Ward
Daniels	Julian	Pumford	Waters
Dennis	Kolb	Reeves	Wenke
DeRossett	Kooiman	Richardville	Whitmer
Elkins	Law	Rivet	Williams
Emmons	Lipsey	Rocca	Wojno
Farrah	McConico	Sak	Woodward
Garfield	Meisner	Shackleton	Woronchak
Gielegem	Middaugh	Sheltrown	

**Nays—34**

Acciavatti	Farhat	LaSata	Shaffer
Amos	Gaffney	Meyer	Sheen
Bradstreet	Hager	Milosch	Stahl
Brandenburg	Hoogendyk	Newell	Stakoe
Casperson	Hummel	Nofs	Steil
Caswell	Hune	Palsrok	Stewart
Caul	Johnson, Ruth	Pastor	Van Regenmorter
Drolet	Koetje	Robertson	Walker
Ehardt	LaJoy		

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. 4388, entitled

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 2004; and to provide for the expenditure of the appropriations.

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

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

Rep. Nofs moved to amend the bill as follows:

1. Amend page 3 by striking out all of line 18 and adjusting the subtotals, totals, and section 201 accordingly.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4388, entitled

A bill to make appropriations for community and junior colleges 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. 96

#### Yeas—105

Accavitti	Garfield	Meisner	Shaffer
Acciavatti	Gielegem	Meyer	Sheen
Adamini	Gillard	Middaugh	Sheltrown
Amos	Gleason	Milosch	Shulman
Anderson	Hager	Minore	Smith
Bieda	Hardman	Moolenaar	Spade
Bisbee	Hood	Murphy	Stahl
Bradstreet	Hoogendyk	Newell	Stakoe
Brandenburg	Hopgood	Nitz	Stallworth
Brown	Howell	Nofs	Steil
Byrum	Huizenga	O'Neil	Stewart
Casperson	Hummel	Paletko	Taub
Caswell	Hune	Palmer	Tobocman
Caul	Hunter	Palsrok	Vagnozzi
Cheeks	Jamnick	Pappageorge	Van Regenmorter

Clack	Johnson, Rick	Pastor	Vander Veen
Condino	Johnson, Ruth	Phillips	Voorhees
Daniels	Julian	Plakas	Walker
Dennis	Koetje	Pumford	Ward
DeRossett	Kolb	Reeves	Waters
Drolet	Kooiman	Richardville	Wenke
Ehardt	LaJoy	Rivet	Whitmer
Elkins	LaSata	Robertson	Williams
Emmons	Law	Rocca	Wojno
Farhat	Lipsey	Sak	Woodward
Farrah	McConico	Shackleton	Woronchak
Gaffney			

### Nays—0

In The Chair: Julian

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

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

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2004; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### House Bill No. 4511, entitled

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

The bill was read a second time.

Rep. Pappageorge 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. 4511, entitled

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

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

### Roll Call No. 97

### Yeas—60

Acciavatti	Hager	Milosch	Shaffer
Amos	Hoogendyk	Moolenaar	Sheen
Bisbee	Howell	Newell	Shulman
Bradstreet	Huizenga	Nitz	Stahl

Brandenburg	Hummel	Nofs	Stakoe
Casperson	Hune	Palmer	Steil
Caswell	Johnson, Rick	Palsrok	Stewart
Caul	Johnson, Ruth	Pappageorge	Taub
DeRossett	Julian	Pastor	Van Regenmorter
Drolet	Koetje	Pumford	Vander Veen
Ehardt	Kooiman	Richardville	Voorhees
Emmons	LaJoy	Rivet	Walker
Farhat	LaSata	Robertson	Ward
Gaffney	Meyer	Rocca	Wenke
Garfield	Middaugh	Shackleton	Woronchak

### Nays—45

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

In The Chair: Julian

The House agreed to the title of the bill.  
Rep. Richardville moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

Reps. Tobocman, Woodward and Gleason moved that their names be removed as co-sponsors of the bill.  
The motion prevailed.

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

By unanimous consent the House returned to the order of

### Motions and Resolutions

Reps. McConico, Garfield, Rivet, Minore, Smith, Anderson, Julian, Byrum, Farrah, Hunter, Gleason, Sheltrown, Elkins, Gielegghem, Paletko, Cheeks, Bieda, Wojno, Condino, Gillard, Waters, Clack, Stallworth, Meisner, Vagnozzi, Spade, Law, Richardville, Meyer, Middaugh, Hune, Woodward, Woronchak, LaSata, Rocca, Ehardt, Hummel, Nofs, Phillips and Hardman offered the following resolution:

#### House Resolution No. 49.

A resolution to memorialize the United States Congress and the President to support an amendment to the Homeland Security Block Grant Act of 2003 to provide additional funds to the states for homeland security.

Whereas, Law enforcement in the United States has traditionally relied on state and local efforts, and federal law enforcement has stepped in only when criminals crossed state lines or in issues of national importance. For two centuries, this decentralized method of ensuring peace, tranquility, and public safety has served our people well; and

Whereas, The September 11th attacks have thrust new responsibilities and costs onto our state and local governments. Terrorist threats to our airports, power plants, water and food supplies, bridges, and other assets have made us realize how vulnerable we are to those whose preferred method of attack is against helpless and innocent civilians. With our country a potential battlefield as terrorists seek to strike our citizens where they are most vulnerable, we must adapt our usual methods to cope with our new security environment; and

Whereas, National defense is the primary responsibility of the federal government. Although state and local governments are willing to fulfill their responsibilities, they lack the financial means to match their dedication. Only the federal government can assess the new and amorphous threats, coordinate our joint efforts, and provide the funds to adequately defend the American people from terrorism; and

Whereas, The United States Congress now has legislation before it to fund homeland security, S. 87, the Homeland Security Block Grant Act of 2003. This bill, however, does not provide adequate levels of financial assistance. A proposed amendment to S. 87 to increase the block grants to \$9 billion will give our state and local governments the financial resources needed to ensure homeland security. With this amendment, S. 87 will allow us to forge a strong tie between our federal government and our state and local governments as we fight a common foe; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress and the President to support an amendment to the Homeland Security Block Grant Act of 2003 to provide additional funds to the states for homeland security; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, 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 Veterans Affairs and Homeland Security.

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

**House Resolution No. 50.**

A resolution to memorialize the Congress of the United States to enact legislation to ban partial birth abortion.

Whereas, We affirm that life is inherently good and precious; and

Whereas, The Declaration of Independence guarantees the right to life to every human being; and

Whereas, Children are recognized as the most innocent among us; and

Whereas, The primary purpose of government is the defense of the unalienable rights of all human beings; and

Whereas, The state has a compelling interest in protecting the life and liberty of all its citizens, including those moments away from leaving the womb; and

Whereas, Partial birth abortion is a particularly gruesome form of abortion; and

Whereas, The difference between an unprotected fetus and a legally protected baby is merely the environment in which the fetus's head resides; and

Whereas, At the time of the abortion the fetus is fully formed and capable of sustaining life independent of its mother; and

Whereas, Physicians have testified that the fetus's arms and legs are flailing until that moment in which the procedure is performed; and

Whereas, Many doctors have testified to the fact that there is no medical justification for partial birth abortion; and

Whereas, Legislators from both major political parties have publicly stated that partial birth abortion is near infanticide. Indeed, people from all walks of life consider partial birth abortion to be unethical and immoral and wish it to be banned; and

Whereas, A great majority of Michigan residents support a ban on the procedure known as partial birth abortion; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to ban partial birth abortion; and be it further

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

The resolution was referred to the Committee on Family and Children Services.

Reps. Meyer, Rivet, Sheltroun, Gillard, Elkins, Adamini, Brown, Rick Johnson, Julian, Newell, Spade, Farrah, Sak, McConico, Minore, Kolb, Meisner, Ehardt, Hune, Phillips, Hager, Richardville, Bieda, O'Neil, Bradstreet, Casperson, DeRossett, Farhat, Garfield, Gleason, Hopgood, Howell, Jamnick, Law, Middaugh, Nitz, Paletko, Shulman, Stahl, Stewart, Vander Veen and Voorhees offered the following resolution:

**House Resolution No. 51.**

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

Whereas, In January 2003, border officials in Mexico closed the border to shipments of dry beans. No notice or reason was provided, although Mexican authorities have subsequently made references to problems with "under invoicing." In the meantime, dozens of rail cars loaded with dry beans sit at the border, awaiting resolution of the dispute; and

Whereas, The rail cars of crops, which face ruin if much more time passes, represent a potentially devastating loss to American farmers and suppliers. The costs rise every day. The losses reach far beyond growers to shippers and owners of equipment as well. United States growers have also been frustrated by reports that Mexico may permit shipments of Canadian crops to cross the border; and

Whereas, The United States continues to import tons of various crops from Mexico every day in the midst of this inexplicable embargo. The damage that this impasse may ultimately cause could extend far beyond the rail cars sitting idle at the border. Growers making decisions on what to plant now may well turn to other crops; and

Whereas, Disruption in trade between our two countries is much more than frustrating to a specific segment of American agriculture. Without a just and quick resolution of this problem, the progress that has been made in opening up markets may be jeopardized as well; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Secretary of Agriculture, the United States Trade Representative, and the President of the United States to take actions to enforce NAFTA agreements and work with Mexican authorities to reopen the border with Mexico to the shipment of dry beans; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of Agriculture, the United States Trade Representative, and the Office of the President of the United States.

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

Reps. Rivet, Meyer, Sheltroun, Gillard, Elkins, Adamini, Brown, Rick Johnson, Julian, Newell, Spade, Farrah, Sak, McConico, Minore, Kolb, Meisner, Ehardt, Hune, Phillips, Hager, Richardville, O'Neil, Bieda, Accavitti, Anderson, Bradstreet, Casperson, DeRossett, Farhat, Garfield, Gleason, Hopgood, Jamnick, Law, Lipsey, Middaugh, Nitz, Paletko and Stahl offered the following concurrent resolution:

**House Concurrent Resolution No. 13.**

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

Whereas, In January 2003, border officials in Mexico closed the border to shipments of dry beans. No notice or reason was provided, although Mexican authorities have subsequently made references to problems with "under invoicing." In the meantime, dozens of rail cars loaded with dry beans sit at the border, awaiting resolution of the dispute; and

Whereas, The rail cars of crops, which face ruin if much more time passes, represent a potentially devastating loss to American farmers and suppliers. The costs rise every day. The losses reach far beyond growers to shippers and owners of equipment as well. United States growers have also been frustrated by reports that Mexico may permit shipments of Canadian crops to cross the border; and

Whereas, The United States continues to import tons of various crops from Mexico every day in the midst of this inexplicable embargo. The damage that this impasse may ultimately cause could extend far beyond the rail cars sitting idle at the border. Growers making decisions on what to plant now may well turn to other crops; and

Whereas, Disruption in trade between our two countries is much more than frustrating to a specific segment of American agriculture. Without a just and quick resolution of this problem, the progress that has been made in opening up markets may be jeopardized as well; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Secretary of Agriculture, the United States Trade Representative, and the President of the United States to take actions to enforce NAFTA agreements and work with Mexican authorities to reopen the border with Mexico to the shipment of dry beans; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of Agriculture, the United States Trade Representative, and the Office of the President of the United States.

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

**Messages from the Senate****Senate Bill No. 37, entitled**

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending section 16 (MCL 456.536), as amended by 1982 PA 132.

The Senate has passed the bill.

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

**Senate Bill No. 38, entitled**

A bill to amend 1869 PA 12, entitled "An act to authorize and encourage the formation of corporations to establish rural cemeteries; to provide for the care and maintenance thereof; to provide for the revision and codification of the laws relating to cemeteries, mausoleums, crypts, vaults, crematoriums, and other means of disposing of the dead; to make an appropriation therefor; and to impose certain duties upon the department of commerce," by amending section 7a (MCL 456.107a).

The Senate has passed the bill.

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

**Senate Bill No. 39, entitled**

A bill to amend 1855 PA 87, entitled "An act relative to burying grounds; and to impose certain duties upon the department of commerce," by amending sections 35 and 35a (MCL 456.35 and 456.35a).

The Senate has passed the bill.

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

**Senate Bill No. 293, entitled**

A bill to amend 1929 PA 152, entitled "An act to provide for the state-owned and operated Michigan public safety communications system for police and public safety purposes; to provide for acquisition, construction, implementation, operation, and maintenance of the property and equipment necessary to operate the system; and to prescribe the powers and duties of certain state agencies and officials," by amending section 3 (MCL 28.283), as amended by 1996 PA 538.

The Senate has passed the bill.

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

**Senate Bill No. 365, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 94a (MCL 388.1694a), as amended by 2002 PA 521.

The Senate has passed the bill.

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

**Senate Bill No. 366, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 395, entitled**

A bill to define legal birth and the commencing of legal personhood and rights; and to provide immunity for certain acts.

The Senate has passed the bill.

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

Rep. Hager moved that the House adjourn.  
The motion prevailed, the time being 1:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 6, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives