

No. 23
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House of Representatives
92nd Legislature
REGULAR SESSION OF 2004

House Chamber, Lansing, Wednesday, March 17, 2004.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Bruce Caswell, from the 58th District, offered the following invocation:

“Dear Lord, help us to keep an open mind in our discussions. Help us to legislate with a warm and caring heart. Help us to realize that we are here for the state of Michigan and the citizens. In Jesus’ name we pray. Amen.”

Second Reading of Bills

House Bill No. 5416, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending the title and section 11 (MCL 30.411), the title as amended by 1990 PA 50 and section 11 as amended by 2002 PA 132.

The bill was read a second time.

Rep. Richardville moved to amend the bill as follows:

1. Amend page 5, line 13, after “**the**” by inserting “**Michigan**”.
2. Amend page 5, line 13, after “**corps**” by striking out “**or other component of the USA freedom corps**”.
3. Amend page 5, line 17, after the first “**the**” by inserting “**Michigan**”.
4. Amend page 5, line 17, after “**corps**” by striking out “**or other component of the USA freedom corps**”.
5. Amend page 6, line 4, by striking out all of the subsection (c) and inserting:

“(c) “**Michigan citizen corps**” means the initiative established by executive order no. 2002-9.”.

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

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

The motion prevailed.

Rep. Kooiman 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. 5416, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending the title and section 11 (MCL 30.411), the title as amended by 1990 PA 50 and section 11 as amended by 2002 PA 132.

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

Roll Call No. 124

Yeas—109

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

Dennis	Julian	Pumford	Ward
DeRoche	Koetje	Reeves	Waters
DeRossett	Kolb	Richardville	Wenke
Drolet	Kooiman	Rivet	Whitmer
Ehardt	LaJoy	Robertson	Williams
Elkins	LaSata	Rocca	Wojno
Emmons	Law	Sak	Woodward
Farhat	Lipsey	Shackleton	Woronchak
Farrah	McConico	Shaffer	Zelenko
Gaffney			

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Kooiman 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. 5545, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 5b (MCL 211.905b), as added by 2002 PA 244.

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

The motion prevailed.

Rep. Kooiman 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. 5545, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 5b (MCL 211.905b), as added by 2002 PA 244.

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

Roll Call No. 125

Yeas—109

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

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Kooiman 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. 5641, 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 17 (MCL 46.17); and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

Rep. Kooiman 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. 5641, 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 17 (MCL 46.17); and to repeal acts and parts of acts.

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

Roll Call No. 126

Yeas—109

Accavitti	Garfield	Meisner	Sheen
Acciavatti	Gielegem	Meyer	Sheltrown

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Kooiman 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. 5368, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," (MCL 400.231 to 400.240) by adding section 12.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

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

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

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

The motion prevailed.

Rep. Kooiman 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. 5368, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," (MCL 400.231 to 400.240) by adding section 12.

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

Roll Call No. 127**Yeas—109**

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Kooiman 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. 5369, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 165 (MCL 750.165), as amended by 1999 PA 152.

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

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Howell moved to substitute (H-3) the bill.

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

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

The motion prevailed.

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

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

Rep. Sheltroun moved that Rep. Rivet 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. 5369, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 165 (MCL 750.165), as amended by 1999 PA 152.

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

Roll Call No. 128

Yeas—93

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

Nays—13

Cheeks	Hood	Phillips	Tobocman
Clack	Hunter	Reeves	Waters
Daniels	McConico	Stallworth	Williams
Hardman			

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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 House Bills 5369 and 5370 because they create a crime of failure to provide support. The bills do not require any showing of criminal intent or of willful or purposeful failure to pay. If we are assigning criminal penalties, we should require a showing of criminal intent. There are plenty of situations where people have gotten behind in their payments and are unable to catch up - either because of circumstance beyond their control or due to the steep (8%) interest charged on late payments.

Furthermore, the bills could have a significant negative fiscal impact for the taxpayers of Michigan. A larger number of people will be imprisoned for failure to pay support. Not only will prison costs be increased, but as most of the people sent to prison will no longer have income during their incarceration and another bill in this package (HB 5371) would limit the amount that those people’s support could be reduced, there will be additional costs to the state in terms of lost federal dollars based on the uncollected arrearages that would accumulate while the payer is in prison.”

Second Reading of Bills

House Bill No. 5370, entitled

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

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

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

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

The motion prevailed.

Rep. Kooiman 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. 5370, entitled

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

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

Roll Call No. 129

Yeas—94

Accavitti	Gaffney	Meisner	Shaffer
Acciavatti	Garfield	Meyer	Sheen
Adamini	Gielegem	Middaugh	Sheltrown
Amos	Gillard	Milosch	Shulman
Anderson	Gleason	Minore	Spade
Bieda	Hager	Moolenaar	Stahl
Bisbee	Hart	Mortimer	Stakoe
Bradstreet	Hoogendyk	Murphy	Steil
Brandenburg	Hopgood	Newell	Stewart
Brown	Howell	Nitz	Tabor
Byrum	Huizenga	Nofs	Taub
Casperson	Hummel	O’Neil	Vagnozzi
Caswell	Hune	Palmer	Van Regenmorter
Caul	Jamnack	Palsrok	Vander Veen
Condino	Johnson, Rick	Pappageorge	Voorhees
Dennis	Johnson, Ruth	Pastor	Walker
DeRoche	Julian	Plakas	Ward

DeRossett	Koetje	Pumford	Wenke
Drolet	Kolb	Richardville	Whitmer
Ehardt	Kooiman	Robertson	Wojno
Elkins	LaJoy	Rocca	Woodward
Emmons	LaSata	Sak	Woronchak
Farhat	Law	Shackleton	Zelenko
Farrah	Lipsey		

Nays—13

Cheeks	Hood	Phillips	Tobocman
Clack	Hunter	Reeves	Waters
Daniels	McConico	Stallworth	Williams
Hardman			

In The Chair: Julian

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

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 House Bills 5369 and 5370 because they create a crime of failure to provide support. The bills do not require any showing of criminal intent or of willful or purposeful failure to pay. If we are assigning criminal penalties, we should require a showing of criminal intent. There are plenty of situations where people have gotten behind in their payments and are unable to catch up - either because of circumstance beyond their control or due to the steep (8%) interest charged on late payments.

Furthermore, the bills could have a significant negative fiscal impact for the taxpayers of Michigan. A larger number of people will be imprisoned for failure to pay support. Not only will prison costs be increased, but as most of the people sent to prison will no longer have income during their incarceration and another bill in this package (HB 5371) would limit the amount that those people’s support could be reduced, there will be additional costs to the state in terms of lost federal dollars based on the uncollected arrearages that would accumulate while the payer is in prison.”

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

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

The Speaker laid before the House

House Bill No. 4308, entitled

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

(The bill was received from the Senate on March 16, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 22, p. 379.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

Rep. Hood moved to amend the Senate substitute (S-2) as follows:

1. Amend page 33, following line 27, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 4813 of the 92nd Legislature is enacted into law.”.

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

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 130

Yeas—91

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

Nays—13

Cheeks	Hunter	Meisner	Tobocman
Daniels	Lipsey	Phillips	Waters
Hardman	McConico	Smith	Williams
Hood			

In The Chair: Julian

The House agreed to the title as amended.

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

Rep. Meisner, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted against the original bill creating this misguided fee on drivers who do not have proof of insurance because it was wrong. I voted against the bill attempting to clean up the mess from the original bill because it contained an unnecessarily punitive fee on people caught driving without insurance. I do not condone driving without insurance, but

understand that unreasonably high cost of insurance precludes many from being able to afford insurance. Responding to that situation with another enhanced fee does little to solve the real problem highlighted by this bill—an insurance industry that has run amok.”

Rep. Hood, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I believe that this bill could be a good bill. I agree with the portion of the bill that allows a person to prove to the courts that they had insurance at the time that the violation of no proof of insurance was issued. The problem that I see in the bill is that it increases the fines for drivers driving with out insurance. Until we address the issue of ‘redlining’ and the high cost of insurance in urban areas this would not be good. The reason that people drive with out insurance is because of the high rates of insurance in urban areas. People do not want to be law breakers, they are being forced to do so by the rates. When they have to make a choice between putting food on the table for their families or paying car insurance, they and I would chose to provide for my family. So I feel that we are putting the cart before the horse with this bill as it is.”

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

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

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

Second Reading of Bills

House Bill No. 5371, entitled

A bill to amend 1982 PA 294, entitled “Friend of the court act,” by amending section 19 (MCL 552.519), as amended by 2002 PA 569.

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

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Rep. Howell moved to substitute (H-5) the bill.

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

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

The motion prevailed.

Rep. Kooiman 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. 5371, entitled

A bill to amend 1982 PA 294, entitled “Friend of the court act,” by amending section 19 (MCL 552.519), as amended by 2002 PA 569.

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

Roll Call No. 131**Yeas—72**

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

Nays—33

Accavitti	Farrah	LaSata	Smith
Adamini	Gielegem	Law	Stallworth
Anderson	Gillard	McConico	Tobocman
Byrum	Hardman	Minore	Vagnozzi
Cheeks	Hopgood	Murphy	Waters
Clack	Hunter	O'Neil	Whitmer
Condino	Jamnack	Phillips	Williams
Daniels	Kolb	Plakas	Zelenko
Dennis			

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 1982 PA 294, entitled "Friend of the court act," (MCL 552.501 to 552.535) by adding section 517f.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

"Mr. Speaker and members of the House:

I voted no on House Bill 5371 because it neglects to take into account the fact that uncollected and uncollectible arrearages decrease the amount of money the state gets back from the federal government. While it might feel good to prevent these 'deadbeats' from having their support lowered, doing so could cost the state money. It will create a false increase in the amount of uncollectible arrearages in the state. Support payments should be based on the factual evidence as to the person's ability to pay, not on spite. House Bill 4773 is a far better bill to deal with how much support prison inmates should be required to pay."

Second Reading of Bills

House Bill No. 5372, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 31 (MCL 552.631), as amended by 2002 PA 567.

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

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

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

The motion prevailed.

Rep. Kooiman 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. 5372, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 31 (MCL 552.631), as amended by 2002 PA 567.

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

Roll Call No. 132

Yeas—74

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

Nays—32

Accavitti	Farrah	Kolb	Smith
Adamini	Gielegem	Law	Stallworth
Anderson	Gillard	McConico	Tobocman
Cheeks	Hardman	Meisner	Vagnozzi
Clack	Hood	Minore	Waters
Condino	Hopgood	Murphy	Whitmer
Daniels	Hunter	Phillips	Williams
Dennis	Jamnick	Plakas	Zelenko

In The Chair: Julian

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

Reps. Dennis, Zelenko and Waters, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bills 5372 and 5373 because the bills, like many others in this package, works from the presumption that people who haven’t paid their support always have the financial wherewithal to do so. That is not always a fair assessment. Incarcerating delinquent payers who do not have the financial means to pay makes no sense. Even worse is the fact that they turn the presumption of innocence on its head. Applying a 100 percent bond presumes that the person owes the amount in question, in most criminal cases the presumption is in favor of the defendant.

Furthermore, as with other bills in this package, costs have not been adequately considered. According to the Office of Child Support the bills could increase FIA’s costs by about \$122,000. Modifications to the Michigan child support enforcement system would cost OCS an unknown amount of money. Furthermore, they suggest that requiring a cash bond could lead to fewer defendants bonding out and thus could increase the costs for counties as they are required to hold more inmates in their jails.”

Second Reading of Bills

House Bill No. 5373, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 165 (MCL 750.165), as amended by 1999 PA 152.

The bill was read a second time.

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

The motion prevailed.

Rep. Kooiman 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. 5373, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 165 (MCL 750.165), as amended by 1999 PA 152.

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

Roll Call No. 133

Yeas—75

Acciavatti	Garfield	Milosch	Sheltrown
Amos	Gleason	Moolenaar	Shulman
Bieda	Hager	Mortimer	Spade
Bisbee	Hart	Newell	Stahl
Bradstreet	Hoogendyk	Nitz	Stakoe
Brandenburg	Howell	Nofs	Steil
Brown	Huizenga	O’Neil	Stewart
Byrum	Hummel	Palmer	Tabor
Casperson	Hune	Palsrok	Taub
Caswell	Johnson, Rick	Pappageorge	Van Regenmorter
Caul	Johnson, Ruth	Pastor	Vander Veen

DeRoche	Julian	Pumford	Voorhees
DeRossett	Koetje	Richardville	Walker
Drolet	Kooiman	Robertson	Ward
Ehardt	LaJoy	Rocca	Wenke
Elkins	LaSata	Sak	Wojno
Emmons	Lipsey	Shackleton	Woodward
Farhat	Meyer	Shaffer	Woronchak
Gaffney	Middaugh	Sheen	

Nays—32

Accavitti	Farrah	Kolb	Smith
Adamini	Gielegem	Law	Stallworth
Anderson	Gillard	McConico	Tobocman
Cheeks	Hardman	Meisner	Vagnozzi
Clack	Hood	Minore	Waters
Condino	Hopgood	Murphy	Whitmer
Daniels	Hunter	Phillips	Williams
Dennis	Jamnick	Plakas	Zelenko

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Accavitti, Dennis, Zelenko, Anderson and Waters, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bills 5372 and 5373 because the bills, like many others in this package, works from the presumption that people who haven’t paid their support always have the financial wherewithal to do so. That is not always a fair assessment. Incarcerating delinquent payers who do not have the financial means to pay makes no sense. Even worse is the fact that they turn the presumption of innocence on its head. Applying a 100 percent bond presumes that the person owes the amount in question, in most criminal cases the presumption is in favor of the defendant.

Furthermore, as with other bills in this package, costs have not been adequately considered. According to the Office of Child Support the bills could increase FIA’s costs by about \$122,000. Modifications to the Michigan child support enforcement system would cost OCS an unknown amount of money. Furthermore, they suggest that requiring a cash bond could lead to fewer defendants bonding out and thus could increase the costs for counties as they are required to hold more inmates in their jails.”

Second Reading of Bills

House Bill No. 4654, entitled

A bill to amend 1971 PA 174, entitled “Office of child support act,” (MCL 400.231 to 400.240) by adding section 3b.

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

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

Rep. Lipsey moved to amend the bill as follows:

1. Amend page 3, following line 9, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

(a) House Bill No. 5259.

(b) House Bill No. 5262.”.

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

Rep. Hager moved to amend the bill as follows:

1. Amend page 1, line 9, after the second “**days**” by inserting “**beginning 60 days after the effective date of the amendatory act that added this section**”.

2. Amend page 1, line 9, after “**before**” by striking out “**6**” and inserting “**7**”.

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

Rep. Hager moved that amendments Nos. 1 and 2 be considered separately.

The motion prevailed.

The question being on the adoption of amendment No. 1 offered by Rep. Hager,

Rep. Hager withdrew the amendment.

The question being on the adoption of amendment No. 2 offered by Rep. Hager,

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

Rep. Hager moved to amend the bill as follows:

1. Amend page 1, line 9, after the first “**than**” by striking out “**30 days and not more than 60 days**” and inserting “**90 days**”.

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. Kooiman 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. 4654, entitled

A bill to amend 1971 PA 174, entitled “Office of child support act,” (MCL 400.231 to 400.240) by adding section 3b.

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

Roll Call No. 134

Yeas—106

Accavitti	Gaffney	McConico	Sheen
Acciavatti	Garfield	Meisner	Sheltrown
Adamini	Gielegghem	Meyer	Shulman
Amos	Gillard	Middaugh	Smith
Anderson	Gleason	Milosch	Spade
Bieda	Hager	Minore	Stahl
Bisbee	Hardman	Moolenaar	Stakoe
Bradstreet	Hart	Mortimer	Stallworth
Brandenburg	Hood	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	O’Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Pastor	Voorhees

Daniels	Johnson, Rick	Phillips	Walker
Dennis	Johnson, Ruth	Plakas	Ward
DeRoche	Julian	Pumford	Waters
DeRossett	Koetje	Richardville	Whitmer
Drolet	Kolb	Robertson	Williams
Ehardt	Kooiman	Rocca	Wojno
Elkins	LaJoy	Sak	Woodward
Emmons	LaSata	Shackleton	Woronchak
Farhat	Law	Shaffer	Zelenko
Farrah	Lipsey		

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Kooiman 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. 4338, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 611, 612, 613, 614, 616, 617, and 703 (MCL 380.611, 380.612, 380.613, 380.614, 380.616, 380.617, and 380.703), sections 611 and 703 as amended by 1981 PA 87 and sections 614 and 617 as amended by 2002 PA 157; and to repeal acts and parts of acts.

(The bill was read a second time, substitute (H-7) adopted, amendments offered and bill postponed temporarily on March 16, see House Journal No. 22, p. 394.)

The question being on the adoption of amendment No. 2 offered previously by Rep. Pumford,

Rep. Kooiman moved that consideration of the amendment be postponed temporarily.

The motion prevailed.

Reps. Caswell and Spade moved to amend the bill as follows:

1. Amend page 3, line 7, by striking out all of subsection (4).

2. Amend page 9, line 15, by striking out all of subsection (6) and renumbering the remaining subsection.

The question being on the adoption of the amendments offered previously by Reps. Caswell and Spade,

Rep. Caswell demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered previously by Reps. Caswell and Spade,

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

Roll Call No. 135**Yeas—72**

Accavitti	Farrah	Law	Shaffer
Adamini	Gaffney	Lipsey	Sheen
Anderson	Gielegem	McConico	Sheltrown
Bieda	Gillard	Meisner	Smith
Bisbee	Gleason	Meyer	Spade
Brown	Hager	Middaugh	Stakoe
Byrum	Hardman	Minore	Stallworth
Casperson	Hart	Mortimer	Stewart
Caswell	Hood	Murphy	Tobocman
Cheeks	Hopgood	Newell	Vagnozzi
Clack	Howell	Nitz	Ward
Condino	Hune	O’Neil	Waters
Daniels	Hunter	Palsrok	Whitmer

Dennis	Jamnick	Phillips	Williams
DeRossett	Julian	Plakas	Wojno
Elkins	Kolb	Pumford	Woodward
Emmons	LaJoy	Sak	Woronchak
Farhat	LaSata	Shackleton	Zelenko

Nays—35

Acciavatti	Hoogendyk	Nofs	Steil
Amos	Huizenga	Palmer	Tabor
Bradstreet	Hummel	Pappageorge	Taub
Brandenburg	Johnson, Rick	Pastor	Van Regenmorter
Caul	Johnson, Ruth	Richardville	Vander Veen
DeRoche	Koetje	Robertson	Voorhees
Drolet	Kooiman	Rocca	Walker
Ehardt	Milosch	Shulman	Wenke
Garfield	Moolenaar	Stahl	

In The Chair: Julian

Rep. Pumford moved to amend the bill as follows:

2. Amend page 3, line 21, by striking out all of sections 616 and 617.

The question being on the adoption of amendment No. 2 offered previously by Rep. Pumford,

Rep. Pumford demanded the yeas and nays.

The demand was supported.

The question being on the adoption of amendment No. 2 offered previously by Rep. Pumford,

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

Roll Call No. 136**Yeas—63**

Accavitti	Farhat	LaSata	Shackleton
Adamini	Farrah	Law	Shaffer
Anderson	Gaffney	Lipsey	Sheltrown
Bieda	Gielegem	McConico	Smith
Bisbee	Gillard	Meisner	Spade
Brown	Gleason	Meyer	Stallworth
Byrum	Hardman	Minore	Stewart
Casperson	Hart	Mortimer	Tobocman
Caswell	Hood	Murphy	Vagnozzi
Cheeks	Hopgood	Nitz	Waters
Clack	Howell	O'Neil	Whitmer
Condino	Hune	Phillips	Williams
Dennis	Hunter	Plakas	Wojno
DeRossett	Jamnick	Pumford	Woronchak
Elkins	Kolb	Richardville	Zelenko
Emmons	LaJoy	Sak	

Nays—44

Acciavatti	Hoogendyk	Newell	Stakoe
Amos	Huizenga	Nofs	Steil
Bradstreet	Hummel	Palmer	Tabor
Brandenburg	Johnson, Rick	Palsrok	Taub

Caul	Johnson, Ruth	Pappageorge	Van Regenmorter
Daniels	Julian	Pastor	Vander Veen
DeRoche	Koetje	Robertson	Voorhees
Drolet	Kooiman	Rocca	Walker
Ehardt	Middaugh	Sheen	Ward
Garfield	Milosch	Shulman	Wenke
Hager	Moolenaar	Stahl	Woodward

In The Chair: Julian

Rep. Caul moved to amend the bill as follows:

1. Amend page 11, following line 5, by inserting:

“Sec. 620. (1) At the next regular school election occurring at least 90 days after the effective date of this section, the intermediate school board present to the school electors of the constituent districts comprising the intermediate school district the question of whether to adopt term limits for intermediate school board members of the intermediate school district. The question under this subsection shall be presented as a separate question and shall include a brief description of the term limits as described in subsection (2).

(2) If the question under subsection (1) is approved by a majority of the school electors of the constituent districts voting on the question, a person is not eligible to be elected under section 614 or sections 615 to 617 to the office of intermediate school board member more than 3 times. A person appointed or elected to fill a vacancy in the office of intermediate school board member for a period of 2 years or more is considered to have been elected to serve 1 time in that office for the purposes of this subsection. This limitation on the number of times a person may be elected to office applies to terms of office beginning after the next election of intermediate school board members after the approval of the question.”

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

Rep. Gielegem moved to reconsider the vote by which the House adopted the amendment.

The motion did not prevail, a majority of the members present not voting therefor.

Rep. Daniels moved to amend the bill as follows:

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

“Sec. 373. (1) Beginning on the effective date of the amendatory act that added this part or the date on which a school district becomes a qualifying school district, the powers and duties of the elected school board of the qualifying school district and of its secretary and treasurer are suspended unless and until a new school board is elected under section 375. However, until the expiration of each individual member’s current term, the members of the elected school board of a qualifying school district may continue to meet as an advisory board to provide input to the school reform board on an advisory basis only. Notwithstanding section 417a or any board policy, bylaw, or resolution to the contrary, these advisory board members shall serve without compensation or reimbursement, and funds of the qualifying school district shall not be used to staff or otherwise support the advisory board in any way.

(2) Beginning on the effective date of the amendatory act that added this part or the date on which a school district becomes a qualifying school district, and until appointment of a school reform board for a qualifying school district under this part, all provisions of this act that would otherwise apply to the school board of the qualifying school district or to the school reform board or chief executive officer apply to the mayor, and the mayor immediately may exercise all the powers and duties otherwise vested by law in the board of the qualifying school district and in its secretary and treasurer, and all powers and duties of the school reform board or chief executive officer as provided under this part. Within 30 days after appointing a school reform board under this part, the mayor shall initiate a financial audit of the qualifying school district. The mayor shall provide the results of this audit to the school reform board.

(3) Upon appointment of a school reform board for a qualifying school district under this part, and until appointment of a chief executive officer under section 374, all provisions of this act that would otherwise apply to the school board of the qualifying school district or to the chief executive officer apply to the school reform board, and the school reform board immediately may exercise all the powers and duties otherwise vested by law in the board of the qualifying school district and in its secretary and treasurer, and all powers and duties of the chief executive officer as provided under this part.

(4) Upon appointment of a chief executive officer for a qualifying school district under section 374, all provisions of this act that would otherwise apply to the elected school board of the qualifying school district apply to the chief executive officer; the chief executive officer immediately may exercise all the powers and duties otherwise vested by law in the elected school board of the qualifying school district and in its secretary and treasurer, and all additional

powers and duties provided under this part; and the chief executive officer accedes to all the rights, duties, and obligations of the elected school board of the qualifying school district. These powers, rights, duties, and obligations include, but are not limited to, all of the following:

(a) Authority over the expenditure of all school district funds, including proceeds from bonded indebtedness and other funds dedicated to capital projects. **However, the chief executive officer shall not enter a contract that obligates the qualifying school district for more than \$100,000.00 unless the contract is approved by the school reform board.**

(b) Rights and obligations under collective bargaining agreements and employment contracts entered into by the elected school board, except for employment contracts of those employees described in subsection (6).

(c) Rights to prosecute and defend litigation.

(d) Obligations under any judgments entered against the elected school board.

(e) Rights and obligations under statute, rule, and common law.

(f) Authority to delegate any of the chief executive officer's powers and duties to 1 or more designees, with proper supervision by the school reform board.

(5) In addition to his or her other powers, the chief executive officer appointed under this part may terminate any contract entered into by the elected school board of the qualifying school district except for a collective bargaining agreement. However, this subsection does not allow any termination or diminishment of obligations to pay debt service on legally authorized bonds. A contract terminated by a chief executive officer under this subsection is void.

(6) Beginning on the effective date of the amendatory act that added this part or the date on which a school district becomes a qualifying school district, and until appointment of a school reform board for a qualifying school district under this part, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the mayor. Upon appointment of a school reform board for a qualifying school district under this part, and until appointment of a chief executive officer under section 374, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the school reform board. Upon appointment of a chief executive officer for a qualifying school district under section 374, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the chief executive officer.

(7) Not later than 90 days after the initial appointment of a chief executive officer under this part, and at least annually thereafter, the chief executive officer with the approval of the school reform board shall develop and submit to the school district accountability board created in section 376 a school district improvement plan that includes at least detailed academic, financial, capital, and operational goals and benchmarks for improvement and a description of strategies to be used to accomplish those goals and benchmarks. The plan also shall include an assessment of available resources and recommendations concerning additional resources or changes in statute or rule, if any, needed to meet those goals and benchmarks. The plan also shall include an evaluation of local school governance issues, including criteria for establishing building-level governance.

(8) A chief executive officer with the approval of the school reform board for the qualifying school district shall submit an annual report to the mayor, governor, school district accountability board created in section 376, and legislature and shall make the annual report available to the community in the qualifying school district. The annual report shall contain at least all of the following:

(a) A summary of the initiatives that have been implemented to improve school quality in the qualifying school district.

(b) Measurements that may be useful in determining improvements in school quality in the qualifying school district. These measurements shall indicate changes from baseline data from the school year before the appointment of the school reform board, and shall include at least all of the following:

(i) Standardized test scores of pupils.

(ii) Dropout rates.

(iii) Daily attendance figures.

(iv) Enrollment figures.

(v) High school completion and other pertinent completion rates.

(vi) Changes made in course offerings.

(vii) Proportion of school district resources devoted to direct educational services.

(c) A description of long-term performance goals that may include statewide averages or comparable measures of long-term improvement.

(9) A school reform board may organize and establish community assistance teams to work with the school reform board to implement a cohesive, full service community school program addressing the needs and concerns of the qualifying school district's population. The school reform board may delegate to a community assistance team the authority to devise and implement family, community, cultural, and recreational activities to assure that the academic mission of the schools is successful. The community assistance teams may also develop parental involvement activities that focus on the encouragement of voluntary parenting education, enhancing parent and family involvement in education, and promoting adult and family literacy.

(10) The mayor, superintendent of public instruction, state board, school district accountability board created in section 376, this state, the city in which a qualifying school district is located, a school reform board established under this part, or a chief executive officer or other officer appointed under section 374 is not liable for any obligation of or claim against a qualifying school district resulting from an action taken under this part.”.

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

Rep. Hopgood moved to amend the bill as follows:

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

“**Sec. 502b. A member of the board of directors of a public school academy is subject to recall by the school electors of the school district in which the public school academy is located in the same manner as a member of the school board of the school district in which the public school academy is located.**

Sec. 522b. A member of the board of directors of an urban high school academy is subject to recall by the school electors of the school district in which the urban high school academy is located in the same manner as a member of the school board of the school district in which the urban high school academy is located.”.

2. Amend page 12, following line 7, by inserting:

“**Sec. 1311n. A member of the board of directors of a strict discipline academy is subject to recall by the school electors of the school district in which the strict discipline academy is located in the same manner as a member of the school board of the school district in which the strict discipline academy is located.”.**

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

Rep. Hopgood demanded the yeas and nays.

The demand was supported.

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

Point of Order

Rep. Palmer requested a ruling from the Chair regarding the germaneness of the amendments offered by Rep. Hopgood.

The Chair ruled that the amendments are not germane pursuant to House Rule 64.

Rep. Waters appealed the decision of the Chair.

The question being, “Shall the judgment of the Chair stand as the judgment of the House?”

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 137

Yeas—62

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

Nays—45

Accavitti	Farrah	Lipsey	Smith
Adamini	Gielegem	McConico	Spade

Anderson	Gillard	Meisner	Stallworth
Bieda	Gleason	Minore	Tobocman
Brown	Hardman	Murphy	Vagnozzi
Byrum	Hood	O'Neil	Waters
Cheeks	Hopgood	Phillips	Whitmer
Clack	Hunter	Plakas	Williams
Condino	Jamnick	Rivet	Wojno
Daniels	Kolb	Sak	Woodward
Dennis	Law	Sheltrown	Zelenko
Elkins			

In The Chair: Julian

Rep. Gielegem moved to amend the bill as follows:

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

“Sec. 607. An intermediate school board shall not act as an authorizing body to issue a contract for a public school academy under part 6a or for a strict discipline academy under section 1311d unless the intermediate school board places the question of issuing the contract for the public school academy or strict discipline academy on the ballot at a regular intermediate school district election and the question is approved by a majority of the intermediate school electors voting on the question at that election.”

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

Rep. Gielegem demanded the yeas and nays.

The demand was supported.

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

Point of Order

Rep. Palmer requested a ruling from the Chair regarding the germaneness of the amendment offered by Rep. Gielegem.

The Chair ruled that the amendment is not germane pursuant to House Rule 64.

Rep. Waters appealed the decision of the Chair.

The question being, “Shall the judgment of the Chair stand as the judgment of the House?”

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 138

Yeas—63

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

Nays—44

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

In The Chair: Julian

Rep. Minore moved to amend the bill as follows:

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

“**Sec. 502a. Notwithstanding any other provision of this part, beginning on the effective date of this section, the board of directors of a public school academy shall be elected by the parents of the pupils enrolled in the public school academy.**”

“**Sec. 522a. Notwithstanding any other provision of this part, beginning on the effective date of this section, the board of directors of an urban high school academy shall be elected by the parents of the pupils enrolled in the urban high school academy.**”

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

Rep. Minore demanded the yeas and nays.

The demand was supported.

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

Point of Order

Rep. Palmer requested a ruling from the Chair regarding the germaneness of the amendment offered by Rep. Minore.

The Chair ruled that the amendment is not germane pursuant to House Rule 64.

Rep. Waters appealed the decision of the Chair.

The question being, “Shall the judgment of the Chair stand as the judgment of the House?”

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 139**Yeas—63**

Acciavatti	Hager	Milosch	Sheen
Amos	Hart	Moolenaar	Shulman
Bisbee	Hoogendyk	Mortimer	Stahl
Bradstreet	Howell	Newell	Stakoe
Brandenburg	Huizenga	Nitz	Steil
Casperson	Hummel	Nofs	Stewart
Caswell	Hune	Palmer	Tabor
Caul	Johnson, Rick	Palsrok	Taub
DeRoche	Johnson, Ruth	Pappageorge	Van Regenmorter
DeRossett	Julian	Pastor	Vander Veen

Drolet	Koetje	Pumford	Voorhees
Ehardt	Kooiman	Richardville	Walker
Emmons	LaJoy	Robertson	Ward
Farhat	LaSata	Rocca	Wenke
Gaffney	Meyer	Shackleton	Woronchak
Garfield	Middaugh	Shaffer	

Nays—45

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

In The Chair: Julian

Rep. Meisner moved to amend the bill as follows:

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

“Sec. 502a. Notwithstanding any other provision of this part, beginning with the next regular school election occurring after the effective date of this section in the school district in which a public school academy is located, all of the following apply to the board of directors of a public school academy:

(a) The board of directors shall have the same number of members as the board of the school district in which the public school academy is located.

(b) Members of the board of directors shall be elected by the school electors of the school district in which the public school academy is located in the same manner as local school board members are elected. The school district or local elections officials shall conduct the election as part of the regular school election, and the public school academy shall reimburse the school district or local elections officials for the additional costs of including election of the board of directors as part of the regular school election.

(c) The terms of office for the members of the board of directors shall be the same as for the members of the board of the school district in which the public school academy is located. The terms of the initial elected members shall be staggered in the same manner as for the initial election of the board of a school district.

Sec. 522a. Notwithstanding any other provision in this part, beginning with the next regular school election occurring after the effective date of this section in the school district in which an urban high school academy is located, all of the following apply to the board of directors of an urban high school academy:

(a) The board of directors shall have the same number of members as the board of the school district in which the urban high school academy is located.

(b) Members of the board of directors shall be elected by the school electors of the school district in which the urban high school academy is located in the same manner as local school board members are elected. The school district or local elections officials shall conduct the election as part of the regular school election, and the urban high school academy shall reimburse the school district or local elections officials for the additional cost of including election of the board of directors as part of the regular school election.

(c) The terms of office for the members of the board of directors shall be the same as for the members of the board of the school district in which the urban high school academy is located. The terms of the initial elected members shall be staggered in the same manner as for the initial election of the board of a school district.”.

2. Amend page 12, following line 7, by inserting:

“(4) As used in this section, “school board” means the board of a school district or the board of directors of a public school academy.

Sec. 1311m. Notwithstanding any other provision in this part, beginning with the next regular school election occurring after the effective date of this section in the school district in which a strict discipline academy is located, all of the following apply to the board of directors of a strict discipline academy:

(a) The board of directors shall have the same number of members as the board of the school district in which the strict discipline academy is located.

(b) Members of the board of directors shall be elected by the school electors of the school district in which the strict discipline academy is located in the same manner as local school board members are elected. The school district or local elections officials shall conduct the election as part of the regular school election, and the strict discipline academy shall reimburse the school district or local elections officials for the additional cost of including election of the board of directors as part of the regular school election.

(c) The terms of office for the members of the board of directors shall be the same as for the members of the board of the school district in which the strict discipline academy is located. The terms of the initial elected members shall be staggered in the same manner as for the initial election of the board of a school district.”.

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

Rep. Meisner withdrew the amendments.

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

The motion prevailed.

Rep. Kooiman 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. 4338, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 611, 612, 613, 614, 616, 617, and 703 (MCL 380.611, 380.612, 380.613, 380.614, 380.616, 380.617, and 380.703), sections 611 and 703 as amended by 1981 PA 87 and sections 614 and 617 as amended by 2002 PA 157; and to repeal acts and parts of acts.

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

Roll Call No. 140

Yeas—102

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

Nays—2

Hunter

Lipsey

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 373 and 613 (MCL 380.373 and 380.613), section 373 as amended by 2000 PA 230 and section 613 as amended by 2003 PA 299, and by adding sections 614a, 619, 620, and 1107.

The motion prevailed.

The House agreed to the title as amended.

Rep. Kooiman 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. 5628, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302, 303, and 310 (MCL 168.302, 168.303, and 168.310), as added by 2003 PA 302.

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

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

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

The motion prevailed.

Rep. Kooiman 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. 5628, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302, 303, and 310 (MCL 168.302, 168.303, and 168.310), as added by 2003 PA 302.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Second Reading of Bills**House Bill No. 5259, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 11 (MCL 552.511), as amended by 2002 PA 571.

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

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

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

The motion prevailed.

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

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

Rep. Hood moved that Rep. McConico 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. 5259, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 11 (MCL 552.511), as amended by 2002 PA 571.

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

Roll Call No. 141

Yeas—107

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

Nays—0

In The Chair: Julian

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

The Speaker Pro Tempore called Associate Speaker Pro Tempore Ehardt to the Chair.

Second Reading of Bills

House Bill No. 5262, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 161a. Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Family and Children Services,

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

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

The motion prevailed.

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

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

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

Rep. Waters moved that Rep. Smith 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. 5262, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 161a. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 142

Yeas—105

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

Emmons
Farhat
Farrah

Law
Lipsey

Shackleton
Shaffer

Woronchak
Zelenko

Nays—0

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

Rep. Kooiman 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. Sak, O'Neil, Plakas, Spade, Wojno, Vagnozzi, Dennis, Bieda, Law, Woronchak, Meisner, Condino, Anderson, Accavitti, Adamini, Brandenburg, DeRossett, Farrah, Garfield, Gielegem, Gillard, Hood, Lipsey, Minore, Murphy, Rivet, Sheltrown, Taub, Waters, Woodward, Zelenko, Brown, Gleason, Hardman, Hopgood, Rocca and Stallworth offered the following resolution:

House Resolution No. 217.

A resolution to memorialize the President and the Congress of the United States to make no cuts to Social Security retirement benefits and to refrain from raising the age for eligibility.

Whereas, Born in the darkest hours of the Great Depression, Social Security has been a key factor in saving millions of elderly Americans from poverty. Seven decades later, Social Security remains the cornerstone of our nation's commitment to our older citizens; and

Whereas, Over the years, Social Security has evolved with our society, with several key changes designed to contribute to the program's long-term viability. As the program operates today, Social Security is expected to begin to face insolvency as we approach the midpoint of this century, at which time the fund will begin to pay out more in benefits than it takes in. To achieve the goal of assuring the financial strength of the system for future generations, some steps will have to be taken. These steps include a wide range of options; and

Whereas, A recent proposal by the Federal Reserve Board Chairman called for some combination of cuts in benefits and an increase in eligibility age to assure the financial stability of Social Security for the remainder of the 21st century. The context of these remarks was in discussions about the growing federal budget deficit, the overall health of the economy, and tax policies; and

Whereas, Addressing Social Security solvency issues through benefit cuts and higher eligibility ages would reflect inappropriate priorities for our country. Many seniors already worry that they will have to go back to work to meet their basic needs. Approaching this issue from the perspective of benefit cuts and delayed eligibility would be breaking a promise to the American people. There are far more suitable, effective, and fairer approaches to take to address this situation, and cutting Social Security is not the way to address federal deficits; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and the Congress of the United States to make no cuts to Social Security retirement benefits and to refrain from raising the age for eligibility; 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, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Government Operations.

Reps. Stahl, Shackleton, Stakoe, Huizenga, Kooiman, Koetje, Brandenburg, Drolet, DeRoche, Garfield, Hummel, Newell, DeRossett, Emmons, Van Regenmorter, Bradstreet, Hart, Pumford, Bisbee, Rivet, Casperson, Pastor, Farhat, Caswell, Meyer, Stewart, Rick Johnson, Taub, Tabor, Voorhees, Steil, Sheltroun, Gleason, Bieda, Gaffney, Shaffer, Richardville, Accavitti, Adamini, Gillard, Hager, Milosch, Murphy, Phillips, Sak, Tobocman, Vagnozzi, Hopgood, Pappageorge, Rocca, Shulman and Stallworth offered the following resolution:

House Resolution No. 218.

A resolution to call on the Governor to work with the Premier of Ontario to create a Michigan-Ontario commission on border-crossing streamlining and safety.

Whereas, Michigan and Ontario share several of the busiest international crossing points along our common border. In addition to the large volume of passenger cars and individuals, commercial vehicles and railroad traffic reflect the strong economic partnership between our nations. The friendship we enjoy with our Canadian neighbors extends to our mutual concerns for safety, efficiency, and vigilance in the face of shared threats; and

Whereas, In the wake of NAFTA and the terrorist attacks of September 11th, the need to communicate on matters as far-reaching as infrastructure, worker access, security, and commercial concerns is more important than at any time in our history. In addition to dealing with problems, our state and provincial governments should do all we can to work together and harmonize border-related policies and regulations; and

Whereas, Both sides of the border are strongly dependent upon the swift and safe transport of goods and people between our countries. Increasing the speed of crossings and increasing cooperation are steps that ultimately will provide great benefit to businesses of all types and sizes; and

Whereas, In spite of the seriousness and number of issues surrounding our shared border crossings, there is no formal group that exists to deal directly with the unique concerns of the Michigan-Ontario border crossings. A structure is needed to encourage dialogue, resolve problems, and anticipate issues as expeditiously as possible. With all that depends upon the smooth and safe movement of people and goods across our borders, the establishment of a Michigan-Ontario commission on border-crossing issues is long overdue; now, therefore, be it

Resolved by the House of Representatives, That we call on the Governor to work with the Premier of Ontario to create a Michigan-Ontario commission on border-crossing streamlining and safety; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

The resolution was referred to the Committee on Commerce.

Reps. Gillard, Accavitti, Adamini, Anderson, Bieda, Brandenburg, Condino, Dennis, DeRossett, Farrah, Gielegem, Law, Lipsey, Minore, Murphy, Phillips, Plakas, Rivet, Sak, Sheltroun, Tobocman, Vagnozzi, Waters, Woodward, Zelenko, Brown, Gleason, Hopgood, Pappageorge and Stallworth offered the following resolution:

House Resolution No. 219.

A resolution to memorialize the Congress of the United States, the United States Forest Service, and the Bureau of Land Management to work with the Michigan Department of Natural Resources to align mineral rights with surface rights on publicly owned lands.

Whereas, Michigan's rich natural resources sustain our economy and our spirit and are at the core of our shared heritage; and

Whereas, Michigan's vast public lands provide outstanding recreational opportunities for Michigan residents and visitors and critical protections for a variety of ecosystems across the state; and

Whereas, It is in the best interest of the citizens of Michigan that natural resources in the state are vigorously protected and, as needed, developed in an orderly, transparent, and economically and ecologically sustainable manner; and

Whereas, The federal government owns significant subsurface mineral holdings on state lands. This makes it difficult to manage effectively the natural resources of the state in the most sustainable and beneficial manner; and

Whereas, The United States Bureau of Land Management has yet to develop a coherent and transparent inventory of the federal government's subsurface mineral holdings in the state; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide the necessary funding for the United States Bureau of Land Management to complete its efforts to inventory the federal government's subsurface mineral holdings in Michigan. We urge the United States Bureau of Land Management and the United States Forest Service to work with the Michigan Department of Natural Resources and take all practical steps to facilitate potential exchanges of severed mineral rights on publicly owned lands 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, the members of the Michigan congressional delegation, the United States Bureau of Land Management, and the United States Forest Service.

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

Reports of Standing Committees

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

House Bill No. 4468, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as amended by 1999 PA 273.

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 under the rules.

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 4584, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

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 under the rules.

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5026, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411a (MCL 750.411a), as amended by 2002 PA 672.

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 under the rules.

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 17, 2004

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

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, March 17, 2004

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

Absent: Reps. Minore and Zelenko

Excused: Reps. Minore and Zelenko

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, March 11:

Senate Bill Nos. 1086 1087 1088

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, March 12:

Senate Bill Nos. 1089 1090 1091 1092 1093 1094

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, March 17:

House Bill Nos. 5644 5645 5646 5647 5648 5649 5650 5651 5652 5653 5654 5655 5656

The Clerk announced that the following Senate bills had been received on Wednesday, March 17:

Senate Bill Nos. 783 784 990

By unanimous consent the House returned to the order of

Messages from the Senate

House Concurrent Resolution No. 24.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to grant a federal charter to the Korean War Veterans Association.

(For text of concurrent resolution, see House Journal No. 61 of 2003, p. 1300.)

The Senate has adopted the concurrent resolution and named Senators Allen, Cassis, Cropsey, Goschka, Van Woerkom, Cherry, Olshove, Sanborn and Barcia as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

Senate Bill No. 783, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411t.

The Senate has passed the bill.

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

Senate Bill No. 784, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2000 PA 371.

The Senate has passed the bill.

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

Senate Bill No. 990, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5856 (MCL 600.5856), as amended by 1993 PA 78.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Huizenga, Hummel and Farhat introduced

House Bill No. 5657, entitled

A bill to amend 1992 PA 116, entitled "Records media act," by amending the title and sections 1, 2, and 3 (MCL 24.401, 24.402, and 24.403), section 2 as amended by 2001 PA 72, and by adding sections 4, 5, and 6.

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

Rep. Julian introduced

House Bill No. 5658, entitled

A bill to amend 1965 PA 285, entitled "Private detective license act," by amending section 26 (MCL 338.846), as amended by 2002 PA 474, and by adding section 26a.

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

Reps. Stahl, Nofs, Koetje, Brandenburg, Hummel, Voorhees, Hune, Moolenaar, Nitz, Tabor, Gaffney, Casperson, Pastor, Farhat, Gleason, Meyer and Shaffer introduced

House Bill No. 5659, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.141 to 21.147) by adding section 2g.

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

Reps. LaJoy, Ruth Johnson, Taub, Emmons, Ward, Brandenburg, Gaffney and Caswell introduced

House Bill No. 5660, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 1990 PA 159.

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

Reps. Sheen, Taub, DeRoche, Hoogendyk, Palsrok, Newell, Ehardt, Milosch, Shackleton, Stahl, Drolet, Pastor, Garfield, Huizenga, Hune, Kooiman, Wenke, Pappageorge, Ward, Pumford, Steil, Meyer, Richardville, Farhat, Vander Veen, Caswell, Middaugh, Hummel, Rocca, Mortimer, Caul, Ruth Johnson, Howell, Woronchak, Nofs, Shaffer, Stakoe, Amos, Moolenaar, Bisbee, LaSata, Emmons, Voorhees, DeRossett, Gaffney, Tabor, Bradstreet, Hart, Stewart, Brandenburg, Nitz, Anderson, Lipsey, Julian, Condino, Brown, Phillips, Farrah and O'Neil introduced

House Bill No. 5661, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3716 (MCL 500.3716), as added by 2003 PA 88.

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

Reps. Sheen, Taub, DeRoche, Hoogendyk, Palsrok, Newell, Ehardt, Drolet, Milosch, Shackleton, Stahl, Pastor, Garfield, Huizenga, Hune, Kooiman, Pappageorge, Ward, Rocca, Wenke, Woronchak, Farhat, Vander Veen, Meyer, Caswell, Middaugh, Hummel, Mortimer, Caul, Ruth Johnson, Howell, Shaffer, Nofs, Stakoe, Amos, Moolenaar, Bisbee, Emmons, Richardville, Voorhees, DeRossett, Gaffney, Tabor, Bradstreet, Hart, Stewart, Brandenburg, Nitz, Lipsey, Julian, Condino, Brown, Phillips, Farrah and O'Neil introduced

House Bill No. 5662, entitled

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

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

Rep. Bieda moved that the House adjourn.
The motion prevailed, the time being 5:50 p.m.

Associate Speaker Pro Tempore Ehardt declared the House adjourned until Thursday, March 18, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives