

No. 44
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House Chamber, Lansing, Wednesday, May 19, 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—excused	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—e/d/s	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. Clarence E. Phillips, from the 29th District, offered the following invocation:

“Dear Merciful Lord and Heavenly Father, You who know all about us, You who have brought us to this beautiful day and the promise and the possibility that it brings. Help us as we deliberate on very, very important business for the citizens of this great state. Help us to make the right decisions that will bring this state and its citizens through these very tough times. Dear Lord, please bless every heart and every home of the service men and women who fight so valiantly for what this country stands for, in Afghanistan and Iraq. In Your name, we pray. Amen.”

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

Rep. Waters moved that Reps. Clack and Hardman be excused temporarily from today’s session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House
House Concurrent Resolution No. 54.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Capitol Complex Renovations.

(For text of concurrent resolution, see House Journal No. 35, p. 799.)

(The concurrent resolution was reported by the Committee on Appropriations on May 18, consideration of which, under the rules, was postponed until today.)

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. 351

Yeas—105

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

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

Nays—0

In The Chair: Julian

Second Reading of Bills**Senate Bill No. 559, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 513 (MCL 436.1513), as amended by 2002 PA 725.

The bill was read a second time.

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

The motion prevailed.

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

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

Rep. Nofs entered the House Chambers.

Rep. Brown moved that Rep. Whitmer be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 559, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 513 (MCL 436.1513), as amended by 2002 PA 725.

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

Roll Call No. 352**Yeas—91**

Accavitti	Farrah	McConico	Shaffer
Adamini	Gaffney	Meisner	Sheltrown
Amos	Gielegthem	Meyer	Shulman
Anderson	Gillard	Minore	Smith
Bieda	Gleason	Moolenaar	Spade
Bisbee	Hardman	Mortimer	Stakoe
Brandenburg	Hart	Murphy	Steil

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

Nays—15

Acciavatti	Hoogendyk	Milosch	Stahl
Bradstreet	Hummel	Palmer	Van Regenmorter
Drolet	Johnson, Ruth	Reeves	Voorhees
Garfield	Middaugh	Sheen	

In The Chair: Julian

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 1073, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1246 (MCL 380.1246), as amended by 1995 PA 289.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1073, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1246 (MCL 380.1246), as amended by 1995 PA 289.

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

Roll Call No. 353

Yeas—107

Accavitti	Garfield	Meyer	Sheltrown
Acciavatti	Gielegem	Middaugh	Shulman
Adamini	Gillard	Milosch	Smith
Amos	Gleason	Minore	Spade
Anderson	Hardman	Moolenaar	Stahl
Bieda	Hart	Mortimer	Stakoe
Bisbee	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	Jamnack	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	Meisner	Sheen	

Nays—0

In The Chair: Julian

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

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

The House agreed to the full title.
 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. 5737, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 9 (MCL 207.559), as amended by 1999 PA 140.

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

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

Rep. Stewart 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. 5737, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 9 (MCL 207.559), as amended by 1999 PA 140.

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

Roll Call No. 354

Yeas—108

Accavitti	Gaffney	Meisner	Sheen
Acciavatti	Garfield	Meyer	Sheltrown
Adamini	Gielegem	Middaugh	Shulman
Amos	Gillard	Milosch	Smith
Anderson	Gleason	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

Nays—0

In The Chair: Julian

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

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

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 7 (MCL 207.557), as amended by 1996 PA 513.

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. 5843, entitled

A bill to amend 1951 PA 33, entitled “An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts,” by amending section 6 (MCL 41.806), as amended by 1989 PA 81.

The bill was read a second time.

Rep. LaJoy 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. 5843, entitled

A bill to amend 1951 PA 33, entitled “An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and

police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 6 (MCL 41.806), as amended by 1989 PA 81.

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

Roll Call No. 355**Yeas—108**

Accavitti	Gaffney	Meisner	Sheen
Acciavatti	Garfield	Meyer	Sheltrown
Adamini	Gielegem	Middaugh	Shulman
Amos	Gillard	Milosch	Smith
Anderson	Gleason	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

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. 5802, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8a, 65, 204a, 208, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320a, 321a, 323c, 732, 812, and 904 (MCL

257.8a, 257.65, 257.204a, 257.208, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320a, 257.321a, 257.323c, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, section 65 as amended by 1994 PA 449, section 204a as amended by 1999 PA 73, section 208 as amended by 1997 PA 100, sections 303, 310e, and 319 as amended by 2003 PA 61, sections 306, 309, 312f, 319b, 319c, 323c, 732, and 904 as amended by 2002 PA 534, section 307 as amended by 2004 PA 52, section 312b as amended by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, section 320a as amended by 2003 PA 315, and section 321a as amended by 2002 PA 741; and to repeal acts and parts of acts.

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

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

Rep. DeRossett 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. 5802, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8a, 65, 204a, 208, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320a, 321a, 323c, 732, 812, and 904 (MCL 257.8a, 257.65, 257.204a, 257.208, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320a, 257.321a, 257.323c, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, section 65 as amended by 1994 PA 449, section 204a as amended by 1999 PA 73, section 208 as amended by 1997 PA 100, sections 303, 310e, and 319 as amended by 2003 PA 61, sections 306, 309, 312f, 319b, 319c, 323c, 732, and 904 as amended by 2002 PA 534, section 307 as amended by 2004 PA 52, section 312b as amended by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, section 320a as amended by 2003 PA 315, and section 321a as amended by 2002 PA 741; 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. 356

Yeas—108

Accavitti	Gaffney	Meisner	Sheen
Acciavatti	Garfield	Meyer	Sheltrown
Adamini	Gielegem	Middaugh	Shulman
Amos	Gillard	Milosch	Smith
Anderson	Gleason	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

Nays—0

In The Chair: Julian

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

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

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 8a, 65, 204a, 208, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320a, 321a, 323c, 708b, 732, 812, and 904 (MCL 257.8a, 257.65, 257.204a, 257.208, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320a, 257.321a, 257.323c, 257.708b, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, sections 65, 319b, 320a, 321a, and 732 as amended by 2004 PA 62, section 204a as amended by 1999 PA 73, section 208 as amended by 1997 PA 100, sections 303 and 319 as amended by 2003 PA 61, sections 306 and 310e as amended by 2004 PA 71, section 307 as amended by 2004 PA 52, sections 309, 312f, 319c, 323c, and 904 as amended by 2002 PA 534, section 312b as amended by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, and section 708b as added by 1991 PA 55; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

Senate Bill No. 724, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” by amending section 2 (MCL 52.202), as amended by 2001 PA 26.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 724, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” by amending section 2 (MCL 52.202), as amended by 2001 PA 26.

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

Roll Call No. 357**Yeas—108**

Accavitti	Gaffney	Meisner	Sheen
Acciavatti	Garfield	Meyer	Sheltrown
Adamini	Gielegem	Middaugh	Shulman
Amos	Gillard	Milosch	Smith
Anderson	Gleason	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

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. 5807, entitled**

A bill to amend 1923 PA 238, entitled "An act authorizing the formation of corporations for the purpose of generating, manufacturing, producing, gathering, storing, transmitting, distributing, transforming, selling and supplying electric energy or gas, either artificial or natural, or both electric energy and gas, to the public generally, or to public utilities or natural gas companies, and providing for and giving to such corporations and also to corporations heretofore lawfully organized, among other things, for such purposes; to corporations heretofore lawfully organized, or that may hereafter be lawfully organized and duly authorized to carry on the electric or gas business as a public utility in the state of Michigan; and to foreign corporations heretofore lawfully organized or that may hereafter be lawfully organized, among other things, for such purposes, and duly authorized to carry on business in the state of Michigan, the right to condemn private property for the uses provided for herein," by amending section 3 (MCL 486.253) and by adding section 5.

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

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

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

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

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

House Bill No. 5807, entitled

A bill to amend 1923 PA 238, entitled “An act authorizing the formation of corporations for the purpose of generating, manufacturing, producing, gathering, storing, transmitting, distributing, transforming, selling and supplying electric energy or gas, either artificial or natural, or both electric energy and gas, to the public generally, or to public utilities or natural gas companies, and providing for and giving to such corporations and also to corporations heretofore lawfully organized, among other things, for such purposes; to corporations heretofore lawfully organized, or that may hereafter be lawfully organized and duly authorized to carry on the electric or gas business as a public utility in the state of Michigan; and to foreign corporations heretofore lawfully organized or that may hereafter be lawfully organized, among other things, for such purposes, and duly authorized to carry on business in the state of Michigan, the right to condemn private property for the uses provided for herein,” by amending section 3 (MCL 486.253) and by adding section 5.

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

Roll Call No. 358

Yeas—108

Accavitti	Gaffney	Meisner	Sheen
Acciavatti	Garfield	Meyer	Sheltrown
Adamini	Gielegem	Middaugh	Shulman
Amos	Gillard	Milosch	Smith
Anderson	Gleason	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

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. 5808, entitled

A bill to amend 1995 PA 30, entitled "Electric transmission line certification act," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 15 (MCL 460.562, 460.563, 460.564, 460.565, 460.566, 460.567, 460.568, 460.569, 460.570, 460.571, 460.573, and 460.575).

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

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

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

The motion prevailed.

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

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

Rep. Waters moved that Rep. Woodward 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. 5808, entitled

A bill to amend 1995 PA 30, entitled "Electric transmission line certification act," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 15 (MCL 460.562, 460.563, 460.564, 460.565, 460.566, 460.567, 460.568, 460.569, 460.570, 460.571, 460.573, and 460.575).

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

Roll Call No. 359

Yeas—107

Accavitti	Gaffney	Meisner	Sheen
Acciavatti	Garfield	Meyer	Sheltrown
Adamini	Gielegem	Middaugh	Shulman
Amos	Gillard	Milosch	Smith
Anderson	Gleason	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	Woronchak
Farhat	Lipsey	Shackleton	Zelenko
Farrah	McConico	Shaffer	

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. 5467, entitled

A bill to amend 1887 PA 128, entitled “An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act,” by amending the title and sections 2, 3, and 3a (MCL 551.102, 551.103, and 551.103a), the title and section 2 as amended by 1998 PA 333, section 3 as amended by 1984 PA 346, and section 3a as amended by 1989 PA 270, and by adding sections 2a and 2b.

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. Howell moved to amend the bill as follows:

1. Amend page 4, line 6, after “**section 3a.**” by inserting “**This section and the longer waiting period prescribed by section 3a do not apply if both the man and the woman applying for the marriage license are 50 years of age or older.**”
 The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Voorhees moved to amend the bill as follows:

1. Amend page 2, line 13, after “matrimony” by striking out the balance of the sentence and inserting a period.
2. Amend page 2, line 21, after “registrar.” by striking out the balance of the subsection.
3. Amend page 2, line 24, by striking out all of subsections (3) and (4).

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

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

The motion prevailed.

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

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

Rep. Sheltroun moved that Rep. Lipsey be excused temporarily from today’s session.
 The motion prevailed.

Rep. Waters moved that Rep. Cheeks 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. 5467, entitled

A bill to amend 1887 PA 128, entitled “An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act,” by amending the title and sections 2, 3, and 3a (MCL 551.102, 551.103, and 551.103a), the title and section 2 as amended by 1998 PA 333, section 3 as amended by 1984 PA 346, and section 3a as amended by 1989 PA 270, and by adding sections 2a and 2b.

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

Roll Call No. 360

Yeas—71

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

Nays—34

Accavitti	Gielegem	Meisner	Stallworth
Anderson	Hardman	Minore	Tobocman
Byrum	Hood	Murphy	Vagnozzi
Clack	Hopgood	O’Neil	Waters
Condino	Hunter	Phillips	Whitmer
Daniels	Jamnack	Plakas	Williams
Dennis	Kolb	Sheltrown	Woodward
Farrah	Law	Smith	Zelenko
Garfield	McConico		

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Jamnick, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 5467 because this counseling is provided today by most, if not all faiths and legislation is not needed.”

Rep. Anderson, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 5467 - 5469 because I do not believe that it is appropriate for government to insert itself in people’s personal decisions - particularly the decision to marry. Similar premarital education programs have been in place in Florida and Oklahoma since 1998 and 1999, respectively. As yet, neither state has shown a significant decrease in the number of divorces.

The overall suggestion of the bill is that people who get married and, more particularly, those who get divorced don’t know what they are doing and that increased education, training, and advice will help those who marry to stay married longer. Of course, those who are married realize that few of us fully understand what we are getting into and that all the well-meaning advice in the world will not magically salvage a doomed marriage. If well-meaning advice were all it took to cure marital ills, there would be no divorce.

While it might seem comforting to accept the premise that if we better educate couples about marriage beforehand, they will stay married longer, the premise clearly has little more validity than claiming that all they need is love.”

Rep. Kolb, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 5467 – 5469 because I do not believe that it is appropriate for government to insert itself in people’s personal decisions – particularly the decision to marry. Similar premarital education programs have been in place in Florida and Oklahoma since 1998 and 1999, respectively. As yet, neither state has shown a significant decrease in the number of divorces.

The overall suggestion of the bill is that people who get married and, more particularly, those who get divorced don’t know what they are doing and that increased education, training, and advice will help those who marry to stay married longer. Of course, those who are married realize that few of us fully understand what we are getting into and that all the well-meaning advice in the world will not magically salvage a doomed marriage. If well-meaning advice were all it took to cure marital ills, there would be no divorce.

While it might seem comforting to accept the premise that if we better educate couples about marriage beforehand, they will stay married longer, the premise clearly has little more validity than claiming that all they need is love.

I voted no on House Bill 5470 because it would mandate a pre-divorce program with few exceptions. Domestic violence groups are justifiably concerned that such a requirement could make it more difficult for such people to get a divorce to escape their situation.

Furthermore, the bill is based on the presumption that people who get divorced haven’t given it enough thought and the government needs to force its way into their decision making process to make sure that they are fully cognizant of the consequences. The sad truth is that all too many divorcing couples are all too aware of what is happening and its consequences. All this will likely do is create a greater feelings of guilt and sorrow in what is already a sorry enough situation. The assumption that people seeking a divorce are doing so on a whim and lack adequate forethought is a self-righteous one and not one that is supported by most people’s experience.”

Second Reading of Bills

House Bill No. 5468, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 269.

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. Stahl 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. 5468, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 269.

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

Roll Call No. 361**Yeas—72**

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

Nays—36

Accavitti	Dennis	Law	Smith
Adamini	Elkins	McConico	Stallworth
Anderson	Farrah	Meisner	Tobocman
Bieda	Gielegem	Minore	Vagnozzi
Byrum	Hood	O'Neil	Whitmer
Cheeks	Hopgood	Phillips	Williams
Clack	Hunter	Plakas	Woodward
Condino	Jamnick	Pumford	Woronchak
Daniels	Kolb	Sheltrown	Zelenko

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Hardman, McConico, Stewart, Richardville and Murphy were named co-sponsors of the bill.

Rep. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted against HB 5468 because a small tax credit taken on the tax return forms filed one year after the ‘marriage preservation class’ is taken will do little, if nothing, to encourage couples to take marriage preservation courses. It will also have revenue impacts to the state, which in these days of fiscal restraint, nonetheless have a negative impact on the state coffers.”

Rep. Anderson, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 5467 - 5469 because I do not believe that it is appropriate for government to insert itself in people’s personal decisions - particularly the decision to marry. Similar premarital education programs have been in

place in Florida and Oklahoma since 1998 and 1999, respectively. As yet, neither state has shown a significant decrease in the number of divorces.

The overall suggestion of the bill is that people who get married and, more particularly, those who get divorced don't know what they are doing and that increased education, training, and advice will help those who marry to stay married longer. Of course, those who are married realize that few of us fully understand what we are getting into and that all the well-meaning advice in the world will not magically salvage a doomed marriage. If well-meaning advice were all it took to cure marital ills, there would be no divorce.

While it might seem comforting to accept the premise that if we better educate couples about marriage beforehand, they will stay married longer, the premise clearly has little more validity than claiming that all they need is love."

Rep. Kolb, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on House Bill 5467 – 5469 because I do not believe that it is appropriate for government to insert itself in people's personal decisions – particularly the decision to marry. Similar premarital education programs have been in place in Florida and Oklahoma since 1998 and 1999, respectively. As yet, neither state has shown a significant decrease in the number of divorces.

The overall suggestion of the bill is that people who get married and, more particularly, those who get divorced don't know what they are doing and that increased education, training, and advice will help those who marry to stay married longer. Of course, those who are married realize that few of us fully understand what we are getting into and that all the well-meaning advice in the world will not magically salvage a doomed marriage. If well-meaning advice were all it took to cure marital ills, there would be no divorce.

While it might seem comforting to accept the premise that if we better educate couples about marriage beforehand, they will stay married longer, the premise clearly has little more validity than claiming that all they need is love.

I voted no on House Bill 5470 because it would mandate a pre-divorce program with few exceptions. Domestic violence groups are justifiably concerned that such a requirement could make it more difficult for such people to get a divorce to escape their situation.

Furthermore, the bill is based on the presumption that people who get divorced haven't given it enough thought and the government needs to force its way into their decision making process to make sure that they are fully cognizant of the consequences. The sad truth is that all too many divorcing couples are all too aware of what is happening and its consequences. All this will likely do is create a greater feelings of guilt and sorrow in what is already a sorry enough situation. The assumption that people seeking a divorce are doing so on a whim and lack adequate forethought is a self-righteous one and not one that is supported by most people's experience."

Second Reading of Bills

House Bill No. 5469, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," (MCL 551.101 to 551.111) by amending the title, as amended by 1998 PA 333, and 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 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

House Bill No. 5469, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," (MCL 551.101 to 551.111) by amending the title, as amended by 1998 PA 333, and 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. 362**Yeas—72**

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

Nays—36

Accavitti	Dennis	Law	Smith
Adamini	Elkins	McConico	Stallworth
Anderson	Farrah	Meisner	Tobocman
Bieda	Gielegem	Minore	Vagnozzi
Byrum	Hood	O'Neil	Whitmer
Cheeks	Hopgood	Phillips	Williams
Clack	Hunter	Plakas	Woodward
Condino	Jamnick	Pumford	Woronchak
Daniels	Kolb	Sheltrown	Zelenko

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

It has been said that the road to ruin has been paved with good-intentions. I believe that this bill, along with HB 5468 to which it is tie-barred, represents a poorly conceived notion that by offering a small tax credit, more couples will take advantage of marriage preservation programs. I personally find this hard to believe. I trust that most couples would want to preserve their marriages, but I find it doubtful that a small tax credit taken in the next calendar year would be any type of an incentive for taking one of these marriage preservation classes. We do know that there is a cost to these bills, and as the state is not exactly swimming in money, I don't believe that the state can afford this at this time. Thus I voted no.”

Rep. Anderson, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 5467 - 5469 because I do not believe that it is appropriate for government to insert itself in people's personal decisions - particularly the decision to marry. Similar premarital education programs have been in

place in Florida and Oklahoma since 1998 and 1999, respectively. As yet, neither state has shown a significant decrease in the number of divorces.

The overall suggestion of the bill is that people who get married and, more particularly, those who get divorced don't know what they are doing and that increased education, training, and advice will help those who marry to stay married longer. Of course, those who are married realize that few of us fully understand what we are getting into and that all the well-meaning advice in the world will not magically salvage a doomed marriage. If well-meaning advice were all it took to cure marital ills, there would be no divorce.

While it might seem comforting to accept the premise that if we better educate couples about marriage beforehand, they will stay married longer, the premise clearly has little more validity than claiming that all they need is love."

Second Reading of Bills

House Bill No. 5470, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," (MCL 552.1 to 552.45) by adding sections 5 and 5a.

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. Koetje moved to amend the bill as follows:

1. Amend page 4, line 10, after "**party.**" by inserting "**The sworn statement shall be reviewed only by the court and shall not be a part of the public record of that divorce action.**"

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

Rep. Voorhees moved to amend the bill as follows:

1. Amend page 5, following line 17, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 2004."

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

Rep. Vander Veen 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. 5470, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," (MCL 552.1 to 552.45) by adding sections 5 and 5a.

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

Roll Call No. 363

Yeas—63

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

Nays—44

Accavitti	Elkins	Koetje	Sheltrown
Adamini	Farrar	Kolb	Smith
Anderson	Gaffney	Law	Stallworth
Bieda	Garfield	Lipsey	Steil
Brown	Gielegem	Meisner	Tobocman
Byrum	Gillard	Minore	Vagnozzi
Cheeks	Hardman	O'Neil	Waters
Clack	Hood	Phillips	Whitmer
Condino	Hopgood	Plakas	Williams
Daniels	Hunter	Rivet	Woodward
Dennis	Jamnick	Shackleton	Zelenko

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:
 “Mr. Speaker and members of the House:

I voted against HB 5470 because despite its good intentions, it would still pose serious consequences for victims of domestic abuse. I also question whether the stated goal of this bill would be met — that of minimizing the impact of divorce on children. Indeed, in some circumstances, it is not too hard to imagine this drawing out of the divorce process actually making the process worse. While I appreciate the concern and intent of this bill, it simply goes too far, and has the potential of creating too many potential problems. Thus, I voted against HB 5470 (H-2).”

Rep. Hopgood, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 5470 because it would mandate a pre-divorce program with few exceptions. Domestic violence groups are justifiably concerned that such a requirement could make it more difficult for such people to get a divorce to escape their situation.

Furthermore, the bill is based on the presumption that people who get divorced haven't given it enough thought and the government needs to force its way into their decision making process to make sure that they are fully cognizant of the consequences. The sad truth is that all too many divorcing couples are all too aware of what is happening and its consequences. All this will likely do is create a greater feeling of guilt and sorrow in what is already a sorry enough situation. The assumption that people seeking a divorce are doing so on a whim and lack adequate forethought is a self-righteous one and not one that is supported by most people's experience.”

Reps. Law and Kolb, 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 5467 - 5469 because I do not believe that it is appropriate for government to insert itself in people's personal decisions - particularly the decision to marry. Similar premarital education programs have been in place in Florida and Oklahoma since 1998 and 1999, respectively. As yet, neither state has shown a significant decrease in the number of divorces.

The overall suggestion of the bill is that people who get married and, more particularly, those who get divorced don't know what they are doing and that increased education, training, and advice will help those who marry to stay married longer. Of course, those who are married realize that few of us fully understand what we are getting into and that all the well-meaning advice in the world will not magically salvage a doomed marriage. If well-meaning advice were all it took to cure marital ills, there would be no divorce.

While it might seem comforting to accept the premise that if we better educate couples about marriage beforehand, they will stay married longer, the premise clearly has little more validity than claiming that all they need is love.

I voted no on House Bill 5470 because it would mandate a pre-divorce program with few exceptions. Domestic

violence groups are justifiably concerned that such a requirement could make it more difficult for such people to get a divorce to escape their situation.

Furthermore, the bill is based on the presumption that people who get divorced haven't given it enough thought and the government needs to force its way into their decision making process to make sure that they are fully cognizant of the consequences. The sad truth is that all too many divorcing couples are all too aware of what is happening and its consequences. All this will likely do is create a greater feelings of guilt and sorrow in what is already a sorry enough situation. The assumption that people seeking a divorce are doing so on a whim and lack adequate forethought is a self-righteous one and not one that is supported by most people's experience."

Second Reading of Bills

House Bill No. 5472, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 45 (MCL 552.45).

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 adopted, a majority of the members serving voting therefor.

Rep. Bradstreet 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. 5472, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 45 (MCL 552.45).

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

Roll Call No. 364

Yeas—81

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

Nays—27

Accavitti	Daniels	Kolb	Stallworth
Adamini	Dennis	Meisner	Tobocman
Anderson	Farrah	Minore	Vagnozzi
Bieda	Hardman	O'Neil	Waters
Byrum	Hood	Plakas	Whitmer
Cheeks	Hunter	Sheltrown	Williams
Condino	Jamnack	Smith	

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. 5473, entitled**

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending sections 3 and 4 (MCL 551.103 and 551.104), section 3 as amended by 1984 PA 346.

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. Voorhees moved to amend the bill as follows:

1. Amend page 2, following line 26, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 2004."

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

Rep. Wojno 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. Waters moved that Rep. Sheltrown 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. 5473, entitled**

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending sections 3 and 4 (MCL 551.103 and 551.104), section 3 as amended by 1984 PA 346.

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

Roll Call No. 365**Yeas—96**

Accavitti	Farrah	McConico	Shackleton
Acciavatti	Gaffney	Meyer	Shaffer

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

Nays—11

Anderson	Jamnick	Minore	Williams
Drolet	Kolb	Tobocman	Woodward
Garfield	Meisner	Whitmer	

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 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending section 4 (MCL 551.104).

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. 5474, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16901, 16903, and 16905 (MCL 333.16901, 333.16903, and 333.16905), as added by 1995 PA 126.

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. Gleason 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. 5474, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16901, 16903, and 16905 (MCL 333.16901, 333.16903, and 333.16905), as added by 1995 PA 126.

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

Roll Call No. 366

Yeas—95

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

Nays—12

Anderson	Jamnick	Meisner	Tobocman
Clack	Kolb	Minore	Whitmer
Daniels	Law	Stallworth	Williams

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Milosch, Garfield, Brandenburg, Acciavatti, Tabor, Taub, Van Regenmorter, Hummel, Huizenga, Newell, Stahl, Nitz, Drolet, Vander Veen, Sheen, Palsrok, Ward, DeRoche, Palmer, Shaffer, Wenke, Caul, Farhat, Pastor and Hager offered the following resolution:

House Resolution No. 262.

A resolution to urge the Governor to ban the import into Michigan of any products that could be hosts for the fungus-like pathogen that causes Sudden Oak Death.

Whereas, Several states, most notably California, are presently dealing with a serious threat to plant life known as Sudden Oak Death (SOD). This forest disease, which is caused by a fungus-like pathogen called *Phyophthora ramorum*, represents a potentially devastating situation for many species of plants important to Michigan and much of the country. In addition to California, Sudden Oak Death has been found in other states, such as Oregon, Florida, and Georgia and possibly Maryland. This condition is also a notable concern in Europe; and

Whereas, The SOD fungus-like pathogen prefers cool, wet climates, and its spores apparently can be spread through the air or through water. With these characteristics, Michigan and its forestlands would seem to be quite vulnerable to SOD. This is an issue with ramifications that extend far beyond nurseries in our state; and

Whereas, Almost 60 plant species are known to be hosts for the fungus-like pathogen that causes Sudden Oak Death. Several states and Canada have already put quarantines in place to try to prevent the spread of this disease. The federal government has also initiated efforts to deal with this problem. With the diversity of Michigan's plant life, the seemingly favorable conditions of our climate, and the devastation that could result if this disease were to become established here, Michigan clearly would be well served by establishing a quarantine of any plants being imported into our state that could be host plants for the fungus-like pathogen that causes Sudden Oak Death; now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor to ban the import into Michigan from any infected state of any products that may act as a host for the fungus-like pathogen that causes Sudden Oak Death; 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 Agriculture and Resource Management.

Reps. Shulman, Spade, Accavitti, Acciavatti, Adamini, Amos, Bieda, Casperson, Dennis, DeRossett, Ehardt, Elkins, Garfield, Gielegem, Gillard, Gleason, Hopgood, Hune, Koetje, Kolb, Law, Meyer, Milosch, Minore, O'Neil, Phillips, Richardville, Sak, Shaffer, Sheltroun, Taub, Tobocman, Vagnozzi, Wojno, Woodward, Zelenko, Byrum, Caul, Condino, Newell, Pappageorge, Pastor, Rocca, Stakoe, Stewart and Tabor offered the following resolution:

House Resolution No. 263.

A resolution recognizing the 30th anniversary of the Area Agency on Aging 1-B on May 19, 2004, and acknowledging its proud service to older adults residing in Livingston, Macomb, Monroe, Oakland, St. Clair, and Washtenaw counties.

Whereas, Following the 1973 amendments to the federal Older Americans Act, United Community Services of Metropolitan Detroit received endorsements from the state of Michigan and six county commission boards to establish an area agency on aging; and

Whereas, The Area Agency on Aging 1-B was established as a nonprofit agency dedicated to maintaining the independence, dignity, and quality of life of older adults, family caregivers, and adults with disabilities residing in Livingston, Macomb, Monroe, Oakland, St. Clair, and Washtenaw counties by supporting a comprehensive service delivery system and providing access to community-based care; and

Whereas, In 1987, the Area Agency on Aging 1-B became an independent nonprofit entity to serve as a single point of access to care for individuals 60 years of age and older, their caregivers, and disabled adults; and

Whereas, May 19, 2004, represents the agency's thirty-year anniversary of community service. They are dedicated to assessing the needs of older adults, caregivers, and adults with disabilities and linking them with needed community-based long-term care services. They also coordinate activities with other public and private organizations, giving priority in planning and administering services and programs to those individuals with greatest social and economic need. The Area Agency on Aging 1-B develops new services and programs to address the needs of older adults, caregivers, and adults with disabilities. In addition, they allocate federal and state funding for social, nutritional, and long-term care services, and educate and advocate on issues of concern to older adults, caregivers, and adults with disabilities. The Area Agency on Aging 1-B ensure that older adults, caregivers, and adults with disabilities have access to information regarding available resources and their rights to benefits for which they may be entitled; and

Whereas, The Area Agency on Aging 1-B has been a leader in advocating for public policy changes that will offer Medicaid long-term care consumers a choice of quality care options and support the provision of care in the least restrictive setting; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize the 30th anniversary of the Area Agency on Aging 1-B on May 19, 2004, and its proud service to older adults residing in Livingston, Macomb, Monroe, Oakland, St. Clair, and Washtenaw counties.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

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

House Bill No. 4357, entitled

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

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Nofs and Stakoe

Nays: Reps. O'Neil, Minore, Bieda, Zelenko and Condino

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

House Bill No. 5034, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2a and 34c (MCL 211.2a and 211.34c), section 2a as amended by 1982 PA 539 and section 34c as amended by 2002 PA 620; and to repeal acts and parts of acts.

With the recommendation that the bill be re-referred to the Committee on Local Government and Urban Policy.

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Meyer, Drolet, Hummel, Palmer, Nofs, O'Neil, Minore, Bieda, Zelenko and Condino

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Local Government and Urban Policy.

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

House Bill No. 5669, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Nofs and Stakoe

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 19, 2004

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

Absent: Reps. Milosch and Farrah

Excused: Reps. Milosch and Farrah

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported

House Bill No. 5798, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 2001 PA 169.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, LaSata, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Woodward, Hopgood and Murphy

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 19, 2004

Present: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, LaSata, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Woodward, Hopgood and Murphy

Absent: Reps. Daniels and Stallworth

Excused: Reps. Daniels and Stallworth

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

House Bill No. 5820, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 626 (MCL 257.626).

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 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

Senate Bill No. 912, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as added by 2002 PA 31.

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

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

Senate Bill No. 913, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 5 (MCL 28.295), as amended by 1984 PA 335.

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

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported **Senate Bill No. 1009, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 218 (MCL 750.218), as amended by 1998 PA 312.

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, 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, May 19, 2004

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 19, 2004

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

Absent: Reps. Ehardt and Farrah

Excused: Reps. Ehardt and Farrah

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 19, 2004

Present: Reps. Julian, Hune, Bisbee, Middaugh, Mortimer, Hummel, Garfield, Robertson, Sheen, Daniels, Woodward, Anderson, Wojno, Hood, Gillard and Condino

Absent: Rep. Ehardt

Excused: Rep. Ehardt

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 Friday, May 14:

Senate Bill Nos.	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206
	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220
	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234
	1235	1236	1237	1238	1239	1240	1241	1242	1243					

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, May 19:

House Bill Nos.	5912	5913	5914	5915	5916	5917	5918	5919	5920	5921	5922	5923	5924	5925
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By unanimous consent the House returned to the order of
Messages from the Senate

House Bill No. 5105, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 529, 529a, and 530 (MCL 750.529, 750.529a, and 750.530), section 529a as added by 1994 PA 191.

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

The House agreed to the full title.

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

Introduction of Bills

Reps. Vagnozzi, Woodward, Hunter, Accavitti, Minore, Clack, Dennis, Tobocman, Condino, O'Neil, Lipsey, Murphy, Gleason, Williams and Gielegem introduced

House Bill No. 5926, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 636a.

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

Reps. Hoogendyk, Drolet, Steil, Kooiman, Mortimer, Milosch, Sheen, Newell, Shackleton and Pastor introduced

House Bill No. 5927, entitled

A bill to authorize the state administrative board to convey certain parcels of state owned property in Wayne county; to prescribe conditions for the conveyance; and to provide for disposition of revenue derived from the conveyance.

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

Quorum Call

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

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

The following is the roll call:

Roll Call No. 367

Yeas—105

Accavitti	Garfield	Meyer	Sheltrown
Acciavatti	Gielegem	Middaugh	Shulman
Amos	Gillard	Milosch	Smith
Anderson	Gleason	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	Pastor	Van Regenmorter
Clack	Jamnack	Phillips	Vander Veen
Condino	Johnson, Rick	Plakas	Voorhees
Daniels	Johnson, Ruth	Pumford	Walker

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

In The Chair: Julian

Second Reading of Bills

House Bill No. 5859, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204 and 3212 (MCL 600.3204 and 600.3212), as amended by 1994 PA 397.

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

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

Rep. 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.

Rep. Palmer moved that Reps. LaJoy and Pappageorge be excused from the balance of today's session.
The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5859, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204 and 3212 (MCL 600.3204 and 600.3212), as amended by 1994 PA 397.

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

Roll Call No. 368

Yeas—106

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

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Senate Bill No. 1116, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 2001 PA 230.

The bill was read a second time.

Rep. Rivet moved to amend the bill as follows:

1. Amend page 8, line 11, after "**deduct**" by inserting a comma and "**to the extent included in federal taxable income,**".

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. 1116, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 2001 PA 230.

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

Roll Call No. 369

Yeas—102

Accavitti	Farrah	Meyer	Sheltrown
Acciavatti	Gaffney	Middaugh	Shulman

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

Nays—4

Hood	Meisner	Plakas	Smith
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In The Chair: Julian

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

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

The House agreed to the full title.

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

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

Rep. Meisner, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Again, to continue to create exemptions in a single business tax that has been exempted to the point of not being able to generate sufficient revenue to meet the most basic needs of state government is ill-advised policy. Until we are able to ascertain the efficacy of tax preferences currently included in the code, adding more is a mistake.”

Second Reading of Bills

House Bill No. 5809, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2974.

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

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

Rep. Koetje moved to amend the bill as follows:

1. Amend page 1, line 2, after "**marketer,**" by inserting "**promoter,**"
2. Amend page 1, line 5, after "**marketers,**" by inserting "**promoters,**".

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

Rep. Koetje moved to amend the bill as follows:

1. Amend page 3, following line 8, by inserting:

"(5) A political subdivision of this state shall not file, prosecute, or join, on its own behalf or on behalf of its citizens or another class of persons, a civil action described in this section for damages or other remedy against a person." and renumbering the remaining subsections.

2. Amend page 3, following line 22, by inserting:

"(c) "Person" means an individual, partnership, corporation, association, or other legal entity.

(d) "Political subdivision" means a county, city, township, or village."

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

Rep. Accavitti moved to amend the bill as follows:

1. Amend page 3, following line 22, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4441 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.

Rep. Condino moved to amend the bill as follows:

1. Amend page 1, line 8, after "**obesity**" by inserting a comma and "**if it has fully disclosed the ingredients and number of fat grams contained in its food products. The disclosure of ingredients and fat grams is a prerequisite of the immunity granted under this section and does not serve to increase or reduce any existing food related disclosure requirements contained in state or federal law**".

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

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

The motion prevailed.

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

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

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

The motion prevailed.

House Bill No. 5632, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 12 (MCL 205.427 and 205.432), as amended by 2002 PA 503.

The bill was read a second time.

Rep. Julian moved to substitute (H-6) the bill.

The motion did not prevail and the substitute (H-6) was not adopted, a majority of the members serving not voting therefor.

Rep. Julian 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. 5632, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 12 (MCL 205.427 and 205.432), as amended by 2002 PA 503.

Was read a third time and not passed, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 370**Yeas—44**

Adamini	Gillard	Lipsey	Shulman
Anderson	Gleason	Meisner	Smith
Bieda	Hart	Minore	Stallworth
Byrum	Hood	Newell	Tabor
Caul	Hopgood	O'Neil	Walker
Clack	Jamnick	Phillips	Waters
Condino	Johnson, Rick	Plakas	Whitmer
Dennis	Julian	Pumford	Williams
Farrah	Kolb	Richardville	Wojno
Gaffney	Kooiman	Sak	Woodward
Gielegem	Law	Shackleton	Zelenko

Nays—53

Acciavatti	Farhat	Moolenaar	Spade
Amos	Garfield	Mortimer	Stahl
Bisbee	Hoogendyk	Nitz	Stakoe
Bradstreet	Howell	Nofs	Steil
Brandenburg	Huizenga	Palmer	Stewart
Brown	Hummel	Palsrok	Taub
Casperson	Hune	Pastor	Vagnozzi
Caswell	Johnson, Ruth	Rivet	Van Regenmorter
DeRoche	Koetje	Robertson	Vander Veen
DeRossett	LaSata	Rocca	Voorhees
Drolet	Meyer	Shaffer	Ward
Ehardt	Middaugh	Sheen	Wenke
Elkins	Milosch	Sheltrown	Woronchak
Emmons			

In The Chair: Julian

Rep. Richardville moved to reconsider the vote by which the House did not pass the bill.
The motion prevailed, a majority of the members serving voting therefor.
The question being on the passage of the bill,

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

Second Reading of Bills

The House returned to the consideration of

House Bill No. 5809, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2974.

(The bill was considered earlier today, see today's Journal p. 1023.)

Rep. Rivet moved to reconsider the vote by which the House did not adopt the amendment offered previously by Rep. Accavitti.

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

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

Rep. Accavitti demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 371**Yeas—46**

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

Nays—59

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

In The Chair: Julian

Rep. Rivet moved to reconsider the vote by which the House did not adopt the amendment offered previously by Rep. Condino.

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

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

Rep. Condino demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 372**Yeas—48**

Accavitti	Farrah	Lipsey	Sheltrown
Adamini	Gielegem	McConico	Smith
Anderson	Gillard	Meisner	Spade
Bieda	Gleason	Minore	Stallworth
Brown	Hardman	Murphy	Tobocman
Byrum	Hood	O'Neil	Vagnozzi

Cheeks	Hopgood	Phillips	Waters
Clack	Hunter	Plakas	Whitmer
Condino	Jamnick	Pumford	Williams
Daniels	Kolb	Reeves	Wojno
Dennis	LaSata	Rivet	Woodward
Elkins	Law	Sak	Zelenko

Nays—58

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

In The Chair: Julian

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

The motion prevailed.

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

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

Rep. Waters moved that Rep. Byrum be excused temporarily from today's session.

The motion prevailed.

Rep. Williams moved that Rep. Whitmer 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. 5809, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2974.

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

Roll Call No. 373**Yeas—65**

Acciavatti	Garfield	Milosch	Sheen
Amos	Gillard	Moolenaar	Shulman

Bisbee	Hart	Mortimer	Spade
Bradstreet	Hoogendyk	Newell	Stahl
Brandenburg	Howell	Nitz	Stakoe
Brown	Huizenga	Nofs	Steil
Casperson	Hummel	Palmer	Stewart
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	LaSata	Sak	Wenke
Emmons	Meyer	Shackleton	Wojno
Farhat	Middaugh	Shaffer	Woronchak
Gaffney			

Nays—38

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

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. Accavitti, Adamini, Anderson, Dennis, Hopgood, Law, Vagnozzi and Zelenko, 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 5809 because the bill is wholly unnecessary. Michigan’s products liability laws already block the type of obesity-related cases that the bill seeks to block - No such cases have even been filed in Michigan and only two such cases have been filed nationwide and both were summarily dismissed. It is hard to imagine how we could face a flood of obesity cases under the current law.

Granting immunity protection against liability should be granted rarely, and only on matters where sound public policy reasons support a grant of immunity. This is not such a case. Clearly, the effort is a classic example of a solution in search of a problem and is based more on scoring political points than effecting any meaningful change in the law. What is worse is that the number and nature of the bill’s supporters seems to indicate a desire to grant this sort of protection to other industries as well.”

Rep. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Clearly, this bill is a classic example of a solution in search of a problem and is based more on scoring political points than effecting any meaningful or intelligent change in the law. Advocates for consumer protection and legal

authorities overwhelming agree that exemptions to liability should be granted rarely, and only on matters where sound public policy reasons support a grant of immunity. This is not one of those situations. Our state already has a very effective products liability law that blocks the type of obesity-related cases that the bill seeks to block — it should be noted by the members that no such case have been filed in Michigan and ONLY two cases have been filed nationwide and both were summarily dismissed. It is hard to imagine how we could face a flood of obesity cases under the current law, or why a change in the law is even needed. Thus, I voted no on HB 5809 (H-2).”

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Richardville moved that Rule 45 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Richardville moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 5527**.

The motion prevailed, a majority of the members serving voting therefor.
The bill was placed on the order of Second Reading of Bills and laid over one day.

Second Reading of Bills

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

House Bill No. 5527, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.
The motion prevailed, a majority of the members present voting therefor.

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

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

Rep. 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.

Rep. Minore moved that Rep. Jamnick 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. 5527, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; 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. 374**Yeas—55**

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

Nays—51

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

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, supplement, and adjust appropriations for various state departments and agencies, capital outlay, and the judicial branch for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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.

Rep. Meisner, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

During the course of the last year, this body has been forced to make some very difficult choices. As a result of the structural imbalance in our state budget, we have made cuts that have been very deep and that have had a negative

impact on our citizenry. In response to this crisis, our Governor has put forth a very reasonable proposal to increase the tax on cigarettes that would help resolve this problem. The majority of Michigan residents support the Governor's proposal, as do I. I voted against this bill because it is irresponsible and unnecessary when the Governor's proposal is before us. Cutting is not inherently bad, but cutting to the point that we degrade quality of life in Michigan is contrary to the forward progress of this state."

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

"Mr. Speaker and members of the House:

I voted no on HB 5527 because the bill made severe cuts in next year's budget in programs of importance to Michigan's citizens. Furthermore the bill was brought before the full House this evening with no discussion on its impact on our state.

The bill will cause \$52 million in cuts to the Medicaid program, an action that will cause 45,000 people to lose Medicaid coverage, seniors and others who are not able to afford medical coverage any other way. This will only serve to increase costs on other parts of the health care system, namely our hospitals and doctors.

It also reduces funding to relative day care providers, an action that will only serve to increase pressure on working families and give them less options for making sure their children are in good care.

Cuts to the Dept. of Transportation will mean fewer less jobs at a time when we can least afford to cut funding to job creation programs. The reduction in funds will mean that key road projects in counties across the state will go unfunded."

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

"Mr. Speaker and members of the House:

I voted no on HB 5527 because the bill makes severe cuts in next year's budget in programs of importance to Michigan's citizens. Furthermore the bill was brought before the full House this evening with no discussion on its impact on our state. It also violates Article 4, Section 31 of the state constitution which makes clear that such a bill cannot be voted on and passed until such time that an actual budget is in place. As of this moment no budget has been enacted for the 2005 fiscal year.

The bill makes \$52 million in cuts to the Medicaid program, an action that will cause 45,000 people to lose Medicaid coverage...seniors and others who are not able to afford medical coverage any other way. This will only serve to increase costs on other parts of the health care system, namely our hospitals and doctors.

It also reduces funding to relative day care providers, an action that will only serve to increase pressure on working families and give them fewer options for making sure their children are in good care.

Cuts to the Dept. of Transportation will mean fewer jobs at a time when we can least afford to cut funding to job creation programs. The reduction in funds will mean that key road projects in counties across the state will go unfunded."

Reps. Waters, Adamini, Condino, Bieda, Hunter, Plakas, Phillips, Vagnozzi and O'Neil, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted NO on HB 5527 for the following reasons. First, this so-called 'appropriations bill' was offered disingenuously in the middle of the night, allowing no one time to read it before voting on it. Moreover, it is clearly and embarrassingly unconstitutional.

Article IV, Section 31 of the Michigan Constitution states that 'The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation.'

This provision of the Constitution has been interpreted for the past forty years to mean that the Legislature may not act to subvert the appropriations process in the way it attempted tonight. Attorney General Opinion Number 4292 of 1964 stated as follows: 'Each house of the legislature is required by Section 31, Article IV, Constitution of 1963, by a vote of its members to either pass or reject the governor's general appropriations bills before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation.'

The bill makes \$52 million in cuts to the Medicaid program, an action that will cause 45,000 people to lose Medicaid coverage, seniors and others who are not able to afford medical coverage any other way. This will only serve to increase costs on other parts of the health care system, namely our hospitals and doctors.

It also reduces funding to relative day care providers, an action that will only serve to increase pressure on working families and give them fewer options for making sure their children are in good care.

Cuts to the Department of Transportation will mean fewer jobs at a time when we can least afford to cut funding to job creation programs. The reduction in funds will also mean that key road projects in counties across the state will go unfunded."

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

Rep. Farrah moved that the House adjourn.
The motion prevailed, the time being 11:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, May 20, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives