

No. 44
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House of Representatives
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House Chamber, Lansing, Thursday, May 19, 2005.

10:30 a.m.

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

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

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

e/d/s = entered during session

Rep. Rick Jones, from the 71st District, offered the following invocation:

“Heavenly Father, You teach us in Chronicles, if we will turn from our ways, seek Your face and pray, You will heal our land. Today we pray that You will inspire us and guide us to act in a bipartisan way to heal this great state of Michigan. Help us to create jobs. Help us to stop the scourge of methamphetamine. We pray today that we will work together to improve our great state. In Jesus’ name, Amen.”

Rep. Sak moved that Reps. Bennett, Cushingberry, Hunter and Vagnozzi be excused from today’s session. The motion prevailed.

Second Reading of Bills

House Bill No. 4161, entitled

A bill to amend 1996 PA 305, entitled “Acknowledgment of parentage act,” by repealing section 6 (MCL 722.1006). 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. Pastor moved to amend the bill as follows:

1. Amend page 1, line 6, after “**COURT.**” by inserting “**THIS GRANT OF INITIAL CUSTODY TO THE MOTHER SHALL NOT, BY ITSELF, AFFECT THE RIGHTS OF EITHER PARENT IN A PROCEEDING TO SEEK A COURT ORDER FOR CUSTODY OR PARENTING TIME.**”.

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

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

House Bill No. 4421, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1204c (MCL 500.1204c), as amended by 2001 PA 228.

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

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

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

The motion prevailed.

Rep. Sak moved that Rep. Tobocman 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. 4484, entitled

A bill to amend 1987 PA 96, entitled “The mobile home commission act,” by amending section 30i (MCL 125.2330i), as added by 2003 PA 44.

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

Roll Call No. 132**Yeas—105**

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Senate Bill No. 77, entitled

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

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

Roll Call No. 133**Yeas—106**

Accavitti	Espinoza	Lemmons, III	Robertson
Acciavatti	Farhat	Lemmons, Jr.	Rocca
Adamini	Farrah	Lipsey	Sak
Amos	Gaffney	Marleau	Schuitmaker
Anderson	Garfield	Mayes	Shaffer
Angerer	Gillard	McConico	Sheen
Ball	Gleason	McDowell	Sheltrown

Baxter	Gonzales	Meisner	Smith, Alma
Bieda	Gosselin	Meyer	Smith, Virgil
Booher	Green	Miller	Spade
Brandenburg	Hansen	Moolenaar	Stahl
Brown	Hildenbrand	Moore	Stakoe
Byrnes	Hood	Mortimer	Steil
Byrum	Hoogendyk	Murphy	Stewart
Casperson	Hopgood	Newell	Taub
Caswell	Huizenga	Nitz	Tobocman
Caul	Hummel	Nofs	Van Regenmorter
Cheeks	Hune	Palmer	Vander Veen
Clack	Jones	Palsrok	Walker
Clemente	Kahn	Pastor	Ward
Condino	Kehrl	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons	Leland		

Nays—0

In The Chair: Kooiman

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

“An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

House Bill No. 4551, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” (MCL 125.1501 to 125.1531) by adding section 13e.

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

Roll Call No. 134

Yeas—106

Accavitti	Espinoza	Lemmons, III	Robertson
Acciavatti	Farhat	Lemmons, Jr.	Rocca
Adamini	Farrah	Lipsey	Sak
Amos	Gaffney	Marleau	Schuitmaker
Anderson	Garfield	Mayer	Shaffer
Angerer	Gillard	McConico	Sheen
Ball	Gleason	McDowell	Sheltrown
Baxter	Gonzales	Meisner	Smith, Alma
Bieda	Gosselin	Meyer	Smith, Virgil
Booher	Green	Miller	Spade

Brandenburg	Hansen	Moolenaar	Stahl
Brown	Hildenbrand	Moore	Stakoe
Byrnes	Hood	Mortimer	Steil
Byrum	Hoogendyk	Murphy	Stewart
Casperson	Hopgood	Newell	Taub
Caswell	Huizenga	Nitz	Tobocman
Caul	Hummel	Nofs	Van Regenmorter
Cheeks	Hune	Palmer	Vander Veen
Clack	Jones	Palsrok	Walker
Clemente	Kahn	Pastor	Ward
Condino	Kehrl	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons	Leland		

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

House Bill No. 4635, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 8515 and 8516 (MCL 324.8515 and 324.8516), as added by 1995 PA 60.

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

Roll Call No. 135**Yeas—106**

Accavitti	Espinoza	Lemmons, III	Robertson
Acciavatti	Farhat	Lemmons, Jr.	Rocca
Adamini	Farrah	Lipsey	Sak
Amos	Gaffney	Marleau	Schuitmaker
Anderson	Garfield	Mayes	Shaffer
Angerer	Gillard	McConico	Sheen
Ball	Gleason	McDowell	Sheltrown
Baxter	Gonzales	Meisner	Smith, Alma
Bieda	Gosselin	Meyer	Smith, Virgil
Booher	Green	Miller	Spade
Brandenburg	Hansen	Moolenaar	Stahl
Brown	Hildenbrand	Moore	Stakoe
Byrnes	Hood	Mortimer	Steil
Byrum	Hoogendyk	Murphy	Stewart
Casperson	Hopgood	Newell	Taub
Caswell	Huizenga	Nitz	Tobocman
Caul	Hummel	Nofs	Van Regenmorter
Cheeks	Hune	Palmer	Vander Veen
Clack	Jones	Palsrok	Walker
Clemente	Kahn	Pastor	Ward

Condino	Kehrl	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons	Leland		

Nays—0

In The Chair: Kooiman

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

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

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 8515 (MCL 324.8515), as added by 1995 PA 60, and by adding section 8518.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. McConico, Anderson, Stewart, Phillips, Meyer, Newell, Brown, Farrah, Taub, Amos, Stakoe, Gleason, Shaffer, Nofs, Ward, Emmons, Stahl, Palsrok, Walker, Gillard, Ball, Clemente, Elsenheimer, Espinoza, Gonzales, Gosselin, Hildenbrand, Jones, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Moore, Polidori, Sheltrown and Spade were named co-sponsors of the bill.

Notices

Rep. Plakas, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 126-131. Had I been present, I would have voted ‘yea’.”

By unanimous consent the House returned to the order of

Second Reading of Bills

The House returned to the consideration of

House Bill No. 4161, entitled

A bill to amend 1996 PA 305, entitled “Acknowledgment of parentage act,” by repealing section 6 (MCL 722.1006). (The bill was considered earlier today, see today’s Journal, p. 656.)

Rep. Alma Smith moved to amend the bill as follows:

1. Amend page 1, line 2, after “parentage,” by striking out the balance of the line through “child,” on line 3 and inserting “**UNLESS THE PARENTS OTHERWISE AGREE IN WRITING IN THE DOCUMENT PROVIDED FOR IN SECTION 7, THE CHILD SHALL BE DISCHARGED TO RESIDE WITH THE MOTHER,**”.

2. Amend page 2, following line 3, by striking all of subsection (c) and inserting:

“(C) THE CHILD SHALL RESIDE WITH THE MOTHER WITHOUT PREJUDICE TO THE DETERMINATION OF EITHER PARENT’S CUSTODIAL RIGHTS, UNTIL OTHERWISE DETERMINED BY THE COURT OR AGREED BY THE PARTIES IN WRITING AND ACKNOWLEDGED BY THE COURT. THE CHILD’S RESIDENCE WITH THE MOTHER SHALL NOT BY ITSELF, AFFECT THE RIGHTS OF EITHER PARENT IN A PROCEEDING AND SEEK A COURT ORDER FOR CUSTODY OR PARENTING TIME.”.

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

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

The motion prevailed.

House Bill No. 4607, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627a (MCL 257.627a), as amended by 2000 PA 110.

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

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

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

The motion prevailed.

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

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

Rep. Sak moved that Reps. Virgil Smith and 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. 4607, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627a (MCL 257.627a), as amended by 2000 PA 110.

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

Roll Call No. 136**Yeas—104**

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. McConico, Kooiman, Meyer, Brown, Tobocman, Bieda, Taub, Gleason, Ward, Sak, Stahl, Farhat, Moolenaar, Palsrok, Gillard, Dillon, Byrnes, Clemente, Espinoza, Gonzales, Gosselin, Kehrl, David Law, Lemmons, III, Lemmons, Jr., Marleau, McDowell, Mortimer, Polidori, Sheltroun and Spade were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4603, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3109 (MCL 324.3109).

(The bill was received from the Senate on May 18, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 43, p. 652.)

The question being on concurring in the amendment made to the bill by the Senate,

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

Roll Call No. 137**Yeas—105**

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

Nays—1

Drolet

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Huizenga, Sheen, Hoogendyk, Hildenbrand, Stahl, Newell, Vander Veen, Hummel, Taub, Shaffer, Robertson, Baxter, Gosselin, Casperson, Schuitmaker, Van Regenmorter, Ball, Hansen, Jones, Kooiman, Lemmons, III, Lemmons, Jr., Meyer, Mortimer, Nofs, Pearce, Proos, Sheltroun and Pastor offered the following resolution:

House Resolution No. 76.

A resolution memorializing the United States Congress to pass H.R. 2353, the Common Sense Indian Gambling Reform Act.

Whereas, The federal government, in an effort to provide American Indian tribes with an avenue to seek economic advancement, enacted the Indian Gaming Regulatory Act of 1988 (IGRA). This act requires states that do not completely outlaw Class III (casino-style) gaming to negotiate with federally recognized Indian tribes within the state in good faith to allow the tribes to conduct Class III gaming; and

Whereas, Over the last two decades, Michigan has gone from limited gaming options such as horse racing, bingo, and charity games to Las Vegas-style gaming in the four corners of our state. Three large commercial casinos are located in Detroit and eleven Indian tribes are authorized to conduct Class III gaming. A twelfth tribe is seeking to conduct Class III gaming while other tribes look for ways to expand their gaming sites throughout Michigan. Canada and neighboring states provide additional gaming sites for Michiganians. Easily accessible gaming operations impact every community, with crime, family stress, financial problems, and gambling addiction burdening communities and government agencies trying to cope; and

Whereas, Although Michigan voters approved Proposal E in November 1996, which legalized casino gaming in Detroit, the voters signaled their displeasure with the proliferation of gaming in our state in November 2004 by approving Proposal 04-1, a proposal that has amended our state constitution to require voter approval for any additional gaming. Although the voters are clear about wanting to place limits on the further expansion of an already vast array of casino operations, the state is not free to carry out this expression of the will of the people due to the primacy of IGRA in regulating Indian gaming; and

Whereas, United States Representative Mike Rogers has introduced H.R. 2353, the Common Sense Indian Gambling Reform Act. This act would, if enacted, require the approval of the Governor and Legislature of a state before any Indian gaming compact goes into effect. The act would also restrict tribes to only operate casinos in a single, contiguous parcel of Indian land which is located in the primary geographic, social, and historic nexus of the tribe in that state. Other provisions would provide for background investigations; specify certain notifications by tribes that seek to build gaming facilities on land taken into trust; and require that the impact on communities, businesses, local governments, or Indian tribes within a fifty-mile radius of land proposed to be taken into trust be considered. This bill is a reasonable compromise between providing Indian tribes economic benefits through gaming opportunities and accommodating the people of Michigan who have clearly expressed their concerns over unrestricted gaming expansion; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to pass H.R. 2353, the Common Sense Indian Gambling Reform Act; and be it further

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

The resolution was referred to the Committee on Commerce.

Reps. Sheltroun, Accavitti, Adamini, Anderson, Ball, Brown, Byrum, Clack, Condino, Farrah, Gleason, Gonzales, Green, Hansen, Hildenbrand, Hopgood, Kolb, Kooiman, Leland, Lemmons, III, Lemmons, Jr., Lipsey, Mayes, Meyer, Murphy, Nofs, Plakas, Polidori, Sak, Alma Smith, Spade, Stahl, Waters and Wojno offered the following resolution:

House Resolution No. 77.

A resolution commemorating May 24, 2005, as Propane Awareness Day in Michigan.

Whereas, The mission of the Michigan Propane Gas Association is to promote the proper handling and use of propane, work for a favorable environment for propane distribution and marketing, and increase its application by demonstrating propane's value as a clean energy source; and

Whereas, The Michigan Propane Gas Association is a trade and membership service organization that represents propane marketers throughout the state. Founded on April 3, 1947, the Association has grown in its influence, while maintaining its core principles of education and safety. The Association's primary purpose is to maintain high standards of practice within the industry and, in so doing, protecting and expanding the ability of its members to compete in the market place. The Association is dedicated to the betterment of the propane industry and to customers it serves in Michigan. Since its inception, the Michigan Propane Gas Association has been supported by its many volunteers who dedicate their time for the betterment of the industry; and

Whereas, The Michigan Propane Gas Association established Propane Awareness Day to demonstrate the numerous safe uses of propane. We salute the people of the Michigan Propane Gas Association for their efforts to expand our awareness and knowledge of the propane industry; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate May 24, 2005, as Propane Awareness Day in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of Propane Awareness Day as evidence of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Steil, Sheen, Hoogendyk, Hildenbrand, Stahl, Newell, Vander Veen, Hummel, Taub, Shaffer, Robertson, Baxter, Gosselin, Casperson, Schuitmaker, Van Regenmorter, Ball, Hansen, Jones, Kooiman, Lemmons, III, Lemmons, Jr., Mortimer, Pearce, Sheltroun, Nofs, Pastor and Huizenga offered the following concurrent resolution:

House Concurrent Resolution No. 14.

A concurrent resolution memorializing the United States Congress to pass H.R. 2353, the Common Sense Indian Gambling Reform Act.

Whereas, The federal government, in an effort to provide American Indian tribes with an avenue to seek economic advancement, enacted the Indian Gaming Regulatory Act of 1988 (IGRA). This act requires states that do not completely outlaw Class III (casino-style) gaming to negotiate with federally recognized Indian tribes within the state in good faith to allow the tribes to conduct Class III gaming; and

Whereas, Over the last two decades, Michigan has gone from limited gaming options such as horse racing, bingo, and charity games to Las Vegas-style gaming in the four corners of our state. Three large commercial casinos are located in Detroit and eleven Indian tribes are authorized to conduct Class III gaming. A twelfth tribe is seeking to conduct Class III gaming while other tribes look for ways to expand their gaming sites throughout Michigan. Canada and neighboring states provide additional gaming sites for Michiganians. Easily accessible gaming operations impact every community, with crime, family stress, financial problems, and gambling addiction burdening communities and government agencies trying to cope; and

Whereas, Although Michigan voters approved Proposal E in November 1996, which legalized casino gaming in Detroit, the voters signaled their displeasure with the proliferation of gaming in our state in November 2004 by approving Proposal 04-1, a proposal that has amended our state constitution to require voter approval for any additional gaming. Although the voters are clear about wanting to place limits on the further expansion of an already vast array of casino operations, the state is not free to carry out this expression of the will of the people due to the primacy of IGRA in regulating Indian gaming; and

Whereas, United States Representative Mike Rogers has introduced H.R. 2353, the Common Sense Indian Gambling Reform Act. This act would, if enacted, require the approval of the Governor and Legislature of a state before any

Indian gaming compact goes into effect. The act would also restrict tribes to only operate casinos in a single, contiguous parcel of Indian land which is located in the primary geographic, social, and historic nexus of the tribe in that state. Other provisions would provide for background investigations; specify certain notifications by tribes that seek to build gaming facilities on land taken into trust; and require that the impact on communities, businesses, local governments, or Indian tribes within a fifty-mile radius of land proposed to be taken into trust be considered. This bill is a reasonable compromise between providing Indian tribes economic benefits through gaming opportunities and accommodating the people of Michigan who have clearly expressed their concerns over unrestricted gaming expansion; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the United States Congress to pass H.R. 2353, the Common Sense Indian Gambling Reform Act; and be it further

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

The concurrent resolution was referred to the Committee on Commerce.

Announcement by the Clerk of Printing and Enrollment

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

House Bill Nos.	4806	4807	4808				
Senate Bill Nos.	507	508	509	510	511	521	525

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4142, entitled

A bill to amend 1970 PA 38, entitled "An act to provide for assessment and remedial assistance programs of students in reading, mathematics and vocational education," by amending section 2 (MCL 388.1082).

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4008, entitled

A bill to amend 1972 PA 251, entitled "An act to provide for the reciprocal exchange of educational services between this state and other states; to provide for reduced or waived tuition, and to designate the state agency for negotiating agreements," by amending sections 1, 2, 3, 4, and 5 (MCL 390.501, 390.502, 390.503, 390.504, and 390.505).

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

Introduction of Bills

Reps. Hopgood, Anderson, Zelenko, Condino, Spade, Kathleen Law, Donigan and Espinoza introduced

House Bill No. 4809, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2004 PA 427.

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

Reps. Gosselin, Palmer, Sheen, Garfield, Schuitmaker, Acciavatti, Stahl and Shaffer introduced

House Bill No. 4810, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1260 (MCL 380.1260), as amended by 1995 PA 289.

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

Reps. Drolet, Ward, Byrum and Anderson introduced

House Bill No. 4811, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2946 (MCL 600.2946), as amended by 1995 PA 249.

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

Reps. Stahl, Baxter, LaJoy, Pavlov, Nitz, Huizenga, Newell, Gosselin, Stewart, Elsenheimer, Mortimer, Kahn, Booher, Emmons, Nofs, Taub and Hildenbrand introduced

House Bill No. 4812, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

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

Reps. Booher, Baxter, LaJoy, Pavlov, Nitz, Huizenga, Newell, Stahl, Gosselin, Stewart, Elsenheimer, Mortimer, Kahn, Emmons, Nofs, Taub and Hildenbrand introduced

House Bill No. 4813, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

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

Reps. Pavlov, Baxter, LaJoy, Nitz, Huizenga, Newell, Stahl, Gosselin, Stewart, Elsenheimer, Mortimer, Kahn, Booher, Emmons, Nofs, Taub and Hildenbrand introduced

House Bill No. 4814, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

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

Reps. Pearce, Baxter, LaJoy, Pavlov, Nitz, Huizenga, Newell, Stahl, Gosselin, Stewart, Elsenheimer, Mortimer, Booher, Emmons, Nofs, Taub and Hildenbrand introduced

House Bill No. 4815, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

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

Reps. Huizenga, Baxter, LaJoy, Pavlov, Nitz, Newell, Stewart, Stahl, Gosselin, Elsenheimer, Mortimer, Booher, Kahn, Emmons, Nofs, Taub and Hildenbrand introduced

House Bill No. 4816, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

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

Reps. Caul, Baxter, LaJoy, Pavlov, Huizenga, Nitz, Newell, Stewart, Stahl, Gosselin, Elsenheimer, Mortimer, Booher, Emmons, Nofs, Taub and Hildenbrand introduced

House Bill No. 4817, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2000 PA 259.

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

Reps. Baxter, LaJoy, Pavlov, Huizenga, Nitz, Newell, Stewart, Stahl, Gosselin, Elsenheimer, Mortimer, Booher, Emmons, Nofs, Taub and Hildenbrand introduced

House Bill No. 4818, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

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

Reps. Hansen, Baxter, LaJoy, Pavlov, Huizenga, Nitz, Newell, Stewart, Stahl, Gosselin, Elsenheimer, Mortimer, Booher, Emmons, Nofs and Taub introduced

House Bill No. 4819, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 9 (MCL 125.2689). The bill was read a first time by its title and referred to the Committee on Commerce.

Rep. Farhat introduced

House Bill No. 4820, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 8a (MCL 124.508a), as amended by 1996 PA 45.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

House Bill No. 4274, entitled

A bill to amend 1984 PA 218, entitled "Third party administrator act," by amending section 34 (MCL 550.934) and by adding section 31.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos and Lemmons, III

Nays: Reps. Hopgood, Miller, Angerer, Virgil Smith, Kehrl and Clack

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 18, 2005

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

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported

House Bill No. 4444, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9105 and 9106 (MCL 324.9105 and 324.9106), as amended by 2000 PA 504, and by adding sections 9106a and 9115a.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, LaJoy, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported
House Bill No. 4774, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20129a (MCL 324.20129a), as amended by 2004 PA 114.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, LaJoy, Elsenheimer, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan

Nays: Rep. Moore

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **Senate Bill No. 282, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 9115a and 9115b.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, LaJoy, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, May 19, 2005

Present: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan

Absent: Reps. Ward and Bennett

Excused: Reps. Ward and Bennett

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 18, 2005

Present: Reps. Stakoe, Elsenheimer, Van Regenmorter, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Accavitti and Donigan

Absent: Rep. Vagnozzi

Excused: Rep. Vagnozzi

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 19, 2005

Present: Reps. Casperson, Hildenbrand, Nitz, Stakoe, Rocca, McDowell, Sheltrown, Gillard and Espinoza

Absent: Reps. Garfield and Baxter

Excused: Reps. Garfield and Baxter

Rep. Miller moved that the House adjourn.
The motion prevailed, the time being 12:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 24, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

