

No. 94
STATE OF MICHIGAN
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House of Representatives
92nd Legislature
REGULAR SESSION OF 2003

House Chamber, Lansing, Tuesday, December 16, 2003.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Steve Tobocman, from the 12th District, offered the following invocation:

“As we take a moment to pause and reflect upon our highest calling of power and source of inspiration, I ask that you reflect also upon the fact that here in the United States and the state of Michigan, we have the liberty to do so, no matter what you call that spiritual being; no matter where you find that source of power. Please think about it as I read the words by Professor Harold Norris of Wayne State University, Constitutional Law Scholar, called The Liberty Bell:

Does the Liberty Bell lie in state
 Silent as monuments to the great
 With symbolism out of date
 And sound as hollow as its fate.
 Or can you in your inner ear
 The proclamation hear
 When your newspaper is near
 When your conscience is clear
 When you vote without fear
 When children sing and cheer.
 Is there a sound effect
 You can detect, in
 Your right to speak
 Your right to seek,
 Your right to read
 Your right to lead,
 Your right to choose
 Your right to prove,
 Your right to fight
 Your right to strike,
 Your right to pray
 Your right to play,
 Your right to doubt, shout, know, grow, propose, oppose, elect, reject, expect, protect;
 Your right to in your own way find
 Your own inscrutable mind.
 Listen in the night
 Listen with all your might
 With all your common sense
 Now and in our future tense
 Listen in the light
 To your singing Bill of Rights,
 In the ring
 Of the swing
 And the swell
 Of the cracked and silent
 Liberty Bell.”

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

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 Wednesday, December 10:

Senate Bill Nos. 882 883 884

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, December 11:

**House Bill Nos. 5363 5364 5365 5366 5367 5368 5369 5370 5371 5372 5373 5374 5375 5376
5377 5378 5379 5380 5381 5382 5383**

The Clerk announced that the following Senate bills had been received on Thursday, December 11:

Senate Bill Nos. 556 672 673 681 702 780 781 800 801 811 845 877 881

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, December 16, for her approval of the following bills:

Enrolled House Bill No. 4518 at 10:21 a.m.

Enrolled House Bill No. 4896 at 10:23 a.m.

Enrolled House Bill No. 4899 at 10:25 a.m.

Enrolled House Bill No. 4938 at 10:27 a.m.

The Clerk announced that the following Senate bills had been received on Tuesday, December 16:

Senate Bill Nos. 588 635

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Judiciary, by Rep. Howell, Chair, reported

House Bill No. 5365, entitled

A bill to repeal 1905 LA 653, entitled "An act to provide the manner of voting by the members of the board of supervisors of Saginaw county."

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, Bradstreet, Koetje, Gaffney, Garfield, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

The Committee on Judiciary, by Rep. Howell, Chair, reported

House Bill No. 5366, entitled

A bill to repeal 1903 LA 540, entitled "An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties."

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, Bradstreet, Koetje, Gaffney, Garfield, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 16, 2003, at 9:00 a.m.

Present: Reps. Howell, Bradstreet, Koetje, Gaffney, Garfield, Lipsey, Adamini, Bieda, Condino and Smith

Absent: Reps. LaSata, Van Regenmorter, Pappageorge, Voorhees and Wenke

Excused: Reps. LaSata, Van Regenmorter, Pappageorge, Voorhees and Wenke

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 16, 2003, at 9:00 a.m.

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

Absent: Reps. DeRossett and Wenke

Excused: Reps. DeRossett and Wenke

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meyer, Chair of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Tuesday, December 16, 2003, at 10:30 a.m.

Present: Reps. Meyer, Nitz, Hager, Casperson, Stahl, Sheltroun, Rivet, Spade and Law

Absent: Reps. DeRossett and Hune

Excused: Reps. DeRossett and Hune

Messages from the Senate**House Bill No. 4480, entitled**

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending the title and sections 2 and 13 (MCL 125.2652 and 125.2663), section 2 as amended by 2002 PA 254 and section 13 as amended by 2002 PA 727.

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.

House Bill No. 4481, entitled

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

The 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.

House Bill No. 4482, entitled

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to clarify the ownership of certain parcels of property; to prescribe the powers and duties of certain local government officials; and to provide penalties.

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. 4488, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 4 (MCL 21.144) and by adding section 2f.

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. 4896, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40107a (MCL 324.40107a), as added by 1998 PA 470.

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.

House Bill No. 4899, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2555 and 2559 (MCL 600.2555 and 600.2559), section 2559 as amended by 1994 PA 133.

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.

House Bill No. 4483, entitled

A bill to provide for the creation of land bank fast track authorities to assist governmental entities in the assembly and clearance of title to property in a coordinated manner; to facilitate the use and development of certain property; to promote economic growth; to prescribe the powers and duties of certain authorities; to provide for the creation and appointment of boards to govern land bank fast track authorities and to prescribe their powers and duties; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to authorize the conveyance of certain properties to a land bank fast track authority; to authorize the enforcement of tax liens and the clearing or quieting of title by a land bank fast track authority; to provide for the distribution and use of revenues collected or received by a land bank fast track authority; to prescribe powers and duties of certain public entities and state and local officers and agencies; to authorize the transfer and acceptance of property in lieu of taxes and the release of tax liens; to exempt property, income, and operations of a land bank fast track authority from tax; to extend protections against certain liabilities to a land bank fast track authority; and to repeal acts and parts of acts.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2) and ordered that it be given immediate effect.

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

House Bill No. 4484, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 78i, 78k, 78l, 78m, and 131e (MCL 211.78i, 211.78k, 211.78l, 211.78m, and 211.131e), section 78i as amended by 2001 PA 101, section 78k as amended by 2001 PA 94, section 78l as added and section 131e as amended by 1999 PA 123, and section 78m as amended by 2001 PA 99.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending sections 78b, 78c, 78d, 78f, 78g, 78i, 78k, 78l, 78m, 131, and 131e (MCL 211.78b, 211.78c, 211.78d, 211.78f, 211.78g, 211.78i, 211.78k, 211.78l, 211.78m, 211.131, and 211.131e), sections 78b, 78c, 78d, and 78l as added and sections 131 and 131e as amended by 1999 PA 123, section 78f as amended by 2001 PA 95, sections 78g and 78k as amended by 2001 PA 94, section 78i as amended by 2001 PA 101, and section 78m as amended by 2001 PA 99; and to repeal acts and parts of acts.

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

House Bill No. 4513, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 200h (MCL 750.200h), as amended by 2001 PA 135.

The Senate has amended the bill as follows:

1. Amend page 4, line 1, by striking out "October 1, 2003" and inserting "January 1, 2004".

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

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

House Bill No. 4514, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 200i, 200k, 200l, 204, 207, 209, 210, 211a, and 212a (MCL 750.200i, 750.200k, 750.200l, 750.204, 750.207, 750.209, 750.210, 750.211a, and 750.212a), sections 200i and 200k as added by 1998 PA 207, section 200l as added by 2001 PA 135, sections 204 and 211a as amended by 1998 PA 206, sections 207, 209, and 210 as amended by 1998 PA 208, and section 212a as amended by 2002 PA 140, and by adding section 200m.

The Senate has amended the bill as follows:

1. Amend page 16, line 4, by striking out "October 1, 2003" and inserting "January 1, 2004".

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

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

House Bill No. 4786, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 19 (MCL 409.119).

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4820, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, 6, 11a, 14, 503, 613, 614, 616, 617, 629, 661, 681, 682, 687, 690, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 931, 932, 945, 1212, 1216, 1351, 1361, 1451, 1722, and 1724 (MCL 380.4, 380.5, 380.6, 380.11a, 380.14, 380.503, 380.613, 380.614, 380.616, 380.617, 380.629, 380.661, 380.681, 380.682, 380.687, 380.690, 380.701, 380.702, 380.703, 380.705, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.931, 380.932, 380.945, 380.1212, 380.1216, 380.1351, 380.1361, 380.1451, 380.1722, and 380.1724), sections 5 and 14 as amended by 1999 PA 23, sections 6, 503, and 690 as amended and section 11a as added by 1995 PA 289, sections 614 and 617 as amended by 2002 PA 157, section 629 as amended by 2002 PA 61, sections 681, 682, 705, 1451, and 1724 as amended by 1994 PA 258, section 687 as amended by 2002 PA 62, section 703 as amended by 1981 PA 87, sections 857 and 858 as amended by 1992 PA 263, section 859 as amended by 2002 PA 509, section 945 as added by 1984 PA 154, section 1212 as amended by 1993 PA 312, section 1216 as amended by 2002 PA 64, and section 1351 as amended by 2002 PA 67, and by adding section 1206; and to repeal acts and parts of acts.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2) and amended the title to read as follows:

A bill to amend 1976 PA 451, entitled "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," by amending sections 4, 5, 6, 11a, 14, 503, 613, 614, 616, 617, 629, 661, 681,

682, 687, 690, 701, 702, 703, 705, 853, 854, 855, 856, 857, 858, 859, 860, 861, 931, 932, 945, 1212, 1216, 1351, 1361, 1451, 1722, and 1724 (MCL 380.4, 380.5, 380.6, 380.11a, 380.14, 380.503, 380.613, 380.614, 380.616, 380.617, 380.629, 380.661, 380.681, 380.682, 380.687, 380.690, 380.701, 380.702, 380.703, 380.705, 380.853, 380.854, 380.855, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.931, 380.932, 380.945, 380.1212, 380.1216, 380.1351, 380.1361, 380.1451, 380.1722, and 380.1724), section 5 as amended by 2003 PA 179, sections 6, 503, and 690 as amended and section 11a as added by 1995 PA 289, section 14 as amended by 1999 PA 23, sections 614 and 617 as amended by 2002 PA 157, section 629 as amended by 2002 PA 61, sections 681, 682, 705, 1451, and 1724 as amended by 1994 PA 258, section 687 as amended by 2002 PA 62, section 703 as amended by 1981 PA 87, section 853 as amended by 1998 PA 406, sections 854, 857, and 858 as amended by 1992 PA 263, section 859 as amended by 2002 PA 509, section 945 as added by 1984 PA 154, section 1212 as amended by 1993 PA 312, section 1216 as amended by 2002 PA 64, and section 1351 as amended by 2002 PA 67, and by adding section 1206; and to repeal acts and parts of acts.

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

House Bill No. 4822, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 34 (MCL 42.34), as amended by 1984 PA 353.

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

The Senate has passed the bill as substituted (S-1) and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4823, entitled

A bill to amend 1989 PA 292, entitled "Metropolitan councils act," by amending section 27 (MCL 124.677), as amended by 1998 PA 373.

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

The Senate has passed the bill as substituted (S-1) and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4824, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 3, 4, 30a, 321, 322, 358a, 370, 381, 382, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 538, 635, 643, 644e, 644g, 644k, 646a, 690, 821, 862, 863, 954, 963, 971, and 972 (MCL 168.2, 168.3, 168.4, 168.30a, 168.321, 168.322, 168.358a, 168.370, 168.381, 168.382, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg, 168.538, 168.635, 168.643, 168.644e, 168.644g, 168.644k, 168.646a, 168.690, 168.821, 168.862, 168.863, 168.954, 168.963, 168.971, and 168.972), sections 2 and 971 as amended by 2002 PA 163, section 321 as amended by 1994 PA 277, section 322 as amended by 1999 PA 218, section 358a as amended by 1990 PA 235, section 370 as amended by 1990 PA 83, section 381 as amended by 1991 PA 16, section 501a as amended by 1995 PA 87, section 509n as amended by 1999 PA 216, sections 509r and 509gg as added by 1994 PA 441, section 643 as amended by 1998 PA 364, section 646a as amended by 2002 PA 431, section 821 as amended by 1988 PA 275, section 963 as amended by 1999 PA 220, and section 972 as amended by 1989 PA 26, and by adding chapter XIV and sections 642, 642a, and 659; and to repeal acts and parts of acts.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2) and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4825, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 3, 8, 11, 21, 25, 26, and 29 (MCL 117.3, 117.8, 117.11, 117.21, 117.25, 117.26, and 117.29), section 3 as amended by 2002 PA 201, section 25 as amended by 1982 PA 200, and section 29 as amended by 1994 PA 17.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3) and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4826, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 4, 7, 21, and 23 (MCL 78.4, 78.7, 78.21, and 78.23), section 23 as amended by 1999 PA 258.

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

The Senate has passed the bill as substituted (S-1) and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4827, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 1, 3, 4, 5, 6, and 13 of chapter II, sections 1, 2, 3, and 7 of chapter III, section 3 of chapter V, section 23 of chapter IX, section 3 of chapter XII, and sections 18a and 23g of chapter XIV (MCL 62.1, 62.3, 62.4, 62.5, 62.6, 62.13, 63.1, 63.2, 63.3, 63.7, 65.3, 69.23, 72.3, 74.18a, and 74.23g), sections 1, 4, 5, 6, and 13 of chapter II, sections 2 and 7 of chapter III, and section 3 of chapter V as amended and section 3 of chapter III as added by 1998 PA 255 and section 3 of chapter XII and section 18a of chapter XIV as amended and section 23g of chapter XIV as added by 1998 PA 254.

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

The Senate has passed the bill as substituted (S-1) and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4828, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 2, 12, 16, 17, 21, 32, 34, 34a, 36, 37, 38, 39, 42, 51, 52, 54, 55, 56, 57, 58, 59, 62, 83, 84, 86, 105, 107, 122, 144, and 152 (MCL 389.2, 389.12, 389.16, 389.17, 389.21, 389.32, 389.34, 389.34a, 389.36, 389.37, 389.38, 389.39, 389.42, 389.51, 389.52, 389.54, 389.55, 389.56, 389.57, 389.58, 389.59, 389.62, 389.83, 389.84, 389.86, 389.105, 389.107, 389.122, 389.144, and 389.152), section 2 as added by 1998 PA 153, sections 17, 21, 34, 37, 42, 54, 57, and 62 as amended and section 86 as added by 2000 PA 488, section 34a as amended by 1982 PA 381, section 83 as amended by 1992 PA 20, section 122 as amended by 2002 PA 72, section 144 as amended by 2002 PA 73, and section 152 as amended by 1990 PA 11; and to repeal acts and parts of acts.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2) and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5270, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 19608a.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Notices

Pursuant to Rule 44, the Speaker has made the following reassignment:

House Bill No. 5375 referred to the Committee on Government Operations.

December 10, 2003

The Honorable Jennifer M. Granholm
Governor of the State of Michigan
2nd Floor Romney building
Lansing, MI 48909

Dear Governor Granholm:

Pursuant to the authority vested in you by Article V, Section 20 of the Constitution of the State of Michigan and language contained in P.A. 431 of 1984 as amended: I, Representative Marc Shulman, Chair of the House Appropriations Committee of the Michigan State Legislature, hereby certify that the official minutes of our Committee show that the majority of the members of our Committee, elected and serving, are recorded as approving Executive Order No. 2003-23 dated December 10, 2003.

Sincerely,
Representative Marc Shulman, Chair
House Appropriations Committee

Introduction of Bills

Reps. Tobocman, Law, Hunter, Bieda, Jamnick, Lipsey, Ward, Hager, Stewart, Mortimer, Accavitti and Pappageorge introduced

House Bill No. 5384, entitled

A bill to amend 2002 PA 27, entitled “An act to establish procedures for municipalities to designate individual lots or structures as blighting; to purchase or condemn blighting property; to transfer blighting property for development; and to repeal acts and parts of acts,” by amending sections 2 and 4 (MCL 125.2802 and 125.2804), section 2 as amended by 2003 PA 129.

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

Reps. Anderson, Dennis, Garfield, Sak, Jamnick, Hopgood, O’Neil, Byrum, Kolb, Adamini, Lipsey, Paletko, Voorhees, Spade, Plakas, Vander Veen, Vagnozzi, Accavitti, Cheeks, Law, Rocca, Zelenko, Waters, Wojno, Brown, Gillard, Woodward, Bieda, Stallworth, Clack, Richardville, Murphy, Gleason, Gaffney, Elkins, Hood, Condino, Phillips, Farrah, Meisner, Hune, Woronchak, Daniels and Gielegem introduced

House Bill No. 5385, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

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

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 5089, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 320a, 601b, and 627 (MCL 257.320a, 257.601b, and 257.627), section 320a as amended by 2003 PA 61, section 601b as amended by 2001 PA 103, and section 627 as amended by 1990 PA 165, and by adding sections 79d and 616a.

(The bill was received from the Senate on December 10, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 11, see House Journal No. 92, p. 2306.)

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

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

Roll Call No. 733

Yeas—103

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

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

Nays—0

In The Chair: Julian

The House agreed to the title as amended.

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

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

Rep. Hood moved that Rep. Daniels be excused temporarily from today's session.
The motion prevailed.

The Speaker laid before the House

House Bill No. 5173, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601b (MCL 257.601b), as amended by 2001 PA 103.

(The bill was received from the Senate on December 10, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 11, see House Journal No. 92, p. 2307.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 734**Yeas—97**

Accavitti	Gleason	Milosch	Shaffer
Acciavatti	Hager	Minore	Sheen
Adamini	Hart	Moolenaar	Sheltrown
Amos	Hoogendyk	Mortimer	Shulman
Anderson	Hopgood	Murphy	Smith
Bieda	Howell	Newell	Spade
Brandenburg	Huizenga	Nitz	Stahl
Brown	Hummel	Nofs	Stakoe
Byrum	Hune	O'Neil	Stewart
Casperson	Hunter	Paletko	Tabor
Caul	Jamnack	Palmer	Taub
Cheeks	Johnson, Rick	Palsrok	Tobocman
Clack	Johnson, Ruth	Pappageorge	Vagnozzi
Condino	Julian	Pastor	Vander Veen
Dennis	Koetje	Phillips	Voorhees

DeRoche	Kolb	Plakas	Walker
DeRossett	Kooiman	Pumford	Ward
Ehardt	LaJoy	Reeves	Waters
Elkins	Law	Richardville	Wenke
Emmons	Lipsey	Rivet	Williams
Farhat	McConico	Robertson	Wojno
Farrah	Meisner	Rocca	Woodward
Gaffney	Meyer	Sak	Woronchak
Garfield	Middaugh	Shackleton	Zelenko
Gillard			

Nays—7

Bisbee	Caswell	LaSata	Van Regenmorter
Bradstreet	Drolet	Steil	

In The Chair: Julian

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.

Second Reading of Bills**House Bill No. 4871, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5759 (MCL 600.5759).

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. Jamnick 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. 4871, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5759 (MCL 600.5759).

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

Roll Call No. 735**Yeas—78**

Accavitti	Garfield	Meyer	Shulman
Acciavatti	Gielegem	Middaugh	Smith
Adamini	Gillard	Milosch	Spade
Amos	Gleason	Minore	Stallworth
Anderson	Hager	Murphy	Steil
Bieda	Hart	Nitz	Stewart
Bradstreet	Hopgood	O'Neil	Tabor
Brown	Howell	Paletko	Taub
Byrum	Hunter	Palmer	Van Regenmorter
Caul	Jamnick	Pappageorge	Vander Veen

Cheeks	Johnson, Rick	Phillips	Voorhees
Clack	Julian	Plakas	Walker
Condino	Koetje	Pumford	Ward
Dennis	Kooiman	Richardville	Wenke
DeRossett	LaJoy	Rivet	Williams
Elkins	LaSata	Rocca	Wojno
Emmons	Law	Sak	Woodward
Farhat	Lipsey	Shaffer	Woronchak
Farrah	McConico	Sheltrown	Zelenko
Gaffney	Meisner		

Nays—28

Bisbee	Hood	Moolenaar	Robertson
Brandenburg	Hoogendyk	Mortimer	Sheen
Casperson	Huizenga	Newell	Stahl
Caswell	Hummel	Nofs	Stakoe
DeRoche	Hune	Palsrok	Tobocman
Drolet	Johnson, Ruth	Pastor	Vagnozzi
Ehardt	Kolb	Reeves	Waters

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. Tobocman, 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 opposed HB 4871 because it is excessive and unnecessary. It would needlessly raise allowable taxable costs in summary proceedings eviction cases, providing an unfair advantage and negative impact on low-income and indigent litigants. Given the nature and realities of summary proceedings the bill is unnecessary.

The speed with which summary proceedings move means that landlord’s legal costs are smaller than they would be in general civil actions. Attorneys also spend less time on these cases because they are form intensive - written pleadings rarely entail anything beyond completing the case caption and filling in the blanks. Other factors also limit landlord legal costs. According to State Court Administrative Office statistics for 2002, less than 10% of summary proceedings cases were disposed of by hearing or trial. What that means is that more than 90% of these cases end by default judgment, and to a lesser extent, consent judgment. The realities of the summary proceedings process make it unnecessary to raise the costs allowed in them.

Finally, increasing the cost for a trial involving a claim for possession and a money judgment could, in situations where landlords have not fulfilled their legal obligation to maintain the rental premises in reasonable repair, have the effect of deterring tenants from legitimately withholding rent or from asserting repair based defenses or counterclaims. This result would occur in cases where it was determined that the rent abatement a tenant was entitled to by a landlord’s failure to meet these obligations was in some amount less than the amount of the landlord’s rent claim. Despite the tepid advisory of MCL 600.5759(2) (that judges consider whether the finder of fact determined that some of the rent claimed due was excused by a breach of the repair obligations), faced with the need to establish an abatement amount greater than \$150, a tenant might decide not to vigorously pursue an abatement claim. Detering tenants from raising repair issues would also have an adverse impact both on the maintenance of the housing stock in a community and blight prevention.

Even if the need for an increase in allowable taxable costs in default and trial of possession and money damages claims situations is conceded, a five-fold increase is excessive and unwarranted.”

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

I voted no on House Bill 4871 because it will hurt poor people. These types of summary proceedings are generally not lengthy proceedings and do not require extensive attorney time and effort. According to the State Court Administrative Office, less than 10 percent of these summary proceedings cases are disposed of by hearing or trial, as a result, the vast majority of these cases end in default or consent judgment. Default and consent judgments generally take only a minute or two of court time and the paperwork required is limited as well.

Thus, the actual reality of how these types of cases are processed makes these drastic increases, which increase the costs by five times the existing amounts, unfair and unreasonable. Furthermore, the increases will make it more difficult for families who face eviction charges to redeem the eviction judgment. The purpose of the summary proceedings is not to ensure the ability of landlords to remove their tenants, it is to ensure their payment - piling on extra costs will not help to ensure payment.”

Second Reading of Bills

Senate Bill No. 849, entitled

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending section 2 (MCL 125.2652), as amended by 2002 PA 254.

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. 849, entitled

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending section 2 (MCL 125.2652), as amended by 2002 PA 254.

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

Roll Call No. 736

Yeas—107

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

Drolet	Kooiman	Richardville	Wenke
Ehardt	LaJoy	Rivet	Williams
Elkins	LaSata	Robertson	Wojno
Emmons	Law	Rocca	Woodward
Farhat	Lipsey	Sak	Woronchak
Farrah	McConico	Shackleton	Zelenko
Gaffney	Meisner	Shaffer	

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 authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans relating to the designation and treatment of brownfield redevelopment zones; to promote the revitalization of environmentally distressed areas; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing,”

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. 4707, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 675d (MCL 257.675d), as amended by 2000 PA 268.

The bill was read a second time.

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.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4707, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 675d (MCL 257.675d), as amended by 2000 PA 268.

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

Roll Call No. 737**Yeas—99**

Accavitti	Gielegem	Middaugh	Sheltrown
Acciavatti	Gillard	Minore	Shulman
Adamini	Gleason	Moolenaar	Smith
Amos	Hager	Mortimer	Spade
Anderson	Hart	Murphy	Stahl
Bieda	Hood	Newell	Stakoe
Bisbee	Hoogendyk	Nitz	Stallworth
Brandenburg	Hopgood	O’Neil	Stewart

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

Nays—8

Bradstreet	Garfield	Koetje	Nofs
Drolet	Johnson, Ruth	Milosch	Steil

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. 4752, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 30104 (MCL 324.30104), as amended by 1999 PA 106.

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

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

Rep. Shackleton moved to amend the bill as follows:

1. Amend page 3, line 20, after “**entity**” by inserting “**that is exempt from taxation under section 501(c)(3) of the internal revenue code**”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4752, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 30104 (MCL 324.30104), as amended by 1999 PA 106.

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

Roll Call No. 738**Yeas—107**

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

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 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30104 (MCL 324.30104), as amended by 2003 PA 163.

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. 4867, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 504, 43510, and 43516 (MCL 324.504, 324.43510, and 324.43516), section 504 as amended by 1996 PA 171, section 43510 as amended by 1996 PA 585, and section 43516 as added by 1995 PA 57.

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

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

Rep. Koetje 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. 4867, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 504, 43510, and 43516 (MCL 324.504, 324.43510, and 324.43516), section 504 as amended by 1996 PA 171, section 43510 as amended by 1996 PA 585, and section 43516 as added by 1995 PA 57.

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

Roll Call No. 739

Yeas—103

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

Nays—2

Tobocman

Vagnozzi

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. McConico, Stewart, Zelenko, DeRossett, Richardville, Spade, Hager, Julian, Bradstreet, Smith, Farrah, Pastor, Brandenburg, Garfield, Gleason, Milosch, Nofs, Byrum, Steil, Elkins, Gillard and Casperson were named co-sponsors of the bill.

Reps. Vagnozzi and Tobocman, 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 4867 because the bill would prohibit the Department of Natural Resources from stopping people with loaded pistols or concealed weapons from coming into state parks, beaches and campgrounds. Our state parks should be a place where people can go with their friends, family and children to relax and be free from worry. Our citizens should not have to worry whether or not the person next to them has a loaded gun in their picnic basket.”

Second Reading of Bills

Senate Bill No. 258, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 120a (MCL 750.120a), as amended by 2000 PA 450.

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. Hood moved that Rep. Hunter be excused temporarily from today’s session.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 258, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 120a (MCL 750.120a), as amended by 2000 PA 450.

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

Roll Call No. 740

Yeas—107

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

Nays—0

In The Chair: Julian

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,”

The House agreed to the full title.

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

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

Second Reading of Bills**Senate Bill No. 535, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 80115 (MCL 324.80115), as added by 1995 PA 58, and by adding section 80124b.

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

The substitute (H-2) 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. 535, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 80115 (MCL 324.80115), as added by 1995 PA 58, and by adding section 80124b.

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

Roll Call No. 741**Yeas—107**

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

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

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 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 80115 (MCL 324.80115), as added by 1995 PA 58.

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. 536, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 80124a.

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

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

Rep. Palsrok moved to amend the bill as follows:

1. Amend page 1, line 6, after “**quality.**” by striking out the balance of the subsection.

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. 536, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 80124a.

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

Roll Call No. 742**Yeas—108**

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

Nays—0

In The Chair: Julian

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills**Senate Bill No. 508, entitled**

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

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

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

Senate Bill No. 508, entitled

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

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

Roll Call No. 743

Yeas—108

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

Nays—0

In The Chair: Julian

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

"An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform

system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 511, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 160c.

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

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

Senate Bill No. 511, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 160c.

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

Roll Call No. 744

Yeas—108

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

Emmons
Farhat
Farrah
Gaffney

LaSata
Law
Lipsey
McConico

Robertson
Rocca
Sak
Shackleton

Wojno
Woodward
Woronchak
Zelenko

Nays—0

In The Chair: Julian

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,”

The House agreed to the full title.

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

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

Second Reading of Bills

House Bill No. 5194, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 9307 (MCL 324.9307), as amended by 2002 PA 107.

The bill was read a second time.

Rep. Sheltroun 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. 5194, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 9307 (MCL 324.9307), as amended by 2002 PA 107.

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

Roll Call No. 745

Yeas—108

Accavitti
Acciavatti
Adamini
Amos
Anderson
Bieda
Bisbee
Bradstreet
Brandenburg
Brown
Byrum
Casperson
Caswell
Caul
Cheeks
Clack

Garfield
Gielegem
Gillard
Gleason
Hager
Hardman
Hart
Hood
Hoogendyk
Hopgood
Howell
Huizenga
Hummel
Hune
Hunter
Jamnick

Meisner
Meyer
Middaugh
Milosch
Minore
Moolenaar
Mortimer
Murphy
Newell
Nitz
Nofs
O’Neil
Paletko
Palmer
Palsrok
Pappageorge

Shaffer
Sheen
Sheltroun
Shulman
Smith
Spade
Stahl
Stakoe
Stallworth
Steil
Stewart
Tabor
Taub
Tobocman
Vagnozzi
Van Regenmorter

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. McConico, Stewart, Rocca, Phillips, Minore, Richardville, Lipsey, Tabor, Meyer, Julian, Shackleton, Adamini, Palmer, Stallworth, Tobocman, Farrah, Paletko, Law, Bieda, Clack, Vagnozzi, Accavitti, Hune, Gleason, Milosch, Nofs, Sak, Stahl, Palsrok and Walker were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5182, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 5714, 5735, and 5744 (MCL 600.5714, 600.5735, and 600.5744), section 5714 as amended by 1990 PA 310 and section 5735 as amended by 2001 PA 162.

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. Lipsey moved to amend the bill as follows:

1. Amend page 6, line 4, after “restitution” by striking out “**shall**” and inserting “may”.

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

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

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

Rep. Kooiman 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. 5182, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 5714, 5735, and 5744 (MCL 600.5714, 600.5735, and 600.5744), section 5714 as amended by 1990 PA 310 and section 5735 as amended by 2001 PA 162.

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

Roll Call No. 746**Yeas—100**

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

Nays—7

Hood	Kolb	Smith	Waters
Hopgood	Meisner	Tobocman	

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. 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 Bills 5182 and 5197 because they create a particularly unfair situation. By decreasing the notice to quit from 7 days to 24 hours, a tenant could face a court hearing on eviction in as little as four days from after receiving the notice to quit. This is barely enough time for most people to remove their belongings and vacate the premises, let alone obtain an attorney and/or prepare an adequate defense. Regardless of the alleged insight that a landlord might have about his or her tenant's activities, reducing the notice to 24 hours for alleged crimes based solely on the landlord's accusation seems grossly unfair.

In addition, while a court might demand more proof than a mere police report to find in the landlord's favor and evict the tenant, the bill's provisions severely limit a judge's ability to grant an adjournment for anything other than

extraordinary circumstances. As a result, if a tenant is unable to attend the hearing due to lack of transportation, inability to get off work, a sick child or whatever other reason, he or she is unlikely to be able to adjourn the hearing and could easily face default judgment. Thus, an unsupported accusation of drug use that wouldn't hold up in court could end up being all the evidence that the landlord needs to force a tenant out.

Furthermore, it is beyond comprehension that the bill will allow a 24-hour notice to quit to be used where the tenant, his or her guests, or family are accused of drug use by the landlord, while still requiring a 7 day notice to quit where the tenant is responsible for creating or causing a serious and continuing health hazard or is causing damage to the property. Thus, a person who is creating a risk to him or herself and others or is actively damaging the rental property will have 7 days notice, while a person accused of drug related activity will have only 24 hours."

Rep. Tobocman, 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 opposed HB 5182 and HB 5197 because these bills present an extreme and overly-broad response to a problem that does not appear to be widespread and, more importantly, violates constitutional due process protections. These bills would reduce from 7 days to 24 hours the notice period in summary proceedings eviction cases where a landlord alleges that a member of a tenant household, or someone under the control of the tenant, has engaged in some illegal drug activity.

I agree that illegal drugs are a major societal ill. However, innocent renter household members should not be forced into instant homelessness because of this problem.

An immediate question that these bills raise is why change is needed. I understand from tenant advocates that since 1990, when the 'illegal drug activity' basis for eviction was added to the summary proceedings statute, it has been infrequently used, despite it being the fastest way by which a landlord can terminate a tenancy under the Act. If this is the case, there is no genuine need for changing a method of eviction that is rarely used.

HB 5182 would prohibit adjournment of one of these cases beyond 'the defendant's appearance or trial date...except for extraordinary reasons'. In summary proceedings, a defendant tenant's appearance or trial date can be as little as 3 days from service of the summons to appear. Given the short interval between service of process and hearing date, the severe limitation on adjournments would greatly impede a defendant's ability to prepare a defense, and to seek and obtain legal representation, both fundamental characteristics of our system of justice.

Very often, the allegation of drug activity by a household member is unfounded or mistaken. Uncovering the truth, a basic objective of our judicial process, in these cases is often not a simple proposition, and it is often greatly aided by discovery. The adjournment limitation would probably greatly curtail discovery and detract from the search for the truth.

The limitation of adjournments would intrude on judicial authority and ability to supervise a case. Presumably, the judge is in the best position of knowing how to schedule a case. The adjournment limitation would hamstring a judge's ability to manage a case. For proceedings that are already accelerated, a one-day notice is inadequate.

While most landlords are respectable and decent, unfortunately there are many who are not. It is the latter type of landlord who would likely see the accelerated illegal drug activity summary proceeding as an easy and fast way to try to get rid of bothersome tenants. The scenarios where abuse could occur are numerous.

The proof standards for determining illegal drug activity under MCL 600.5714(a) are vague, and make the provision vulnerable to abuse.

The bill makes no distinction between culpable and innocent household members. At the very least, a household member should be able to show that he or she was not involved in, or did not consent to, the illegal drug activity."

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

"Mr. Speaker and members of the House:

I voted no on House Bills 5182 and 5197 because they create a very unfair situation. By decreasing the notice to quit from 7 days to 24 hours, a tenant could face a court hearing on eviction in as little as four days after receiving the notice. This is barely enough time for most people to remove their belongings and vacate the premises, let alone obtain an attorney and/or prepare an adequate defense. Regardless of any supposed insight that a landlord might have about his or her tenant's activities, reducing the notice to 24 hours for alleged crimes based solely on the landlord's accusation seems grossly unfair.

I believe these bills are not only overbroad, but they also violate constitutional due process protections. I agree that illegal drugs are a major societal ill. However, innocent renter household members should not be forced into instant homelessness because of this problem.

An immediate question that these bills raise is why change is needed. I understand from tenant advocates that since 1990, when the 'illegal drug activity' basis for eviction was added to the summary proceedings statute, it has been infrequently used, despite it being the fastest way by which a landlord can terminate a tenancy under the Act. In addition, while a court might demand more proof than a mere police report to find in the landlord's favor and evict the

tenant, the bill's provisions severely limit a judge's ability to grant an adjournment for anything other than extraordinary circumstances. As a result, if a tenant is unable to attend the hearing due to lack of transportation, inability to get off work, a sick child or whatever other reason, he or she is unlikely to be able to adjourn the hearing and could easily face default judgment. Thus, an unsupported accusation of drug use that wouldn't hold up in court could end up being all the evidence that the landlord needs to force a tenant out.

It is also beyond comprehension that this legislation will allow a 24-hour notice to be used where the tenant, or a family member, or even just a guest is accused by a landlord of drug use, while the law at the same time requires a longer notice for a tenant who is actually creating or causing a serious and continuing health hazard, or who is causing damage to the property. Thus, a person who is creating a real risk to the property or to others is provided more due process and more protection under this bill than a grandmother who can be kicked out of her home because a landlord thinks her grandson or his friends have drugs on them when they come visit."

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 Bills 5182 and 5197 because they create a particularly unfair situation. By decreasing the notice to quit from 7 days to 24 hours, a tenant could face a court hearing on eviction in as little as four days after receiving the notice to quit. This is barely enough time for most people to remove their belongings and vacate the premises, let alone obtain an attorney and/or prepare an adequate defense. Regardless of the alleged insight that a landlord might have about his or her tenant's activities, reducing the notice to 24 hours for alleged crimes based solely on the landlord's accusation seems grossly unfair.

In addition, while a court might demand more proof than a mere police report to find in the landlord's favor and evict the tenant, the bill's provisions severely limit a judge's ability to grant an adjournment for anything other than extraordinary circumstances. As a result, if a tenant is unable to attend the hearing due to lack of transportation, inability to get off work, a sick child or whatever other reason, he or she is unlikely to be able to adjourn the hearing and could easily face default judgment. Thus, an unsupported accusation of drug use that wouldn't hold up in court could end up being all the evidence that the landlord needs to force a tenant out.

Furthermore, it is beyond comprehension that the bill will allow a 24-hour notice to quit to be used where the tenant, his or her guests, or family are accused of drug use by the landlord, while still requiring a 7 day notice to quit where the tenant is responsible for creating or causing a serious and continuing health hazard or is causing damage to the property. Thus, a person who is creating a risk to him or herself and others or is actively damaging the rental property will have 7 days notice, while a person accused of drug related activity will have only 24 hours."

Second Reading of Bills

House Bill No. 5197, entitled

A bill to amend 1846 RS 66, entitled "Of estates in dower, by the curtesy, and general provisions concerning real estate," by amending section 34 (MCL 554.134), as amended by 1990 PA 311.

The bill was read a second time.

Rep. Kooiman 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 Reps. Hardman and McConico be excused temporarily from today's session.
The motion prevailed.

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

House Bill No. 5197, entitled

A bill to amend 1846 RS 66, entitled "Of estates in dower, by the curtesy, and general provisions concerning real estate," by amending section 34 (MCL 554.134), as amended by 1990 PA 311.

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

Roll Call No. 747**Yeas—95**

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

Nays—11

Cheeks	Kolb	Smith	Waters
Hood	Meisner	Stallworth	Williams
Hopgood	Reeves	Tobocman	

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. Tobocman, 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 opposed HB 5182 and HB 5197 because these bills present an extreme and overly-broad response to a problem that does not appear to be widespread and, more importantly, violates constitutional due process protections. These bills would reduce from 7 days to 24 hours the notice period in summary proceedings eviction cases where a landlord alleges that a member of a tenant household, or someone under the control of the tenant, has engaged in some illegal drug activity.

I agree that illegal drugs are a major societal ill. However, innocent renter household members should not be forced into instant homelessness because of this problem.

An immediate question that these bills raise is why change is needed. I understand from tenant advocates that since 1990, when the ‘illegal drug activity’ basis for eviction was added to the summary proceedings statute, it has been infrequently used, despite it being the fastest way by which a landlord can terminate a tenancy under the Act. If this is the case, there is no genuine need for changing a method of eviction that is rarely used.

HB 5182 would prohibit adjournment of one of these cases beyond 'the defendant's appearance or trial date...except for extraordinary reasons'. In summary proceedings, a defendant tenant's appearance or trial date can be as little as 3 days from service of the summons to appear. Given the short interval between service of process and hearing date, the severe limitation on adjournments would greatly impede a defendant's ability to prepare a defense, and to seek and obtain legal representation, both fundamental characteristics of our system of justice.

Very often, the allegation of drug activity by a household member is unfounded or mistaken. Uncovering the truth, a basic objective of our judicial process, in these cases is often not a simple proposition, and it is often greatly aided by discovery. The adjournment limitation would probably greatly curtail discovery and detract from the search for the truth.

The limitation of adjournments would intrude on judicial authority and ability to supervise a case. Presumably, the judge is in the best position of knowing how to schedule a case. The adjournment limitation would hamstring a judge's ability to manage a case. For proceedings that are already accelerated, a one-day notice is inadequate.

While most landlords are respectable and decent, unfortunately there are many who are not. It is the latter type of landlord who would likely see the accelerated illegal drug activity summary proceeding as an easy and fast way to try to get rid of bothersome tenants. The scenarios where abuse could occur are numerous.

The proof standards for determining illegal drug activity under MCL 600.5714(a) are vague, and make the provision vulnerable to abuse.

The bill makes no distinction between culpable and innocent household members. At the very least, a household member should be able to show that he or she was not involved in, or did not consent to, the illegal drug activity."

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

"Mr. Speaker and members of the House:

I voted no on House Bills 5182 and 5197 because they create a very unfair situation. By decreasing the notice to quit from 7 days to 24 hours, a tenant could face a court hearing on eviction in as little as four days after receiving the notice. This is barely enough time for most people to remove their belongings and vacate the premises, let alone obtain an attorney and/or prepare an adequate defense. Regardless of any supposed insight that a landlord might have about his or her tenant's activities, reducing the notice to 24 hours for alleged crimes based solely on the landlord's accusation seems grossly unfair.

I believe these bills are not only overbroad, but they also violate constitutional due process protections. I agree that illegal drugs are a major societal ill. However, innocent renter household members should not be forced into instant homelessness because of this problem.

An immediate question that these bills raise is why change is needed. I understand from tenant advocates that since 1990, when the 'illegal drug activity' basis for eviction was added to the summary proceedings statute, it has been infrequently used, despite it being the fastest way by which a landlord can terminate a tenancy under the Act. In addition, while a court might demand more proof than a mere police report to find in the landlord's favor and evict the tenant, the bill's provisions severely limit a judge's ability to grant an adjournment for anything other than extraordinary circumstances. As a result, if a tenant is unable to attend the hearing due to lack of transportation, inability to get off work, a sick child or whatever other reason, he or she is unlikely to be able to adjourn the hearing and could easily face default judgment. Thus, an unsupported accusation of drug use that wouldn't hold up in court could end up being all the evidence that the landlord needs to force a tenant out.

It is also beyond comprehension that this legislation will allow a 24-hour notice to be used where the tenant, or a family member, or even just a guest is accused by a landlord of drug use, while the law at the same time requires a longer notice for a tenant who is actually creating or causing a serious and continuing health hazard, or who is causing damage to the property. Thus, a person who is creating a real risk to the property or to others is provided more due process and more protection under this bill than a grandmother who can be kicked out of her home because a landlord thinks her grandson or his friends have drugs on them when they come visit."

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 Bills 5182 and 5197 because they create a particularly unfair situation. By decreasing the notice to quit from 7 days to 24 hours, a tenant could face a court hearing on eviction in as little as four days after receiving the notice to quit. This is barely enough time for most people to remove their belongings and vacate the premises, let alone obtain an attorney and/or prepare an adequate defense. Regardless of the alleged insight that a landlord might have about his or her tenant's activities, reducing the notice to 24 hours for alleged crimes based solely on the landlord's accusation seems grossly unfair.

In addition, while a court might demand more proof than a mere police report to find in the landlord's favor and evict the tenant, the bill's provisions severely limit a judge's ability to grant an adjournment for anything other than extraordinary circumstances. As a result, if a tenant is unable to attend the hearing due to lack of transportation, inability to get off work, a sick child or whatever other reason, he or she is unlikely to be able to adjourn the hearing and could easily face default judgment. Thus, an unsupported accusation of drug use that wouldn't hold up in court could end up being all the evidence that the landlord needs to force a tenant out.

Furthermore, it is beyond comprehension that the bill will allow a 24-hour notice to quit to be used where the tenant, his or her guests, or family are accused of drug use by the landlord, while still requiring a 7 day notice to quit where the tenant is responsible for creating or causing a serious and continuing health hazard or is causing damage to the property. Thus, a person who is creating a risk to him or herself and others or is actively damaging the rental property will have 7 days notice, while a person accused of drug related activity will have only 24 hours.”

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 Tax Policy be discharged from further consideration of **House Bill No. 4863**.

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.

Messages from the Senate

The Senate requested the return of
House Bill No. 4825, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending sections 3, 8, 11, 21, 25, 26, and 29 (MCL 117.3, 117.8, 117.11, 117.21, 117.25, 117.26, and 117.29), section 3 as amended by 2002 PA 201, section 25 as amended by 1982 PA 200, and section 29 as amended by 1994 PA 17.

(The bill was received from the Senate on December 16, with substitute (S-3) and full title inserted, consideration of which, under the rules, was postponed until today, see House Journal No. 94, p. 2387.)

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

Rep. Richardville moved that the request of the Senate be granted.
The motion prevailed.

The Senate requested the return of
House Bill No. 5270, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 19608a.

(The bill was received from the Senate on December 16, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 94, p. 2388.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

Rep. Richardville moved that the request of the Senate be granted.
The motion prevailed.

Senate Bill No. 556, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 11b, 26a, 68, and 108 (MCL 388.1611, 388.1611b, 388.1626a, 388.1668, and 388.1708), sections 11, 26a, 68, and 108 as amended and section 11b as added by 2003 PA 158.

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

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Richardville moved that Rules 44 and 45 be suspended.

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

Rep. Richardville moved that the bill be placed on the order of Second Reading of Bills and laid over one day.

The motion prevailed.

Second Reading of Bills

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

Senate Bill No. 556, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11b, 26a, 68, and 108 (MCL 388.1611, 388.1611b, 388.1626a, 388.1668, and 388.1708), sections 11, 26a, 68, and 108 as amended and section 11b as added by 2003 PA 158.

The bill was read a second time.

Rep. Emmons 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.

Reps. Ehardt and Kooiman moved to amend the bill as follows:

1. Amend page 20, line 9, after "2001-2002." by inserting "**If the allocation under this subsection is reduced so that a district receives less than it received in FY 2001-02 under former Section 32e, the district may allow its class sizes to increase proportionately to the decrease in funding.**".

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.

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 474, entitled

A bill to regulate the business of deferred presentment services; to require the licensing of providers of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

(The bill was passed on November 12, see House Journal No. 86, p. 2160; returned from the Senate per House request on December 10, see House Journal No. 92, p. 2306.)

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

Rep. Richardville moved to reconsider the vote by which the House passed the bill.
The motion prevailed, a majority of the members serving voting therefor.

Third Reading of Bills

Senate Bill No. 474, entitled

A bill to regulate the business of deferred presentment services; to require the licensing of providers of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

The question being on the passage of the bill,

Rep. Palsrok moved to substitute (H-7) the bill.
The motion was seconded and the substitute (H-7) was adopted, a majority of the members serving voting therefor.

Rep. Rivet moved to amend the bill as follows:

1. Amend page 11, line 24, after "commissioner" by striking out "shall" and inserting "may".

2. Amend page 11, line 26, after "section." by striking out "The" and inserting "If the commissioner contracts with a third party provider for the operation of the database, the".

3. Amend page 12, line 2, after "(2)" by striking out "The" and inserting "If the commissioner contracts with a third party provider, the".

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

Rep. Nofs moved to amend the bill as follows:

1. Amend page 20, line 9, after "exceed" by striking out "14%" and inserting "13.25%".

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 748**Yeas—64**

Acciavatti	Gillard	Meyer	Shaffer
Adamini	Hager	Middaugh	Sheen
Amos	Howell	Milosch	Shulman
Bisbee	Huizenga	Moolenaar	Stahl
Bradstreet	Hummel	Mortimer	Stakoe
Brandenburg	Hune	Newell	Steil
Brown	Hunter	Nitz	Stewart
Casperson	Johnson, Rick	Nofs	Tabor
Caswell	Johnson, Ruth	O'Neil	Taub
Caul	Julian	Palsrok	Van Regenmorter
DeRoche	Koetje	Pappageorge	Vander Veen
Ehardt	Kolb	Pastor	Voorhees
Emmons	Kooiman	Richardville	Walker
Farhat	LaJoy	Rivet	Ward
Gaffney	Lipsey	Robertson	Wenke
Garfield	McConico	Shackleton	Woronchak

Nays—44

Accavitti	Elkins	Law	Sheltrown
Anderson	Farrah	Meisner	Smith
Bieda	Gielegem	Minore	Spade
Byrum	Gleason	Murphy	Stallworth
Cheeks	Hardman	Paletko	Tobocman
Clack	Hart	Palmer	Vagnozzi
Condino	Hood	Phillips	Waters
Daniels	Hoogendyk	Plakas	Williams
Dennis	Hopgood	Reeves	Wojno
DeRossett	Jamnack	Rocca	Woodward
Drolet	LaSata	Sak	Zelenko

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 regulate the business of providing deferred presentment service transactions; to require the licensing of providers of deferred presentment service transactions; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

The motion prevailed.

The House agreed to the title as amended.

Rep. Dennis, 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 Senate Bill 474 (H-7) because I disagreed with the fee that licensees may charge customers under the bill. The bill, as passed, allows licensees to charge customers a service fee that does not exceed 13.25% of the face amount of the check. According to some consumer advocacy groups, fees and annual percentage rates of some of these transactions have climbed as high as 2000%. It is my belief that any fee in excess of 10% is downright gouging in the purest sense. The deferred presentment service industry has failed to show that it cannot make a profit or remain solvent at a rate of 10%. Evidence has been offered to show that in the state of Florida, where there is a 10% fee cap, these businesses have not only remained solvent, but have also experienced 11% in growth. Senate Bill 496, now Public Act 215 of 2003, modernized the regulations regarding credit unions. That public act allows credit unions the opportunity to perform the same type of transactions with a 10% fee limit. Because the service fee was still not reduced to an acceptable amount, I voted no on Senate Bill 474 (H-7).”

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

“Mr. Speaker and members of the House:

I voted no on Senate Bill 474 (H-7) because I disagreed with the fee that licensees may charge customers under the bill. The bill, as passed, allows licensees to charge customers a service fee that does not exceed 13.25% of the face amount of the check. However, according to consumer advocacy groups, fees and annual percentage rates of some of these transactions have climbed as high as 2000%. It is my belief that any fee in excess of 10% is downright gouging in the purest sense. The deferred presentment service industry has failed to show that it cannot make a profit or remain solvent at a rate of 10%. Evidence has been offered to show that in the state of Florida, where there is a 10% fee cap, these businesses have not only remained solvent, but have also experienced 11% in growth. Senate Bill 496, now Public Act 215 of 2003, modernized the regulations regarding credit unions. That public act allows credit unions the opportunity to perform the same type of transactions with a 10% fee limit. Because the service fee was still not reduced to an acceptable amount, I voted no on Senate Bill 474 (H-7).”

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 no on Senate Bill 474 (H-7) because I disagreed with the fee that licensees may charge customers under the bill. SB 474, as passed today, allows licensees to charge customers a service fee that does not exceed 13.25 percent of the face amount of the check. According to some consumer advocacy groups, fees and annual percentage rates of some of these transactions have climbed as high as two thousand percent! Ebenezer Scrooge would be proud. It is my belief that any fee in excess of ten percent is downright gouging in the worse sense. The State should not be in the business of condoning such astronomical rates.

While the deferred presentment service industry has failed to show that it cannot make a profit or remain solvent at a rate of ten percent, there is evidence to the contrary. For example, in the State of Florida, where there is a ten percent fee cap, businesses have not only remained solvent, but have also experienced an impressive growth rate of eleven percent. It is also of note that Senate Bill 496, now Public Act 215 of 2003, modernized the regulations regarding credit unions. That public act allows credit unions the opportunity to perform the same type of transactions with a ten percent fee limit. Because the service fee was still not reduced to an acceptable amount, I voted no on Senate Bill 474.”

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 881, entitled

A bill to amend 1973 PA 139, entitled “An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,” by amending section 9 (MCL 45.559), as amended by 1980 PA 100, and by adding section 9a.

The Senate has passed the bill.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Richardville moved that Rules 44 and 45 be suspended.

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

Rep. Richardville moved that the bill be placed on the order of Second Reading of Bills and laid over one day.

The motion prevailed.

Second Reading of Bills

Rep. Richardville moved that Rule 48 be suspended.

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

Senate Bill No. 881, entitled

A bill to amend 1973 PA 139, entitled “An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property;

to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,” by amending section 9 (MCL 45.559), as amended by 1980 PA 100, and by adding section 9a.

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. 881, entitled

A bill to amend 1973 PA 139, entitled “An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,” by amending section 9 (MCL 45.559), as amended by 1980 PA 100, and by adding section 9a.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Woodward moved to amend the bill as follows:

1. Amend page 3, line 22, after “**executive**,” by striking out “**the chief deputy**” and inserting “**county commission chairperson**”.

2. Amend page 4, line 9, after “**the**” by striking out “**chief deputy**” and inserting “**county commission chairperson**”.

3. Amend page 4, line 10, by striking out “**next highest ranking deputy**” and inserting “**county commission vice chairperson**”.

4. Amend page 5, line 4, after “**the**” by striking out “**chief deputy**” and inserting “**county commission chairperson**”.

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 749

Yeas—94

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

Nays—12

Anderson	Hopgood	Phillips	Tobocman
Condino	McConico	Smith	Vagnozzi
Dennis	Meisner	Stallworth	Woodward

In The Chair: Julian

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

Rep. Richardville moved that **Senate Bill No. 556** be placed on its immediate passage.
 The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 556, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11b, 26a, 68, and 108 (MCL 388.1611, 388.1611b, 388.1626a, 388.1668, and 388.1708), sections 11, 26a, 68, and 108 as amended and section 11b as added by 2003 PA 158.

The bill was read a third time.

The question being on the passage of the bill,

Reps. Hager, Palsrok and Kooiman moved to amend the bill as follows:

1. Amend page 7, line 4, by striking out "\$42,600,000.00" and inserting "\$44,100,000.00".
2. Amend page 20, line 2, after "of" by striking out "81.24%" and inserting "90.62%", and adjusting section 11 and enacting section 1 accordingly.

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 750**Yeas—56**

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

Nays—46

Accavitti	Gaffney	Law	Sheltrown
Adamini	Gielegem	Meisner	Smith
Anderson	Gillard	Minore	Spade
Bieda	Gleason	Moolenaar	Stewart
Brown	Hardman	Murphy	Vagnozzi

Byrum	Hart	O'Neil	Waters
Cheeks	Hood	Paletko	Williams
Clack	Hopgood	Phillips	Wojno
Condino	Hunter	Plakas	Woodward
Dennis	Jamnack	Pumford	Woronchak
Elkins	Kolb	Sak	Zelenko
Farrah	LaSata		

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 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11b, 20, 20j, 26a, 68, 81, and 108 (MCL 388.1611, 388.1611b, 388.1620, 388.1620j, 388.1626a, 388.1668, 388.1681, and 388.1708), sections 11, 20, 26a, 68, 81, and 108 as amended and section 11b as added by 2003 PA 158, and section 20j as amended by 2001 PA 121.

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. 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 no on SB 556 (H-1) as amended, because these cuts are shortsighted and will do great harm to our children's education, and, I believe, Michigan's long and short-term ability to attract new industry and development.

Cutting from small class funding is a poor way to balance a budget as it will cause long term damage to our students. Image, balancing the budget on the future of our children. Research clearly shows that providing for smaller class room sizes is critical to ensuring that our children succeed. The substitute presented on the floor today also cuts ten million dollars from the Intermediate School District (ISD) reserve funds. Why would anyone in state government want to set a precedent of punishing ISDs showing fiscal restraint and saving their funding for emergencies? This runs counter to common sense and human behavior. This will simply encourage ISDs to spend their money as soon as they get it, leaving them vulnerable in times of emergencies. But I suppose common sense is in short supply.

This also bodes poorly for the so-called 'hold harmless' school districts. This bill cuts five million dollars from Section 20J which is money provided to the 'hold harmless' school districts — and it sets the precedent for even greater cuts to these school districts. Why should hold harmless school districts, and the taxpayers in those districts, be punished? This is simply irresponsible. For these reasons I voted no on Senate Bill 556 as amended."

Reps. Hopgood, Kolb and Murphy, 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 Senate Bill 556 (H-1) because it will do great damage to our children's education.

Cutting \$5 million from small class size funding will cause long term damage for our students. We know from research that providing for smaller class room sizes is critical to ensuring our children succeed. The research is clear that having smaller class sizes provides for more individualized attention to the students and results in the children performing better.

The substitute also cuts \$10 million from the Intermediate School District (ISD) reserve funds. Why would want to set a precedent of punishing ISDs for showing fiscal restraint and saving their funding for emergencies? This makes no sense. This will encourage ISDS to spend their money as soon as they get it, leaving them vulnerable in times of emergencies.

The substitute version cuts \$5 million or 30 percent of the \$15 million provided to the Detroit School District. This is breaking a promise that was made when the Detroit School takeover occurred. At that time, an annual \$15 million was promised to help in the school reform efforts. Finally, the substitute cuts \$5 million from Section 20j which is money provided to the 'hold harmless' districts.

It is irresponsible to cut education funding further when freezing the income tax rollback for six months would allow us to prevent these cuts and not cut into the education of our children any further. Pausing the income tax will cost \$50 per year or \$4.17 per month to a family earning \$60,000 per year.

For these reasons, I voted no on Senate Bill 556 (H-1).”

Rep. Brown, 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 Senate Bill 556 (H-1) as amended, because it will do great damage to our children’s education.

Cutting \$2.5 million from small class size funding will cause long term damage for our students. We know from research that providing for smaller class room sizes is critical to ensuring our children succeed. The research is clear that having smaller class sizes provides for more individualized attention to the students and results in the children performing better.

The substitute also cuts \$10 million from the Intermediate School District (ISD) reserve funds. Why would want to set a precedent of punishing ISDs for showing fiscal restraint and saving their funding for emergencies? This makes no sense. This will encourage ISDS to spend their money as soon as they get it, leaving them vulnerable in times of emergencies.

The substitute version cuts \$5 million or 30 percent of the \$15 million provided to the Detroit School District. This is breaking a promise that was made when the Detroit School takeover occurred. At that time, an annual \$15 million was promised to help in the school reform efforts. Finally, the substitute cuts \$5 million from Section 20j which is money provided to the ‘hold harmless’ districts.

It is irresponsible to cut education funding further when freezing the income tax rollback for six months would allow us to prevent these cuts and not cut into the education of our children any further. Pausing the income tax will cost \$50 per year or \$4.17 per month to a family earning \$60,000 per year.

For these reasons, I voted no on Senate Bill 556 (H-1).”

Rep. Law, 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 Senate Bill 556 (H-1) because it will do great damage to our children’s education.

The substitute cuts \$10 million from the Intermediate School District (ISD) reserve funds. Why would want to set a precedent of punishing ISDs for showing fiscal restraint and saving their funding for emergencies? This makes no sense. This will encourage ISDS to spend their money as soon as they get it, leaving them vulnerable in times of emergencies.

The substitute version cuts \$5 million or 30 percent of the \$15 million provided to the Detroit School District. This is breaking a promise that was made when the Detroit School takeover occurred. At that time, an annual \$15 million was promised to help in the school reform efforts. Finally, the substitute cuts \$5 million from Section 20j which is money provided to the ‘hold harmless’ districts.

It is irresponsible to cut education funding further when freezing the income tax rollback for six months would allow us to prevent these cuts and not cut into the education of our children any further. Pausing the income tax will cost \$50 per year or \$4.17 per month to a family earning \$60,000 per year.

For these reasons, I voted no on Senate Bill 556 (H-1).”

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 Senate Bill 556 (H-1) as amended, because it will do great damage to our children’s education.

Cutting \$2.5 million from small class size funding will cause long term damage for our students. We know from research that providing for smaller class room sizes is critical to ensuring our children succeed. The research is clear that having smaller class sizes provides for more individualized attention to the students and results in the children performing better.

The substitute also cuts \$10 million from the Intermediate School District (ISD) reserve funds. Why would want to set a precedent of punishing ISDs for showing fiscal restraint and saving their funding for emergencies? This makes no sense. This will encourage ISDs to spend their money as soon as they get it, leaving them vulnerable in times of emergencies.

The substitute version would also cut \$5 million from Section 20j which is money provided to the ‘hold harmless’ districts.

It is irresponsible to cut education funding further when freezing the income tax rollback for six months would allow us to prevent these cuts and not cut into the education of our children any further. Pausing the income tax will cost \$50 per year or \$4.17 per month to a family earning \$60,000 per year.

For these reasons, I voted no on Senate Bill 556 (H-1).”

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4367, entitled

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

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to make, supplement, and adjust appropriations for the legislative branch, the judicial branch, capital outlay, and certain state departments and agencies for the fiscal year ending September 30, 2003 and the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

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

1. Amend page 29, line 24, after "college" by striking out "certifying to the state budget".
2. Amend page 30, line 1, by striking out all of line 1 through "conference" on line 6.

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

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

1. Amend page 24, by striking out all of line 24 through "follows:" on page 30, line 9, and inserting:

"A community college certifying that it did not adopt tuition and fee increases of more than \$300.00 per student for the 2003-2004 academic year shall be paid in the fiscal year ending September 30, 2004 from state general fund/general purpose revenues an additional state aid allocations as follows:"

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

Rep. Shulman moved to substitute (H-1) the Senate substitute (S-1).

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

Rep. Kooiman moved to amend the Senate substitute (S-1), as substituted (H-1), as follows:

1. Amend page 21, line 1, by increasing the amount by "5,400,000" and adjusting the subtotals, totals, and section 201 accordingly.
2. Amend page 21, line 5, by increasing the amount by "3,400,000" and adjusting the subtotals, totals, and section 201 accordingly.
3. Amend page 21, line 6, by increasing the amount by "2,000,000" and adjusting the subtotals, totals, and section 201 accordingly.
4. Amend page 20, line 20, by striking out all of line 20 and adjusting the subtotals, totals, and section 201 accordingly.
5. Amend page 20, line 26, by striking out all of line 26 and adjusting the subtotals, totals, and section 201 accordingly.
6. Amend page 43, following line 9, by inserting:

FAMILY INDEPENDENCE AGENCY

Sec. 420. (1) The department shall continue to offer quality before- or after-school programs that provide youth with a safe, engaging environment to motivate and inspire learning outside the traditional classroom setting. Before-school programs are limited to elementary school-aged children. Effective before- or after-school programs combine academic, enrichment, and recreation activities to guide learning and inspire children and youth in various activities. The before- or after-school programs can meet the needs of the communities served by the programs.

(2) The department shall work in collaboration with independent contractors to put into practice a pilot program establishing quality before- or after-school programs for children in kindergarten to ninth grades. In order for an independent contractor to receive funds, a child served must be a member of a family with an income that does not exceed 200% of the federal poverty guidelines published by the United States department of health and human services.

(3) The department shall allocate through grants or contracts up to \$7,950,000.00 in funds for pilot programs. A county shall receive no more than 20% of the funds appropriated in part 1 for this program. From the funds appropriated in part 1 for before- or after-school pilot programs within day care services, the department is authorized to make allocations of funds only to the agencies that report necessary data to the department for the purpose of meeting TANF and maintenance of effort eligibility reporting requirements. The use of funds under this section should not be considered an ongoing commitment of funding.

(4) The before- or after-school pilot programs shall include, at a minimum, at least 3 of the following topics:

- (a) Abstinence-based pregnancy prevention.
- (b) Chemical abuse and dependency including nonmedical services.
- (c) Gang violence prevention.
- (d) Academic assistance, including assistance with reading and writing.
- (e) Preparation toward future self-sufficiency.
- (f) Leadership development.
- (g) Case management or mentoring.
- (h) Parental involvement.
- (i) Anger management.

(5) The department may enter into grants or contracts with independent contractors including, but not limited to, faith-based organizations, boys or girls clubs, schools, or nonprofit organizations. The department shall grant priority in funding independent contractors who secure at least 10% in matching funds. The matching funds may either be fulfilled through local, state, or federal funds, and/or through in-kind or other donations. An independent contractor who cannot fulfill the match described in this subsection shall not be excluded from applying for a before- or after-school program contract.

(6) A referral to a pilot program may be made by, but is not limited to, any of the following:

- (a) A teacher.
- (b) A counselor.
- (c) A parent.
- (d) A police officer.
- (e) A judge.
- (f) A social worker.

(7) By August 30, 2004, the department before- or after-school pilot program expenditures shall be audited and the department shall work in collaboration with independent contractors to provide a report on the before- or after-school pilot program to the senate and house standing committees dealing with human services, the senate and house appropriations subcommittees for the family independence agency budget, the senate and house fiscal agencies, and the senate and house policy offices. The report shall include the number of participants and the average cost per participant, as well as changes noted in program participants in any of the following categories:

- (a) Juvenile crime.
- (b) Aggressive behavior.
- (c) Academic achievement.
- (d) Development of new skills and interests.
- (e) School attendance and dropout rates.
- (f) Behavioral changes in school.”.

7. Amend page 43, following line 9, by inserting:

“Sec. 421. (1) Contingent upon the receipt of a refund from the federal government related to penalties previously imposed for the child support enforcement system, \$5,465,500.00 of the refund is appropriated for the following programs in the following amounts to provide funding in addition to funds appropriated in part 1:

- (a) \$50,000.00 for community-based innovation grants for concerned citizens council for inner city youth facility.
- (b) \$1,000,000.00 for protective services workers.
- (c) \$50,000.00 for the Michigan coordinated access to food for the elderly (MICAPE) program.
- (d) \$39,000.00 for 5 communities to develop young at-risk males of color networks.
- (e) \$900,000.00 to provide a rate increase for foster care and adoption subsidies for parents.
- (f) \$100,000.00 for a homeless prevention program working with extended families of clients at risk for homelessness.
- (g) \$3,326,500.00 for state disability assistance caseload.

(2) The funds appropriated in subsection (1) shall be considered a 1-time authority.

(3) Contingent upon the receipt of the refund mentioned in subsection (1), \$900,000.00 in federal title IV-E match is appropriated for the following programs in the following amounts to provide funding in addition to funds appropriated in part 1 and subsection (1):

- (a) \$900,000.00 to provide a rate increase for foster care and adoption subsidies for parents.”.

8. Amend page 47, following line 6, by inserting:

“Sec. 1605. Section 657 of 2003 PA 172 is repealed.

Sec. 1606. Section 413 of 2003 PA 172 is repealed.”.

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

Rep. Pastor moved to amend the Senate substitute (S-1), as substituted (H-1), as follows:

- 1. Amend page 45, line 14, after “grade” by striking out “bridge” and inserting “lands or bridges”.

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

Rep. Mortimer moved to amend the Senate substitute (S-1), as substituted (H-1), as follows:

1. Amend page 45, following line 9, by inserting:

MILITARY AND VETERANS AFFAIRS

Sec. 510. Any resident military reservist shall also be entitled to a free trip home if that member is at a designated departure site on the date and time that members of the Michigan national guard are scheduled for departure. The reservist will not be reimbursed for expenses to travel to the departure site.”.

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

Rep. Pastor moved to amend the Senate substitute (S-1), as substituted (H-1), as follows:

1. Amend page 45, line 12, after “purchasing” by inserting “lands or”.

2. Amend page 45, line 14, after “grade” by striking out “bridge” and inserting “bridges”.

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

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1), as substituted (H-1), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 751

Yeas—59

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

Nays—46

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

In The Chair: Julian

The House agreed to the title as amended.

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

“Mr. Speaker and members of the House:

I voted no on House Bill 4367(H-1) because the House Substitute is flawed and unacceptable in the following ways: \$35 million in additional administrative cuts - The bulk of these cuts will affect Michigan’s most vulnerable populations and could endanger public safety. These cuts primarily hit FIA, Public Health, and Corrections.

- Public Health Cuts could negatively affect populations with diabetes, Alzheimers, pediatric arthritis, and other health problems as well as jeopardize further funds for home health care to those that need it most.
- Children’s services may be cut further.
- Dollars supporting veterans’ services are cut further.
- Indigent Burial Services may be cut.
- Homeless shelters may wind up cut or closed at the coldest time of the year.
- Cuts to DOC could jeopardize prison guard safety or may necessitate early release of prisoners, placing public safety in the balance.

We’ve been fiscally responsible. Now we need to stand up for seniors, children, and veterans. The cuts in this substitute are irresponsible when a well thought-out plan was negotiated by the Senate and Governor and delivered to the House containing a balance of cuts and other solutions to balance the budget.

Further, at a time when all other state departments are barely able to function on the dollars they have to work with, House Republicans soften the blow that the Attorney General took in the Executive order by GIVING HIM AN ADDITIONAL \$600,000 in General Funds to investigate and prosecute ISD’s. No additional revenue to the State will be realized by this new expenditure of General Funds.

Finally, with the General Fund cuts in this bill, the administration will have no way to avoid laying off state employees, nullifying the agreements negotiated to fill a \$140 million hole in the General Fund through worker concessions. With the terms of that agreement broken, we will be opening up a new GF shortfall of over \$140 million, and we go back to the drawing board.”

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. Waters moved to reconsider the vote by which the House suspended the rules.

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

Rep. Richardville moved that the Committee on Tax Policy be discharged from further consideration of **Senate Bill No. 852**.

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.

Senate Bill No. 852, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 51e (MCL 206.51e), as added by 1999 PA 5.

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. 852, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 51e (MCL 206.51e), as added by 1999 PA 5.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Minore moved that consideration of the bill be postponed for the day.

The motion did not prevail.

The question being on the passage of the bill,

The bill was then not passed, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 752**Yeas—45**

Accavitti	Gleason	Meisner	Sak
Adamini	Hager	Meyer	Shaffer
Anderson	Hardman	Minore	Sheltrown
Brown	Hart	Murphy	Smith
Byrum	Hood	O'Neil	Stallworth
Casperson	Jamnick	Phillips	Tobocman
Clack	Johnson, Rick	Plakas	Waters
Condino	Julian	Pumford	Williams
Daniels	Kolb	Reeves	Wojno
Dennis	LaSata	Richardville	Woodward
Farrah	McConico	Rivet	Zelenko
Gielegem			

Nays—61

Acciavatti	Garfield	Moolenaar	Spade
Amos	Gillard	Mortimer	Stahl
Bieda	Hoogendyk	Newell	Stakoe
Bisbee	Hopgood	Nitz	Steil
Bradstreet	Howell	Nofs	Stewart
Brandenburg	Huizenga	Paletko	Tabor
Caswell	Hummel	Palmer	Taub
Caul	Hune	Palsrok	Vagnozzi
DeRoche	Johnson, Ruth	Pappageorge	Van Regenmorter
DeRossett	Koetje	Pastor	Vander Veen
Drolet	Kooiman	Robertson	Voorhees
Ehardt	LaJoy	Rocca	Walker
Elkins	Law	Shackleton	Ward
Emmons	Middaugh	Sheen	Wenke
Farhat	Milosch	Shulman	Woronchak
Gaffney			

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 for the day.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Spade, Accavitti, Adamini, Anderson, Bieda, Brandenburg, Brown, Byrum, Caswell, Clack, Condino, Dennis, DeRossett, Ehardt, Elkins, Farhat, Farrah, Garfield, Gillard, Gleason, Hardman, Hoogendyk, Hopgood, Huizenga,

Jamnick, Ruth Johnson, Koetje, Kolb, Kooiman, Law, Lipsey, Meyer, Milosch, Minore, Murphy, O'Neil, Paletko, Palmer, Pappageorge, Pastor, Plakas, Richardville, Rivet, Rocca, Sak, Shaffer, Sheltroun, Shulman, Stahl, Tabor, Taub, Tobocman, Vagnozzi, Vander Veen, Voorhees, Waters, Wojno and Zelenko offered the following resolution:

House Resolution No. 185.

A resolution recognizing the 25th anniversary of the Michigan Commission for the Blind.

Whereas, The legislation that created the Michigan Commission for the Blind (MCB), Public Act 260, was officially enacted in October of 1978, 25 years ago. The Michigan Commission for the Blind provides blind and visually impaired persons with opportunities for independence and employment through six direct service programs: rehabilitation services, deaf-blind services, the MCB Training Center, the Business Enterprise Program, the Independent Living Program and the Youth Low Vision Program. Public Act 260 of 1978, as amended, established the five-member, Governor-appointed Commission, three of whom shall be blind, to provide consumer input at the policymaking level; and

Whereas, For the first half of the twentieth century, services for the blind consisted of a sheltered workshop in Saginaw and the blind concession program. In the 1950s, the Michigan Department of Social Services assigned a few caseworkers to a "blind-only" caseload to provide financial and employment assistance. A few years later, the Department of Social Services combined the workshop, blind concessions, and these caseworkers into a Division of Services for the Blind. In the mid 1960s, a group of state legislators recognized that the broom making workshop in Saginaw presented the wrong image of blind workers and should be closed. After studying other state programs, they decided that a new facility should be constructed that emphasizes independence rather than sheltered work. As a result, the Michigan Rehabilitation Center for the Blind was opened in Kalamazoo, in 1970, for purposes of teaching blind persons the skills necessary for independence; and

Whereas, In the mid 1970s, organized blind consumers initiated legislation to create an agency structure where blind persons would play a major role in planning and policy making. The act also transferred the agency from Department of Social Services to the Department of Labor, and made the commission a partner with the federal government in providing employment services and vending facilities for blind persons. It also established a broad range of teaching and counseling roles and responsibilities. In the early 1980s, the Michigan Commission for the Blind gained state and federal funds to establish independent living services for older blind individuals, and state funds to establish low vision services for blind and visually impaired youth. In addition, the vending program was expanded to include cafeterias and highway vending locations at welcome centers and rest stops, the center in Kalamazoo was renamed the Michigan Commission for the Blind Training Center, a statewide deaf-blind service was established, and formal strategic planning began with the production of a mission statement, i.e., "To provide opportunities to blind persons to achieve employability and, or function independently in society."; and

Whereas, The 1990s have been highlighted by the Americans with Disabilities Act, a major anti-discrimination statute designed to remove barriers in employment, government services, and public accommodations, and the 1992 amendments to the Rehabilitation Act which calls for greater attention to client choice and independent living services. In 1996, the MCB was transferred from the abolished Department of Labor to the Department of Consumer and Industry Services to the Family Independence Agency (formerly Department of Social Services). In 1997, the Client Assistance Program was privatized. In 1998, the Workforce Investment Act was enacted, incorporating the newly-amended Rehabilitation Act, calling for greater interaction between rehabilitation agencies and local Workforce Boards; and

Whereas, Today, in addition to serving as the vocational rehabilitation agency for the blind, the Commission operates the residential training center in Kalamazoo, provides independent living services for Michigan's older blind population, low-vision services for the state's youth, deaf-blind services, and entrepreneurial opportunities for blind persons through its Business Enterprise Program; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body join with the Commissioners and staff of the Michigan Commission for the Blind in commemorating its 25th anniversary in the state of Michigan.

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.

Messages from the Senate

Senate Bill No. 588, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2006 (MCL 500.2006), as amended by 2002 PA 316.

The Senate has passed the bill.

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

Senate Bill No. 635, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21311 (MCL 333.21311), as amended by 1984 PA 311.

The Senate has passed the bill.

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

Senate Bill No. 672, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 4 (MCL 208.4), as amended by 2002 PA 603.

The Senate has passed the bill.

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

Senate Bill No. 673, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 4a.

The Senate has passed the bill.

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

Senate Bill No. 681, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 11a to chapter VI.

The Senate has passed the bill.

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

Senate Bill No. 702, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23d of chapter X (MCL 710.23d), as amended by 1996 PA 409.

The Senate has passed the bill.

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

Senate Bill No. 780, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2003 PA 20.

The Senate has passed the bill.

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

Senate Bill No. 781, entitled

A bill to amend 1999 PA 244, entitled "An act to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act," by amending section 2 (MCL 445.2052).

The Senate has passed the bill.

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

Senate Bill No. 800, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 5, 8, 24, 28, 39, 41, 41a, 42, 44, 45, 45a, 49, 50, 52, and 53 (MCL 24.205, 24.208, 24.224, 24.228, 24.239, 24.241, 24.241a, 24.242, 24.244, 24.245, 24.245a, 24.249, 24.250, 24.252, and 24.253), sections 5, 8, 24, 41a, 42, 44, 45, 52, and 53 as amended and sections 28, 39, and 45a as added by 1999 PA 262 and section 41 as amended by 1993 PA 141.

The Senate has passed the bill.

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

Senate Bill No. 801, entitled

A bill to amend 1899 PA 44, entitled "An act to provide for the publication and distribution of publications, laws, and documents, reports of the several officers, boards of officers and public institutions of this state now or hereafter to be published; to provide for the replacing of publications lost by fire or otherwise; to provide for the publication and distribution of the Michigan manual; to provide for duties of certain state and local government departments and agencies; to establish certain funds; and to provide for certain penalties and remedies," by amending section 2 (MCL 24.2), as amended by 1995 PA 179.

The Senate has passed the bill.

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

Senate Bill No. 811, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9b and 27 (MCL 211.9b and 211.27), section 9b as amended by 1994 PA 189 and section 27 as amended by 2002 PA 744.

The Senate has passed the bill.

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

Senate Bill No. 845, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 686 (MCL 168.686), as amended by 1999 PA 216.

The Senate has passed the bill.

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

Senate Bill No. 877, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 641 (MCL 168.641).

The Senate has passed the bill.

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

Rep. Tabor moved that the House adjourn.
The motion prevailed, the time being 9:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, December 17, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives