

**No. 58**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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House Chamber, Lansing, Wednesday, June 22, 2005.

1:00 p.m.

The House was called to order by Associate Speaker Pro Tempore Elsenheimer.

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

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

Rep. Gary McDowell, from the 107th District, offered the following invocation:

“We are uniquely blessed to live in the only state that can be mapped with two hands. Let’s join our two hands together, put aside distraction and temptation and ask a blessing.

The enormity of our duty together, and the enormity of the good that is possible together, requires more than what we have as individuals.

In that spirit, let us take a moment to reflect, looking not inside ourselves, but beyond.

To fulfill our obligations – to the people of Michigan, to the students in our schools, to the disadvantaged and the vulnerable in our communities, to those who keep us safe on our streets, to the valiant in the line of fire – to fulfill our obligations to these people and not to ourselves, needs a power greater than ours.

So we pray. We ask for love and faith, that we may bring joy and hope.

We ask for courage and honesty, that we may bring justice and goodness.

We ask for wisdom, kindness and responsibility, that we may bring peace and liberty. Give us Your strength, that we may carry each other’s burdens, and so that we can put our hands to work for the betterment of this great state. Amen.”

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The Speaker assumed the Chair.

### **Motions and Resolutions**

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 95.**

A resolution of tribute offered as a memorial for Sandra J. Hill, former member of the House of Representatives.

Whereas, The members of this legislative body were saddened to learn of the passing of our friend and former colleague Sandra Hill. Her long and exemplary record of community involvement in Genesee County and commitment to Michigan agriculture had a significant impact on our state. We offer our sincere condolences to her family and many friends; and

Whereas, A native of Montrose, Sandy Hill contributed to her community throughout her entire life. As a devoted leader of her church, as a co-owner of the family apple orchard business, and as a member of a host of local and state farm groups, she touched and enriched many lives. Her career included distinguished efforts with county and state Farm Bureau boards, the Michigan Food Safety Council, the Michigan Agricultural Marketing and Bargaining Board, the Michigan State Horticultural Society, and the MIOSHA Agriculture Advisory Committee; and

Whereas, In 1992, Sandy Hill was elected to the first of her two consecutive terms representing the people of the Forty-seventh District in the House of Representatives. In Representative Hill’s first term, she was part of the historic shared power of the Eighty-seventh Legislature. Her tenure also included the enactment of the Proposal A tax reforms and her work in several committee responsibilities, including service as the chair of the Housing and Urban Affairs Committee. Following her legislative service, she worked for several years as a commodities coordinator for the Department of Agriculture. Sandra Hill’s commitment to our state will long be remembered; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our admiration and respect for the memory of Sandra J. Hill, a member of this legislative body from 1993 to 1996; and be it further

Resolved, That copies of this resolution be transmitted to her family as evidence of our esteem for her memory.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

Rep. Ward moved that Rule 45 be suspended.

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

Rep. Ward moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 4582.**

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

The bill was placed on the order of Second Reading of Bills.

### Notices

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 210-214. Had I been present, I would have voted ‘yea’.”

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 210-214. Had I been present, I would have voted ‘yea’.”

### Introduction of Bills

Rep. Baxter introduced

**House Bill No. 4982, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 35d. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Bieda, Ward, Byrum, Condino, Tobocman, Lipsey, Gleason, Espinoza, Wojno, Accavitti, Plakas, Hopgood, Kolb, Clack, Anderson, Leland, David Law, Vagnozzi, Mayes, Murphy, Stahl, Palmer, Drolet and Shaffer introduced  
**House Bill No. 4983, entitled**

A bill to regulate and to require certain reports to be filed by persons who receive contributions for purposes of defending elected officials from criminal, civil, and administrative actions; to regulate contributions made for purposes of defending elected officials from criminal, civil, and administrative actions; to prescribe certain powers and duties of the secretary of state; and to prescribe penalties and civil sanctions.

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

Reps. Kolb, Tobocman, Lipsey, Zelenko, Leland and Lemmons, III introduced

**House Bill No. 4984, entitled**

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending the title and section 502 (MCL 37.2502), the title as amended by 1992 PA 258 and section 502 as amended by 1992 PA 124.

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

Reps. Kolb, Zelenko and Leland introduced

**House Bill No. 4985, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 473 (MCL 750.473), as added by 1993 PA 140.

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

Reps. Kolb, Zelenko and Leland introduced

**House Bill No. 4986, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 473a. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Elsenheimer, Vander Veen, Huizenga, Kolb, Pastor, Palmer, Drolet, Proos, Nitz and Palsrok introduced

**House Bill No. 4987, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 203 (MCL 436.1203), as amended by 2000 PA 289.

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

Reps. Walker, Elsenheimer, Pastor, Kolb, Palmer, Vander Veen, Nitz, Proos, Drolet, Huizenga and Palsrok introduced **House Bill No. 4988, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 909 (MCL 436.1909).

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

Reps. Proos, Elsenheimer, Pastor, Kolb, Drolet, Huizenga, Palmer, Vander Veen, Nitz and Palsrok introduced **House Bill No. 4989, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 111 (MCL 436.1111).

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

Reps. Kolb, Elsenheimer, Pastor, Palmer, Vander Veen, Nitz, Proos, Drolet, Huizenga and Palsrok introduced **House Bill No. 4990, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 107 (MCL 436.1107), as amended by 2001 PA 223.

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

Rep. Emmons introduced

**House Bill No. 4991, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 1 of article IV (MCL 38.101), as amended by 1993 PA 60.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

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

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

Rep. Ward moved that the bill be placed on the order of Second Reading of Bills.

The motion prevailed.

By unanimous consent the House returned to the order of

### **Reports of Standing Committees**

The Committee on Higher Education and Career Preparation, by Rep. Wenke, Chair, reported

**House Bill No. 4835, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 57a.

With the recommendation that the bill be referred to the Committee on Appropriations.

### Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Emmons, Byrnes and Kehrl

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Appropriations.

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 21, 2005

Present: Reps. Wenke, Emmons, Byrnes and Kehrl

Absent: Reps. Palmer, Ward and Lipsey

Excused: Reps. Palmer, Ward and Lipsey

The Committee on House Oversight, Elections, and Ethics, by Rep. Elsenheimer, Vice-Chair, reported  
**House Bill No. 4918, entitled**

A bill to amend 1968 PA 357, entitled "An act to prescribe the powers, duties and functions of the state officers' compensation commission; and to prescribe the powers and duties of the legislature in relation to the commission," by amending section 7 (MCL 15.217).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Elsenheimer, Meisner and Gillard

Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Elsenheimer, Vice-Chair, reported  
**House Bill No. 4919, entitled**

A bill to amend 1968 PA 357, entitled "An act to prescribe the powers, duties and functions of the state officers' compensation commission; and to prescribe the powers and duties of the legislature in relation to the commission," by amending sections 3 and 6 (MCL 15.213 and 15.216).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Elsenheimer, Meisner and Gillard

Nays: None

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Elsenheimer, Vice-Chair, of the Committee on House Oversight, Elections, and Ethics, was received and read:

Meeting held on: Wednesday, June 22, 2005

Present: Reps. Elsenheimer, Meisner and Gillard

Absent: Reps. Ward and Gaffney

Excused: Reps. Ward and Gaffney

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

**Senate Bill No. 522, entitled**

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 13 (MCL 247.183), as amended by 2002 PA 151.

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

1. Amend page 2, line 27, after "capital" by striking out "and maintenance" and inserting a comma and "**MAINTENANCE, AND PERMITTING**".

2. Amend page 3, line 5, after "permit." by inserting "**IF THE 1-TIME INSTALLATION PERMIT FEE DOES NOT COVER THE REASONABLE AND ACTUAL COSTS TO THE DEPARTMENT IN ISSUING THE PERMIT, THE DEPARTMENT MAY ASSESS THE UTILITY FOR THE REMAINING BALANCE.**".

3. Amend page 3, line 7, after "highways" by inserting a comma and "**INCLUDING THE COST OF ISSUING THE PERMIT**".

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon and Mayes

Nays: Reps. Murphy and Hopgood

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 22, 2005

Present: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hopgood and Clemente

Absent: Rep. Hunter

Excused: Rep. Hunter

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

**Senate Bill No. 193, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Jones, David Law and Rocca

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 22, 2005

Present: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Absent: Reps. Stakoe and McConico

Excused: Reps. Stakoe and McConico

**Notices**

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

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 210-214. Had I been present, I would have voted 'nay' on Roll Call No. 210 and 'yea' on Roll Call Nos. 211-214."

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

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 210-214. Had I been present, I would have voted 'nay' on Roll Call No. 210 and 'yea' on Roll Call Nos. 211-214."

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

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 210-211. Had I been present, I would have voted 'nay' on Roll Call No. 210 and 'yea' on Roll Call No. 211."

By unanimous consent the House returned to the order of  
**Second Reading of Bills**

**Senate Bill No. 167, entitled**

A bill to provide for occupational regulatory agencies to allow the use of on-line or other electronic continuing education and continuing competency programs under certain circumstances; to provide for certain powers and duties for certain state regulatory agencies; and to provide for the promulgation of rules.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 4148, entitled**

A bill to consolidate certain state human resource operations in the department of civil service; to create certain offices; and to impose certain duties and responsibilities on certain state officials and employees.

The bill was read a second time.

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

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

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

The motion prevailed.

**House Bill No. 4360, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 157 (MCL 389.157).  
The bill was read a second time.

Rep. Bieda moved to amend the bill as follows:

1. Amend page 2, line 9, after "**INCLUDES**" by inserting a comma and "**BUT IS NOT LIMITED TO,**".

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

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

The motion prevailed.

**House Bill No. 4852, entitled**

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending the title and sections 1a, 2d, 3, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 11, and 12 (MCL 480.11a, 480.12d, 480.13, 480.14, 480.15, 480.16, 480.17, 480.17a, 480.17b, 480.17c, 480.17d, 480.21, and 480.22), the title and sections 1a, 2d, 3, 4, and 6 as amended and sections 7d and 12 as added by 1995 PA 265, section 5 as added by 1998 PA 337, sections 7, 7b, and 11 as amended by 2000 PA 98, section 7a as added by 1988 PA 359, and section 7c as amended by 2004 PA 168, and by adding sections 4a, 13, 14, and 15; and to repeal acts and parts of acts.

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

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

Rep. LaJoy moved to amend the bill as follows:

1. Amend page 3, line 11, after "**365,**" by inserting "**368,**".

2. Amend page 6, following line 10, by inserting:

"(F) ~~(E)~~ "Commercial motor vehicle" means any self-propelled or towed vehicle designed or used on public highways to transport passengers or property, except for a bus exempted in subdivision (b), if the vehicle is 1 or more of the following:

(i) Has either a gross vehicle weight rating or an actual gross weight or gross combination weight rating or an actual gross combination weight of 10,001 or more pounds.

(ii) Is designed for carrying 16 or more passengers, including the driver.

(iii) Is used in the transportation of hazardous materials in a quantity that requires the vehicle to be marked or placarded pursuant to 40 ~~C.F.R.~~ CFR parts 100 to 180.

(G) ~~(H)~~ "Gross combination weight" or "GCW" means the combined weight of a combination of vehicles and any load on those vehicles.

(H) (⊖) “Gross weight”, “gross vehicle weight”, or “GVW” means the combined weight of a motor vehicle and any load on that vehicle.

(I) (⊕) “Hazardous material vehicle inspection or repair facility” is a commercial enterprise that performs inspections, certification, testing, or repairs to commercial motor vehicles transporting hazardous materials as required by 49 ~~C.F.R.~~ **CFR** parts 100 to 180 and includes motor carriers that perform the inspections, certification, testing, or repairs to vehicles owned or leased by the motor carrier.”.

3. Amend page 10, line 23, by striking out all of subparagraph (iv) and renumbering the remaining subparagraphs.

4. Amend page 11, line 7, after “**INCLUDING**” by inserting “**ACCIDENT**”.

5. Amend page 11, line 7, after the second “**REPORTS**” by striking out the balance of the subdivision and inserting a period.

6. Amend page 13, line 8, after “**TO**” by striking out “**BE HEARD**” and inserting “**APPEAL FOR REVIEW**”.

7. Amend page 22, line 25, after “**INFRACTION**” by inserting “**AND SHALL BE ASSESSED A FINE**”.

8. Amend page 31, line 18, after “**SCHEDULED**” by inserting “**INFORMAL OR**”.

9. Amend page 32, line 7, after “**SCHEDULED**” by inserting “**INFORMAL OR**”.

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

Rep. Casperson moved to amend the bill as follows:

1. Amend page 13, following line 12, by inserting:

**“(12) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, THE DETERMINATION OF THE MOTOR CARRIER SAFETY APPEAL BOARD SHALL HAVE NO BEARING ON WORKER’S COMPENSATION STATUS.”.**

2. Amend page 16, line 16, after “**HUSBANDRY**” by striking out the balance of the subsection and inserting “**DOES NOT EXCEED ANY OTHER IMPLEMENT OR COMPONENT DESIGN MAXIMUM SPEED LIMITATION.**”.

3. Amend page 22, line 22, after “who” by inserting “**KNOWINGLY**”.

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

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

The motion prevailed.

#### **House Bill No. 4857, entitled**

A bill to amend 1982 PA 432, entitled “Motor bus transportation act,” by amending section 31 (MCL 474.131), as amended by 2001 PA 129.

The bill was read a second time.

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

The motion prevailed.

#### **House Bill No. 4858, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 683, 723, and 724 (MCL 257.683, 257.723, and 257.724), section 683 as amended by 2000 PA 97, section 723 as amended by 2003 PA 152, and section 724 as amended by 2004 PA 420, and by adding section 312g; and to repeal acts and parts of acts.

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

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

Rep. Anderson moved to amend the bill as follows:

1. Amend page 1, line 1, after the second “**OR**” by inserting “**KNOWINGLY**”.

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

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

The motion prevailed.

#### **Senate Bill No. 302, entitled**

A bill to amend 1988 PA 112, entitled “The business opportunity act for persons with disabilities,” by amending section 3 (MCL 450.793), as amended by 1998 PA 73.

The bill was read a second time.

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

The motion prevailed.



**Senate Bill No. 303, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

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

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

Rep. Garfield moved to amend the bill as follows:

- 1. Amend page 4, following line 2, by inserting:

“(D) THE RECOMMENDATIONS DESCRIBED IN SUBSECTION (10).

**(10) EACH YEAR, THE DEPARTMENT SHALL REVIEW THE PROGRESS OF ALL STATE AGENCIES IN MEETING THE 3% GOAL WITH INPUT FROM STATEWIDE VETERANS SERVICE ORGANIZATIONS AND FROM THE BUSINESS COMMUNITY, INCLUDING BUSINESSES OWNED BY QUALIFIED DISABLED VETERANS, AND SHALL MAKE RECOMMENDATIONS TO EACH HOUSE OF THE LEGISLATURE REGARDING CONTINUATION, INCREASES, OR DECREASES IN THE PERCENTAGE GOAL. THE RECOMMENDATIONS SHALL BE BASED UPON THE NUMBER OF BUSINESSES THAT ARE OWNED BY QUALIFIED DISABLED VETERANS AND ON THE CONTINUED NEED TO ENCOURAGE AND PROMOTE BUSINESSES OWNED BY QUALIFIED DISABLED VETERANS.”** and renumbering the remaining subsection.

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

Rep. Espinoza moved to amend the bill as follows:

- 1. Amend page 4, following line 2, by inserting:

**“(10) TO ASSIST THE DEPARTMENT IN REACHING THE GOAL DESCRIBED IN SUBSECTION (9), THE GOVERNOR SHALL RECOMMEND TO THE LEGISLATURE CHANGES IN PROGRAMS TO ASSIST BUSINESSES OWNED BY QUALIFIED DISABLED VETERANS.”** and renumbering the remaining subsection.

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

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

The motion prevailed.



Rep. Lipsey moved that Rep. Kolb be excused temporarily from today’s session.

The motion prevailed.

Rep. Waters moved that Reps. Alma Smith and Cheeks be excused temporarily from today’s session.

The motion prevailed.

Rep. Ward moved that Rep. DeRoche 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. 4217, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 482 and 488 (MCL 168.482 and 168.488), section 482 as amended and section 488 as added by 1998 PA 142.

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

**Roll Call No. 215**

**Yeas—59**

Acciavatti  
Amos  
Ball  
Baxter

Garfield  
Gosselin  
Green  
Hansen

Meyer  
Moolenaar  
Moore  
Mortimer

Sak  
Schuitmaker  
Shaffer  
Sheen

Booher	Hildenbrand	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Casperson	Huizenga	Nofs	Steil
Caswell	Hummel	Palmer	Stewart
Caul	Hune	Palsrok	Taub
Dillon	Jones	Pastor	Van Regenmorter
Drolet	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney	Marleau	Rocca	

#### Nays—47

Accavitti	Cushingberry	Leland	Polidori
Adamini	Donigan	Lemmons, III	Sheltrown
Anderson	Espinoza	Lemmons, Jr.	Smith, Virgil
Angerer	Farrah	Lipsey	Spade
Bennett	Gillard	Mayes	Tobocman
Bieda	Gleason	McConico	Vagnozzi
Brown	Gonzales	McDowell	Waters
Byrnes	Hood	Meisner	Whitmer
Byrum	Hopgood	Miller	Williams
Clack	Hunter	Murphy	Wojno
Clemente	Kehrl	Phillips	Zelenko
Condino	Law, Kathleen	Plakas	

In The Chair: Kooiman

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

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

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 482a.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

"Mr. Speaker and members of the House:

I voted against passage of House Bill 4217 because it does not address the real issue — HOW the petition is being financed. Unfortunately, as we see in city, state and national politics, interests hiding behind politically loaded names for the sole purpose of duping the electorate are fairly common. While this bill would identify the person circulating the petition as being a paid, it doesn't identify the group that is funding the petition. It seems to me that the priority should be on identifying the funding source rather than the person getting ten cents a signature."

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

"Mr. Speaker and members of the House:

I voted against HB 4217 because it would not address the real issue, HOW a petition is being financed. Any spin doctor could make up a pleasant sounding name for a group to dupe the electorate. In my experience individuals begin their political activity circulating petitions for nominal amounts. Why call them out? It makes no sense since the group

who is circulating the petition may never the less be operating under the guise of the opposite point of view of the main idea. This bill seems to be designed to thwart poor folks from the opportunity to participate in the circulation process by giving their petition a yellow star.”

**House Bill No. 4328, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 482 (MCL 168.482), as amended by 1998 PA 142.

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

**Roll Call No. 216**

**Yeas—100**

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

**Nays—7**

Byrum	Murphy	Waters	Williams
Kolb	Smith, Virgil	Whitmer	

In The Chair: Kooiman

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

**House Bill No. 4801, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 867 and 881 (MCL 168.867 and 168.881), section 867 as amended by 1980 PA 200 and section 881 as amended by 1995 PA 261.

The bill was read a third time.  
 The question being on the passage of the bill,

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

**Senate Bill No. 412, entitled**

A bill to amend 1964 PA 183, entitled “An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations,” by amending sections 1, 1a, 3, and 7 (MCL 830.411, 830.411a, 830.413, and 830.417), sections 1 and 7 as amended by 1994 PA 252 and sections 1a and 3 as amended by 1988 PA 248.

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

**Roll Call No. 217****Yeas—106**

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Rep. Virgil Smith moved that Rep. Murphy be excused temporarily from today’s session.  
The motion prevailed.

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

The House returned to the consideration of  
**House Bill No. 4801, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 867 and 881 (MCL 168.867 and 168.881), section 867 as amended by 1980 PA 200 and section 881 as amended by 1995 PA 261.

(The bill was considered earlier today, see today’s Journal p. 931.)

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. 218**

**Yeas—84**

Accavitti	Espinoza	Lemmons, Jr.	Robertson
Acciavatti	Farhat	Lipsey	Rocca
Adamini	Farrah	Marleau	Sak
Amos	Gaffney	Mayer	Schuitmaker
Ball	Garfield	McDowell	Shaffer
Baxter	Gillard	Meisner	Sheen
Bennett	Gleason	Meyer	Sheltrown
Booher	Gosselin	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Brown	Hildenbrand	Moore	Steil
Casperson	Huizenga	Mortimer	Stewart
Caswell	Hummel	Newell	Taub
Caul	Hunter	Nitz	Tobocman
Clack	Jones	Nofs	Van Regenmorter
Clemente	Kahn	Palmer	Vander Veen
Condino	Kolb	Palsrok	Walker
Cushingberry	Kooiman	Pastor	Ward
DeRoche	LaJoy	Pavlov	Waters
Drolet	Law, David	Pearce	Wenke
Elsenheimer	Leland	Phillips	Whitmer
Emmons	Lemmons, III	Proos	Zelenko

**Nays—21**

Anderson	Gonzales	Hune	Smith, Virgil
Angerer	Green	Kehrl	Spade
Bieda	Hood	Law, Kathleen	Vagnozzi
Byrnes	Hoogendyk	Plakas	Williams
Dillon	Hopgood	Polidori	Wojno
Donigan			

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

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 HB 4801 because I am concerned that it would unfairly benefit candidates with vast financial resources over others who are not able to afford a recount. While I believe that Michigan has historically had a good electoral system, I do not want to raise the bar so as to preclude valid challenges to official numbers. Because of this concern, I voted ‘no’ on HB 4801.”

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Reps. Kolb, Zelenko, Lemmons, III, Accavitti, Adamini, Anderson, Brandenburg, Brown, Byrnes, Caswell, Clack, Condino, Cushingberry, Farrah, Gillard, Gleason, Hansen, Hopgood, Jones, Kooiman, Lemmons, Jr., Lipsey, Mayes, McDowell, Miller, Mortimer, Nitz, Nofs, Sak, Shaffer, Alma Smith, Spade, Stakoe, Tobocman, Vagnozzi, Waters and Wojno offered the following resolution:

#### **House Resolution No. 96.**

A resolution recognizing July 9, 2005, as Child Passenger Safety Day in the state of Michigan.

Whereas, Motor vehicle crashes remain the single leading cause of death among children 14 years of age and younger; and

Whereas, Child safety seats and seat belts, when installed and used correctly, can prevent thousands of deaths and injuries; and

Whereas, Research has indicated that 2,136 children 14 years of age and younger died and another 253,000 were injured in vehicle crashes in 2003; and

Whereas, An estimated 82 percent of child safety seats are not installed or used correctly, and child safety seats, when used correctly, can reduce the risk of death in a vehicle crash by 71 percent for infants and 54 percent for children ages one through four; and

Whereas, Motor vehicle crashes can result in tragic and unnecessary death and injury to children when not properly restrained. It is estimated that if all children 14 years of age and younger were restrained properly, 182,000 serious injuries could be prevented annually; and

Whereas, The total cost of motor vehicle occupant-related death and injury exceeds \$25.8 billion for all children 14 years of age and younger. Every dollar spent on a child safety seat saves this country \$32 in health care expenses; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize July 9, 2005, as Child Passenger Safety Day. We recognize that AAA Michigan is designating July 9, 2005, as Child Passenger Safety Day in response to the need for increased education as it relates to the proper use and installation of child safety seats; and be it further

Resolved, That a copy of this resolution be transmitted to AAA Michigan as a symbol of our support for their efforts in saving lives.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Hoogendyk, Booher, Brandenburg, Caswell, Cushingberry, Drolet, Garfield, Gosselin, Hildenbrand, Jones, Kooiman, Meyer, Mortimer, Nitz, Pastor, Robertson, Shaffer, Stakoe, Steil and Vander Veen offered the following resolution:

#### **House Resolution No. 97.**

A resolution to memorialize the Congress of the United States to adopt and present to the states for ratification an amendment to the United States Constitution that would provide that only citizens may be counted for purposes of determining congressional representation among the states.

Whereas, One of the cornerstones of our democratic republic is the decennial census, which is the basis for congressional representation and the apportionment process. The data gathered through the census is used to determine how the 435 members of the United States House of Representatives are divided among the states; and

Whereas, With growing numbers of illegal immigrants concentrated in a small number of states, especially California, states with few illegal immigrants suffer a commensurate reduction in the number of their members of the United States House of Representatives. This is true for Michigan, which has experienced a steady decline in congressional representation over the past few decades. Projections for the next reapportionment, after the 2010 census, include the loss of more seats for Michigan and other states with few illegal immigrants; and

Whereas, While estimates of actual illegal aliens in our country are higher, the 2000 federal census found 7 million illegal aliens. It seems wrong for illegal aliens to have as profound an impact on our political environment as they presently do. While immigration is a very complex issue that must be addressed, it seems clear that including illegal immigrants in the calculation of congressional representation is wrong; and

Whereas, A measure has been introduced in the United States House of Representatives to propose an amendment to the United States Constitution that would provide that only citizens may be counted for purposes of apportioning congressional representation among the states. This legislation, H.J.R. 53, is long overdue; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to adopt and present to the states for ratification an amendment to the United States Constitution that would provide that only citizens may be counted for purposes of determining congressional representation among the states; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Hoogendyk, Booher, Brandenburg, Cushingberry, Drolet, Garfield, Gosselin, Hildenbrand, Jones, Kooiman, Meyer, Mortimer, Nitz, Pastor, Robertson, Shaffer, Stakoe, Steil and Vander Veen offered the following concurrent resolution:

**House Concurrent Resolution No. 17.**

A concurrent resolution to memorialize the Congress of the United States to adopt and present to the states for ratification an amendment to the United States Constitution that would provide that only citizens may be counted for purposes of determining congressional representation among the states.

Whereas, One of the cornerstones of our democratic republic is the decennial census, which is the basis for congressional representation and the apportionment process. The data gathered through the census is used to determine how the 435 members of the United States House of Representatives are divided among the states; and

Whereas, With growing numbers of illegal immigrants concentrated in a small number of states, especially California, states with few illegal immigrants suffer a commensurate reduction in the number of their members of the United States House of Representatives. This is true for Michigan, which has experienced a steady decline in congressional representation over the past few decades. Projections for the next reapportionment, after the 2010 census, include the loss of more seats for Michigan and other states with few illegal immigrants; and

Whereas, While estimates of actual illegal aliens in our country are higher, the 2000 federal census found 7 million illegal aliens. It seems wrong for illegal aliens to have as profound an impact on our political environment as they presently do. While immigration is a very complex issue that must be addressed, it seems clear that including illegal immigrants in the calculation of congressional representation is wrong; and

Whereas, A measure has been introduced in the United States House of Representatives to propose an amendment to the United States Constitution that would provide that only citizens may be counted for purposes of apportioning congressional representation among the states. This legislation, H.J.R. 53, is long overdue; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to adopt and present to the states for ratification an amendment to the United States Constitution that would provide that only citizens may be counted for purposes of determining congressional representation among the states; and be it further

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

The concurrent resolution was referred to the Committee on Government Operations.

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Wednesday, June 22:

<b>House Bill Nos.</b>	<b>4975</b>	<b>4976</b>	<b>4977</b>	<b>4978</b>	<b>4979</b>	<b>4980</b>	<b>4981</b>	<b>4991</b>
<b>House Joint Resolution</b>	<b>L</b>							
<b>Senate Bill Nos.</b>	<b>618</b>	<b>619</b>	<b>620</b>	<b>621</b>	<b>622</b>	<b>623</b>	<b>633</b>	<b>634</b>
<b>Senate Joint Resolution</b>	<b>D</b>							

The Clerk announced that the following Senate bills had been received on Wednesday, June 22:

<b>Senate Bill Nos.</b>	<b>370</b>	<b>456</b>	<b>471</b>	<b>473</b>	<b>474</b>	<b>477</b>	<b>478</b>	<b>480</b>	<b>481</b>
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By unanimous consent the House returned to the order of  
**Messages from the Senate**

**House Bill No. 4623, entitled**

A bill to amend 1970 PA 29, entitled "An act relating to potatoes; to create a potato commission; to prescribe its powers and duties and authority; to impose an assessment on the privilege of introducing potatoes into the channels of trade and commerce; to provide for the collection of the assessment; to provide for penalties; and to repeal certain acts and parts of acts," by amending section 2 (MCL 290.422), as amended by 2000 PA 5.

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. 4635, entitled**

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

The 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.

**Senate Bill No. 370, entitled**

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 2003 PA 130.

The Senate has passed the bill.

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

**Senate Bill No. 456, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 229 (MCL 436.1229), as amended by 2004 PA 407.

The Senate has passed the bill.

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

**Senate Bill No. 471, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 1487 (MCL 600.1487[1]), as added by 1996 PA 428.

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. 473, entitled**

A bill to amend 1996 PA 462, entitled "Enhanced access to public records act," by repealing section 5 (MCL 15.445).

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. 474, 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 repealing section 2 (MCL 21.142).

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. 477, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 18 (MCL 169.218), as added by 1999 PA 238.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

**Senate Bill No. 478, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 629d (MCL 257.629d), as added by 1987 PA 154; and to repeal acts and parts of acts.

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. 480, entitled**

A bill to amend 1984 PA 233, entitled "Prudent purchaser act," by repealing section 10 (MCL 550.60).

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. 481, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 8029 (MCL 600.8029).

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 Concurrent Resolution No. 22.**

A concurrent resolution to memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance in the effort to mitigate the infestation of the Emerald Ash Borer.

Whereas, With alarming swiftness, the Emerald Ash Borer (EAB), an aggressive Asian insect, is threatening virtually all of the ash trees in the state of Michigan and surrounding region. In spite of the quarantine in 20 Michigan counties, this beetle has killed or damaged approximately 15 million ash trees in the state. Overall, the EAB, an invasive species, is causing similar devastation in the states of Ohio and Indiana, as well as the Canadian province of Ontario, threatening as many as 700 million ash trees in our state and 8 billion in North America; and

Whereas, Ash trees are very important to the ecology, economy, and environment of our state and the nation. Ash trees are used for many products in several sectors of business. Beyond these factors, the ash trees that grace our communities and neighborhoods are beloved shade trees that contribute enormously to the character and beauty of Michigan, the region, and the nation; and

Whereas, Governor Granholm and the Legislature are working to secure continued assistance from the federal government to deal swiftly with this devastating pest. Michigan needs sustained technical and financial assistance to face this emergency. The state has taken decisive actions to address this invasive species, but the magnitude of the problem and the immediacy of the issue make it clear we need the prompt assistance of Congress and the USDA; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance in the effort to mitigate the infestation of the Emerald Ash Borer; and be it further

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

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Agriculture.

**Second Reading of Bills****House Bill No. 4887, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2004 PA 518 and section 17b as amended by 2000 PA 297.

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

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

Rep. Meyer moved to amend the bill as follows:

1. Amend page 110, line 22, by striking out all of section **54A**.

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

Rep. Meyer moved to amend the bill as follows:

1. Amend page 121, line 25, by striking out all of section **91**.

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

Rep. Robertson moved to amend the bill as follows:

1. Amend page 96, following line 9, by inserting:

**“(3) TO THE EXTENT ALLOWED UNDER FEDERAL LAW, THE FUNDS ALLOCATED UNDER SUBSECTION (1)(I), (J), AND (I) MAY BE USED FOR 1 OR MORE READING IMPROVEMENT PROGRAMS THAT MEET AT LEAST 1 OF THE FOLLOWING:**

**(A) A RESEARCH-BASED, VALIDATED, STRUCTURED READING PROGRAM THAT ALIGNS LEARNING RESOURCES TO STATE STANDARDS AND INCLUDES CONTINUOUS ASSESSMENT OF PUPILS AND INDIVIDUALIZED EDUCATION PLANS FOR PUPILS.**

**(B) A MENTORING PROGRAM THAT IS A RESEARCH-BASED, VALIDATED PROGRAM OR A STATEWIDE 1-TO-1 MENTORING PROGRAM AND IS DESIGNED TO ENHANCE THE INDEPENDENCE AND LIFE QUALITY OF PUPILS WHO ARE MENTALLY IMPAIRED BY PROVIDING OPPORTUNITIES FOR MENTORING AND INTEGRATED EMPLOYMENT.**

**(C) A COGNITIVE DEVELOPMENT PROGRAM THAT IS A RESEARCH-BASED, VALIDATED EDUCATIONAL SERVICE PROGRAM FOCUSED ON ASSESSING AND BUILDING ESSENTIAL COGNITIVE AND PERCEPTUAL LEARNING ABILITIES TO STRENGTHEN PUPIL CONCENTRATION AND LEARNING.**

**(D) A STRUCTURED MENTORING-TUTORIAL READING PROGRAM FOR PUPILS IN PRESCHOOL TO GRADE 4 THAT IS A RESEARCH-BASED, VALIDATED PROGRAM THAT DEVELOPS INDIVIDUALIZED EDUCATIONAL PLANS BASED ON EACH PUPIL’S AGE, ASSESSED NEEDS, READING LEVEL, INTERESTS, AND LEARNING STYLE.”** and renumbering the remaining subsections.

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

Rep. LaJoy moved to amend the bill as follows:

1. Amend page 53, following line 19, by inserting:

**“(21) FOR A DISTRICT THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION, THE DISTRICT’S FOUNDATION ALLOWANCE FOR 2005-06 IS AN AMOUNT EQUAL TO THE SUM OF THE DISTRICT’S FOUNDATION ALLOWANCE FOR 2005-06, AS OTHERWISE CALCULATED UNDER THIS SECTION, PLUS \$100. A DISTRICT IS ELIGIBLE FOR THE ADJUSTMENT UNDER THIS SUBSECTION IF THE DISTRICT IS DETERMINED BY THE DEPARTMENT TO MEET ALL OF THE FOLLOWING:**

**(A) ON A PER-PUPIL BASIS, THE DISTRICT SPENDS LESS THAN 10% OF ITS TOTAL GENERAL FUND REVENUE ON BUSINESS AND ADMINISTRATIVE COSTS, AS DETERMINED BY THE DEPARTMENT ACCORDING TO THE DEPARTMENT’S BULLETIN 1014.**

**(B) ON A PER-PUPIL BASIS, THE DISTRICT SPENDS MORE THAN 60% OF ITS TOTAL GENERAL FUND REVENUE ACCORDING TO THE DEPARTMENT’S BULLETIN 1014.**

**(C) THE DISTRICT IS MAKING ADEQUATE YEARLY PROGRESS UNDER THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 108-110, AS DETERMINED BY THE DEPARTMENT.**

**(D) THE PERCENTAGE OF THE DISTRICTS PUPILS WHO WERE DETERMINED TO MEET OR EXCEED STATE STANDARDS IN MATHEMATICS ON THE MOST RECENT MICHIGAN EDUCATION ASSESSMENT PROGRAM ASSESSMENTS FOR WHICH DATA ARE AVAILABLE IS HIGHER THAN THE STATEWIDE AVERAGE OF THAT PERCENTAGE.**

**(E) AT LEAST 50% OF THE PUPILS WHO WERE ENROLLED IN THE DISTRICT IN GRADE 11 FOR THE IMMEDIATELY PRECEDING FISCAL YEAR AND WHO TOOK THE ASSESSMENTS UNDER SECTION 1279 OR 1279G OF THE REVISED SCHOOL CODE, MCL 380.1279 AND 380.1279G, RECEIVED QUALIFYING RESULTS AS DETERMINED UNDER THE MICHIGAN MERIT AWARD SCHOLARSHIP ACT, 1999 PA 94, MCL 290.1451 TO 390.1459.”** and renumbering the remaining subsections and adjusting the totals in section 11 and enacting section 1 accordingly.

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

Rep. Moolenaar moved to amend the bill as follows:

1. Amend page 121, line 25, after **“THE”** by inserting **“GENERAL FUND”**.
2. Amend page 131, line 14, after **“aid”** by striking out **“stabilization fund created in section 11a”** and inserting **“FUND MONEY APPROPRIATED IN SECTION 11”**.

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

Rep. Moolenaar moved to amend the bill as follows:

1. Amend page 121, line 21, after **“CONSORTIUM”** by striking out the balance of the line through the second **“DISTRICT”** on line 22.
2. Amend page 121, line 24, after **“SUBSECTION (6)(A).”** by inserting **“AS USED IN THIS SUBSECTION, “CONSORTIUM” MEANS A DISTRICT WORKING WITH ANOTHER DISTRICT OR WITH AN INTERMEDIATE DISTRICT, AN INTERMEDIATE DISTRICT WORKING WITH ANOTHER INTERMEDIATE DISTRICT OR WITH A DISTRICT, OR A DISTRICT THAT WAS CONTRACTED WITH ANOTHER ENTITY TO PERFORM MANAGEMENT FUNCTIONS.”**.

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

Rep. Moore moved to amend the bill as follows:

1. Amend page 41, following line 16, by inserting:  
**“(E) FOR 2005-2006, FOR A DISTRICT THAT HAS A FOUNDATION ALLOWANCE AS OTHERWISE CALCULATED UNDER THIS SECTION OF LESS THAN \$7,200.00, THE DISTRICT’S FOUNDATION ALLOWANCE SHALL BE THE LESSER OF \$7,200.00 OR THE SUM OF THE DISTRICT’S FOUNDATION ALLOWANCE AS OTHERWISE CALCULATED UNDER THIS SECTION PLUS \$25.00.”**

2. Amend page 61, line 23, by striking out **“\$2,908,200,000.00”** and inserting **“\$2,930,900,000.00”**.

3. Amend page 143, line 6, after **“EXCEED”** by striking **“\$25,000,000.00”** and inserting **“\$2,300,000.00”**.

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

Rep. Plakas moved to amend the bill as follows:

1. Amend page 146, line 4, after **“2005-2006.”** by inserting **“IN ADDITION, A DISTRICT THAT HAD A DECLARATION OF FINANCIAL EMERGENCY IN PLACE UNDER THE LOCAL GOVERNMENT FISCAL RESPONSIBILITY ACT, 1990 PA 72, MCL 141.1201 TO 141.1291, AND FOR WHICH THAT DECLARATION WAS REVOKED DURING 2005 MAY OPERATE A PROGRAM UNDER THIS SECTION INDEPENDENTLY OF A CONSORTIUM OR MAY JOIN OR FORM A CONSORTIUM TO OPERATE A PROGRAM UNDER THIS SECTION.”**

2. Amend page 146, line 9, after **“2003-2004”** by inserting **“OR, FOR A DISTRICT FOR WHICH A DECLARATION OF FINANCIAL EMERGENCY WAS REVOKED DURING 2005, BASED ON THE MOST RECENT AMOUNT THE DISTRICT RECEIVED UNDER THIS SECTION”**.

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

Rep. Byrnes moved to amend the bill as follows:

1. Amend page 84, line 22, after **“exceed”** by striking out **“\$3,326,000.00”** and inserting **“\$5,626,000.00”**.
2. Amend page 119, line 6, after **“exceed”** by striking out **“\$84,228,100.00”** and inserting **“\$86,528,100.00”**.
3. Amend page 143, line 4, by striking out all of section **99B**.

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

Rep. DeRoche moved to amend the bill as follows:

1. Amend page 90, following line 24, by inserting:  
**“SEC. 33. FOR 2005-2006 ONLY, FROM THE MONEY APPROPRIATED IN SECTION 11, THERE IS ALLOCATED THE SUM OF \$100.00 TO A DISTRICT THAT HAS BEEN A QUALIFYING DISTRICT UNDER PART 5A OF THE REVISED SCHOOL CODE, MCL 380.371 TO 380.376, AND THAT WILL CEASE TO BE A QUALIFYING DISTRICT IN JANUARY 2006. THIS ALLOCATION IS A 1-TIME ALLOCATION TO ASSIST IN THE TRANSITION FROM GOVERNANCE BY A SCHOOL REFORM BOARD TO GOVERNANCE BY AN ELECTED SCHOOL BOARD.”**

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 53, following line 19, by inserting:  
**“(21) FOR THOSE DISTRICTS THAT LEVIED SCHOOL OPERATING TAXES UNIFORMLY ON ALL PROPERTY AS PROVIDED IN SECTION 1211(2) OF THE REVISED SCHOOL CODE, MCL 380.1211, FOR**

THE 2004-2005 FISCAL YEAR, THE DISTRICT MAY ELECT NOT TO LEVY THE MILLS IT COULD HAVE LEVIED FOR SCHOOL OPERATING PURPOSES AS PROVIDED IN SECTION 1211(2) OF THE REVISED SCHOOL CODE, MCL 380.1211, FOR THE 2005-2006 FISCAL YEAR AND SUBSEQUENT FISCAL YEARS. IF THE DISTRICT MAKES THIS ELECTION, THE DISTRICT SHALL INSTEAD RECEIVE FOR 2005-2006 AND EACH SUCCEEDING FISCAL YEAR A SEPARATE SUPPLEMENTAL PAYMENT CALCULATED UNDER THIS SUBSECTION IN AN AMOUNT EQUAL TO THE AMOUNT THE DISTRICT WOULD HAVE RECEIVED PER MEMBERSHIP PUPIL IN 2005-2006 AND EACH SUCCEEDING FISCAL YEAR HAD IT LEVIED SCHOOL OPERATING TAXES ON ALL PROPERTY AT THE MILLAGE RATE AUTHORIZED TO BE LEVIED FOR THE DISTRICT FOR THAT FISCAL YEAR UNDER SECTION 1211(2) OF THE REVISED SCHOOL CODE, MCL 380.1211, OR THE MILLAGE RATE THE DISTRICT ACTUALLY LEVIED FOR THE 2004-2005 FISCAL YEAR UNDER SECTION 1211(2) OF THE REVISED SCHOOL CODE, MCL 380.1211, WHICHEVER IS LESS, AS DETERMINED BY THE DEPARTMENT OF TREASURY.” and renumbering the remaining subsections, and adjusting section 11, section 22b, and enacting section 1 accordingly.

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

Rep. Lemmons, III moved to amend the bill as follows:

1. Amend page 152, following line 23, by inserting:

**“SEC. 164F. A DISTRICT THAT IN 2005 WAS A QUALIFYING SCHOOL DISTRICT WITH A SCHOOL REFORM BOARD UNDER PART 5A OF THE REVISED SCHOOL CODE, MCL 380.371 TO 380.376, AND THAT HAS A NEW ELECTED SCHOOL BOARD IN PLACE IN JANUARY 2006 SHALL NOT CLOSE ANY SCHOOL BUILDINGS, AND SHALL NOT REDUCE THE DISTRICT’S STAFF LEVELS BELOW THE DISTRICT’S 1998 STAFF LEVELS, DURING THE 1-YEAR PERIOD BEGINNING JANUARY 1, 2006. A DISTRICT THAT VIOLATES THIS SECTION FORFEITS ALL STATE SCHOOL AID UNDER THIS ACT.”**

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

Rep. Lemmons, III moved to amend the bill as follows:

1. Amend page 66, following line 6, by inserting:

**“SEC. 22E. FROM THE STATE SCHOOL AID FUND MONEY APPROPRIATED IN SECTION 11 THAT REPRESENTS REVENUE RECEIVED FROM THE STATE CASINO GAMING FUND OR THE WAGERING TAX IMPOSED UNDER SECTION 12 OF THE MICHIGAN GAMING CONTROL AND REVENUE ACT, THE INITIATED LAW OF 1996, MCL 432.212, THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$87,000,000.00 EACH FISCAL YEAR FOR 2005-2006, 2006-2007, AND 2007-2008 FOR PAYMENTS TO A DISTRICT THAT IS A SCHOOL DISTRICT OF THE FIRST CLASS UNDER THE REVISED SCHOOL CODE.”** and adjusting the totals in section 11, section 22b, and enacting section 1 accordingly.

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

Rep. Cheeks moved to amend the bill as follows:

1. Amend page 91, line 5, after “distributed.” by inserting **“WITH THE APPROVAL OF THE SUPERINTENDENT, A DISTRICT MAY ENROLL PUPILS IN A SCHOOL-DAY PROGRAM UNDER SECTION 32D, AND THE ALLOCATION TO THE DISTRICT FOR EACH ELIGIBLE CHILD ENROLLED IN THE SCHOOL-DAY PROGRAM SHALL BE AN AMOUNT EQUAL TO 2 TIMES THE AMOUNT OTHERWISE ALLOCATED FOR AN ELIGIBLE CHILD AND THE ALLOCATION TO THE DISTRICT FOR EACH ELIGIBLE CHILD ENROLLED IN A PART-TIME PROGRAM SHALL BE AN AMOUNT EQUAL TO THE AMOUNT OTHERWISE ALLOCATED FOR AN ELIGIBLE CHILD. HOWEVER, THE TOTAL ALLOCATION FOR A DISTRICT SHALL NOT EXCEED THE TOTAL ALLOCATION THE DISTRICT WOULD HAVE IF ALL OF THE DISTRICT’S ELIGIBLE CHILDREN WERE SERVED IN A PART-TIME PROGRAM.”**

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

Rep. Cheeks moved to amend the bill as follows:

1. Amend page 53, line 5, by striking out all of subsection (20) and inserting:

**“(20) For a district that ~~is a qualifying school district with a~~ HAD A school reform board in place under part 5a of the revised school code, MCL 380.371 to 380.376 IN 2004-2005, AND HAS FEWER PUPILS IN MEMBERSHIP IN 2005-2006 THAN IN 2004-2005, the district’s foundation allowance for ~~2002-2003~~ 2005-2006 shall be adjusted to be an amount equal to the sum of the district’s foundation allowance, as otherwise calculated under this section**

**EXCLUDING ANY ADJUSTMENTS MADE UNDER THIS SUBSECTION FOR 2002-2003, 2003-2004, OR 2004-2005**, plus the quotient of \$15,000,000.00 divided by the district's membership for ~~2002-2003~~ **2005-2006**. ~~If a district ceases to meet the requirements of this subsection, the department shall adjust the district's foundation allowance in effect at that time based on a 2002-2003 foundation allowance for the district that does not include the 2002-2003 adjustment under this subsection.~~ and adjusting the totals in section 11 and enacting section 1 accordingly.

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

Rep. Cheeks moved to amend the bill as follows:

1. Amend page 53, line 15, after "subsection." by striking out the balance of the subsection and adjusting the totals in section 11 and enacting section 1 accordingly.

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

Rep. Plakas moved to amend the bill as follows:

1. Amend page 23, line 9, by inserting:

"(5) Beginning in 2004-2005, if a district has an emergency financial manager in place under the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, payments to that district are not subject to proration under this section." and renumbering the remaining subsection.

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

Rep. Plakas moved to amend the bill as follows:

1. Amend page 53, following line 19, by inserting:

**"(21) FOR A DISTRICT THAT LEVIED 1.9 MILLS IN 1993 TO FINANCE AN OPERATING DEFICIT, THE DISTRICT'S FOUNDATION ALLOWANCE SHALL BE CALCULATED AS IF THOSE MILLS WERE INCLUDED AS OPERATING MILLS IN THE CALCULATION OF THE DISTRICT'S 1994-1995 FOUNDATION ALLOWANCE. A DISTRICT IS NOT ENTITLED TO ANY RETROACTIVE PAYMENTS FOR FISCAL YEARS BEFORE 2004-2005 DUE TO THIS SUBSECTION. A DISTRICT RECEIVING AN ADJUSTMENT UNDER THIS SUBSECTION SHALL NOT RECEIVE MORE THAN \$700,000.00 FOR A FISCAL YEAR AS A RESULT OF THIS ADJUSTMENT."** and renumbering the remaining subsections, and adjusting section 11, section 22b, and enacting section 1 accordingly.

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

Rep. Farrah moved to amend the bill as follows:

1. Amend page 53, following line 19, by inserting:

**"(21) FOR A DISTRICT IN WHICH THE SCHOOL ELECTORS VOTED IN 1993 ON A PROPOSAL TO OVERRIDE A MILLAGE REDUCTION REQUIRED UNDER SECTION 31 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963 OF 4.38 MILLS FOR OPERATING PURPOSES BUT DID NOT APPROVE THE PROPOSAL, THE DISTRICT'S COMBINED STATE AND LOCAL REVENUE PER MEMBERSHIP PUPIL SHALL BE RECALCULATED AS IF THAT MILLAGE REDUCTION DID NOT OCCUR AND, BEGINNING IN 2004-2005, THE DISTRICT'S FOUNDATION ALLOWANCE SHALL BE CALCULATED AS IF ITS 1994-1995 FOUNDATION ALLOWANCE HAD BEEN CALCULATED USING THE RECALCULATED 1993-1994 COMBINED STATE AND LOCAL REVENUE PER MEMBERSHIP PUPIL AS A BASE. A DISTRICT IS NOT ENTITLED TO ANY RETROACTIVE PAYMENTS FOR FISCAL YEARS BEFORE 2004-2005 DUE TO THIS SUBSECTION. A DISTRICT RECEIVING AN ADJUSTMENT UNDER THIS SUBSECTION SHALL NOT RECEIVE MORE THAN \$500,000.00 FOR A FISCAL YEAR AS A RESULT OF THIS ADJUSTMENT."** and renumbering the remaining subsections, and adjusting section 11, section 22b, and enacting section 1 accordingly.

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

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

The question being on the adoption of the substitute (H-2) offered by Rep. Whitmer,

Rep. Whitmer demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-2) offered by Rep. Whitmer,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 219****Yeas—52**

Accavitti	Cushingberry	Law, Kathleen	Polidori
Adamini	Dillon	Leland	Sak
Anderson	Donigan	Lemmons, III	Sheltrown
Angerer	Espinoza	Lemmons, Jr.	Smith, Alma
Bennett	Farrah	Lipsey	Smith, Virgil
Bieda	Gillard	Mayes	Spade
Brown	Gleason	McConico	Tobocman
Byrnes	Gonzales	McDowell	Vagnozzi
Byrum	Hood	Meisner	Waters
Cheeks	Hopgood	Miller	Whitmer
Clack	Hunter	Murphy	Williams
Clemente	Kehrl	Phillips	Wojno
Condino	Kolb	Plakas	Zelenko

**Nays—58**

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker
Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Casperson	Huizenga	Nofs	Steil
Caswell	Hummel	Palmer	Stewart
Caul	Hune	Palsrok	Taub
DeRoche	Jones	Pastor	Van Regenmorter
Drolet	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney	Marleau		

In The Chair: Kooiman

Rep. Cheeks moved to amend the bill as follows:

1. Amend page 122, following line 9, by inserting:

**“SEC. 92. FROM THE GENERAL FUND MONEY APPROPRIATED IN SECTION 11, THE SUM OF \$300,000.00 IS ALLOCATED FOR 2005-2006 TO THE DETROIT PUBLIC LIBRARY.”**

2. Amend page 127, line 23, by striking out “\$3,000,000.00” and inserting “\$2,700,000.00”.

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

Rep. Whitmer moved to amend the bill as follows:

1. Amend page 71, line 24, by striking out “\$314,200,000.00” and inserting “\$347,200,000.00”.

2. Amend page 84, line 22, after “exceed” by striking out “\$3,326,000.00” and inserting “\$18,326,000.00”.

3. Amend page 119, line 6, after “exceed” by striking out “\$84,228,100.00” and inserting “\$99,228,100.00”.

4. Amend page 153, following line 20, by inserting:

“Enacting section 4. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) House Bill No. 4905.
- (b) House Bill No. 4906.
- (c) House Bill No. 4907.
- (d) House Bill No. 4908.

- (e) House Bill No. 4909.
- (f) House Bill No. 4911.
- (g) House Bill No. 4912.
- (h) House Bill No. 4914.
- (i) House Bill No. 4951.
- (j) House Bill No. 4952.
- (k) House Bill No. 4953.”.

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

Rep. Whitmer moved to reconsider the vote by which the House did not adopt the amendments.

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

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

Rep. Whitmer demanded the yeas and nays.

The demand was supported.

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

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

#### Roll Call No. 220

#### Yeas—52

Accavitti	Cushingberry	Law, Kathleen	Polidori
Adamini	Dillon	Leland	Sak
Anderson	Donigan	Lemmons, III	Sheltrown
Angerer	Espinoza	Lemmons, Jr.	Smith, Alma
Bennett	Farrah	Lipsey	Smith, Virgil
Bieda	Gillard	Mayes	Spade
Brown	Gleason	McConico	Tobocman
Byrnes	Gonzales	McDowell	Vagnozzi
Byrum	Hood	Meisner	Waters
Cheeks	Hopgood	Miller	Whitmer
Clack	Hunter	Murphy	Williams
Clemente	Kehrl	Phillips	Wojno
Condino	Kolb	Plakas	Zelenko

#### Nays—58

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker
Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Casperson	Huizenga	Nofs	Steil
Caswell	Hummel	Palmer	Stewart
Caul	Hune	Palsrok	Taub
DeRoche	Jones	Pastor	Van Regenmorter
Drolet	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney	Marleau		

Rep. Cheeks moved to amend the bill as follows:

1. Amend page 122, following line 9, by inserting:

**“SEC. 92. FROM THE GENERAL FUND MONEY APPROPRIATED IN SECTION 11, THE SUM OF \$100.00 IS ALLOCATED FOR 2005-2006 TO THE DETROIT PUBLIC LIBRARY.”** and adjusting the totals in section 11 and enacting section 1 accordingly.

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

Rep. Ward moved to reconsider the vote by which the House did not adopt the amendments offered previously by Rep. Byrnes.

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

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4887, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2004 PA 518 and section 17b as amended by 2000 PA 297.

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

#### Roll Call No. 221

#### Yeas—66

Acciavatti	Farhat	Marleau	Rocca
Adamini	Gaffney	McDowell	Schuitmaker
Amos	Garfield	Meyer	Shaffer
Angerer	Gosselin	Moolenaar	Sheen
Ball	Green	Moore	Sheltrown
Baxter	Hansen	Mortimer	Spade
Booher	Hildenbrand	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Brown	Huizenga	Nofs	Steil
Casperson	Hummel	Palmer	Stewart
Caswell	Hune	Palsrok	Taub
Caul	Jones	Pastor	Van Regenmorter
DeRoche	Kahn	Pavlov	Vander Veen
Drolet	Kehrl	Pearce	Walker
Elsenheimer	Kooiman	Proos	Ward
Emmons	LaJoy	Robertson	Wenke
Espinoza	Law, David		

#### Nays—44

Accavitti	Dillon	Leland	Polidori
Anderson	Donigan	Lemmons, III	Sak
Bennett	Farrah	Lemmons, Jr.	Smith, Alma
Bieda	Gillard	Lipsey	Smith, Virgil
Byrnes	Gleason	Mayer	Tobocman



Byrum	Gonzales	McConico	Vagnozzi
Cheeks	Hood	Meisner	Waters
Clack	Hopgood	Miller	Whitmer
Clemente	Hunter	Murphy	Williams
Condino	Kolb	Phillips	Wojno
Cushingberry	Law, Kathleen	Plakas	Zelenko

In The Chair: Kooiman

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

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

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 4, 6, 11, 11a, 11f, 11g, 11j, 18, 19, 20, 20j, 22a, 22b, 22d, 24, 25, 26a, 31a, 31d, 32d, 32j, 39, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 107, 147, 158b, and 164c (MCL 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611f, 388.1611g, 388.1611j, 388.1618, 388.1619, 388.1620, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1625, 388.1626a, 388.1631a, 388.1631d, 388.1632d, 388.1632j, 38-8.1639, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1707, 388.1747, 388.1758b, and 388.1764c), sections 4, 6, 11f, 11g, 11j, 19, 20, 20j, 22a, 22b, 24, 26a, 31d, 32d, 32j, 39a, 41, 41a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 107, 147, and 158b as amended and section 22d as added by 2004 PA 351, sections 11 and 51a as amended by 2004 PA 518, section 11a as added by 2003 PA 158, section 18 as amended by 2004 PA 414, section 25 as amended by 2000 PA 297, sections 31a and 98b as amended by 2004 PA 593, section 39 as amended by 2002 PA 191, and section 164c as added by 1995 PA 130, and by adding sections 26b, 32l, 33, 54a, 91, 99a, and 99b; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Cushingberry, Zelenko and Gonzales, 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 against the Republican school aid budget, HB 4887, because it once again puts corporate greed over kids in need. Governor Granholm offered a school aid budget that struck the proper balance between budget cuts and eliminating corporate tax breaks.

House Bill 4887 did not include the \$33 million increase for at-risk pupils that the Governor recommended. That funding is sorely needed for our students facing the greatest challenges.

Additionally, this budget did not include the \$50 per pupil grant increase for high school students that would have guided our schools toward a more scholarly curriculum, leading to greater success in post-secondary institutions. Studies show that providing such a scholarly program for our high school students is very expensive, and this funding would have provided our schools the resources they need to help our students meet the increased challenges of a global economy.

Failing to fund these programs, while protecting antiquated corporate tax breaks, is reprehensible.

For these reasons, I voted no on House Bill 4887."

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

"I voted against the Republican school aid budget, HB 4887, because it once again puts corporate greed over kids in need. Governor Granholm offered a school aid budget that struck the proper balance between budget cuts and eliminating corporate tax breaks.

House Bill 4887 did not include the \$33 million increase for at-risk pupils that the Governor recommended. That funding is sorely needed for our students facing the greatest challenges.

Additionally, this budget did not include the \$50 per pupil grant increase for high school students that would have guided our schools toward a more scholarly curriculum, leading to greater success in post-secondary institutions.

Studies show that providing such a scholarly program for our high school students is very expensive, and this funding would have provided our schools the resources they need to help our students meet the increased challenges of a global economy.

Failing to fund these programs, while protecting antiquated corporate tax breaks, is reprehensible. For these reasons, I voted no on House Bill 4887.”

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

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Rep. Kolb moved that the House adjourn. The motion prevailed, the time being 7:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, June 23, at 10:30 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives