

No. 74
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
92nd Legislature
REGULAR SESSION OF 2003

House Chamber, Lansing, Tuesday, October 14, 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—excused
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—excused
Clack—present	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—excused	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. David B. Robertson, from the 51st District, offered the following invocation:

“O Lord, our God, receive this prayer that we offer to You on this day that You have given to us for the glorification of Your Holy Name. Lord, teach us to pray. Remember, O Lord, our God, all of our civil authorities – the President of this nation, our Congress and Judiciary. Illuminate their hearts with the spirit of Your wisdom so that they may guide this nation in all righteousness, holiness and justice. Remember, O Lord, our God, all of the state representatives who have convened in this House for this session. Bless them and guide them unto every good work. Remember, O Lord, our God, all the armed forces of this land and those who are serving around the world for the cause of peace. Send Your holy angels to protect them, and strengthen the hearts of their parents, spouses and children who long for their safe return. Remember, O Lord, our God, the people who live in this great state of Michigan – especially our elderly, our poor, our mentally ill, our unemployed and those who are in any kind of affliction, necessity or distress. Hear us, O God, our Savior, the hope of all the ends of the earth and of those who are far off upon the seas, and show mercy upon and save our souls in Your never-ending love. For to You do we send up the glory, thanksgiving, honor and worship, to the Father and to the Son and to the Holy Spirit, always now and ever and to the endless ages. Amen.”

Rep. Palmer moved that Reps. LaSata, Taub and Van Regenmorter be excused from today’s session.
The motion prevailed.

Motions and Resolutions

By unanimous consent the House considered **House Resolution No. 142** out of numerical order.

Reps. DeRoche, Brandenburg, Ehardt, Hummel, Meyer, Vander Veen, Accavitti, Adamini, Anderson, Brown, Byrum, Clack, Dennis, DeRossett, Elkins, Farhat, Gaffney, Garfield, Gleason, Hager, Hoogendyk, Hopgood, Hune, Jammick, Julian, Koetje, Kolb, Kooiman, Milosch, Minore, Mortimer, Murphy, Nitz, Nofs, O’Neil, Pastor, Richardville, Rivet, Rocca, Sak, Shaffer, Sheltroun, Spade, Stakoe, Stallworth, Stewart, Tabor, Tobocman, Vagnozzi, Voorhees, Wojno, Zelenko, Bieda and Phillips offered the following resolution:

House Resolution No. 142.

A resolution proclaiming October 12-18, 2003, as International Credit Union Week in Michigan and Thursday, October 16, 2003, as International Credit Union Day.

Whereas, The vitality and stability of Michigan’s economy is important to ensure continued business growth, expanded employment opportunities and improved financial security for the people of this state; and

Whereas, Credit unions were created as cooperative, not-for-profit financial institutions committed to the economic improvement of their membership; and

Whereas, The state of Michigan is home to 438 credit unions with a membership in excess of 4.4 million credit union members, which represent over 40% of the state population; and

Whereas, The credit union movement continues to provide its 4.4 million Michigan members access to affordable, reliable financial services, as well as the opportunity to be a member-owner, not “just a customer”; and

Whereas, Credit union professionals, staff and volunteers are active and committed to the communities in which they serve. The credit union mission of “people helping people” is and will continue to be the foundation of their success; and

Whereas, During the week of October 12-18, 2003, credit unions throughout the world will be celebrating the competent financial service provided in a democratic, cooperative manner to citizens of both our Great Lakes State and the world; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body hereby proclaim October 12-18, 2003, as International Credit Union Week in Michigan and Thursday, October 16, 2003, as International Credit Union Day. We encourage all citizens to recognize the many contributions credit unions have made to the communities in this state, both tangible and intangible, through the years, and honor and express appreciation for the service and commitment of Michigan’s credit unions.

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.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, October 8:

Senate Bill Nos. 758 759 760 761
Senate Joint Resolution E

The Clerk announced that the following Senate bills had been received on Thursday, October 9:

Senate Bill Nos. 57 98 497 498 499 500 502 505 506 557 715

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, October 10:

House Bill Nos. 5148 5149 5150 5151 5152 5153 5154

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported

House Bill No. 4914, 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.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Brandenburg, Tabor, Meyer and Law

Nays: None

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported

House Bill No. 5027, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82106, 82109, 82110, and 82118 (MCL 324.82106, 324.82109, 324.82110, and 324.82118), section 82106 as amended by 1998 PA 297, section 82109 as added by 1995 PA 58, section 82110 as amended by 2001 PA 16, and section 82118 as amended by 2001 PA 15.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Brandenburg, Tabor, Meyer and Law

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair of the Committee on Great Lakes and Tourism, was received and read:

Meeting held on: Thursday, October 9, 2003, at 12:22 p.m.

Present: Reps. Palsrok, Brandenburg, Tabor, Meyer and Law

Absent: Reps. Gleason and Stallworth

Excused: Reps. Gleason and Stallworth

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

House Bill No. 5129, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1301a, 1303a, 1304, 1305, 1307a, 1308, 1309, 1310, 1312, 1313, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1329, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1345, 1346, 1347, 1372, 1374, and 1375 (MCL 600.1301a, 600.1303a, 600.1304, 600.1305, 600.1307a, 600.1308, 600.1309, 600.1310, 600.1312, 600.1313, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1329, 600.1331, 600.1332, 600.1333, 600.1334, 600.1335, 600.1336, 600.1337, 600.1338, 600.1339, 600.1340, 600.1341, 600.1342, 600.1343, 600.1345, 600.1346, 600.1347, 600.1372, 600.1374, and 600.1375), sections 1301a, 1304, 1310, 1312, and 1375 as amended by 1986 PA 104 and section 1307a as amended by 2002 PA 739.

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

1. Amend page 20, line 2, by striking out "**intent**" and inserting "design".

The bill and amendment were 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, Pappageorge, Voorhees, 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, October 14, 2003, at 9:00 a.m.

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

Absent: Reps. LaSata and Van Regenmorter

Excused: Reps. LaSata and Van Regenmorter

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 4898, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 13501, 13505, 13506, 13515, 13517, 13521, 13522, 13525, 13535, and 13536 (MCL 333.13501, 333.13505, 333.13506, 333.13515, 333.13517, 333.13521, 333.13522, 333.13525, 333.13535, and 333.13536), sections 13501 and 13522 as amended by 1994 PA 100 and section 13521 as amended by 1989 PA 56, and by adding part 135A; and to repeal acts and parts of acts.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Woronchak, Robertson, Gaffney, Hune, Ward, Adamini, Hardman, O'Neil, Gillard and Clack

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 14, 2003, at 10:30 a.m.

Present: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Hart, Woronchak, Robertson, Gaffney, Hune, Ward, Adamini, Hardman, O'Neil, Gillard and Clack

Absent: Reps. Van Regenmorter and Wojno

Excused: Reps. Van Regenmorter and Wojno

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

House Bill No. 4458, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1958," by amending section 122 (MCL 436.1233).

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, Palsrok, Sheen, Meisner, Hopgood and Gielegem

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, October 14, 2003, at 10:00 a.m.

Present: Reps. Rocca, Gaffney, Bisbee, Julian, Palsrok, Sheen, Meisner, Hopgood and Gielegem

Absent: Reps. DeRoche and Wojno

Excused: Reps. DeRoche and Wojno

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported

House Bill No. 4938, entitled

A bill to provide for the qualification, appointment, and regulation of notaries; to provide for the levy, assessment, and collection of certain service charges and fees and to provide for their disposition; to create certain funds for certain purposes; to provide for liability for certain persons; to provide for the admissibility of certain evidence; to prescribe powers and duties of certain state agencies and local officers; to provide for remedies and penalties; and to repeal acts and parts of acts.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported

Senate Bill No. 725, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 27 (MCL 42.27), as amended by 1988 PA 82.

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. Ward, Robertson, Hager, Drolet, Stakoe, Jamnick, Tobocman and Accavitti

Nays: None

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, October 14, 2003, at 9:00 a.m.

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

Notices

Pursuant to Rule 44, the Speaker has made the following reassignment:
House Bill No. 5151 referred to the Committee on Land Use and Environment.

Communications from State Officers

The following communication from the Department of State Police was received and read:

September 30, 2003

I am pleased to submit the 2002-2003 Concealed Pistol License Annual Report as required by MCL 28.425e of Public Act 381 of 2000. This report details the concealed pistol license activity between July 1, 2002 and June 30, 2003.

Sincerely,
Col. Tadarial J. Sturdivant
Director

The communication was referred to the Clerk.

Introduction of Bills

Rep. Whitmer introduced

House Bill No. 5155, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 1109 (MCL 289.1109), as amended by 2002 PA 487.

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

Reps. McConico and Ward introduced

House Bill No. 5156, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 36a.

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

Reps. Tobocman and Kolb introduced

House Bill No. 5157, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37e.

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

Reps. Acciavatti, Brandenburg, Stahl, Tabor, Casperson, Milosch, Bradstreet, Stakoe, Walker, Pappageorge and Farhat introduced

House Bill No. 5158, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 413.

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

Reps. Acciavatti, Brandenburg, Stahl, Tabor, Casperson, Milosch, Bradstreet, Stakoe, Walker, Pappageorge and Farhat introduced

House Bill No. 5159, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13e of chapter XVII (MCL 777.13e), as added by 2002 PA 30.

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

Rep. Wenke introduced

House Bill No. 5160, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 355a.

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

Reps. Hunter, Hood, Meisner, Tobocman, Phillips, Condino, McConico, Hopgood, Clack, Gleason and Cheeks introduced

House Bill No. 5161, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 7 (MCL 390.1457), as amended by 2002 PA 736.

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

Reps. Kolb, Hopgood, Milosch, Rivet and LaJoy introduced

House Bill No. 5162, entitled

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

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

Reps. Hoogendyk, Drolet, Sheen, Garfield, Bradstreet, Casperson, Huizenga, Stahl, Steil, Pastor, Acciavatti, Brandenburg, Milosch, Newell, Woronchak, Palmer, Shaffer, Robertson, Meyer, Hune, Taub, LaJoy, Voorhees, Vander Veen, Amos, DeRoche, Stakoe, Nofs and Van Regenmorter introduced

House Bill No. 5163, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 31 (MCL 208.31), as amended by 1999 PA 115.

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

Reps. Hoogendyk, Acciavatti, Garfield, Milosch, LaJoy, Taub, Drolet, Kooiman, Voorhees, Vander Veen, Hummel, Shaffer, Amos, Sheen, Robertson, DeRoche, Huizenga, Casperson, Stakoe, Bradstreet, Nofs, Stahl and Van Regenmorter introduced

House Bill No. 5164, entitled

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

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

Reps. Hoogendyk, Acciavatti, Garfield, Milosch, Drolet, Voorhees, Kooiman, Vander Veen, Shaffer, Hummel, Brandenburg, Sheen, Robertson, DeRoche, Huizenga, Casperson, Stakoe, Bradstreet, Stahl and Van Regenmorter introduced

House Bill No. 5165, entitled

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

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

Reps. Hoogendyk, Acciavatti, Garfield, Milosch, Drolet, Voorhees, Kooiman, Vander Veen, Shaffer, Hummel, Brandenburg, Sheen, Amos, Robertson, DeRoche, Huizenga, Casperson, Stakoe, Bradstreet, Stahl, Nofs and Van Regenmorter introduced

House Bill No. 5166, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30 and 30d (MCL 206.30 and 206.30d), section 30 as amended by 2002 PA 615 and section 30d as amended by 2000 PA 42; and to repeal acts and parts of acts.

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

Reps. Hoogendyk, Acciavatti, Garfield, Milosch, Drolet, Taub, Kooiman, Voorhees, Vander Veen, Shaffer, Hummel, Hager, Sheen, Robertson, Amos, DeRoche, Huizenga, Casperson, Stakoe, Bradstreet, Gillard, Stahl and Van Regenmorter introduced

House Bill No. 5167, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 267 (MCL 206.267), as added by 2000 PA 394; and to repeal acts and parts of acts.

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

Rep. Ward introduced

House Bill No. 5168, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7cc, 7ee, and 24c (MCL 211.7cc, 211.7ee, and 211.24c), sections 7cc and 24c as amended by 2003 PA 140 and section 7ee as amended by 2003 PA 105.

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

Reps. Murphy, Whitmer, Reeves, Gleason, O'Neil, Phillips, Williams, Stallworth, Zelenko, Law, Clack, Plakas, Byrum, Sak, Tobocman, Cheeks, Accavitti, Bieda and Hardman introduced

House Bill No. 5169, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7b (MCL 722.27b), as amended by 1996 PA 19.

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

Reps. Pastor, LaJoy, Nofs, Amos, Robertson, Casperson, Acciavatti, Rocca, Drolet and Brandenburg introduced

House Bill No. 5170, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479a (MCL 750.479a), as amended by 2002 PA 270.

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

Reps. Pastor, LaJoy, Nofs, Amos, Robertson, Casperson, Acciavatti, Rocca, Drolet and Brandenburg introduced

House Bill No. 5171, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2002 PA 320.

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

Announcements by the Clerk

October 8, 2003

Received from Schoolcraft College the audited financial statements and the management letter for the fiscal year ending June 30, 2003.

Gary L. Randall
Clerk of the House

By unanimous consent the House returned to the order of

Second Reading of Bills

Senate Bill No. 560, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Government Operations,

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

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

The motion prevailed and the substitute (H-6) was adopted, a majority of the members serving voting therefor.

Rep. Koetje moved to amend the bill as follows:

1. Amend page 8, line 24, by striking out all of enacting section 1.

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

Rep. Bradstreet moved to amend the bill as follows:

1. Amend page 4, line 10, after "2005," by inserting "except as provided in subsection (6),".

2. Amend page 5, line 4, after "2005," by inserting "except as provided in subsection (6),".

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

"(6) A business with fewer than 20 employees is not subject to the application fee under subsection (2) or the annual groundwater discharge permit fee under subsection (5)." and renumbering the remaining subsections.

The question being on the adoption of the amendments offered by Rep. Bradstreet, Rep. Bradstreet demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 527**Yeas—102**

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

Nays—3

Bieda	Meisner	Waters
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In The Chair: Julian

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

“Mr. Speaker and members of the House:

I voted against this particular amendment because I believe that basing the exemption on the number of employees is not the best threshold. A better approach to allowing an exemption for a small business would be to use similar thresholds based on revenue. There are small businesses that have a greater number of employees than 20, or that rely on large numbers of seasonal or part-time employees, that would not see any benefit from this exemption. On the other hand, businesses that have fewer employees, but substantially higher revenues, would be exempted. In addition, it appears that contract employees would not be considered for purposes of this exemption, and this could lead to increased incentives for job loss or job shifting. This would be contrary to the stated purpose of this amendment. I also

have concerns that big polluters would use this exemption to structure their respective operations to avoid paying any permit fees, to the competitive disadvantage of other businesses in the state, to the endangerment of our environment, and to the detriment of the tax payers of this state as a whole. Therefore, for these reasons, I voted against this particular amendment.”

Rep. Meisner moved to amend the bill as follows:

1. Amend page 4, line 10, after “**October 1,**” by striking out “**2005**” and inserting “**2008**”.
2. Amend page 5, line 4, after “**October 1,**” by striking out “**2005**” and inserting “**2008**”.

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

Rep. Meisner demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 528

Yeas—47

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

Nays—60

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

In The Chair: Julian

Rep. Gielegthem moved to amend the bill as follows:

1. Amend page 4, line 18, after “**period.**” by striking out the balance of the subsection.

The question being on the adoption of the amendment offered by Rep. Gielegem, Rep. Gielegem demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 529**Yeas—38**

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

Nays—68

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

In The Chair: Julian

Rep. Farrah moved to amend the bill as follows:

1. Amend page 4, line 24, by striking out all of subsection **(4)** and renumbering the remaining subsections.
2. Amend page 5, line 14, after "**subsection**" by striking out "**(5)**" and inserting "**(4)**".

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

Rep. Farrah demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 530**Yeas—50**

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

Nays—56

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

In The Chair: Julian

Rep. Kolb moved to amend the bill as follows:

1. Amend page 7, line 4, after “**programs.**” by striking out the balance of the subsection.

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

Rep. Kolb demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 531**Yeas—42**

Accavitti	Farrah	Lipsey	Smith
Adamini	Gielegem	McConico	Spade
Bieda	Gillard	Meisner	Stallworth
Brown	Gleason	Minore	Tobocman
Byrum	Hardman	Murphy	Vagnozzi
Cheeks	Hood	Phillips	Waters
Clack	Hopgood	Reeves	Whitmer

Condino	Hunter	Rivet	Williams
Daniels	Jamnick	Sak	Woodward
Dennis	Kolb	Sheltrown	Zelenko
Elkins	Law		

Nays—64

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

In The Chair: Julian

Rep. Accavitti moved to amend the bill as follows:

1. Amend page 5, line 21, after "**department**" by striking out "**and the governor**".

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

Rep. Accavitti demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 532**Yeas—48**

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

Nays—58

Acciavatti	Garfield	Milosch	Shaffer
Amos	Hager	Moolenaar	Sheen

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

In The Chair: Julian

Reps. Palsrok and Walker moved to amend the bill as follows:

1. Amend page 4, line 10, after “2005,” by inserting “**except as otherwise provided in this section,**”.
2. Amend page 5, line 4, after “2005,” by inserting “**except as otherwise provided in this section,**”.
3. Amend page 5, following line 11, by inserting:

“(6) A person applying for or obtaining a permit under this part for an agricultural purpose is not subject to the application fee under subsection (2) or the annual groundwater discharge permit fee under subsection (5).” and renumbering the remaining subsections.

4. Amend page 5, following line 24, by inserting:

“(10) As used in this section, “agricultural purpose” means the agricultural production or processing of those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy animals and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product, as determined by the commission of agriculture, that incorporates the use of food, feed, fiber, or fur. Agricultural purpose includes an operation or facility that produces wine.”.

The question being on the adoption of the amendments offered by Reps. Palsrok and Walker,

Rep. Palsrok demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Palsrok and Walker,

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

Roll Call No. 533

Yeas—85

Accavitti	Farrah	Middaugh	Shackleton
Acciavatti	Gaffney	Milosch	Shaffer
Adamini	Garfield	Moolenaar	Sheen
Amos	Gillard	Mortimer	Sheltrown
Bieda	Gleason	Murphy	Shulman
Bisbee	Hager	Newell	Spade
Bradstreet	Hart	Nitz	Stahl
Brandenburg	Hoogendyk	Nofs	Stakoe
Brown	Howell	O’Neil	Steil
Byrum	Huizenga	Palmer	Stewart
Casperson	Hummel	Palsrok	Tabor
Caswell	Hune	Pappageorge	Vagnozzi
Caul	Johnson, Rick	Pastor	Vander Veen
Clack	Johnson, Ruth	Phillips	Voorhees
Dennis	Julian	Plakas	Walker

DeRoche	Koetje	Pumford	Ward
DeRossett	Kolb	Richardville	Waters
Drolet	Kooiman	Rivet	Wenke
Ehardt	LaJoy	Robertson	Wojno
Elkins	Law	Rocca	Woodward
Emmons	Meyer	Sak	Woronchak
Farhat			

Nays—17

Anderson	Hood	McConico	Reeves
Condino	Hopgood	Meisner	Stallworth
Daniels	Hunter	Minore	Tobocman
Gielegem	Lipsey	Paletko	Zelenko
Hardman			

In The Chair: Julian

Rep. Walker moved to amend the bill as follows:

1. Amend page 5, line 16, after “**facility.**” by inserting “**In addition, a municipality with a population under 2,500 is not subject to the application fee under subsection (2) or the annual groundwater discharge permit fee under subsection (5).**”.

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

Rep. Walker demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 534**Yeas—88**

Accavitti	Emmons	Meisner	Sak
Acciavatti	Farhat	Meyer	Shackleton
Adamini	Farrah	Middaugh	Shaffer
Amos	Garfield	Milosch	Sheen
Anderson	Gielegem	Moolenaar	Sheltrown
Bisbee	Gillard	Mortimer	Shulman
Bradstreet	Gleason	Murphy	Spade
Brandenburg	Hager	Newell	Stahl
Brown	Hardman	Nitz	Stakoe
Byrum	Hart	O’Neil	Stewart
Casperson	Hood	Paletko	Tabor
Caswell	Hoogendyk	Palmer	Tobocman
Caul	Hopgood	Palsrok	Vagnozzi
Cheeks	Howell	Pappageorge	Vander Veen
Clack	Huizenga	Pastor	Voorhees
Condino	Hummel	Plakas	Walker
Daniels	Hune	Pumford	Waters
Dennis	Hunter	Reeves	Wenke
DeRossett	Johnson, Ruth	Richardville	Williams
Drolet	Julian	Rivet	Wojno
Ehardt	LaJoy	Robertson	Woronchak
Elkins	Law	Rocca	Zelenko

Nays—16

Bieda	Johnson, Rick	Lipsey	Stallworth
DeRoche	Koetje	Minore	Steil
Gaffney	Kolb	Nofs	Ward
Jamnack	Kooiman	Smith	Woodward

In The Chair: Julian

Rep. Bradstreet moved to amend the bill as follows:

1. Amend page 2, following line 23, by inserting:

“(j) “Local health department” means a local health department as defined in section 1105 of the public health code, 1978 PA 368, MCL 333.1105, with jurisdiction over the location of a discharge of wastewater to the ground or to groundwater.” and relettering the remaining subdivisions.

2. Amend page 4, line 2, after **“the”** by striking out **“department”** and inserting **“local health department”**.

3. Amend page 4, line 3, after **“the”** by striking out **“department”** and inserting **“local health department”**.

4. Amend page 4, line 5, after **“the”** by striking out **“department”** and inserting **“local health department”**.

5. Amend page 4, line 6, after the first **“the”** by striking out **“department”** and inserting **“local health department”**.

6. Amend page 4, line 7, after **“the”** by striking out **“department”** and inserting **“local health department”**.

7. Amend page 4, line 16, after the first **“the”** by striking out **“department”** and inserting **“local health department”**.

8. Amend page 4, line 17, after the second **“the”** by striking out **“department”** and inserting **“local health department”**.

9. Amend page 4, line 20, by striking out **“department”** and inserting **“local health department”**.

10. Amend page 4, line 24, after **“the”** by striking out **“department”** and inserting **“local health department”**.

11. Amend page 4, line 26, after the first **“the”** by striking out **“department”** and inserting **“local health department”**.

12. Amend page 5, line 4, after **“the”** by striking out **“department”** and inserting **“local health department”**.

13. Amend page 5, line 17, after **“The”** by striking out **“department shall forward”** and inserting **“local health department shall retain 90% of the application fees collected under subsection (2) for permit issuance, compliance assurance, and enforcement activities and shall forward 10% of the”**.

14. Amend page 5, line 25, after **“The”** by striking out **“department”** and inserting **“local health department”**.

15. Amend page 6, line 3, after **“The”** by striking out **“department shall forward”** and inserting **“local health department shall retain 90% of the money collected pursuant to this section for permit issuance, compliance assurance, and enforcement activities and shall forward 10% of the”**.

16. Amend page 6, line 7, after **“The”** by striking out **“department”** and inserting **“local health department”**.

17. Amend page 6, line 15, after **“The”** by inserting **“local health department or the”**.

18. Amend page 7, line 4, after **“programs.”** by striking out the balance of the subsection.

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

Rep. Bradstreet demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 535

Yeas—47

Acciavatti	Farhat	Meyer	Shackleton
Bisbee	Garfield	Milosch	Shaffer
Bradstreet	Hager	Mortimer	Sheen
Brandenburg	Hart	Newell	Shulman
Casperson	Hoogendyk	Nitz	Stahl
Caswell	Howell	Nofs	Stakoe
Caul	Huizenga	Palmer	Stewart
DeRoche	Hummel	Pappageorge	Tabor
DeRossett	Hune	Pastor	Voorhees

Drolet	Johnson, Rick	Pumford	Wenke
Ehardt	Julian	Richardville	Woronchak
Emmons	LaJoy	Robertson	

Nays—60

Accavitti	Gielegem	Meisner	Smith
Adamini	Gillard	Middaugh	Spade
Amos	Gleason	Minore	Stallworth
Anderson	Hardman	Moolenaar	Steil
Bieda	Hood	Murphy	Tobocman
Brown	Hopgood	O'Neil	Vagnozzi
Byrum	Hunter	Paletko	Vander Veen
Cheeks	Jamnick	Palsrok	Walker
Clack	Johnson, Ruth	Phillips	Ward
Condino	Koetje	Plakas	Waters
Daniels	Kolb	Reeves	Whitmer
Dennis	Kooiman	Rivet	Williams
Elkins	Law	Rocca	Wojno
Farrah	Lipsey	Sak	Woodward
Gaffney	McConico	Sheltrown	Zelenko

In The Chair: Julian

Rep. Bradstreet moved to amend the bill as follows:

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

“(6) The following are not subject to the application fee under subsection (2) or the annual groundwater discharge permit fee under subsection (5):

(a) A private nonprofit organization.

(b) A school.

(c) A school district.

(d) A public college or university.” and renumbering the remaining subsections.

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

Rep. Bradstreet demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 536**Yeas—101**

Accavitti	Gaffney	Meisner	Shaffer
Acciavatti	Garfield	Meyer	Sheen
Amos	Gielegem	Middaugh	Sheltrown
Anderson	Gillard	Milosch	Shulman
Bieda	Gleason	Moolenaar	Smith
Bisbee	Hager	Mortimer	Spade
Bradstreet	Hardman	Murphy	Stahl
Brandenburg	Hart	Newell	Stakoe
Brown	Hood	Nitz	Stallworth
Byrum	Hoogendyk	Nofs	Steil
Casperson	Hopgood	O'Neil	Stewart
Caswell	Howell	Paletko	Tabor
Caul	Huizenga	Palmer	Tobocman

Cheeks	Hummel	Palsrok	Vagnozzi
Clack	Hune	Pappageorge	Vander Veen
Condino	Hunter	Pastor	Voorhees
Daniels	Jamnack	Plakas	Walker
Dennis	Johnson, Rick	Pumford	Ward
DeRoche	Johnson, Ruth	Reeves	Waters
DeRossett	Julian	Richardville	Wenke
Drolet	Koetje	Rivet	Williams
Ehardt	Kolb	Robertson	Wojno
Elkins	Kooiman	Rocca	Woodward
Emmons	LaJoy	Sak	Woronchak
Farhat	Law	Shackleton	Zelenko
Farrah			

Nays—0

In The Chair: Julian

Rep. Acciavatti moved to amend the bill as follows:

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

“(6) Construction companies discharging groundwater for the purpose of lowering a water table temporarily are not subject to the application fee under subsection (2) or the annual groundwater discharge permit fee under subsection (5).” and renumbering the remaining subsections.

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

Rep. Tobocman moved to amend the bill as follows:

1. Amend page 5, line 24, after **“section.”** by inserting **“In addition, each member of the legislature shall provide this notification to each permit holder located within his or her legislative district.”**

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

Rep. Tobocman demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 537

Yeas—32

Accavitti	Elkins	Lipsey	Smith
Adamini	Farrah	McConico	Stallworth
Bieda	Gieleghem	Meisner	Tobocman
Byrum	Gillard	Paletko	Vagnozzi
Cheeks	Gleason	Phillips	Waters
Condino	Hood	Plakas	Whitmer
Daniels	Hopgood	Reeves	Wojno
Dennis	Law	Sheltrown	Woodward

Nays—68

Acciavatti	Garfield	Meyer	Shackleton
Amos	Hager	Middaugh	Shaffer
Anderson	Hart	Milosch	Sheen
Bisbee	Hoogendyk	Moolenaar	Shulman

Bradstreet	Howell	Mortimer	Spade
Brandenburg	Huizenga	Newell	Stahl
Casperson	Hummel	Nitz	Stakoe
Caswell	Hune	Nofs	Steil
Caul	Hunter	O'Neil	Stewart
Clack	Jamnick	Palmer	Tabor
DeRoche	Johnson, Rick	Pappageorge	Vander Veen
DeRossett	Johnson, Ruth	Pastor	Voorhees
Drolet	Julian	Pumford	Walker
Ehardt	Koetje	Richardville	Ward
Emmons	Kolb	Robertson	Wenke
Farhat	Kooiman	Rocca	Woronchak
Gaffney	LaJoy	Sak	Zelenko

In The Chair: Julian

Rep. Koetje moved to substitute (H-7) the bill.

The motion prevailed and the substitute (H-7) 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. Waters moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.

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

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. 560, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Second Reading of Bills

Senate Bill No. 252, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3111 and 3113 (MCL 324.3111 and 324.3113) and by adding sections 3120 and 3121.

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

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

Rep. Koetje moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Koetje moved to amend the bill as follows:

1. Amend page 23, following line 16, by inserting:

"(11) Within 30 days after the effective date of the amendatory act that added this section, the department and the governor shall notify each person holding a permit under this part authorizing a discharge into surface water, other than a storm water permit, of the requirements of this section." and renumbering the remaining subsection.

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

Rep. Meyer moved to amend the bill as follows:

1. Amend page 19, line 20, after “2008,” by inserting “except as provided in subsection (6),”.
2. Amend page 20, line 18, after “2008,” by inserting “except as provided in subsection (6),”.
3. Amend page 22, following line 5, by inserting:

“(6) A person applying for or obtaining a permit under this part for an agricultural purpose is not subject to the application fee under subsection (1) or the annual permit fee under subsection (5).” and renumbering the remaining subsections.

4. Amend page 23, following line 17, by inserting:

“(a) “Agricultural purpose” means the agricultural production or processing of those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy animals and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product, as determined by the commission of agriculture, that incorporates the use of food, feed, fiber, or fur. Agricultural purpose includes an operation or facility that produces wine.” and relettering the remaining subdivisions.

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

Rep. Farhat moved to amend the bill as follows:

1. Amend page 28, line 5, by striking out all of enacting section 1.

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

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

Rep. Brandenburg moved to amend the bill as follows:

1. Amend page 25, line 27, after “submittals.” by inserting “The department shall conduct unannounced, on-site inspections of each EPA major facility as defined in section 3120 at least once a year. The department shall conduct unannounced, on-site inspections of all other facilities described in section 3120 at least once every other year.”.

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

Rep. Brandenburg demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 538

Yeas—51

Accavitti	Gielegem	McConico	Stallworth
Acciavatti	Gillard	Meisner	Stewart
Bieda	Gleason	Minore	Tobocman
Brandenburg	Hardman	Nofs	Vagnozzi
Byrum	Hart	Paletko	Vander Veen
Caul	Hood	Pastor	Waters
Cheeks	Hopgood	Phillips	Whitmer
Clack	Hunter	Plakas	Williams
Condino	Johnson, Ruth	Pumford	Wojno
Daniels	Kolb	Rocca	Woodward
Dennis	Kooiman	Sak	Woronchak
Elkins	Law	Sheltrown	Zelenko
Farrah	Lipsey	Spade	

Nays—52

Adamini	Farhat	Meyer	Shackleton
Amos	Gaffney	Middaugh	Shaffer
Anderson	Garfield	Milosch	Sheen
Bisbee	Hager	Moolenaar	Shulman
Bradstreet	Hoogendyk	Mortimer	Smith
Brown	Howell	Newell	Stahl
Casperson	Huizenga	Nitz	Stakoe
Caswell	Hummel	O'Neil	Steil
DeRoche	Hune	Palmer	Tabor
DeRossett	Johnson, Rick	Palsrok	Voorhees
Drolet	Julian	Pappageorge	Walker
Ehardt	Koetje	Richardville	Ward
Emmons	LaJoy	Robertson	Wenke

In The Chair: Julian

Rep. Tobocman moved to amend the bill as follows:

1. Amend page 20, line 18, after “2008,” by inserting “**subject to subsection (6),**”.
2. Amend page 22, following line 5, by inserting:

“(6) **The annual permit fee under subsection (5) shall be twice the applicable amount provided in subsection (5) if, during the previous year, the permittee was in significant noncompliance.**” and renumbering the remaining subsections.

3. Amend page 24, following line 27, by inserting:

“(m) **“Significant noncompliance” means any of the following:**

(i) **Either of the following effluent violations of monthly average limits:**

(A) **A 40% exceedance of a specific pollutant limit for a group I parameter or a 20% exceedance of a specific pollutant limit for a group II parameter at a given outfall for any 2 or more months during 2 consecutive quarter review periods.**

(B) **Chronic violations of any monthly effluent limit for group I or group II parameters at a given outfall by any amount for any 4 or more months during 2 consecutive quarter review periods.**

(ii) **Any other effluent violations that cause or have the potential to cause a water quality problem such as fish kills or oil sheens or human health problem such as beach closing, fishing bans, or other restrictions of beneficial uses.**

(iii) **Noneffluent violations such as an unauthorized bypass, unpermitted discharge, or pass-through of pollutants that causes or has the potential to cause a water quality problem such as fish kills or oil sheens or human health problems such as beach closing, fishing bans, or other restrictions of beneficial uses. Significant noncompliance under this subparagraph includes both of the following:**

(A) **The failure of a publicly owned treatment works to implement or enforce an approved industrial pretreatment program.**

(B) **A violation of a narrative requirement or any other violation of concern to the department.**

(iv) **A permit schedule violation such as the failure to start construction, end construction, or attain final compliance within 90 days of the scheduled date. Significant noncompliance includes failure to meet any pretreatment schedule milestone by 90 days or more.**

(v) **A permit reporting violations such as discharge monitoring reports, POTW pretreatment performance reports, and the compliance schedule final report of progress indicating whether final compliance has been attained that are not submitted at all or are submitted 30 or more days late.**

(vi) **Enforcement order violations including both of the following:**

(A) **Any violation of a judicial order.**

(B) **Any violation of an effluent limit or other water quality or health-related requirement of an administrative consent order. However, if an administrative consent order limit is as stringent as an applicable permit limit, the facility is in significant noncompliance only if the permit effluent criteria, set out in subparagraph (i) or (ii), are met.” and relettering the remaining subdivision.**

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

Rep. Tobocman demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 539**Yeas—42**

Accavitti	Gleason	Minore	Stallworth
Anderson	Hardman	Murphy	Tobocman
Bieda	Hart	O'Neil	Vagnozzi
Byrum	Hopgood	Paletko	Waters
Cheeks	Hunter	Phillips	Whitmer
Clack	Johnson, Ruth	Plakas	Williams
Condino	Kolb	Rocca	Wojno
Dennis	Law	Sak	Woodward
Farrah	Lipsey	Smith	Woronchak
Gielegghem	McConico	Spade	Zelenko
Gillard	Meisner		

Nays—60

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

In The Chair: Julian

Rep. Meisner moved to amend the bill as follows:

1. Amend page 20, line 18, after “(5)” by striking out “**Until October 1, 2008,**” and inserting “**Subject to subsection (6),**”.

2. Amend page 22, following line 5, by inserting:

“(6) **The department shall promulgate rules that take effect October 1, 2006, to increase the amount of money generated under subsection (5) to equal 136% of the total state funding provided for the state’s national pollutant discharge elimination system program as provided in 2003 PA 171 and 2003 PA 173. It is the intent of the legislature that general fund/general purpose taxpayer subsidies for the state’s national pollutant discharge elimination system program be eliminated after September 30, 2006.**” and renumbering the remaining subsections.

3. Amend page 22, line 7, after “**under**” by striking out “**subsection (5)**” and inserting “**subsections (5) and (6)**”.

4. Amend page 22, line 12, after “**under**” by striking out “**subsection (5)**” and inserting “**subsections (5) and (6)**”.

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

Rep. Meisner demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 540**Yeas—48**

Accavitti	Elkins	Lipsey	Smith
Adamini	Farrah	McConico	Spade

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

Nays—58

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

In The Chair: Julian

Rep. Condino moved to amend the bill as follows:

1. Amend page 22, line 2, by striking out all of subdivision (g).

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

Rep. Condino demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 541**Yeas—43**

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

Nays—59

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

In The Chair: Julian

Rep. Lipsey moved to amend the bill as follows:

1. Amend page 6, line 10, after “business.” by striking out the balance of the line through “**occur.**” on line 13.

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

Rep. Lipsey demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 542**Yeas—39**

Accavitti	Gielegem	Lipsey	Smith
Anderson	Gleason	McConico	Stallworth
Bieda	Hardman	Meisner	Tobocman
Byrum	Hart	Minore	Vagnozzi
Cheeks	Hood	Murphy	Waters
Clack	Hopgood	O’Neil	Whitmer
Condino	Hunter	Paletko	Wojno
Daniels	Jamnick	Phillips	Woodward
Dennis	Kolb	Plakas	Zelenko
Farrah	Law	Sak	

Nays—65

Acciavatti	Gaffney	Middaugh	Shackleton
Adamini	Garfield	Milosch	Shaffer
Amos	Gillard	Moolenaar	Sheen
Bisbee	Hager	Mortimer	Sheltrown
Bradstreet	Hoogendyk	Newell	Shulman
Brandenburg	Howell	Nitz	Spade
Brown	Huizenga	Nofs	Stahl
Casperson	Hummel	Palmer	Stakoe

Caswell	Hune	Palsrok	Steil
Caul	Johnson, Rick	Pappageorge	Stewart
DeRoche	Johnson, Ruth	Pastor	Tabor
DeRossett	Julian	Pumford	Vander Veen
Drolet	Koetje	Richardville	Walker
Ehardt	Kooiman	Rivet	Ward
Elkins	LaJoy	Robertson	Wenke
Emmons	Meyer	Rocca	Woronchak
Farhat			

In The Chair: Julian

Rep. Farrah moved to amend the bill as follows:

1. Amend page 20, line 11, by striking out all of subsection (4) and renumbering the remaining subsections.
2. Amend page 22, line 7, after the second “**subsection**” by striking out “(5)” and inserting “(4)”.
3. Amend page 22, line 12, after “**subsection**” by striking out “(5)” and inserting “(4)”.

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

Rep. Farrah demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 543

Yeas—50

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

Nays—54

Acciavatti	Hoogendyk	Moolenaar	Shackleton
Amos	Howell	Mortimer	Shaffer
Bisbee	Huizenga	Newell	Sheen
Casperson	Hummel	Nitz	Shulman
Caswell	Hune	Nofs	Stahl
Caul	Johnson, Rick	Palmer	Stakoe
DeRoche	Johnson, Ruth	Palsrok	Steil
DeRossett	Julian	Pappageorge	Stewart
Drolet	Koetje	Pastor	Tabor
Emmons	Kooiman	Pumford	Vander Veen
Farhat	LaJoy	Richardville	Voorhees
Garfield	Meyer	Robertson	Walker

Hager
Hart

Middaugh
Milosch

Rocca

Wenke

In The Chair: Julian

Rep. Tobocman moved to amend the bill as follows:

1. Amend page 1, line 1, by striking out all of section 3103.

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

Rep. Tobocman moved to amend the bill as follows:

1. Amend page 23, following line 16, by inserting:

“(11) Within 30 days after the effective date of the amendatory act that added this section, each legislator shall notify the permittees within his or her district that are authorized to discharge into surface water, other than storm water discharges, of the requirements of 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. Kolb moved to amend the bill as follows:

1. Amend page 25, line 15, after “(4)” by striking out “**Subject to subsection (5), the**” and inserting “**The**”.
2. Amend page 26, line 4, by striking out all of subsection (5) and renumbering the remaining subsection.

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

Rep. Kolb demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 544

Yeas—44

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

Nays—59

Acciavatti	Garfield	Middaugh	Shackleton
Adamini	Hager	Milosch	Shaffer
Amos	Hart	Moolenaar	Sheen
Bisbee	Hoogendyk	Mortimer	Shulman
Brandenburg	Howell	Newell	Stahl
Casperson	Huizenga	Nitz	Stakoe
Caswell	Hummel	Nofs	Steil
Caul	Hune	Palmer	Stewart
DeRoche	Johnson, Rick	Palsrok	Tabor

DeRossett	Johnson, Ruth	Pappageorge	Vander Veen
Drolet	Julian	Pastor	Voorhees
Ehardt	Koetje	Pumford	Walker
Emmons	Kooiman	Richardville	Ward
Farhat	LaJoy	Robertson	Wenke
Gaffney	Meyer	Rocca	

In The Chair: Julian

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

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

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

Rep. Farhat demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 545

Yeas—65

Accavitti	Gaffney	Meisner	Spade
Acciavatti	Gielegem	Minore	Stakoe
Adamini	Gillard	Moolenaar	Stallworth
Anderson	Gleason	Murphy	Stewart
Bieda	Hardman	Nofs	Tobocman
Brandenburg	Hood	O'Neil	Vagnozzi
Brown	Hopgood	Paletko	Vander Veen
Byrum	Howell	Palsrok	Walker
Caul	Hunter	Phillips	Ward
Cheeks	Jamnick	Plakas	Waters
Clack	Johnson, Ruth	Rivet	Wenke
Condino	Kolb	Rocca	Whitmer
Daniels	Kooiman	Sak	Williams
Dennis	Law	Sheltrown	Wojno
Elkins	Lipsey	Shulman	Woronchak
Farhat	McConico	Smith	Zelenko
Farrar			

Nays—38

Amos	Garfield	LaJoy	Pastor
Bisbee	Hager	Meyer	Richardville
Bradstreet	Hart	Middaugh	Robertson
Casperson	Hoogendyk	Milosch	Shaffer
Caswell	Huizenga	Mortimer	Sheen
DeRoche	Hummel	Newell	Stahl
DeRossett	Hune	Nitz	Steil
Drolet	Johnson, Rick	Palmer	Tabor
Ehardt	Julian	Pappageorge	Voorhees
Emmons	Koetje		

In The Chair: Julian

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. 252, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3111 and 3113 (MCL 324.3111 and 324.3113) and by adding sections 3120 and 3121.

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

Roll Call No. 546

Yeas—79

Accavitti	Gleason	Minore	Smith
Acciavatti	Hager	Moolenaar	Spade
Adamini	Hardman	Murphy	Stakoe
Amos	Hart	Newell	Stallworth
Anderson	Hood	Nofs	Steil
Bieda	Hopgood	O'Neil	Stewart
Brandenburg	Howell	Paletko	Tobocman
Brown	Hunter	Palsrok	Vagnozzi
Byrum	Jamnick	Pappageorge	Vander Veen
Cheeks	Johnson, Rick	Phillips	Walker
Clack	Julian	Plakas	Ward
Condino	Koetje	Pumford	Waters
Daniels	Kolb	Richardville	Wenke
Dennis	Kooiman	Rivet	Whitmer
Elkins	LaJoy	Rocca	Williams
Farhat	Law	Sak	Wojno
Farrah	Lipsey	Shackleton	Woodward
Gaffney	McConico	Shaffer	Woronchak
Gielegghem	Meisner	Sheltrown	Zelenko
Gillard	Meyer	Shulman	

Nays—27

Bisbee	Drolet	Hune	Pastor
Bradstreet	Ehardt	Johnson, Ruth	Robertson
Casperson	Emmons	Middaugh	Sheen
Caswell	Garfield	Milosch	Stahl
Caul	Hoogendyk	Mortimer	Tabor
DeRoche	Huizenga	Nitz	Voorhees
DeRossett	Hummel	Palmer	

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 sections 3103, 3112, 3113, 3115, 3118, and 3119 (MCL 324.3103, 324.3112, 324.3113, 324.3115, 324.3118, and 324.3119), section 3118 as amended by 1999 PA 35 and section 3119 as amended by 1999 PA 106, and by adding sections 3120 and 3121; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Drolet and Hoogendyk, 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:

Last week, we learned that this state, with fewer than 5% of the nation’s workers, has accounted for nearly a quarter of the jobs lost nationwide over the last two years. Michigan is a national powerhouse for job destruction. This appalling and depressing title isn’t enough for the governor, who has requested this legislation and the two others like it so as to impose unprecedented fees on the businesses that must pull us out of this depression. Given the timing, the following conclusion is inescapable: When the governor signs these fee increases into law, she signs a formal declaration of war against Michigan’s economy.

And for what? This new scheme has little to do with polluters or water quality. The costs assessed on businesses will be allocated based upon the volume of water used, and less on any rational estimation of the pollution risk that they pose to the water. A trout farmer will pay excessively because he diverts a substantial amount of river water so as to ‘pollute’ it with fish! This is the governor’s Flow Tax – little more than a scam to divert money from non-polluting businesses that need it into the hands of regulators who will be turned back on those same business people. Little pollution will be found, and little economic activity will occur, while the inspections are in progress.

The governor’s war against the economy has real names. Dave and Pam’s Corner Store in Azalia, the Short Stop Grocery in Grand Rapids, the D&D Party Store in Hart, the Clifford Smart Middle School in Walled Lake, the Spring Valley Trout Farm in Dexter, the Huron Valley Humane Society in Ann Arbor, the United Pentecostal Church Campground in Marshall, and hundreds of other institutions and businesses just like them will pay hundreds and thousands of dollars in Flow Taxes if the governor gets her way. They are the ‘enemy’ in the governor’s war against jobs providers.

If we do not give the governor this Flow Tax, she and her allies will no doubt portray this House as an enemy of the environment. Indeed, it depresses me to know that this sort of political pressure will no doubt sway many reluctant votes to her side today. So, it bears noting that this pollution discharge program has been functioning in a timely way for some time without these fees, that the program has historically been funded through proceeds from Michigan’s disproportionately high business taxes, and that other Great Lakes’ states with fees such as these have substantially lower business taxes.

But Michigan’s high taxes are not enough for the governor. Accounting for one out of every four lost jobs in America just isn’t horrible enough. Our job creators are still too free. They need a Flow Tax to finish them off. When Governor Granholm finds herself as the last person to leave Michigan, I do hope she remembers to shut off the lights.”

Rep. Middaugh, 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:

Governmental programs and fees should be tailored to prohibit bad behavior and reward good behavior. These new NPDES fees are based ONLY on the volume of water being discharged with no regard to the toxicity of that water. Our goal should be to make sure polluters pay more. This bill does nothing to discourage toxic releases. It does penalize those who discharge clean water into the environment. For that reason, I am voting against this version the bill.”

The House returned to the consideration of

Senate Bill No. 560, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

(The bill was considered earlier today, see today’s Journal p. 1870.)

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. 547**Yeas—36**

Accavitti	Hopgood	Minore	Smith
Anderson	Hunter	Moolenaar	Stallworth
Bieda	Jamnick	Murphy	Tobocman
Brown	Johnson, Rick	O'Neil	Waters
Condino	Koetje	Paletko	Whitmer
Daniels	Kolb	Phillips	Williams
Farrah	Law	Plakas	Wojno
Gaffney	Lipsey	Rivet	Woronchak
Gielegem	Meisner	Shulman	Zelenko

Nays—63

Acciavatti	Farhat	Middaugh	Shaffer
Adamini	Garfield	Milosch	Sheen
Amos	Gillard	Mortimer	Sheltrown
Bisbee	Gleason	Newell	Spade
Bradstreet	Hager	Nitz	Stahl
Brandenburg	Hart	Nofs	Stakoe
Casperson	Hoogendyk	Palmer	Steil
Caswell	Howell	Palsrok	Stewart
Caul	Huizenga	Pappageorge	Tabor
Clack	Hummel	Pastor	Vagnozzi
DeRoche	Hune	Pumford	Vander Veen
DeRossett	Johnson, Ruth	Richardville	Voorhees
Drolet	Julian	Robertson	Walker
Ehardt	Kooiman	Rocca	Ward
Elkins	LaJoy	Sak	Wenke
Emmons	Meyer	Shackleton	

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. Hoogendyk, Stahl, Pastor, Garfield, Milosch, Voorhees, Vander Veen, Sheen, DeRoche, Huizenga, Caswell, Nitz, Bradstreet, Brandenburg, Ehardt, Meyer, Hager, Hune, Julian, Lipsey, Mortimer, O'Neil, Stakoe, Stallworth and Tabor offered the following resolution:

House Resolution No. 141.

A resolution to urge Michigan's public universities to reexamine all class offerings and refrain from offering classes or university-sanctioned activities that promote or facilitate participation in a sexual lifestyle or practices other than heterosexual monogamy.

Whereas, Some of Michigan's public universities offer classes that study issues related to sexuality that appear to be inconsistent with the expectations and values of the majority of Michigan citizens. This fact has raised concerns across our state. This concern is mirrored in the response to certain classes at universities across the country; and

Whereas, While academic studies entailing controversy can be a productive component in the educational experience, there may be classes at Michigan universities that go far beyond appropriate subject matter. Some of the courses offered at public universities in our state appear to promote homosexuality and practices and lifestyles that are strongly at odds with the practices and traditions of the taxpayers that help make these studies possible; and

Whereas, An example of a class offered in some of our state universities is "How to be Gay: Male Homosexuality and Initiation." This type of class does not promote activities consistent with the heterosexual monogamy that reflects our society's most important institutions; now, therefore, be it

Resolved by the House of Representatives, That we urge Michigan's public universities to reexamine all class offerings and refrain from offering classes or university-sanctioned activities that promote or facilitate participation in a sexual lifestyle or practices other than heterosexual monogamy; and be it further

Resolved, That copies of this resolution be transmitted to the controlling boards of Michigan's public universities. The resolution was referred to the Committee on Higher Education.

Reps. Hager, Ehardt, Meyer, Vander Veen, Accavitti, Adamini, Brown, Byrum, Clack, Dennis, DeRossett, Elkins, Farhat, Garfield, Gleason, Hoogendyk, Hune, Julian, Koetje, Kooiman, McConico, Milosch, Mortimer, Murphy, Nitz, Nofs, Pastor, Richardville, Rocca, Sak, Sheltroun, Spade, Stallworth, Tabor, Vagnozzi, Voorhees and Zelenko offered the following resolution:

House Resolution No. 143.

A resolution designating November 2003 as Michigan Venison Month.

Whereas, The agriculture and food sector is Michigan's second-largest industry, annually contributing more than \$37 billion to the state economy. Production agriculture and the food industry employ approximately 500,000 Michigan residents; and

Whereas, Michigan agriculture is the second most diverse in the nation, producing more than 125 different commodities, including the raising of privately owned cervidae (deer and elk); and

Whereas, Michigan has approximately 735 privately owned cervidae facilities across the state, with more than 28,000 head of livestock. This ranks our state near the top for privately owned cervidae inventories in the United States, with Kent and Genesee counties ranking among the highest producing counties nationally; and

Whereas, In cooperation with the Michigan Department of Agriculture, the privately owned cervidae producers in our state have elected to develop the Deer and Elk Marketing Program to promote the raising and selling of deer and elk and their products, especially venison; and

Whereas, Michigan is the eighth most populous state in the nation, providing an extensive and diverse marketplace for venison producers; and

Whereas, Deer hunting is one of our state's most popular recreational activities, as well as a time-honored, annual tradition for thousands of Michigan families; and

Whereas, Every autumn, more than 700,000 hunters spend over 10 million combined days in the field attempting to tag a deer and fill their freezers with venison. Consequently, Michigan hunters were successful in harvesting more than 476,000 deer during the 2002 hunting seasons; and

Whereas, Private cervidae operations, deer hunting and other hunting-related purchases generate millions of dollars for Michigan's economy each year; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body hereby designate November 2003 as Michigan Venison Month; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Agriculture, the Michigan Department of Natural Resources, the Michigan Deer and Elk Marketing Program, and the Michigan Deer and Elk Farmers Association.

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.

Reps. Murphy, Brandenburg, Ehardt, Reeves, Accavitti, Adamini, Anderson, Brown, Byrum, Clack, DeRossett, Elkins, Garfield, Gleason, Hager, Hunter, Jammick, Kolb, Lipsey, McConico, Milosch, Minore, Mortimer, Nofs, O'Neil, Rivet, Shaffer, Stallworth, Vagnozzi, Zelenko, Bieda and Phillips offered the following resolution:

House Resolution No. 144.

A resolution to memorialize Congress to provide incentives and support for DNA testing of convicted criminals, especially those facing capital punishment or life imprisonment.

Whereas, In recent years, there have been numerous news accounts of cases in which convicted criminals have been freed as a result of conclusive DNA testing. In many instances, this evidence, often unavailable when the crime was initially investigated and prosecuted, has saved people on death row or facing life imprisonment; and

Whereas, The number of convicted people found not to have committed the crimes for which they faced death or life imprisonment is disturbing to many people. In Illinois, recurring situations of DNA tests exonerating prisoners led the governor to place a moratorium on the death penalty; and

Whereas, Closer to home, Michigan enacted legislation in 2000 (2000 PA 402) that permits post-conviction DNA testing. Our state has now witnessed the impact that the overwhelming weight of DNA evidence can have in proving prior convictions to be in error. A recent case taken up by Project Innocence, an initiative of Cooley Law School students and faculty, led to the exoneration of a man sentenced in 1994 in Macomb County on multiple counts of first degree criminal sexual conduct (rape); and

Whereas, In addition to the clear moral issues involved, steps that encourage greater use of the powerful tool of DNA testing can greatly increase faith in our system of justice; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to provide incentives and support for DNA testing of convicted criminals, especially those facing capital punishment or life imprisonment; 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 Criminal Justice.

Reps. Murphy, Ehardt, Accavitti, Adamini, Anderson, Brown, Byrum, Clack, Condino, Dennis, DeRossett, Elkins, Garfield, Gleason, Hopgood, Jamnick, Kolb, Lipsey, McConico, Milosch, Minore, Nofs, O'Neil, Rivet, Sak, Spade, Stallworth, Tobocman, Vagnozzi, Zelenko and Phillips offered the following resolution:

House Resolution No. 145.

A resolution proclaiming October 15, 2003, as National Latino AIDS Awareness Day.

Whereas, HIV infection has been a fact of life in Latino communities throughout the United States for over 20 years. Latinos make up 14 percent of the United States and territories population which accounts for 19 percent of the 40,000 new HIV infections estimated to occur in the United States each year; and

Whereas, HIV was the leading cause of death for Latinos ages 24 through 44 in 2000. At the end of 2001, there were 71,294 Latinos estimated living with AIDS, or one-fifth of all people estimated to be living with AIDS in the United States; and

Whereas, In Michigan, Latinos comprise 3 percent of the general population and 3 percent of people living with HIV/AIDS in the United States; and

Whereas, AIDS has challenged the extended Latino family to find new reservoirs of compassion, and to confront difficult issues such as drug use and sexuality; and

Whereas, National Latino AIDS Awareness Day brings an opportunity to increase community awareness and dialogue, to commemorate those lost and to bring leaders together to advocate for greater services and community involvement to fight this epidemic; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body hereby proclaim October 15, 2003, as Latino AIDS Awareness Day in the state of Michigan. We urge all community-based organizations, religious communities, civic groups, elected officials, and government agencies to utilize this day to raise awareness of AIDS in the Latino community.

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.

Reps. Shaffer, Brandenburg, Ehardt, Meyer, Vander Veen, Accavitti, Adamini, DeRossett, Farhat, Garfield, Hager, Hoogendyk, Julian, Kooiman, Lipsey, McConico, Milosch, Murphy, Nitz, Pastor, Sak, Spade, Stallworth, Tobocman and Voorhees offered the following resolution:

House Resolution No. 146.

A resolution declaring Constantine as the World Seed Corn Capital.

Whereas, The village of Constantine is known far-and-wide as a leader in the production of seed corn; and

Whereas, Constantine is home to two of the largest seed corn producers in the world, Monsanto and Pioneer, and these companies have dedicated their support to Constantine's efforts to be named the Seed Corn Capital of the World; and

Whereas, A large part of Constantine's local economy is derived from the production of seed corn; and

Whereas, Seed corn production provides a number of jobs for the citizens of Constantine and the surrounding areas; and

Whereas, The Constantine seed corn production facilities play a large role in distributing seed corn worldwide; and

Whereas, The research and development efforts of the Constantine seed corn producers yield innovative and environmentally friendly growing methods; and

Whereas, The collective contributions of Constantine seed corn producers benefit the southwest Michigan area and the world; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare that the village of Constantine be hereby known as the World Seed Corn Capital.

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.

Reps. Richardville, Ehardt, Meyer, Vander Veen, DeRossett, Gaffney, Hoogendyk, Julian, Milosch, Mortimer, Murphy, O'Neil, Pastor, Rocca, Stewart, Voorhees and Phillips offered the following resolution:

House Resolution No. 147.

A resolution to urge the Michigan Public Service Commission to take certain actions regarding SBC's pending application on unbundling network services.

Whereas, The Michigan Public Service Commission (PSC) conducts hearings under procedures governed by state statutes and administrative rule. This process includes reviewing cost studies of telecommunications providers used to set just and reasonable prices for unbundled network elements; and

Whereas, The Michigan Legislature, in section 203 of the Michigan Telecommunications Act, 1991 PA 179, as amended, has established certain procedures and time frames that govern proceedings before the PSC. Administrative rules on this have also been promulgated under the Administrative Procedures Act, 1969 PA 306; and

Whereas, The PSC has recognized that cost studies used to set the prices of unbundled network elements may need to be updated. The PSC has also stated its intent to give telecommunications providers every reasonable opportunity to update cost studies; and

Whereas, The current prices charged by SBC Michigan for unbundled network elements are based upon cost studies that were developed more than five years ago and were last reviewed by the PSC more than three years ago; and

Whereas, SBC Michigan currently has an application pending before the PSC to review and approve SBC Michigan's cost studies used to set prices for unbundled network elements; and

Whereas, The PSC has currently established a schedule to review SBC Michigan's pending application, under which schedule all input will be received from interested parties and before the PSC by February 9, 2004; now, therefore, be it

Resolved by the House of Representatives, That we urge the Michigan Public Service Commission to review, in a timely and expeditious manner, SBC Michigan's pending application under the currently established schedule and SBC Michigan's cost studies used to set the price of unbundled network elements. We also urge the PSC to issue an order on SBC Michigan's pending applications on or before March 1, 2004, to ensure that SBC Michigan's rates charged to competitors for unbundled network elements are just and reasonable and accurately reflect costs. We further urge the PSC to report the final outcomes of this case to the House of Representatives by March 8, 2004; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Public Service Commission.

The resolution was referred to the Committee on Energy and Technology.

Messages from the Senate

Senate Bill No. 57, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11526c.

The Senate has passed the bill.

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

Senate Bill No. 98, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11526a.

The Senate has passed the bill.

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

Senate Bill No. 497, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11502 (MCL 324.11502), as amended by 1996 PA 359.

The Senate has passed the bill.

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

Senate Bill No. 498, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11514 and 11521 (MCL 324.11514 and 324.11521).

The Senate has passed the bill.

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

Senate Bill No. 499, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11526 (MCL 324.11526).

The Senate has passed the bill.

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

Senate Bill No. 500, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11546 and 11549 (MCL 324.11546 and 324.11549).

The Senate has passed the bill.

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

Senate Bill No. 502, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11526b.

The Senate has passed the bill.

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

Senate Bill No. 505, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11527a.

The Senate has passed the bill.

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

Senate Bill No. 506, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11511a; 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 Land Use and Environment.

Senate Bill No. 557, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11507a (MCL 324.11507a), as amended by 2003 PA 153.

The Senate has passed the bill.

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

Senate Bill No. 715, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11533 and 11538 (MCL 324.11533 and 324.11538).

The Senate has passed the bill.

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

Senate Concurrent Resolution No. 36.

A concurrent resolution to create a family resource center curriculum joint study committee to make recommendations on adult education and related family services in Michigan.

Whereas, In our swiftly changing society, the role of education continues to grow in significance for our citizens, economy, and society. The challenges of education extend far beyond the traditional school setting to include the work of adult education, job training, and programs to help parents and children before the standard school years begin; and

Whereas, Adult education and activities to help families become more effective partners in the education process are very complicated issues. These key areas of education include not only the standard school curriculum, but also such diverse elements as English as a second language, early childhood development, G.E.D. preparation, employment training and work readiness classes, family services that include before- and after-school care, and parenting classes; and

Whereas, It is important that people with experience in each of these fields come together to help shape more responsive public policies. The Michigan Legislature's commitment to this concept is clearly outlined in section 107a of the State School Aid Act of 1979, being MCL § 388.1707a; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we establish the family resource center curriculum joint study committee. The joint committee shall be comprised of the following membership:

—three members of the Senate, with two appointed by the Senate Majority Leader and one appointed by the Senate Minority Leader;

—three members of the House of Representatives, with two appointed by the Speaker of the House and one appointed by the House Minority Leader;

—one member of the Michigan Association of Community and Adult Education appointed by that organization;

—one member of the Michigan Works! Association appointed by that organization;

—three local adult education program directors appointed jointly by the legislators appointed to the family resource center curriculum study committee;

—three local Michigan Works! program directors appointed jointly by the legislators appointed to the family resource center curriculum study committee; and

—the state director of adult education.

The family resource center curriculum joint study committee shall explore and make recommendations on implementing a new integrated system of delivery of adult education and related family services, beginning with the 2004-2005 school year. The joint committee shall address education issues that include high school completion programs, adult basic education, general education development (G.E.D.) test preparation, English as a second language programs, and early childhood education; family services that include even start programs, 21st century learning center grants, before- and after-school child care programs, parenting classes, and referrals for family and child services; and employment and training services that include career preparation programs and work readiness classes; and be it further

Resolved, That the family resource center curriculum joint study committee shall report on its progress to the Senate and the House Appropriations Subcommittees on School Aid not later than November 15, 2003, and shall make its final recommendations to these subcommittees not later than December 31, 2003; and be it further

Resolved, That the joint committee is hereby authorized to expend a maximum amount of \$10,000 in carrying out its duties and such additional expenditures deemed necessary and approved by the Senate Majority Leader and the Speaker of the House. Payments for contractual services may be authorized by the Senate Majority Leader and the Speaker of the House.

The Senate has adopted the concurrent resolution.

Reps. Brandenburg, Ehardt, Meyer, Vander Veen, Clack, DeRossett, Farhat, Hager, Koetje, Kooiman, Murphy, Pastor, Richardville, Rocca, Shaffer, Stakoe, Stallworth, Stewart, Tabor, Voorhees, Bieda and Phillips were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Rep. Plakas moved that the House adjourn.

The motion prevailed, the time being 5:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, October 15, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

