

**No. 34**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Tuesday, April 27, 2004.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Craig M. DeRoche, from the 38th District, offered the following invocation:

“Heavenly Father, we pray for Your guidance for this institution and its members. Give us strength and wisdom as we meet today and through this season. As leaders, we look after the residents of the state of Michigan that depend on us for the decisions we make regarding their access to health care, education of the children and their security. Give us strength and wisdom, Father. In Your son’s name, we pray. Amen.”

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

Rep. Waters moved that Rep. Zelenko be excused from this week’s session.  
The motion prevailed.

### Second Reading of Bills

#### House Bill No. 5335, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

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

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

Rep. Wenke moved to amend the bill as follows:

1. Amend page 7, following line 25, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5331 of the 92nd Legislature is enacted into law.”.

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

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

The motion prevailed.

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

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

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Rep. Waters moved that Reps. Hunter, Daniels, Smith, McConico, Cheeks, Stallworth and Reeves be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5335, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

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

#### Roll Call No. 267

Yeas—85

Acciavatti  
Adamini  
Amos  
Anderson

Gaffney  
Garfield  
Gillard  
Gleason

Middaugh  
Milosch  
Moolenaar  
Mortimer

Sheltrown  
Shulman  
Spade  
Stahl

Bieda	Hager	Murphy	Stakoe
Bisbee	Hart	Newell	Steil
Bradstreet	Hoogendyk	Nitz	Stewart
Brandenburg	Howell	Nofs	Tabor
Brown	Huizenga	Palmer	Taub
Casperson	Hummel	Palsrok	Tobocman
Caswell	Hune	Pappageorge	Vagnozzi
Caul	Johnson, Rick	Pastor	Van Regenmorter
Clack	Johnson, Ruth	Pumford	Vander Veen
Condino	Julian	Richardville	Voorhees
Dennis	Koetje	Rivet	Walker
DeRoche	Kolb	Robertson	Ward
DeRossett	Kooiman	Rocca	Wenke
Drolet	LaJoy	Sak	Williams
Ehardt	LaSata	Shackleton	Wojno
Elkins	Law	Shaffer	Woodward
Emmons	Meyer	Sheen	Woronchak
Farhat			

#### Nays—14

Accavitti	Hood	Meisner	Plakas
Byrum	Hopgood	Minore	Waters
Farrah	Jamnack	O'Neil	Whitmer
Gielegem	Lipsey		

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

Supporting small businesses in their infancy is an important goal. However, piling more and more tax exemptions onto the \$27 billion in tax expenditures that the state of Michigan gave away last year is a mistake. Prior to adding new tax breaks to the tax code, which already has more holes than Swiss cheese, we should undertake a comprehensive review of the tax breaks we’ve already given to see if they’ve lived up to their billing. If they haven’t, they should be repealed and replaced. This legislative package is putting the cart before the horse.”

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

“Mr. Speaker and members of the House:

I voted no on this package of bills (SB 863, 865, 867, 872, 875 and HB 5335, 5341, 5342, 5343, 5345) because they have the potential to continue to reduce revenues in the School Aid Fund as well as State and local governments. It also creates another opportunity where our communities will be competing against one another for business locations.”

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

“Mr. Speaker and members of the House:

I voted no on the companion package of bills to HB 5331 which were deemed to assist ‘start-up’ businesses (HB 5335, 5341-43, 5345; SB 863, 865, 867, 872, 875) because they will actually amount to very little in terms of tax relief to

business but will cost the state treasury up to \$15 million at a time when, if revenues are not increased, significant reductions will have to take place in programs to seniors, education and health care.

The bills also have the potential of undermining existing economic development programs and incentives and pitting local units against each other in the race to land businesses. Local units will again be forced to choose.”

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 267. Had I been present, I would have voted ‘yea’.”

### Second Reading of Bills

#### House Bill No. 5341, entitled

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

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

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

Rep. Wenke moved to amend the bill as follows:

1. Amend page 3, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5331 of the 92nd Legislature is enacted into law.”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5341, entitled

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

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

#### Roll Call No. 268

#### Yeas—79

Acciavatti	Garfield	Middaugh	Sheltrown
Amos	Gillard	Milosch	Shulman
Bieda	Hager	Moolenaar	Spade
Bisbee	Hart	Mortimer	Stahl
Bradstreet	Hoogendyk	Newell	Stakoe
Brandenburg	Howell	Nitz	Steil
Brown	Huizenga	Nofs	Stewart
Casperson	Hummel	Palmer	Tabor
Caswell	Hune	Palsrok	Taub
Caul	Hunter	Pappageorge	Tobocman
Condino	Johnson, Rick	Pastor	Vagnozzi
Dennis	Johnson, Ruth	Pumford	Van Regenmorter
DeRoche	Julian	Richardville	Vander Veen

DeRossett	Koetje	Rivet	Voorhees
Drolet	Kolb	Robertson	Walker
Ehardt	Kooiman	Rocca	Ward
Elkins	LaJoy	Sak	Wenke
Emmons	LaSata	Shackleton	Wojno
Farhat	Law	Shaffer	Woronchak
Gaffney	Meyer	Sheen	

### Nays—25

Accavitti	Gielegem	Lipsey	Reeves
Adamini	Gleason	Meisner	Stallworth
Anderson	Hardman	Minore	Waters
Byrum	Hood	Murphy	Whitmer
Cheeks	Hopgood	O'Neil	Williams
Clack	Jamnack	Plakas	Woodward
Farrah			

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

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.

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

"Mr. Speaker and members of the House:

I voted no on this package of bills (SB 863, 865, 867, 872, 875 and HB 5335, 5341, 5342, 5343, 5345) because they have the potential to continue to reduce revenues in the School Aid Fund as well as State and local governments. It also creates another opportunity where our communities will be competing against one another for business locations."

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

"Mr. Speaker and members of the House:

I voted no on the companion package of bills to HB 5331 which were deemed to assist 'start-up' businesses (HB 5335, 5341-43, 5345; SB 863, 865, 867, 872, 875) because they will actually amount to very little in terms of tax relief to business but will cost the state treasury up to \$15 million at a time when, if revenues are not increased, significant reductions will have to take place in programs to seniors, education and health care.

The bills also have the potential of undermining existing economic development programs and incentives and pitting local units against each other in the race to land businesses. Local units will again be forced to choose."

### Second Reading of Bills

#### House Bill No. 5343, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 10 (MCL 125.2790).

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

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

Rep. Wenke moved to amend the bill as follows:

1. Amend page 5, following line 20, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5331 of the 92nd Legislature is enacted into law.”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5343, entitled

A bill to amend 2000 PA 146, entitled “Obsolete property rehabilitation act,” by amending section 10 (MCL 125.2790).

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

#### Roll Call No. 269

#### Yeas—80

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

#### Nays—27

Accavitti	Farrah	McConico	Smith
Adamini	Gielegem	Meisner	Stallworth
Anderson	Hardman	Minore	Waters
Byrum	Hood	Murphy	Whitmer
Cheeks	Hopgood	O’Neil	Williams
Clack	Jamnack	Plakas	Woodward
Daniels	Lipsey	Reeves	

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I voted no on this package of bills (SB 863, 865, 867, 872, 875 and HB 5335, 5341, 5342, 5343, 5345) because they have the potential to continue to reduce revenues in the School Aid Fund as well as State and local governments. It also creates another opportunity where our communities will be competing against one another for business locations.”

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

“Mr. Speaker and members of the House:

I voted no on the companion package of bills to HB 5331 which were deemed to assist ‘start-up’ businesses (HB 5335, 5341-43, 5345; SB 863, 865, 867, 872, 875) because they will actually amount to very little in terms of tax relief to business but will cost the state treasury up to \$15 million at a time when, if revenues are not increased, significant reductions will have to take place in programs to seniors, education and health care.

The bills also have the potential of undermining existing economic development programs and incentives and pitting local units against each other in the race to land businesses. Local units will again be forced to choose.”

### **Second Reading of Bills**

#### **House Bill No. 5342, entitled**

A bill to amend 1985 PA 224, entitled “Enterprise zone act,” by amending section 21c (MCL 125.2121c), as amended by 1998 PA 242.

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

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

Rep. Wenke moved to amend the bill as follows:

1. Amend page 3, following line 18, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5331 of the 92nd Legislature is enacted into law.”.

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

Rep. Steil 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.

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

The motion prevailed.

By unanimous consent the House returned to the order of

### **Third Reading of Bills**

#### **House Bill No. 5342, entitled**

A bill to amend 1985 PA 224, entitled “Enterprise zone act,” by amending section 21c (MCL 125.2121c), as amended by 1998 PA 242.

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

**Roll Call No. 270****Yeas—80**

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

**Nays—26**

Accavitti	Farrah	McConico	Reeves
Adamini	Gielegem	Meisner	Stallworth
Anderson	Hardman	Minore	Waters
Byrum	Hood	Murphy	Whitmer
Cheeks	Hopgood	O'Neil	Williams
Clack	Jamnack	Plakas	Woodward
Daniels	Lipsey		

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I voted no on this package of bills (SB 863, 865, 867, 872, 875 and HB 5335, 5341, 5342, 5343, 5345) because they have the potential to continue to reduce revenues in the School Aid Fund as well as State and local governments. It also creates another opportunity where our communities will be competing against one another for business locations.”

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

“Mr. Speaker and members of the House:

I voted no on the companion package of bills to HB 5331 which were deemed to assist ‘start-up’ businesses (HB 5335, 5341-43, 5345; SB 863, 865, 867, 872, 875) because they will actually amount to very little in terms of tax relief to business but will cost the state treasury up to \$15 million at a time when, if revenues are not increased, significant reductions will have to take place in programs to seniors, education and health care.



The bills also have the potential of undermining existing economic development programs and incentives and pitting local units against each other in the race to land businesses. Local units will again be forced to choose.”

### Second Reading of Bills

#### House Bill No. 5345, entitled

A bill to amend 1964 PA 284, entitled “City income tax act,” (MCL 141.501 to 141.787) by adding section 635a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Tax Policy,

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

Rep. Wenke moved to amend the bill as follows:

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

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5331 of the 92nd Legislature is enacted into law.”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5345, entitled

A bill to amend 1964 PA 284, entitled “City income tax act,” (MCL 141.501 to 141.787) by adding section 635a.

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

#### Roll Call No. 271

#### Yeas—80

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

**Nays—27**

Accavitti	Farrah	McConico	Smith
Adamini	Gielegem	Meisner	Stallworth
Anderson	Hardman	Minore	Waters
Byrum	Hood	Murphy	Whitmer
Cheeks	Hopgood	O'Neil	Williams
Clack	Jamnack	Plakas	Woodward
Daniels	Lipsey	Reeves	

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 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 35a to chapter 2.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

"Mr. Speaker and members of the House:

I voted no on the companion package of bills to HB 5331 which were deemed to assist 'start-up' businesses (HB 5335, 5341-43, 5345; SB 863, 865, 867, 872, 875) because they will actually amount to very little in terms of tax relief to business but will cost the state treasury up to \$15 million at a time when, if revenues are not increased, significant reductions will have to take place in programs to seniors, education and health care.

The bills also have the potential of undermining existing economic development programs and incentives and pitting local units against each other in the race to land businesses. Local units will again be forced to choose."

### **Second Reading of Bills**

#### **Senate Bill No. 863, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51f.

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

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

Rep. Wenke moved to amend the bill as follows:

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

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 5331 of the 92nd Legislature is enacted into law."

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**Senate Bill No. 863, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51f.

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

**Roll Call No. 272**

**Yeas—81**

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

**Nays—26**

Accavitti	Farrah	Meisner	Smith
Adamini	Gielegem	Minore	Stallworth
Anderson	Hardman	Murphy	Waters
Byrum	Hood	O'Neil	Whitmer
Cheeks	Hopgood	Plakas	Williams
Clack	Jamnick	Reeves	Woodward
Daniels	McConico		

In The Chair: Julian

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

"An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,"

The House agreed to the full title.

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

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

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

“Mr. Speaker and members of the House:

I voted no on this package of bills (SB 863, 865, 867, 872, 875 and HB 5335, 5341, 5342, 5343, 5345) because they have the potential to continue to reduce revenues in the School Aid Fund as well as State and local governments. It also creates another opportunity where our communities will be competing against one another for business locations.”

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

“Mr. Speaker and members of the House:

I voted no on the companion package of bills to HB 5331 which were deemed to assist ‘start-up’ businesses (HB 5335, 5341-43, 5345; SB 863, 865, 867, 872, 875) because they will actually amount to very little in terms of tax relief to business but will cost the state treasury up to \$15 million at a time when, if revenues are not increased, significant reductions will have to take place in programs to seniors, education and health care.

The bills also have the potential of undermining existing economic development programs and incentives and pitting local units against each other in the race to land businesses. Local units will again be forced to choose.”

### Second Reading of Bills

#### Senate Bill No. 865, entitled

A bill to amend 1953 PA 189, entitled “An act to provide for the taxation of lessees and users of tax-exempt property,” (MCL 211.181 to 211.182) by adding section 1a.

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

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

Rep. Wenke moved to amend the bill as follows:

1. Amend page 3, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5331 of the 92nd Legislature is enacted into law.”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 865, entitled

A bill to amend 1953 PA 189, entitled “An act to provide for the taxation of lessees and users of tax-exempt property,” (MCL 211.181 to 211.182) by adding section 1a.

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

#### Roll Call No. 273

Yeas—80

Acciavatti	Garfield	Meyer	Sheen
Amos	Gillard	Middaugh	Sheltrown
Bieda	Gleason	Milosch	Shulman
Bisbee	Hager	Moolenaar	Spade
Bradstreet	Hart	Mortimer	Stahl
Brandenburg	Hoogendyk	Newell	Stakoe
Brown	Howell	Nitz	Steil
Casperson	Huizenga	Nofs	Stewart
Caswell	Hummel	Palmer	Tabor
Caul	Hune	Palsrok	Taub
Condino	Hunter	Pappageorge	Tobocman

Dennis	Johnson, Rick	Pastor	Vagnozzi
DeRoche	Johnson, Ruth	Pumford	Van Regenmorter
DeRossett	Julian	Richardville	Vander Veen
Drolet	Koetje	Rivet	Voorhees
Ehardt	Kolb	Robertson	Walker
Elkins	Kooiman	Rocca	Ward
Emmons	LaJoy	Sak	Wenke
Farhat	LaSata	Shackleton	Wojno
Gaffney	Law	Shaffer	Woronchak

### Nays—26

Accavitti	Farrah	Meisner	Smith
Adamini	Gielegem	Minore	Stallworth
Anderson	Hardman	Murphy	Waters
Byrum	Hood	O'Neil	Whitmer
Cheeks	Hopgood	Plakas	Williams
Clack	Jamnack	Reeves	Woodward
Daniels	Lipse		

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I voted no on this package of bills (SB 863, 865, 867, 872, 875 and HB 5335, 5341, 5342, 5343, 5345) because they have the potential to continue to reduce revenues in the School Aid Fund as well as State and local governments. It also creates another opportunity where our communities will be competing against one another for business locations.”

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

“Mr. Speaker and members of the House:

I voted no on the companion package of bills to HB 5331 which were deemed to assist ‘start-up’ businesses (HB 5335, 5341-43, 5345; SB 863, 865, 867, 872, 875) because they will actually amount to very little in terms of tax relief to business but will cost the state treasury up to \$15 million at a time when, if revenues are not increased, significant reductions will have to take place in programs to seniors, education and health care.

The bills also have the potential of undermining existing economic development programs and incentives and pitting local units against each other in the race to land businesses. Local units will again be forced to choose.”

### Second Reading of Bills

#### Senate Bill No. 867, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 51105 (MCL 324.51105), as amended by 1996 PA 451.

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

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

Rep. Wenke moved to amend the bill as follows:

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

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5331 of the 92nd Legislature is enacted into law.”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 867, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 51105 (MCL 324.51105), as amended by 1996 PA 451.

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

#### Roll Call No. 274

#### Yeas—80

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

#### Nays—27

Accavitti	Daniels	McConico	Smith
Adamini	Farrah	Meisner	Stallworth
Anderson	Gielegem	Minore	Waters
Bieda	Hood	Murphy	Whitmer
Byrum	Hopgood	O’Neil	Williams
Cheeks	Jamnack	Plakas	Woodward
Clack	Lipsey	Reeves	

In The Chair: Julian

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

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

The House agreed to the full title.

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

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

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

“Mr. Speaker and members of the House:

I voted no on this package of bills (SB 863, 865, 867, 872, 875 and HB 5335, 5341, 5342, 5343, 5345) because they have the potential to continue to reduce revenues in the School Aid Fund as well as State and local governments. It also creates another opportunity where our communities will be competing against one another for business locations.”

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

“Mr. Speaker and members of the House:

I voted no on the companion package of bills to HB 5331 which were deemed to assist ‘start-up’ businesses (HB 5335, 5341-43, 5345; SB 863, 865, 867, 872, 875) because they will actually amount to very little in terms of tax relief to business but will cost the state treasury up to \$15 million at a time when, if revenues are not increased, significant reductions will have to take place in programs to seniors, education and health care.

The bills also have the potential of undermining existing economic development programs and incentives and pitting local units against each other in the race to land businesses. Local units will again be forced to choose.”

### **Second Reading of Bills**

#### **Senate Bill No. 872, entitled**

A bill to amend 1984 PA 385, entitled “Technology park development act,” by amending section 12 (MCL 207.712), as amended by 1996 PA 445.

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

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

Rep. Wenke moved to amend the bill as follows:

1. Amend page 5, following line 23, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5331 of the 92nd Legislature is enacted into law.”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### **Third Reading of Bills**

#### **Senate Bill No. 872, entitled**

A bill to amend 1984 PA 385, entitled “Technology park development act,” by amending section 12 (MCL 207.712), as amended by 1996 PA 445.

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

**Roll Call No. 275****Yeas—80**

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

**Nays—27**

Accavitti	Farrah	McConico	Smith
Adamini	Gielegem	Meisner	Stallworth
Anderson	Hardman	Minore	Waters
Byrum	Hood	Murphy	Whitmer
Cheeks	Hopgood	O'Neil	Williams
Clack	Jamnack	Plakas	Woodward
Daniels	Lipsey	Reeves	

In The Chair: Julian

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

“An act to provide for the establishment of technology park districts in local governmental units; to provide certain facilities located in technology park districts an exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of certain state agencies and officers and certain officers of local governmental units; and to provide remedies and penalties,”

The House agreed to the full title.

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

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

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

“Mr. Speaker and members of the House:

I voted no on this package of bills (SB 863, 865, 867, 872, 875 and HB 5335, 5341, 5342, 5343, 5345) because they have the potential to continue to reduce revenues in the School Aid Fund as well as State and local governments. It also creates another opportunity where our communities will be competing against one another for business locations.”



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

“Mr. Speaker and members of the House:

I voted no on the companion package of bills to HB 5331 which were deemed to assist ‘start-up’ businesses (HB 5335, 5341-43, 5345; SB 863, 865, 867, 872, 875) because they will actually amount to very little in terms of tax relief to business but will cost the state treasury up to \$15 million at a time when, if revenues are not increased, significant reductions will have to take place in programs to seniors, education and health care.

The bills also have the potential of undermining existing economic development programs and incentives and pitting local units against each other in the race to land businesses. Local units will again be forced to choose.”

### Second Reading of Bills

#### Senate Bill No. 875, entitled

A bill to amend 1990 PA 100, entitled “City utility users tax act,” by amending section 5 of chapter 1 (MCL 141.1155), as amended by 1998 PA 241.

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

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

Rep. Wenke moved to amend the bill as follows:

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

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5331 of the 92nd Legislature is enacted into law.”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 875, entitled

A bill to amend 1990 PA 100, entitled “City utility users tax act,” by amending section 5 of chapter 1 (MCL 141.1155), as amended by 1998 PA 241.

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

#### Roll Call No. 276

Yeas—80

Acciavatti	Garfield	Meyer	Sheen
Amos	Gillard	Middaugh	Sheltrown
Bieda	Gleason	Milosch	Shulman
Bisbee	Hager	Moolenaar	Spade
Bradstreet	Hart	Mortimer	Stahl
Brandenburg	Hoogendyk	Newell	Stakoe
Brown	Howell	Nitz	Steil
Casperson	Huizenga	Nofs	Stewart
Caswell	Hummel	Palmer	Tabor
Caul	Hune	Palsrok	Taub
Condino	Hunter	Pappageorge	Tobocman
Dennis	Johnson, Rick	Pastor	Vagnozzi
DeRoche	Johnson, Ruth	Pumford	Van Regenmorter
DeRossett	Julian	Richardville	Vander Veen
Drolet	Koetje	Rivet	Voorhees

Ehardt	Kolb	Robertson	Walker
Elkins	Kooiman	Rocca	Ward
Emmons	LaJoy	Sak	Wenke
Farhat	LaSata	Shackleton	Wojno
Gaffney	Law	Shaffer	Woronchak

### Nays—27

Accavitti	Farrah	McConico	Smith
Adamini	Gielegem	Meisner	Stallworth
Anderson	Hardman	Minore	Waters
Byrum	Hood	Murphy	Whitmer
Cheeks	Hopgood	O'Neil	Williams
Clack	Jamnack	Plakas	Woodward
Daniels	Lipsev	Reeves	

In The Chair: Julian

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

“An act to permit the imposition, revival, and continued collection by cities of a population of 750,000 or more of a utility users tax; to provide the procedure for, and to require the adoption of a prescribed uniform city utility users tax ordinance by cities desiring to impose and collect such a tax; to limit the rate of such tax; to prescribe the powers and duties of the state commissioner of revenue; and to provide for appeals,”

The House agreed to the full title.

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

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

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

“Mr. Speaker and members of the House:

I voted no on the companion package of bills to HB 5331 which were deemed to assist ‘start-up’ businesses (HB 5335, 5341-43, 5345; SB 863, 865, 867, 872, 875) because they will actually amount to very little in terms of tax relief to business but will cost the state treasury up to \$15 million at a time when, if revenues are not increased, significant reductions will have to take place in programs to seniors, education and health care.

The bills also have the potential of undermining existing economic development programs and incentives and pitting local units against each other in the race to land businesses. Local units will again be forced to choose.”

### Second Reading of Bills

#### House Bill No. 5331, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 31a.

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

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

Rep. O’Neil moved to amend the bill as follows:

1. Amend page 1, line 2, after “**taxpayer**” by inserting:

“**that meets the criteria under subsection (4) and**”.

2. Amend page 3, following line 4, by inserting:

“(4) For the tax year for which a credit under this section is claimed, compensation, director’s fees, or distributive shares paid by the taxpayer to any 1 of the following does not exceed \$135,000.00:

(a) A shareholder or officer of a corporation other than an S corporation.

**(b) A partner of a partnership or limited liability partnership.**

**(c) A shareholder of an S corporation.**

**(d) A member of a limited liability corporation.**

**(e) An individual who is an owner.”** and renumbering the remaining subsection.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 5331, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 31a.

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

**Roll Call No. 277**

**Yeas—103**

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

**Nays—4**

Drolet	Hopgood	Hummel	Meisner
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In The Chair: Julian

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

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

“Mr. Speaker and members of the House:

I voted no on the package of bills deemed to assist ‘start-up’ businesses (HB 5331, 5335, 5341-43, 5345; SB 863, 865, 867, 872, 875) because they will actually amount to very little in terms of tax relief to business but will cost the state treasury up to \$15 million at a time when, if revenues are not increased, significant reductions will have to take place in programs to seniors, education and health care.

The bills also have the potential of undermining existing economic development programs and incentives and pitting local units against each other in the race to land businesses. Local units will again be forced to choose.”

By unanimous consent the House returned to the order of  
**Messages from the Senate**

The Senate requested the return of  
**House Bill No. 5307, entitled**

A bill to enact the uniform principal and income act; to prescribe the manner in which receipts and expenditures of trusts and estates are credited and charged between income and principal, and the manner in which income is apportioned among beneficiaries at the beginning and upon the termination of a trust or estate; to make uniform the law with respect to principal and income allocation; and to repeal acts and parts of acts.

(The bill was received from the Senate on April 21, with an amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until April 22, see House Journal No. 32, p. 738.)

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

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

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

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

Reps. Clack, Murphy, Condino, Tobocman, Accavitti, Elkins, Law, Hopgood, Bieda, Lipsey, Adamini, Whitmer, Kolb, Gillard, Anderson, Byrum, Sheltroun, Brown, Ruth Johnson, Pappageorge, Meisner, Phillips, Hood, Farhat, Hart, Farrah, O’Neil, Sak, Plakas, Spade, Hunter, Kooiman, Hager, Ehardt, Mortimer, Stewart, Pumford, Gielegem, Middaugh, Gaffney, Wojno, Moolenaar, Ward, LaJoy, Emmons, McConico, Waters, Acciavatti, Brandenburg, Daniels, Dennis, DeRossett, Gleason, Huizenga, Jannick, LaSata, Minore, Richardville, Rivet, Shulman, Stallworth, Taub and Vagnozzi offered the following resolution:

**House Resolution No. 240.**

A resolution to commemorate the 50<sup>th</sup> anniversary of Brown et. al. v. Board of Education of Topeka, KS et. al., 347 U.S. 483, the 1954 United States Supreme Court decision that officially ended state and local government sanctioned school segregation in America.

Whereas, Between 1865 and 1875 there were various attempts to bestow upon emancipated African-Americans the same rights and protections under the law that other citizens enjoyed. Yet there were many who were not receptive to

the idea of emancipated African-Americans and instituted Jim Crow laws and Black Codes as methods to circumvent most state and federal protections. These laws and codes served as a badge of second-class citizenry that deprived this emancipated population of their political rights, civil liberties, and economic opportunities; and

Whereas, In 1896, the United States Supreme Court stamped its seal of approval on Jim Crow laws and Black Codes when it upheld the state of Louisiana in the case Plessy v. Ferguson, 163 U.S. 537 (1896), giving birth to “separate but equal,” a doctrine that haunted this country and oppressed African-Americans for decades; and

Whereas, In the face of intense adversity, a group of multicultural visionaries responded to the calling of their forefathers and foremothers by founding the National Association for the Advancement of Colored People (NAACP) in 1909 to renew and reinvigorate the continued struggle against bigotry and second-class citizenship that was synonymous with being American; and

Whereas, The NAACP and others steadfastly fought to correct one of the gravest injustices of that era, state and local government sanctioned racial segregation of schools because education and hard work were considered among the cornerstones of success in America. African-American children could not attend school with white children solely because of the color of their skin. African-American students had to learn in substandard educational facilities, with lesser qualified teachers, amongst overcrowded classrooms, often with outdated secondhand textbooks, or no textbooks at all. There were no buses, no cafeterias, and no diverse class options, all the amenities that other students enjoyed. It was in the arena of education that the fallacy of “separate but equal” was best exemplified and African-American students learned hard that there was nothing equal about being separate; and

Whereas, A young African-American girl named Linda Brown could not attend the elementary school located in her neighborhood solely because of her skin color. Instead, she had to walk a mile or more to attend a school specifically set-up for children of her ethnicity. Her parents refused to settle for this way of life. They instead turned to their local NAACP; and

Whereas, Under the brilliant legal leadership of Thurgood Marshall, the NAACP continued on its jurisprudential path toward equality in education and eventually argued before the United States Supreme Court that state and local government sanctioned segregation in schools had a profound psychological and sociological effect on African-American children and served to perpetuate feelings of inferiority among African-American students. Brown was one of five cases challenging that segregation in education was unconstitutional; and

Whereas, On May 17, 1954, the United States Supreme Court stunned the nation and set it on a path toward change. On that day, the United States Supreme Court demolished one of many lingering remnants of slavery and voiced the strong message that “in the field of public education, the doctrine of ‘separate but equal’ has no place.” And as if to assure the nation that it neither stuttered nor stumbled in its original ruling, one year later in a second case, Brown II, 349 U.S. 294 (1955), the Court ordered desegregation of schools “with all deliberate speed.” The Brown victory was the catalyst that sparked an unforgettable era of progress towards true equality not only in education, but in America; and

Whereas, Fifty years after Brown we stand holding the torch of our past and light of our future as we lead the fight against injustices that still exist in education systems around the country, including here in the state of Michigan, where we are challenged by residential segregation and socioeconomic inequities. It is in these economically depressed areas that high school drop-out rates are at their highest, state mandated test scores are at their lowest, and many students are hindered from reaching their highest potential. Such inequities showcase the difference between a dream achieved, a dream deferred, or no dream at all; and

Whereas, The task before us is to make certain that no child is left behind educationally, while knowing that all children need and deserve the same tools to make this concept a true reality. The challenge is still before us to make sure that all schools attract and keep the most qualified teachers, the best learning materials, and safe and modern facilities conducive to learning, whether the student hails from the wealthiest or poorest areas of Michigan. Simply put, there are no shortages of battles in the arena of education. The Brown decision was the starting point, not the end; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the golden jubilee of Brown vs. Board of Education, and the end of state and local government sanctioned segregation in America’s education system. We stand proud in saluting the NAACP, the Brown family, and all those brave souls who fought valiantly for the enduring legacy that we celebrate and continue to protect today.

Resolved, That a copy of this resolution be transmitted to the NAACP and the Brown family as evidence of our commemoration.

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. Gielegem, Dennis, Vagnozzi, Condino, Farrah, Plakas, Accavitti, Cheeks, Wojno, Jamnick, Elkins, Meisner, Gillard, Adamini, Woodward, Lipsey, Bieda, Drolet, Garfield, Acciavatti, Brandenburg, Clack, Daniels, Gleason, Murphy, Stallworth and Waters offered the following concurrent resolution:

**House Concurrent Resolution No. 52.**

A concurrent resolution calling on the Board of Regents of Eastern Michigan University to resign for misuse of funds.

Whereas, Our institutions of higher education represent an enormous investment made by generations of Michigan residents and students and their families from all over the world. It has been most frustrating, therefore, for citizens of this state to learn of recent decisions made by the university's leadership with regard to costs being paid for the president's housing. Many aspects of this project are inconsistent with good public policy and violate the trust placed in the leadership by state taxpayers and EMU's students and staff; and

Whereas, The Board of Regents and the President of Eastern Michigan University are spending \$5.2 million—more than twice the original amount budgeted—for a 10,200-square foot home for the President. In doing this, the university's leadership violated state law by failing to report that the university's funds were being spent on this project, which also failed to include the consideration of competitive bids; and

Whereas, While spending public money inappropriately is always cause for concern, these elaborate expenditures are particularly frustrating at a time when the university clearly has more urgent needs to meet. Eastern Michigan University faces the same financial situation shared throughout the state, which has occasioned double digit tuition rate percentage increases. Improvements, repairs, and renovations of at least two classroom buildings and construction of a needed parking garage are all on hold during this period of financial difficulty. With many dorms in disrepair, the excessive spending for the President's housing reflects priorities that are not at all in keeping with those of the taxpayers of our state or the rest of the university community; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we call on the Board of Regents of Eastern Michigan University to resign for misuse of funds in connection with the construction of housing for the President of Eastern Michigan University; and be it further

Resolved, That copies of this resolution be transmitted to the Board of Regents and the President of Eastern Michigan University.

The concurrent resolution was referred to the Committee on Higher Education.

Reps. Van Regenmorter, Accavitti, Bieda, Brandenburg, Caswell, Caul, Daniels, DeRossett, Ehardt, Farhat, Garfield, Gielegem, Gleason, Hager, Huizenga, Hummel, Jamnick, Ruth Johnson, Kolb, LaSata, Meyer, Milosch, Minore, Nitz, Nofs, Palmer, Pappageorge, Pastor, Richardville, Rivet, Sak, Shaffer, Shulman, Stahl, Stallworth, Tabor, Taub, Tobocman, Vander Veen, Voorhees and Walker offered the following concurrent resolution:

**House Concurrent Resolution No. 53.**

A concurrent resolution to call upon the Michigan Department of Transportation to review the current status of alternatives to road salt based on information from existing studies, trials, and tests and to make recommendations for advancing the use of alternatives at the state and local level.

Whereas, Numerous studies and environmental assessments indicate that road salt is a factor in the corrosion of vehicles, roads, and bridges, and that road salt also is harmful to the environment and causes crop damage; and

Whereas, Road salt is accumulating in the Great Lakes in detectable levels; and

Whereas, In recent years, a number of new salt alternatives have been developed and are currently being tested by the Michigan Department of Transportation and many local road commissions; and

Whereas, Michigan has a compelling interest in preserving our environment, our agricultural base, and our infrastructure. Studies and trials have independently yielded a great deal of information on alternatives available to road salt; and

Whereas, We recognize that cost is a factor for the state and local road authorities in choosing a method to keep roads free of snow and ice; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we call upon the Michigan Department of Transportation to review information gained from studies and trials and assess a number of factors that can advance the use of alternatives to road salt. The review should assess the feasibility of using alternative materials on a broad scale throughout the state, alone or in combination with road salt, with specific focus on the long-term cost effectiveness of alternatives with factors such as erosion, crop damage, and environmental damage taken into account; and be it further

Resolved, That we call upon the department to investigate road salt application strategies that result in a reduction of the amount of road salt used without compromising public safety; and be it further

Resolved, That we call upon the department to make recommendations on the practical usage of salt alternatives and reduction strategies by the state and by local road commissions in a manner that is both safe and effective and cost effective over the long-term; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Transportation.

The concurrent resolution was referred to the Committee on Transportation.

### Reports of Standing Committees

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

**House Bill No. 5665, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 261c.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Meyer, Nitz, DeRossett, Hager, Casperson, Hune, Stahl, Sheltroun, Rivet, Spade and Law

Nays: None

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 27, 2004

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

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

**House Bill No. 5038, entitled**

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 1998 PA 499.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Hager, Drolet, Stakoe, Wenke, Jamnick and Hardman

Nays: None

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

**House Bill No. 5657, entitled**

A bill to amend 1992 PA 116, entitled "Records media act," by amending the title and sections 1, 2, and 3 (MCL 24.401, 24.402, and 24.403), section 2 as amended by 2001 PA 72, and by adding sections 4, 5, and 6.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Hager, 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, April 27, 2004

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

The Committee on Commerce, by Rep. Bisbee, Chair, reported

**Senate Bill No. 869, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 11 (MCL 207.561), as amended by 2001 PA 157.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Milosch, Palsrok and Wenke

Nays: None

The Committee on Commerce, by Rep. Bisbee, Chair, reported

**Senate Bill No. 1093, entitled**

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

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Milosch, Palsrok and Wenke

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 27, 2004

Present: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Milosch, Palsrok, Wenke, Rivet, McConico, Murphy, Tobocman and Accavitti

Absent: Reps. Hune, O'Neil and Lipsey

Excused: Reps. Hune, O'Neil and Lipsey

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: Thursday, April 22, 2004

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

Absent: Reps. DeRossett, Drolet and Hardman

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 27, 2004

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

Absent: Rep. Bieda

Excused: Rep. Bieda



### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, April 21:

**Senate Bill Nos. 1146 1147 1148 1149 1150**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, April 23:

**House Bill Nos. 5797 5798 5799 5800 5801 5802 5803 5804 5805 5806 5807 5808 5809 5810  
5811 5812 5813 5814 5815 5816 5817 5818 5819 5820 5821**

The Clerk announced the enrollment printing and presentation to the Governor on Monday, April 26, for her approval of the following bill:

**Enrolled House Bill No. 5466 at 11:11 a.m.**

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, April 27, for her approval of the following bill:

**Enrolled House Bill No. 4160 at 11:48 a.m.**

The Clerk announced that the following Senate bills had been received on Tuesday, April 27:

**Senate Bill Nos. 943 944**

By unanimous consent the House returned to the order of

### Messages from the Senate

#### Senate Bill No. 943, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1169 and 1507 (MCL 380.1169 and 380.1507), as amended by 1993 PA 335, and by adding section 1507b.

The Senate has passed the bill.

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

#### Senate Bill No. 944, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 166a (MCL 388.1766a), as amended by 2003 PA 158.

The Senate has passed the bill.

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

### Notices

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

**House Bill No. 5821** referred to the Committee on Judiciary.

### Messages from the Governor

Date: April 21, 2004

Time: 2:40 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5445 (Public Act No. 80, I.E.), being**

An act to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of

public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,” by amending section 37c (MCL 208.37c), as amended by 2003 PA 251.

(Filed with the Secretary of State April 22, 2004, at 10:13 a.m.)

Date: April 22, 2004

Time: 9:20 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5365 (Public Act No. 84, I.E.), being**

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

(Filed with the Secretary of State April 22, 2004, at 10:21 a.m.)

Date: April 22, 2004

Time: 9:22 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5641 (Public Act No. 85, I.E.), being**

An act to amend 1851 PA 156, entitled “An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,” by amending section 17 (MCL 46.17); and to repeal acts and parts of acts.

(Filed with the Secretary of State April 22, 2004, at 10:23 a.m.)

### Communications from State Officers

The following communication from the Office of the State Budget was received and read:

April 16, 2004

This letter transmits the “Statement of the Proportion of Total State Spending From State Sources Paid to Units of Local Government – Legal Basis” for fiscal year 2002-2003, which has been prepared in accordance with Sections 18.1115(5), 18.1303-18.1305, 18.1349, 18.1350, 18.1497, and 18.1498 of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 30 of the Michigan Constitution.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,  
Mary A. Lannoye  
State Budget Director

The communication was referred to the Clerk.

The following communication from the Auditor General was received and read:

April 22, 2004

Enclosed is a copy of the following audit report and/or report summary:

Performance Audit of the Single Business Tax Program  
Within the Return Processing and Customer Contact Divisions,  
Department of Treasury  
April 2004

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

**Introduction of Bills**

Reps. Ruth Johnson, Stakoe, Julian, Rocca and Bradstreet introduced

**House Bill No. 5822, entitled**

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

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

Reps. Wenke, Lipsey, Shaffer, Kooiman, Taub, Hoogendyk, Sheen, Richardville, Palmer, Robertson and Nofs introduced

**House Bill No. 5823, entitled**

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

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

Reps. Wenke, Lipsey, Shaffer, Kooiman, Taub, Sheen, Hoogendyk, Richardville, Palmer, Robertson and Nofs introduced

**House Bill No. 5824, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9j.

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

Reps. Hoogendyk, Sheen and Drolet introduced

**House Joint Resolution X, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 13 of article IV, to limit the legislative session.

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

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Rep. Daniels moved that the House adjourn.

The motion prevailed, the time being 3:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, April 28, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

