

No. 72
STATE OF MICHIGAN
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House of Representatives
92nd Legislature
REGULAR SESSION OF 2004

House Chamber, Lansing, Wednesday, August 4, 2004.

10:00 a.m.

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

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

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

e/d/s = entered during session

Rep. Jack Minore, from the 49th District, offered the following invocation:

“As we go about our duties today, let us not arrogantly pray for God to be on our side, but let us fervently pray that we are on God’s side.

A reading from Rabbi Karen Companeze of Temple Beth El in Flint, Michigan:

We pray for all who hold positions of leadership and responsibility in our national life. Let Your blessing rest upon them, and make them responsive to Your will, so that our nation and our state may be to the world a beacon of justice and compassion. Deepen our love for our country and our desire to serve. Strengthen our power of self-sacrifice for our nation’s welfare. Teach us to uphold its good name by our own right conduct. Cause us to see clearly that the well-being of our nation and our state is in the hands of all its citizens; imbue us with zeal for the cause of liberty in our land and all lands; and help us always keep our homes safe from affliction, strife and war.

Amen.”

Motions and Resolutions

The Speaker moved that there be a Call of the House.

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

Proceedings Under the Call

The roll of the House was called by the Clerk and Reps. Bisbee, Bradstreet, Brandenburg, Cheeks, Clack, Daniels, DeRoche, DeRossett, Drolet, Gielegem, Hardman, Hart, Hood, Ruth Johnson, LaSata, McConico, Nitz, Pappageorge, Plakas, Reeves, Rivet, Rocca, Stallworth, Tabor, Tobocman and Woodward were reported absent.

Rep. Richardville moved that the Sergeant at Arms be dispatched after the absentees.
The motion prevailed.

Rep. Richardville moved that the House proceed with the business under the Call.
The motion prevailed.

Notices

August 3, 2004

Gary Randall, Clerk of the House
Ground Floor, Capitol
Lansing, MI 48913

Dear Mr. Randall:

I am hereby removing Representative Ken Daniels from the Conference Committee on HB 4612 and replacing him with Representative Dianne Byrum.

If you have any questions, please contact Jim Murray in my office.

Sincerely,
Rick Johnson
Speaker of the House

Reps. Bisbee, Brandenburg, Cheeks, Clack, Daniels, DeRoche, DeRossett, Drolet, Gielegem, Hardman, Hart, Hood, Ruth Johnson, LaSata, McConico, Nitz, Pappageorge, Plakas, Reeves, Rivet, Rocca, Stallworth, Tabor, Tobocman and Woodward entered the House Chambers.

Rep. Waters moved that Rep. McConico be excused temporarily from today's session.
The motion prevailed.

By unanimous consent the House returned to the order of
Reports of Select Committees

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning
House Bill No. 4612, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

Recommends:

First: That the House and Senate agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 12. (1) A wagering tax is imposed on the adjusted gross receipts received by the licensee from gaming authorized under this act at the rate of 18%. If a city ~~does~~ **exercises** either of the options in subsection (4), the tax rate under this subsection shall be 8.1% and deposited in the state school aid fund to provide additional funds for K-12 classroom education. If the city rescinds or is otherwise unable to exercise 1 of the options in subsection (4), the tax rate under this subsection shall be 18%. A tax rate of 18% imposed under this subsection shall cover any period for which the city does not or is unable to exercise 1 of the options in subsection (4).

(2) The state casino gaming fund is created in the department of treasury. The fund ~~is to~~ **shall** be administered by the department in accordance with this act. Except as provided in sections 12a and 13, the ~~wagering tax~~ **taxes imposed under this section** plus all other fees, fines, and charges imposed by the state shall be deposited into the state casino gaming fund. The wagering tax is to be remitted daily by the holder of a casino license to the department of treasury by electronic wire transfer of funds. The state shall remit the city's portion of the wagering tax to the city daily by electronic wire transfer of funds as provided by this act.

(3) If the state imposes a wagering tax **under subsection (1)** equal to 18% of adjusted gross receipts, **money in** the state casino gaming fund **that is not from a tax imposed under subsections (5) to (9)** shall be allocated as follows:

(a) 55% to the city in which a casino is located for use in connection with the following:

(i) The hiring, training, and deployment of street patrol officers.

(ii) Neighborhood and downtown economic development programs designed to create local jobs.

(iii) Public safety programs such as emergency medical services, fire department programs, and street lighting.

(iv) Anti-gang and youth development programs.

(v) Other programs that are designed to contribute to the improvement of the quality of life in the city.

(vi) Relief to the taxpayers of the city from 1 or more taxes or fees imposed by the city.

(vii) The costs of capital improvements.

(viii) Road repairs and improvements.

(b) 45% to the state to be deposited in the state school aid fund to provide additional funds for K-12 classroom education.

(4) A city in which a licensee is located may do 1 of the following:

(a) In the development agreement into which the city is entitled to enter, include a provision that requires the licensee located in the city to pay the city a payment equal to 9.9% of the adjusted gross receipts received by the licensee from gaming authorized under this act.

(b) By ordinance, levy, assess, and collect an excise tax upon licensees located in the city at a rate of 9.9% of the adjusted gross receipts received by the licensee from gaming authorized under this act.

(5) Subject to subsections (6) to (9), a wagering tax in addition to the tax imposed in subsection (1) is imposed on the adjusted gross receipts received by a licensee from gaming authorized under this act at the rate of 6%.

Money from the tax imposed under this subsection that has been deposited in the state casino gaming fund shall be allocated 1/3 to the city in which the licensee's casino is located for use in connection with the purposes listed in subsection (3)(a) and 2/3 to the general fund. The city may collect its share of the tax under this subsection directly using 1 of the methods in subsection (4). For a period during which the licensee is paying the city's share of the tax under this subsection directly to the city under either of the methods in subsection (4), the payment to the state casino gaming fund under this subsection shall be 4% and shall be allocated entirely to the general fund.

(6) Subject to subsections (7) to (9), after December 31, 2005, the wagering tax imposed under subsection (5) shall be 4% and shall be deposited entirely in the general fund.

(7) Subject to subsections (8) to (9), and unless an act of God, a war, a disaster, or an act of terrorism directly and substantially impacts the ability of the licensee's ability to complete construction of its casino and casino enterprise, if a casino licensee is not fully operational by each of the following dates, the tax on the licensee under subsection (5) shall be as follows:

(a) July 1, 2009, 5%, allocated 4/5 to the general fund and 1/5 to the city in which the licensee's casino is located.

(b) July 1, 2010, 6%, allocated 2/3 to the general fund and 1/3 to the city in which the licensee's casino is located.

(c) July 1, 2011, 7%, allocated 4/7 to the general fund and 3/7 to the city in which the licensee's casino is located.

(8) Subject to subsection (9), and irrespective of whether there has been an increase under subsection (7), after a casino licensee has been fully operational for 30 consecutive days, the licensee may apply to the board for certification under this subsection. If the board determines that a licensee that makes an application under this subsection has been fully operational and in compliance with its development agreement that is in existence on July 1, 2004 or a subsequent original development agreement, for at least 30 consecutive days, the board shall certify the licensee under this subsection, and the tax imposed on the licensee under subsection (5), as adjusted, if applicable, by subsection (6) or (7), shall be, retroactive to the first day of the 30-day period that the licensee was fully operational, reduced to 1% and shall be allocated entirely to the city where the licensee operates its casino.

(9) If the McCauley-Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.1 to 432.47, is amended to allow the operation of video lottery at horse race tracks in this state, and if video lottery is being conducted at horse race tracks in this state, the licensee is no longer obligated to pay the wagering tax under subsections (5) to (8).

(10) Notwithstanding section 9b, if the McCauley-Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.1 to 432.47, is amended to allow the operation of video lottery at horse race tracks in this state, and if video lottery is being conducted at horse race tracks in this state, a casino licensee may, after obtaining approval from the board, apply to the racing commissioner for authorization to simulcast horse races under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336. A casino licensee that is authorized under this subsection shall display and allow wagering on simulcast horse races only at the licensee's casino and shall comply with all applicable provisions of the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336, rules promulgated under that act, and the written permit to conduct simulcasting and any related order issued to the licensee by the racing commissioner. Simulcasting and wagering under this subsection are under the primary control of the racing commissioner, and the racing commissioner may revoke or suspend the authorization of or take other disciplinary action against the licensee for failing to comply with a law, rule, permit, or order as required by this subsection. However, the simulcasting and wagering under this subsection is part of the licensee's casino operation under this act and subject to the same control by the board as are other parts of the licensee's casino operation. The board may take disciplinary action under section 4a against a casino licensee for failure to comply with a law, rule, permit, or order as required by this subsection.

(11) A casino licensee is entitled to the same commission from money wagered on horse races simulcast by the licensee as a race meeting licensee is entitled to receive from wagering on simulcast horse races under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336. The same taxes, fees, and other deductions shall be subtracted and paid from the licensee's commission as are subtracted and paid from a race meeting licensee's commission under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

(12) ~~(5)~~ Payments of ~~any amount required~~ to a city under ~~1 of the methods in~~ subsection (4) shall be made in a manner, at those times, and subject to reporting requirements and penalties and interest for delinquent payment as may be provided for in the development agreement; if the payment is required under a development agreement, or by ordinance if the payment is required for a tax levied by the city. Payments required under ~~the method described in~~ subsection (4)(a) may be in addition to any other payments which may be required in the development agreement for the conveyance of any interest in property, the purchase of services, or the reimbursement of expenses. Payments to a city under ~~the method described in~~ subsection (4) shall be used by the city for the purposes listed in subsection (3)(a).

(13) ~~(6)~~ Approval by the city of a development agreement or ~~adoption of~~ an ordinance approving either casino gaming or the levy of a local excise tax ~~shall not be considered~~ **does not constitute** the granting of a franchise or license by the city for purposes of any statutory, charter, or constitutional provision.

(14) ~~(7)~~ The ~~wagering tax taxes~~ imposed under ~~subsection (1) this section~~ and any tax imposed under section 13(2) shall be administered by the department of treasury in accordance with 1941 PA 122, MCL 205.1 to 205.31, and this act. In case of conflict between the provisions of 1941 PA 122, MCL 205.1 to 205.31, and this act, the provisions of this act shall prevail.

(15) ~~(8)~~ Funds from this act shall not be used to supplant existing state appropriations or local expenditures.

(16) **As used in this section, “fully operational” means that a certificate of occupancy has been issued to the casino licensee for the operation of a hotel with not fewer than 400 guest rooms and, after issuance of the certificate of occupancy, the casino licensee’s casino, casino enterprise, and 400-guest-room hotel have been opened and made available for public use at their permanent location and maintained in that status.**

Enacting section 1. This amendatory act takes effect September 1, 2004.

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend the Initiated Law of 1996, entitled “An act to provide for the licensing, regulation, and control of casino gaming operations, manufacturers and distributors of gaming devices and gaming related equipment and supplies, and persons who participate in gaming; to provide the distribution of revenue for public education, public safety and economic development; authorizing limited casino operations within the state of Michigan; to vest authority for the licensing, regulation, and control of casino gaming in the Michigan gaming control board; to restrict certain political contributions; to establish a code of ethics for certain persons involved in gaming; to create certain funds; to impose and authorize certain taxes and fees; to impose penalties; to authorize conservators under certain circumstances; and to make an appropriation,” by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

Rick Johnson
Dianne Byrum
Conferees for the House

Kenneth R. Sikkema
Tony Stamas
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Kooiman moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the text having been made available to each Member.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then not adopted, 3/4 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 708

Yeas—0

Nays—107

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

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

In The Chair: Julian

The Speaker appointed as second conferees, on the part of the House of Representatives, Reps. Rick Johnson, Julian and Waters.

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

Speaker Rick Johnson and Reps. Acciavatti, Adamini, Amos, Anderson, Bieda, Byrum, Casperson, Caswell, Caul, Dennis, Ehardt, Emmons, Farhat, Farrah, Garfield, Gielegem, Gillard, Gleason, Hager, Hopgood, Huizenga, Jamnick, Kolb, Kooiman, LaJoy, Law, Lipsey, Meyer, Middaugh, Milosch, Minore, Newell, Nitz, Nofs, O'Neil, Palmer, Pastor, Phillips, Richardville, Rivet, Robertson, Rocca, Sak, Shaffer, Sheltroun, Shulman, Spade, Stahl, Stakoe, Steil, Tabor, Taub, Vagnozzi, Vander Veen, Voorhees, Waters, Wojno and Zelenko offered the following resolution:

House Resolution No. 299.

A resolution commemorating Friday, August 20, 2004, as NASCAR Day in the state of Michigan.

Whereas, The NASCAR Nextel Cup Racing Series boasts tens of millions of stock car racing fans across the country, including many in Michigan. As fans gather in Brooklyn, Michigan at Michigan International Speedway for an exciting weekend of racing beginning August 20, it is an appropriate time to celebrate NASCAR racing and also help support worthwhile charities; and

Whereas, Annually NASCAR holds a one-day celebration of the NASCAR spirit, where individuals and companies sign up to participate by making donations to charity. On August 20, 2004, fans across the country are encouraged to wear NASCAR clothing and donate \$5 to the Victory Junction Gang, a special cause for children with chronic or seriously debilitating diseases. All participants will receive a special NASCAR Day lapel pin they can wear to show their support; and

Whereas, The Nextel Cup GFS Marketplace 400 and other NASCAR races take place the weekend of August 20-22, 2004. NASCAR and the House of Representatives urge the NASCAR community of racing fans and corporations to show support for their sport and raise money for the Victory Junction Gang; and

Whereas, On August 20, 2004, representatives from Michigan International Speedway and racing fans throughout Michigan join to support NASCAR racing and worthwhile charities; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate August 20, 2004, as NASCAR Day and express appreciation of the sport's valuable contributions to our state and country; and be it further

Resolved, That a copy of this resolution be transmitted to NASCAR officials and drivers and the management and workers of Michigan International Speedway.

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. Palsrok, Adamini, Amos, Anderson, Bieda, Byrum, Casperson, Caul, Dennis, Ehardt, Emmons, Farhat, Farrah, Garfield, Gielegem, Gillard, Gleason, Hager, Hopgood, Huizenga, Jamnick, Kolb, Kooiman, LaJoy, Law, Meyer, Milosch, Minore, Newell, Nitz, Nofs, Pastor, Phillips, Richardville, Rivet, Rocca, Sak, Shaffer, Sheltroun, Shulman, Spade, Stahl, Stakoe, Tabor, Taub, Vagnozzi, Vander Veen, Voorhees, Wojno and Zelenko offered the following resolution:

House Resolution No. 300.

A resolution recognizing the 25th anniversary of the Northwest Michigan Horticultural Research Station on August 26, 2004.

Whereas, The Grand Traverse region of northwest Lower Michigan is known as the “Cherry Capital of the World” due to its enormous cherry production capabilities and to its contribution toward furthering the interests of cherry growers and consumers worldwide; and

Whereas, In recognition of the vast benefits of research and innovation maintaining and improving the cherry industry the Northwest Michigan Horticultural Research Foundation was formed by fruit growers from Antrim, Manistee, Benzie, Leelanau, and Grand Traverse Counties in 1978; and

Whereas, The foresight of these founding fathers has been realized in the continued need for this facility some 25 years later. The foundation provides research and education by leasing its facility to Michigan State University without charge. It is by the efforts of the Northwest Michigan Horticultural Research Foundation that the Grand Traverse region remains a worldwide center for cherry production and research. therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize August 26, 2004, as the 25th anniversary of the Northwest Michigan Horticultural Research Station and applaud the efforts of all who have worked to create and expand knowledge through cutting-edge research on cherries and other fruits and to disseminate new information to the Michigan fruit industry and the public; and be it further

Resolved, That we continue to explore and develop new research and techniques to support the fruit industry as we head into the coming years.

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.

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ehardt, Chair, of the Committee on Health Policy, was received and read:
Meeting held on: Wednesday, August 4, 2004

Present: Reps. Ehardt, Vander Veen, Woronchak, Robertson, Gaffney, Hune, Adamini, O’Neil and Gillard

Absent: Reps. Ruth Johnson, Rocca, Hart, Van Regenmorter, Ward, Wojno, Hardman and Clack

Excused: Reps. Ruth Johnson, Rocca, Hart, Van Regenmorter, Ward, Wojno, Hardman and Clack

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bills had been received on Wednesday, August 4:

Senate Bill Nos. 532 533 790 853 854 855 857 858 860 861 1075 1206 1319

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5198, entitled

A bill to amend 1976 PA 267, entitled “Open meetings act,” by amending section 9 (MCL 15.269), as amended by 1982 PA 130.

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

The House agreed to the full title.

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

House Bill No. 5446, entitled

A bill to amend 1945 PA 282, entitled "An act to provide for county planning; the creation, organization, powers and duties of county planning commissions," by amending section 2 (MCL 125.102).

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

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

House Bill No. 5664, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18401, 18413, and 18421 (MCL 333.18401, 333.18413, and 333.18421), section 18421 as amended by 1993 PA 79.

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

The House agreed to the full title.

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

House Bill No. 5798, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 2001 PA 169.

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5801, entitled

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation," by amending section 12 (MCL 254.322), as amended by 2003 PA 176.

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

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

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

House Bill No. 5820, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 626 (MCL 257.626).

The Senate has amended the bill as follows:

1. Amend page 2, line 1, after "effect" by striking out the balance of the enacting section and inserting "November 1, 2004."

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

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

House Bill No. 5846, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 28 of chapter V (MCL 765.28), as amended by 2002 PA 659.

The Senate has amended the bill as follows:

1. Amend page 2, line 3, after the first "the" by striking out "recognizance" and inserting "**bail or surety bond**".
2. Amend page 2, line 3, after "shown" by inserting "**for the defendant's failure to appear**".
3. Amend page 2, line 6, after "the" by striking out "recognizance" and inserting "**bail, or if a surety bond has been posted the full amount of the surety bond. If the amount of a forfeited surety bond is less than the full amount of the bail, the defendant shall continue to be liable to the court for the difference, unless otherwise ordered by the court**".

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

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

House Bill No. 6021, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17766 (MCL 333.17766), as amended by 1990 PA 30, and by adding section 17766d.

The Senate has amended the bill as follows:

1. Amend page 2, line 25, after "**corrections**" by inserting "**or a county jail**".
2. Amend page 3, line 2, after "**facility**" by striking out the balance of the line through "**facility**" on line 5 and inserting "**or a county jail that has a licensed physician's assistant, a registered professional nurse, or a licensed practical nurse, who is responsible for the security, handling, and administration of prescription drugs within that state correctional facility or county jail**".
3. Amend page 3, line 26, after "**corrections**" by inserting "**or a county jail**".
4. Amend page 5, following line 20, by inserting:

"(a) "**County jail**" means a facility operated by a county for the physical detention and correction of persons charged with, or convicted of, criminal offenses or ordinance violations or persons found guilty of civil or criminal contempt." and relettering the remaining subdivisions.

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

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

Senate Bill No. 532, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8901 (MCL 324.8901) and by adding sections 8905d and 8905e.

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. 533, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8831 (MCL 600.8831), as added by 1995 PA 54.

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. 790, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 173.

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. 853, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 35903 (MCL 324.35903), as added by 1996 PA 88.

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. 854, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 174.

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. 855, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 35803 (MCL 324.35803), as added by 1996 PA 89.

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. 857, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 72105a (MCL 324.72105a), as added by 1997 PA 129.

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. 858, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74104 (MCL 324.74104), as added by 1995 PA 58.

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. 860, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 8905f.

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. 861, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 17305.

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. 1075, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17049 and 17549 (MCL 333.17049 and 333.17549), as added by 1990 PA 247.

The Senate has passed the bill.

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

Senate Bill No. 1206, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 4, and 12 (MCL 207.772, 207.773, 207.774, and 207.782), sections 2, 3, and 12 as amended by 2001 PA 217 and section 4 as amended by 2004 PA 60.

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. 1319, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending sections 1, 5, and 6 (MCL 400.231, 400.235, and 400.236), section 1 as amended by 2002 PA 564, section 5 as amended by 1998 PA 112, and section 6 as added by 1999 PA 161.

The Senate has passed the bill.

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

Introduction of Bills

Rep. Accavitti introduced

House Bill No. 6099, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5701 and 5735 (MCL 600.5701 and 600.5735), section 5735 as amended by 2004 PA 105, and by adding section 5733.

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

Rep. Accavitti introduced

House Bill No. 6100, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 16901b, 16901d, and 16901f.

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

Rep. Caswell introduced

House Bill No. 6101, entitled

A bill to authorize the state administrative board to convey certain state owned property in Branch county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4612, entitled**

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

The Senate has appointed Senators Sikkema, Stamas and Emerson as second conferees to join with Representatives Rick Johnson, Julian and Waters.

The bill was referred to the Second Conference Committee.

Notices

August 4, 2004

Gary Randall, Clerk of the House
Ground Floor, Capitol
Lansing, MI 48913

Dear Mr. Randall:

I am hereby removing Representative Julian from the Conference Committee on HB 4612 and replacing him with Representative Emmons.

If you have any questions, please contact Jim Murray in my office.

Sincerely,
Rick Johnson
Speaker of the House

The Speaker Pro Tempore called Associate Speaker Pro Tempore Ehardt to the Chair.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

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

Reports of Select Committees

Second Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning **House Bill No. 4612, entitled**

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

Recommends:

First: That the House and Senate agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 12. (1) A wagering tax is imposed on the adjusted gross receipts received by the licensee from gaming authorized under this act at the rate of 18%. If a city ~~does~~ **exercises** either of the options in subsection (4), the tax rate under this subsection shall be 8.1% and deposited in the state school aid fund to provide additional funds for K-12 classroom education. If the city rescinds or is otherwise unable to exercise 1 of the options in subsection (4), the tax rate under this subsection shall be 18%. A tax rate of 18% imposed under this subsection shall cover any period for which the city does not or is unable to exercise 1 of the options in subsection (4).

(2) The state casino gaming fund is created in the department of treasury. The fund ~~is to~~ **shall** be administered by the department in accordance with this act. Except as provided in sections 12a and 13, the ~~wagering tax~~ **taxes imposed under this section** plus all other fees, fines, and charges imposed by the state shall be deposited into the state casino gaming fund. The wagering tax is to be remitted daily by the holder of a casino license to the department of treasury by electronic wire transfer of funds. The state shall remit the city's portion of the wagering tax to the city daily by electronic wire transfer of funds as provided by this act.

(3) If the state imposes a wagering tax **under subsection (1)** equal to 18% of adjusted gross receipts, **money in** the state casino gaming fund **that is not from a tax imposed under subsections (5) to (8)** shall be allocated as follows:

(a) 55% to the city in which a casino is located for use in connection with the following:

(i) The hiring, training, and deployment of street patrol officers.

(ii) Neighborhood and downtown economic development programs designed to create local jobs.

(iii) Public safety programs such as emergency medical services, fire department programs, and street lighting.

(iv) Anti-gang and youth development programs.

(v) Other programs that are designed to contribute to the improvement of the quality of life in the city.

(vi) Relief to the taxpayers of the city from 1 or more taxes or fees imposed by the city.

(vii) The costs of capital improvements.

(viii) Road repairs and improvements.

(b) 45% to the state to be deposited in the state school aid fund to provide additional funds for K-12 classroom education.

(4) A city in which a licensee is located may do 1 of the following:

(a) In the development agreement into which the city is entitled to enter, include a provision that requires the licensee located in the city to pay the city a payment equal to 9.9% of the adjusted gross receipts received by the licensee from gaming authorized under this act.

(b) By ordinance, levy, assess, and collect an excise tax upon licensees located in the city at a rate of 9.9% of the adjusted gross receipts received by the licensee from gaming authorized under this act.

(5) Subject to subsections (6) to (8), a wagering tax in addition to the tax imposed in subsection (1) is imposed on the adjusted gross receipts received by a licensee from gaming authorized under this act at the rate of 6%. Money from the tax imposed under this subsection that has been deposited in the state casino gaming fund shall be allocated 1/3 to the city in which the licensee's casino is located for use in connection with the purposes listed in subsection (3)(a), 7/12 to the general fund, and 1/12 to the Michigan agriculture equine industry development fund. The city may collect its share of the tax under this subsection directly using 1 of the methods in subsection (4). For a period during which the licensee is paying the city's share of the tax under this subsection directly to the city under either of the methods in subsection (4), the payment to the state casino gaming fund under this subsection shall be 4% and shall be allocated 7/8 to the general fund and 1/8 to the Michigan agriculture equine industry development fund.

(6) Subject to subsections (7) and (8), and unless an act of God, a war, a disaster, or an act of terrorism directly and substantially impacts the ability of the licensee to complete construction of its casino and casino enterprise, if a casino licensee is not fully operational by each of the following dates, the tax on the licensee under subsection (5) shall be as follows:

(a) July 1, 2009, 7%, allocated 1/2 to the general fund, 1/14 to the Michigan agriculture equine industry development fund, and 3/7 to the city in which the licensee's casino is located.

(b) July 1, 2010, 8%, allocated 7/16 to the general fund, 1/16 to the Michigan agriculture equine industry development fund, and 1/2 to the city in which the licensee's casino is located.

(c) July 1, 2011, 9%, allocated 7/18 to the general fund, 1/18 to the Michigan agriculture equine industry development fund, and 5/9 to the city in which the licensee's casino is located.

(7) Subject to subsection (8), and irrespective of whether there has been an increase under subsection (6), after a casino licensee has been fully operational for 30 consecutive days, the licensee may apply to the board for certification under this subsection. If the board determines that a licensee that makes an application under this subsection has been fully operational and in compliance with its development agreement that is in existence on July 1, 2004 or a subsequent original development agreement, for at least 30 consecutive days, the board shall certify the licensee under this subsection, and the tax imposed on the licensee under subsection (5), as adjusted, if applicable, by subsection (6), shall be, retroactive to the first day of the 30 consecutive day period that the licensee was fully operational, reduced to 1% and shall be allocated entirely to the city where the licensee operates its casino.

(8) If the McCauley-Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.1 to 432.47, is amended to allow the operation of video lottery at horse racetracks in this state, and if video lottery is being conducted at horse racetracks in this state, the licensee is no longer obligated to pay the wagering tax under subsections (5) to (7).

(9) Notwithstanding section 9b, if the McCauley-Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.1 to 432.47, is amended to allow the operation of video lottery at horse racetracks in this state, and if video lottery is being conducted at horse racetracks in this state, a casino licensee may, after obtaining approval from the board, apply to the racing commissioner for authorization to simulcast horse races under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336. A casino licensee that is authorized under this subsection shall display and allow wagering on simulcast horse races only at the licensee's casino and shall comply with all applicable provisions of the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336, rules promulgated under that act, and the written permit to conduct simulcasting and any related order issued to the licensee by the racing commissioner. Simulcasting and wagering under this subsection are under the primary control of the racing commissioner, and the racing commissioner may revoke or suspend the authorization of or take other disciplinary action against the licensee for failing to comply with a law, rule, permit, or order as required by this subsection. However, the simulcasting and wagering under this subsection is part of the licensee's casino operation under this act and subject to the same control by the board as are other parts of the licensee's casino operation. The board may take disciplinary action under section 4a against a casino licensee for failure to comply with a law, rule, permit, or order as required by this subsection.

(10) A casino licensee is entitled to the same commission from money wagered on horse races simulcast by the licensee as a race meeting licensee is entitled to receive from wagering on simulcast horse races under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336. The same taxes, fees, and other deductions shall be subtracted and paid from the licensee's commission as are subtracted and paid from a race meeting licensee's commission under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

(11) ~~(5)~~ Payments of any amount required to a city under **1 of the methods in** subsection (4) shall be made in a manner, at those times, and subject to reporting requirements and penalties and interest for delinquent payment as may be provided for in the development agreement ; if the payment is required under a development agreement, or by ordinance if the payment is required for a tax levied by the city. Payments required under **the method described in** subsection (4)(a) may be in addition to any other payments which may be required in the development agreement for the conveyance of any interest in property, the purchase of services, or the reimbursement of expenses. Payments to a city under **the method described in** subsection (4) shall be used by the city for the purposes listed in subsection (3)(a).

(12) ~~(6)~~ Approval by the city of a development agreement or **adoption of** an ordinance approving either casino gaming or the levy of a local excise tax ~~shall not be considered~~ **does not constitute** the granting of a franchise or license by the city for purposes of any statutory, charter, or constitutional provision.

(13) ~~(7)~~ The ~~wagering tax~~ **taxes** imposed under ~~subsection (1)~~ **this section** and any tax imposed under section 13(2) shall be administered by the department of treasury in accordance with 1941 PA 122, MCL 205.1 to 205.31, and this act. In case of conflict between the provisions of 1941 PA 122, MCL 205.1 to 205.31, and this act, the provisions of this act ~~shall~~ prevail.

(14) ~~(8)~~ Funds from this act shall not be used to supplant existing state appropriations or local expenditures.

(15) **As used in this section:**

(a) "Fully operational" means that a certificate of occupancy has been issued to the casino licensee for the operation of a hotel with not fewer than 400 guest rooms and, after issuance of the certificate of occupancy, the casino licensee's casino, casino enterprise, and 400-guest-room hotel have been opened and made available for public use at their permanent location and maintained in that status.

(b) "Michigan agriculture equine industry development fund" means the Michigan agriculture equine industry development fund created in section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320.

Enacting section 1. This amendatory act takes effect September 1, 2004.

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend the Initiated Law of 1996, entitled "An act to provide for the licensing, regulation, and control of casino gaming operations, manufacturers and distributors of gaming devices and gaming related equipment and supplies, and persons who participate in gaming; to provide the distribution of revenue for public education, public safety and economic development; authorizing limited casino operations within the state of Michigan; to vest authority for the licensing, regulation, and control of casino gaming in the Michigan gaming control board; to restrict certain political contributions; to establish a code of ethics for certain persons involved in gaming; to create certain funds; to impose and authorize certain taxes and fees; to impose penalties; to authorize conservators under certain circumstances; and to make an appropriation," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

Rick Johnson
Judy Emmons
Mary Waters
Conferees for the House

Kenneth R. Sikkema
Tony Stamas
Robert L. Emerson
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the second conference report would lie over one day.

Rep. Richardville moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the text having been made available to each Member.

The motion prevailed.

The question being on the adoption of the second conference report,

The second conference report was then adopted, 3/4 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 709

Yeas—93

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

Nays—15

Bisbee	DeRossett	Hunter	Shackleton
Brandenburg	Drolet	McConico	Stakoe

Cheeks
Daniels

Garfield
Hoogendyk

Mortimer
O'Neil

Woronchak

In The Chair: Ehardt

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

Reps. Richardville and Waters offered the following resolution:

House Concurrent Resolution No. 66.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives and Senate adjourn on Wednesday, August 4, 2004, they stand adjourned until Wednesday, August 25, 2004 at 10:00 a.m.

Pending the reference of the concurrent resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

Messages from the Senate

The Senate requested the return

House Bill No. 5876, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 3503, 4105, 6516, 6517, 6521, 8310, 8504, 9112, 11509, 11511, 11512, 11516, 11542, 11703, 11704, 11709, 30104, 30105, 30113, 30304, 30307, 31509, 31512, 32312, 32503, 32515, 35304, 36505, 41702, 41709, 42101, 42501, 42702, 44513, 44517, 45503, 45902, 45903, 45906, 61525, 62509, 63103a, 63103c, 63514, 63524, 63525, 63704, 63708, 72108, 76105, 76109, 76504, and 80159 (MCL 324.3104, 324.3503, 324.4105, 324.6516, 324.6517, 324.6521, 324.8310, 324.8504, 324.9112, 324.11509, 324.11511, 324.11512, 324.11516, 324.11542, 324.11703, 324.11704, 324.11709, 324.30104, 324.30105, 324.30113, 324.30304, 324.30307, 324.31509, 324.31512, 324.32312, 324.32503, 324.32515, 324.35304, 324.36505, 324.41702, 324.41709, 324.42101, 324.42501, 324.42702, 324.44513, 324.44517, 324.45503, 324.45902, 324.45903, 324.45906, 324.61525, 324.62509, 324.63103a, 324.63103c, 324.63514, 324.63524, 324.63525, 324.63704, 324.63708, 324.72108, 324.76105, 324.76109, 324.76504, and 324.80159), sections 3104, 30104, and 32312 as amended by 2003 PA 163, sections 3503, 6521, and 8504 as added by 1995 PA 60, sections 6516 and 6517 as amended by 1996 PA 166, section 8310 as amended by 2002 PA 418, section 9112 as amended by 2000 PA 504, sections 11509 and 11511 as amended by 1996 PA 358, sections 11512 and 11516 as amended by 2003 PA 153, section 11542 as amended by 1996 PA 359, section 30105 as amended by 1999 PA 106, section 30113 as amended by 1995 PA 171, sections 30304, 31509, 31512, 32515, and 35304 as added by 1995 PA 59, section 30307 as amended by 1998 PA 228, section 32503 as amended by 2002 PA 148, section 36505 as amended by 1998 PA 470, section 41702 as amended by 2001 PA 23, sections 41709, 42101, 42501, 44513, 44517, 45503, 45903, 63514, 63525, 63704, and 63708 as added by 1995 PA 57, section 42702 as amended by 2000 PA 191, section 45902 as amended by 1996 PA 200, section 45906 as amended by 2003 PA 270, section 61525 as amended by 1998 PA 303, section 62509 as amended by 1998 PA 467, sections 63103a and 63103c as added by 1997 PA 149, sections 63524 and 76504 as amended by 2001 PA 78, sections 72108 and 80159 as added by 1995 PA 58, and sections 76105 and 76109 as amended by 2001 PA 75, and by adding sections 1301, 1303, 1305, 1307, 1309, and 1311.

(The bill was received from the Senate on July 6, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until July 14, see House Journal No. 64, p. 1650.)

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

Rep. Richardville moved that the request of the Senate be granted.

The motion prevailed.

Senate Bill No. 267, entitled

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

The Senate has substituted (S-2) the House substitute (H-1).

The Senate has concurred in the House substitute (H-1) as substituted (S-2), ordered that the bill be given immediate effect and amended the title to read as follows:

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal years ending September 30, 2004 and September 30, 2005; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-2) to the House substitute (H-1) made to the bill by the Senate,

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

Roll Call No. 710

Yeas—108

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

Nays—0

In The Chair: Ehardt

The House agreed to the title as amended.

Second Reading of Bills

House Bill No. 4111, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 2a (MCL 211.2a), as amended by 1982 PA 539.

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

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

Reps. Jamnick and Richardville 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. Jamnick moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4111, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 2a (MCL 211.2a), as amended by 1982 PA 539.

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

Roll Call No. 711

Yeas—82

Accavitti	Gillard	Middaugh	Smith
Adamini	Gleason	Milosch	Spade
Anderson	Hardman	Minore	Stahl
Bieda	Hart	Moolenaar	Stakoe
Brown	Hood	Mortimer	Stallworth
Byrum	Hopgood	Murphy	Tabor
Casperson	Howell	Newell	Tobocman
Caswell	Huizenga	Nitz	Vagnozzi
Caul	Hune	O'Neil	Van Regenmorter
Cheeks	Hunter	Palsrok	Vander Veen
Clack	Jamnick	Pappageorge	Walker
Condino	Julian	Phillips	Ward
Daniels	Kolb	Plakas	Waters
Dennis	Kooiman	Pumford	Wenke
DeRossett	LaJoy	Reeves	Whitmer
Elkins	LaSata	Richardville	Williams
Emmons	Law	Rivet	Wojno
Farhat	Lipsey	Sak	Woodward
Farrah	McConico	Sheen	Woronchak
Gaffney	Meisner	Sheltrown	Zelenko
Gielegem	Meyer		

Nays—26

Acciavatti	Garfield	Nofs	Shaffer
Amos	Hager	Palmer	Shulman
Bisbee	Hoogendyk	Pastor	Steil
Brandenburg	Hummel	Robertson	Stewart
DeRoche	Johnson, Rick	Rocca	Taub
Drolet	Johnson, Ruth	Shackleton	Voorhees
Ehardt	Koetje		

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 4880, entitled

A bill to provide for the exemption of certain manufactured housing property from certain taxes; to levy and collect a specific tax upon the owners of certain manufactured housing property; to provide for the disposition of the specific tax; to prescribe the powers and duties of certain local government officials; to provide penalties; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-6) previously recommended by the Committee on Local Government and Urban Policy,

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

Reps. Richardville and Jamnick moved to substitute (H-9) the bill.

The motion prevailed and the substitute (H-9) 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

House Bill No. 4880, entitled

A bill to provide for the exemption of certain manufactured housing property from certain taxes; to levy and collect a specific tax upon the owners of certain manufactured housing property; to provide for the disposition of the specific tax; to prescribe the powers and duties of certain local government officials; to provide penalties; and to repeal acts and parts of acts.

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

Roll Call No. 712

Yeas—80

Accavitti	Gielegem	Meisner	Sak
Adamini	Gillard	Meyer	Sheen
Anderson	Gleason	Middaugh	Sheltrown
Bieda	Hardman	Milosch	Smith
Brown	Hart	Minore	Stakoe
Byrum	Hood	Moolenaar	Stallworth
Casperson	Hopgood	Mortimer	Tabor
Caswell	Howell	Murphy	Tobocman
Caul	Huizenga	Newell	Vagnozzi
Cheeks	Hune	Nitz	Van Regenmorter
Clack	Hunter	O'Neil	Vander Veen
Condino	Jamnick	Palsrok	Ward
Daniels	Julian	Pappageorge	Waters
Dennis	Kolb	Phillips	Wenke
DeRossett	Kooiman	Plakas	Whitmer
Elkins	LaJoy	Pumford	Williams
Emmons	LaSata	Reeves	Wojno
Farhat	Law	Richardville	Woodward
Farrah	Lipsey	Rivet	Woronchak
Gaffney	McConico	Robertson	Zelenko

Nays—28

Acciavatti	Garfield	Nofs	Spade
Amos	Hager	Palmer	Stahl

Bisbee	Hoogendyk	Pastor	Steil
Brandenburg	Hummel	Rocca	Stewart
DeRoche	Johnson, Rick	Shackleton	Taub
Drolet	Johnson, Ruth	Shaffer	Voorhees
Ehardt	Koetje	Shulman	Walker

In The Chair: Ehardt

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 provide for the exemption of certain manufactured housing property from certain taxes; to levy and collect a state specific tax upon certain manufactured housing property; to provide for the disposition of the state specific tax; to prescribe the powers and duties of certain local government officials; to provide penalties; 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.

Second Reading of Bills

House Bill No. 5844, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 508 (MCL 206.508), as amended by 1990 PA 283.

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

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

Reps. Richardville and Jamnick moved to substitute (H-2) the bill.

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

Rep. 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

House Bill No. 5844, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 508 (MCL 206.508), as amended by 1990 PA 283.

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

Roll Call No. 713

Yeas—97

Accavitti	Gillard	Meyer	Sheen
Acciavatti	Gleason	Middaugh	Sheltrown
Adamini	Hager	Milosch	Smith
Amos	Hardman	Minore	Spade
Anderson	Hart	Moolenaar	Stakoe
Bieda	Hood	Mortimer	Stallworth
Brown	Hoogendyk	Murphy	Stewart

Byrum	Hopgood	Newell	Tabor
Casperson	Howell	Nitz	Taub
Caswell	Huizenga	O'Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Phillips	Voorhees
Daniels	Johnson, Ruth	Plakas	Walker
Dennis	Julian	Pumford	Ward
DeRossett	Kolb	Reeves	Waters
Drolet	Kooiman	Richardville	Wenke
Elkins	LaJoy	Rivet	Whitmer
Emmons	LaSata	Robertson	Williams
Farhat	Law	Rocca	Wojno
Farrah	Lipsey	Sak	Woodward
Gaffney	McConico	Shackleton	Woronchak
Garfield	Meisner	Shaffer	Zelenko
Gielegem			

Nays—11

Bisbee	Ehardt	Nofs	Stahl
Brandenburg	Johnson, Rick	Pastor	Steil
DeRoche	Koetje	Shulman	

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 5590, entitled

A bill to establish the foster care independence program; to provide certain services for certain youth in foster care due to child abuse or child neglect; and to prescribe the duties of certain state departments.

The bill was read a second time.

Rep. Clack 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. 5590, entitled

A bill to establish the foster care independence program; to provide certain services for certain youth in foster care due to child abuse or child neglect; and to prescribe the duties of certain state departments.

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

Roll Call No. 714

Yeas—108

Accavitti	Garfield	Meisner	Sheen
Acciavatti	Gielegem	Meyer	Sheltrown

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

Nays—0

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

Reps. Stewart, O'Neil, Pappageorge, DeRossett, Lipsey, Bisbee, Tabor, Hart, Middaugh, Ehardt, Dennis, Pumford, Hunter, Hood, Brandenburg, Stakoe, Nofs, Farhat, Elkins, Moolenaar, Casperson and Mortimer were named co-sponsors of the bill.

The Speaker moved that the Call of the House be lifted.

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4612, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

(For text of second conference report, see today's Journal, p. 1760.)

The Senate has adopted the report of the Second Committee of Conference.

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

House Concurrent Resolution No. 63.

A concurrent resolution to increase the total project cost of the Roll Building Renovation project at Kellogg Community College.

(For text of concurrent resolution, see House Journal No. 56, p. 1328.)

The Senate has adopted the concurrent resolution and named Senator Schauer as co-sponsor.

The concurrent resolution was referred to the Clerk for record.

Introduction of Bills

Rep. Newell introduced

House Bill No. 6102, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20910 (MCL 333.20910), as amended by 2000 PA 375.

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

Rep. Newell introduced

House Bill No. 6103, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20908 (MCL 333.20908), as amended by 2000 PA 375.

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

Rep. Newell introduced

House Bill No. 6104, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20917a.

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

Rep. Newell introduced

House Bill No. 6105, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4012 (MCL 600.4012), as amended by 1996 PA 10.

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

Reps. Farhat, Moolenaar, Hummel, Nitz and Kooiman introduced

House Bill No. 6106, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3122 (MCL 324.3122), as amended by 2004 PA 90, and by adding part 50.

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

Reps. Woronchak, Walker, Dennis and Zelenko introduced

House Bill No. 6107, entitled

A bill to designate the official fruit of this state.

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

Rep. Van Regenmorter introduced

House Bill No. 6108, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 2, 16, 16a, 17, 18, 18a, 20, 22, 31, 43, 44, 44a, 45, 46, 47, 61, 76, 76a, 77, 78, and 81 (MCL 780.752, 780.766, 780.766a, 780.767, 780.768, 780.768a, 780.770, 780.772, 780.781, 780.793, 780.794, 780.794a, 780.795, 780.796, 780.797, 780.811, 780.826, 780.826a, 780.827, 780.828, and 780.831), sections 2, 16, 18a, 31, 43, 44, 46, 61, 76, and 78 as amended by 2000 PA 503, sections 16a, 44a, and 76a as amended by 2003 PA 98, sections 17, 18, 45, 47, and 81 as amended by 1996 PA 562, and section 77 as added by 1988 PA 21, and by adding section 19a.

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

Reps. Farhat, Hummel, Palsrok, Accavitti, Farrah, Ward, Hune and Pastor introduced

House Bill No. 6109, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1201 (MCL 436.2201) and by adding section 521a.

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

Reps. Koetje, Vander Veen, Huizenga, Richardville, Palmer and Wenke introduced

House Bill No. 6110, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 4 (MCL 208.4), as amended by 2003 PA 240.

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

Reps. Koetje, Vander Veen, Huizenga, Richardville, Palmer and Wenke introduced

House Bill No. 6111, 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. Koetje, Vander Veen, Huizenga, Richardville and Wenke introduced

House Bill No. 6112, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 4 (MCL 208.4), as amended by 2003 PA 240.

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

Reps. Kolb, Meisner, Jamnick, Tobocman, Gillard, Lipsey, Accavitti and Farrah introduced

House Bill No. 6113, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2093) by adding chapter 8a.

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

Reps. Kolb, Minore, Jamnick, Tobocman, Gillard, Lipsey, Accavitti and Farrah introduced

House Bill No. 6114, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 174.

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

Reps. Kolb, Minore, Anderson, Jamnick, Tobocman, Vagnozzi, Accavitti and Farrah introduced

House Bill No. 6115, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17748a.

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

Reps. Kolb, Condino, Meisner, Jamnick, Vagnozzi, Accavitti and Farrah introduced

House Bill No. 6116, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending the title and sections 23, 50, and 82 (MCL 780.773, 780.800, and 780.832), the title as amended and section 50 as added by 1988 PA 22 and section 23 as amended and section 82 as added by 1988 PA 21, and by adding sections 12a, 40a, and 72a.

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

Reps. Kolb, Meisner, Minore, Jamnick, Bieda, Gillard, Lipsey, Vagnozzi, Accavitti and Farrah introduced

House Bill No. 6117, entitled

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

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

Reps. Kolb, Meisner, Jamnick, Bieda, Tobocman, Gillard, Lipsey and Farrah introduced
House Bill No. 6118, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10d (MCL 460.10d), as amended by 2002 PA 609.

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

Reps. Kolb, Spade, Meisner, Minore, Anderson, Jamnick, Bieda, Tobocman, Gillard, Vagnozzi, Accavitti and Farrah introduced

House Bill No. 6119, entitled

A bill to prohibit certain employers from monitoring employee communications unless the employer establishes an employee monitoring policy and discloses that policy to employees; and to provide certain civil remedies.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training and Safety.

Reps. Kolb, Meisner, Jamnick, Tobocman, Gillard, Lipsey, Vagnozzi, Accavitti and Farrah introduced

House Bill No. 6120, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," (MCL 247.651 to 247.675) by adding section 1j.

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

Reps. Kolb, Jamnick, Tobocman, Gillard, Vagnozzi, Accavitti and Farrah introduced

House Bill No. 6121, entitled

A bill to authorize development agreements; to prescribe the powers and duties of developers and certain governmental entities and officials; and to provide remedies.

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

Reps. Rivet, Meyer and Sheltroun introduced

House Bill No. 6122, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.142 to 21.147) by adding section 2g.

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

Reps. Ruth Johnson, Pappageorge, Rocca, Woodward and Nofs introduced

House Bill No. 6123, 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 2 (MCL 207.552), as amended by 2003 PA 5.

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

Reps. LaJoy, Taub and Ward introduced

House Bill No. 6124, entitled

A bill to identify commerce centers; to target state funding; and to prescribe the powers and duties of certain state agencies and officials.

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

Rep. Robertson introduced

House Bill No. 6125, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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

Rep. Farhat introduced

House Bill No. 6126, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 3 and 12 (MCL 207.773 and 207.782), as amended by 2001 PA 217.

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

Reps. Nofs, Ward, Gaffney and Kooiman introduced

House Bill No. 6127, entitled

A bill to provide for the establishment of a historical neighborhood tax increment finance authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

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

Reps. Nofs, Stahl, Stewart, Moolenaar, LaJoy, Shaffer, Newell, Hager, Sheen, DeRoche, Hoogendyk, Sak, Palsrok, Huizenga, Pastor, Stakoe, Middaugh, Hart, Milosch, Ward and Gaffney introduced

House Joint Resolution AA, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 11 of article IX, to dedicate state lottery revenues to the funding of education.

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

The Speaker Pro Tempore resumed the Chair.

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

House Bill No. 5415, 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 4 (MCL 207.554), as amended by 1999 PA 140.

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

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

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

The motion prevailed.

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

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

Rep. Sak moved that Reps. Plakas and O'Neil be excused from the balance of today's session.
The motion prevailed.

Rep. Phillips moved that Rep. McConico be excused from the balance of today's session.
The motion prevailed.

Rep. Lipsey moved that Rep. Murphy be excused temporarily from today's session.
The motion prevailed.

Rep. Waters moved that Rep. Smith be excused temporarily from today's session.
The motion prevailed.

Rep. Woronchak moved that Reps. Caul and LaSata be excused temporarily from today's session.
The motion prevailed.

Rep. Palmer moved that Rep. Bisbee be excused temporarily from today's session.
The motion prevailed.

Rep. Hune moved that Rep. DeRoche be excused temporarily from today's session.
The motion prevailed.

Rep. Hood moved that Rep. Law 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. 5415, 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 4 (MCL 207.554), as amended by 1999 PA 140.

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

Roll Call No. 715**Yeas—96**

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 6020, entitled**

A bill to designate Police Officers Memorial Day in the state of Michigan.

The bill was read a second time.

Rep. Koetje moved to amend the bill as follows:

1. Amend page 1, line 2, after “lives” by inserting “in the line of duty”.

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.

Rep. Pappageorge moved that Rep. Rocca 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. 6020, entitled

A bill to designate Police Officers Memorial Day in the state of Michigan.

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

Roll Call No. 716

Yeas—98

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Hardman, Waters, Daniels, Reeves, Woronchak, Anderson, Phillips, Zelenko, Kolb, Jamnick, DeRossett, Lipsey, Whitmer, Tabor, Hart, Koetje, Kooiman, Voorhees, Hager, Ehardt, Hummel, Howell, Williams, Caul, Pumford, Shackleton, Adamini, Brown, Cheeks, Stallworth, Hunter, Farrah, Pastor, LaJoy, Law, Brandenburg, Wojno, Acciavatti, Clack, Condino, Vagnozzi, DeRoche, Accavitti, Stakoe, Garfield, Hune, Gleason, Milosch, Nofs, Wenke, Ward, Emmons, Steil, Sak, Farhat, Moolenaar, Palsrok, Gillard and Casperson were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 6036, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2000 PA 309.

The bill was read a second time.

Rep. Bieda moved to amend the bill as follows:

1. Amend page 3, line 8, after "**public**" by striking "**generally for**" and inserting "**for educational and**".

2. Amend page 3, line 9, after "**to,**" by inserting "**low-impact, non-destructive activities such as**".

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. 6036, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2000 PA 309.

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

Roll Call No. 717

Yeas—101

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

Nays—0

In The Chair: Julian

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

Second Reading of Bills**House Bill No. 4231, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252a, 252b, 252d, and 252g (MCL 257.252a, 257.252b, 257.252d, and 257.252g), section 252a as amended by 2002 PA 649, section 252b as amended and section 252g as added by 1981 PA 104, and section 252d as amended by 2000 PA 76.

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

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

Rep. Koetje moved to substitute (H-3) the bill.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4231, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252a, 252b, 252d, and 252g (MCL 257.252a, 257.252b, 257.252d, and 257.252g), section 252a as amended by 2002 PA 649, section 252b as amended and section 252g as added by 1981 PA 104, and section 252d as amended by 2000 PA 76.

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

Roll Call No. 718**Yeas—100**

Accavitti	Gleason	Middaugh	Shulman
Acciavatti	Hager	Milosch	Smith
Adamini	Hardman	Minore	Spade
Amos	Hart	Moolenaar	Stahl
Anderson	Hood	Mortimer	Stakoe
Bieda	Hoogendyk	Murphy	Stallworth
Brown	Hopgood	Newell	Steil
Byrum	Howell	Nitz	Stewart
Casperson	Huizenga	Nofs	Tabor
Caswell	Hummel	Palmer	Taub
Cheeks	Hune	Palsrok	Tobocman
Clack	Hunter	Pappageorge	Vagnozzi
Condino	Jamnick	Pastor	Van Regenmorter
Daniels	Johnson, Rick	Phillips	Vander Veen
Dennis	Johnson, Ruth	Pumford	Voorhees
DeRoche	Julian	Reeves	Walker

DeRossett	Koetje	Richardville	Ward
Ehardt	Kolb	Rivet	Waters
Elkins	Kooiman	Robertson	Wenke
Emmons	LaJoy	Rocca	Whitmer
Farhat	LaSata	Sak	Williams
Farrah	Law	Shackleton	Wojno
Gaffney	Lipsey	Shaffer	Woodward
Gielegem	Meisner	Sheen	Woronchak
Gillard	Meyer	Sheltrown	Zelenko

Nays—2

Brandenburg

Garfield

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 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 252a, 252b, 252d, 252e, 252f, and 252g (MCL 257.252a, 257.252b, 257.252d, 257.252e, 257.252f, and 257.252g), section 252a as amended by 2002 PA 649, section 252b as amended and sections 252e, 252f, and 252g as added by 1981 PA 104, and section 252d as amended by 2000 PA 76, and by adding section 252h; 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.

Second Reading of Bills

House Bill No. 5919, entitled

A bill to designate an official cookie of this state.

The bill was read a second time.

Rep. Rick Johnson moved to amend the bill as follows:

1. Amend page 1, line 1, after “The” by striking out “Michigan treasure” and inserting “chocolate no-bake”.

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

Rep. Rick Johnson moved to amend the bill as follows:

1. Amend page 1, line 2, after “state.” by inserting “The recipe for chocolate no-bake cookies includes the following items:

- A) 2 cups granulated sugar
- B) 1/2 cup evaporated milk
- C) 2 tablespoons cocoa
- D) 4 ounces butter
- E) 1 teaspoon vanilla extract
- F) 1/2 cup chopped pecans
- G) 2 1/2 cups quick-cooking oats

Combine sugar, milk, cocoa, and butter in a medium saucepan. Bring to a boil over medium heat, stirring constantly; boil for 1 minute. Remove from heat; stir in vanilla and chopped nuts. Add oatmeal and stir to blend thoroughly. Drop by teaspoonfuls onto waxed paper. Makes about 4 dozen no-bake chocolate oatmeal cookies.”.

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

Rep. Gaffney 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. 5919, entitled

A bill to designate an official cookie of this state.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Second Reading of Bills

House Bill No. 6068, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4y.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 6068, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4y.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Second Reading of Bills

House Bill No. 5812, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39a.

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. 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.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5812, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39a.

The bill was read a third time.

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

Messages from the Senate

House Concurrent Resolution No. 66.

A concurrent resolution prescribing the legislative schedule

(For text of concurrent resolution, see today's Journal, p. 1763.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

House Bill No. 4508, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 373, 375, 403a, 404b, 412a, 413a, 414a, 415, 416, 417a, 418a, 422, 424, 431a, 432, 433, 434, 441, 442, 443, 445, 449, 451, 461, 462, 472, and 485 (MCL 380.3, 380.373, 380.375, 380.403a, 380.404b, 380.412a, 380.413a, 380.414a, 380.415, 380.416, 380.417a, 380.418a, 380.422, 380.424, 380.431a, 380.432, 380.433, 380.434, 380.441, 380.442, 380.443, 380.445, 380.449, 380.451, 380.461, 380.462, 380.472, and 380.485), sections 3 and 416 as amended by 1995 PA 289, section 373 as amended by 2000 PA 230, sections 375 and 449 as added by 1999 PA 10, sections 403a, 418a, and 431a as amended and sections 404b and 485 as added by 1982 PA 71, section 412a as amended by 1989 PA 268, sections 413a and 414a as added by 1981 PA 96, section 417a as amended by 1985 PA 86, section 442 as amended by 2002 PA 58, section 443 as amended by 1983 PA 118, and section 445 as amended by 2002 PA 334, and by adding sections 420 and 421; and to repeal acts and parts of acts.

The Senate has substituted (S-5) the bill.

The Senate has passed the bill as substituted (S-5), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 3, 373, 375, 403a, 404b, 411a, 412a, 413a, 414a, 415, 416, 417a, 418a, 422, 424, 431a, 432, 433, 434, 441, 442, 443, 445, 449, 451, 461, 462, 471a, 472, 483a, and 485 (MCL 380.3, 380.373, 380.375, 380.403a, 380.404b, 380.411a, 380.412a, 380.413a, 380.414a, 380.415, 380.416, 380.417a, 380.418a, 380.422, 380.424, 380.431a, 380.432, 380.433, 380.434, 380.441, 380.442, 380.443, 380.445, 380.449, 380.451, 380.461, 380.462, 380.471a, 380.472, 380.483a, and 380.485), sections 3 and 416 as amended by 1995 PA 289, section 373 as amended by 2000 PA 230, sections 375 and 449 as added and section 471a as amended by 1999 PA 10, sections 403a, 418a, and 431a as amended and sections 404b and 485 as added by 1982 PA 71, sections 411a and 412a as amended by 1989 PA 268, sections 413a, 414a, and 483a as added by 1981 PA 96, section 417a as amended by 1985 PA 86, section 442 as amended by 2002 PA 58, section 443 as amended by 1983 PA 118, and section 445 as amended by 2002 PA 334, and by adding sections 403, 404, 410, 412, 416a, 420, and 421; and to repeal acts and parts of acts.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-5) made to the bill by the Senate,

Rep. Tobocman moved to amend the Senate substitute (S-5) as follows:

1. Amend page 35, line 4, after “a” by striking out “**majority vote of the**” and inserting “**vote of no less than 7**”.

2. Amend page 35, line 5, after “**board**” by striking out the balance of the sentence and inserting a period.

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. 719

Yeas—41

Accavitti	Elkins	Kolb	Spade
Adamini	Farrah	Law	Stallworth
Anderson	Gielegem	Lipsey	Tobocman
Bieda	Gillard	Meisner	Vagnozzi
Brown	Gleason	Minore	Waters
Byrum	Hardman	Murphy	Whitmer
Cheeks	Hood	Phillips	Williams
Clack	Hopgood	Reeves	Wojno
Condino	Hunter	Sak	Woodward
Daniels	Jamnick	Smith	Zelenko
Dennis			

Nays—59

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

In The Chair: Julian

The question being on concurring in the substitute (S-5) made to the bill by the Senate,

The substitute (S-5) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 720

Yeas—70

Accavitti	Hager	Mortimer	Shulman
Acciavatti	Hoogendyk	Newell	Stahl
Amos	Howell	Nitz	Stakoe

Bieda	Huizenga	Nofs	Stallworth
Brandenburg	Hummel	Palmer	Steil
Casperson	Hune	Palsrok	Stewart
Caswell	Johnson, Rick	Pappageorge	Tabor
Cheeks	Johnson, Ruth	Pastor	Taub
Daniels	Julian	Reeves	Tobocman
DeRoche	Koetje	Richardville	Van Regenmorter
DeRossett	Kooiman	Rivet	Vander Veen
Ehardt	LaJoy	Robertson	Voorhees
Elkins	Law	Rocca	Walker
Emmons	Lipsey	Shackleton	Ward
Farhat	Meyer	Shaffer	Wenke
Gaffney	Middaugh	Sheen	Wojno
Garfield	Milosch	Sheltrown	Woronchak
Gillard	Moolenaar		

Nays—33

Adamini	Gielegem	Kolb	Smith
Anderson	Gleason	LaSata	Spade
Brown	Hardman	Meisner	Vagnozzi
Byrum	Hart	Minore	Waters
Caul	Hood	Murphy	Whitmer
Clack	Hopgood	Phillips	Williams
Condino	Hunter	Pumford	Woodward
Dennis	Jamnick	Sak	Zelenko
Farrah			

In The Chair: Julian

The House agreed to the title as amended.

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

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

“Mr. Speaker and members of the House:

In my first term here, the Legislature - over my objections - voted to take control of the Detroit School Board for a period of five years. Inherent in that take-over was a promise to the citizens of Detroit that they would have an ‘up-or-down’ vote at the end of the five years. The citizens could vote to return to the ‘traditional’ model or retain the control model. I believe that this legislation would break that promise by inserting a ‘middle ground’ position that would politicize the school system with the Mayoral model. I would prefer that we keep the promise we made to Detroit citizens and allow for the ‘up or down’ vote. If, at some subsequent time the citizens wish to modify the traditional model, they would be free to do so.”

Rep. Waters, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

When the current Detroit School Reform Board was mandated by Senate Bill 297 in 1999, a 5-year timeline was established that called for a November 2004 election that would, very simply, provide the citizens of Detroit the opportunity to regain their right to elect their local school board. The right of the people to elect their own school board in their own community is a right and a civic duty of citizens everywhere in the state of Michigan - everywhere currently except Detroit.

The law as it existed without HB 4508 would have provided that Detroit residents choose either to keep the reform board now in place, or return to a voter-elected school board that would choose a superintendent to administer Detroit schools.

The version of HB 4508 that the Legislature passed today dishonors that promise, the same way that the version that passed the House in December 2003 attempted to dishonor that promise.

I believe it is fundamentally unfair for this legislative body to change the scheduled November 2004 election. A dilution of voting rights in Detroit contributes to the erosion of democracy everywhere. We must not turn back the

clock to a time when it took federal troops and an act of Congress to give African-Americans the right to vote and the right to participate in the American democracy that our children in uniform are now dying to protect and maintain.

Detroit deserves a school board that is elected and accountable to the people, and to be accountable it must be empowered, not under the ultimate control of any one individual. Without authority over decision-making, Detroit's 'new' school board under this legislation would be effectively reduced to a figurehead.

After five long years it is time - and it is right - for the people of Detroit to be the ones to guide and protect the educational destinies of our children. The people of Detroit - like people in cities across Michigan - care deeply about our children. We want what's best for our children. We are no different from any other Michigan community in that regard. And the promise of an education for children in Detroit is not complete if we do not also include for them the promise that they will be able to participate fully in our American democracy when they become adults."

Rep. Jamnick, having reserved the right to explain her nay vote, made the following statement:

"Mr. Speaker and members of the House:

In my first term in the House (1999-2000 Session) we passed legislation that took away the school board member election process for the citizens of Detroit. Part of the legislation provided a five year period for the Detroit Reform School Board to function and at the end of that period, the citizens of Detroit would be able to vote to return to electing their school board members. While I voted 'yes' when this bill was before the House, having given more thought to the issues, this 'no' vote is to simply return their vote to these citizens."

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

"Mr. Speaker and members of the House:

I voted no on House Bill 4508 for one simple reason. This bill would create an added expense of up to \$1.5 million to the State at a time when we are facing a \$920 million deficit. Additionally, if the State chooses not to provide this funding, then cash-strapped Detroit would be forced to pay for the special election on its own.

It is for this reason that I voted no on House Bill 4508."

Rep. Zelenko, having reserved the right to explain her nay vote, made the following statement:

"Mr. Speaker and members of the House:

In 1999 the Legislature voted to take control of the Detroit School Board for a period of five years. Inherent in that take-over was a promise to the citizens of Detroit that they would have an 'up-or-down' vote at the end of the five years. The citizens could vote to return to the 'traditional' model or retain the control model. I believe that this legislation would break that promise by inserting a 'middle ground' position that would politicize the school system with the Mayoral model. I would prefer that we keep the promise we made to Detroit citizens and allow for the 'up or down' vote. If, at some subsequent time the citizens wish to modify the traditional model, they would be free to do so."

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved that pursuant to House Rule 20, the Clerk of the House be authorized to enroll House bills while the House is not in session.

The motion prevailed.

Rep. Richardville moved that when the House adjourns today it stand adjourned until Wednesday, August 25, at 10:00 a.m.

The motion prevailed.

Rep. Kolb moved that the House adjourn.

The motion prevailed, the time being 11:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, August 25, at 10:00 a.m.