

No. 72
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Tuesday, September 6, 2005.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. David Palsrok, from the 101st District, offered the following invocation:

“O heavenly Father, we come to You today, as always, asking for Your help and guidance as we strive to do Your will for the good of all Your people, that through Your mercy and strength the discussions and decisions we make today will reflect Your wishes for making a better tomorrow. We also continue to ask for added strength and understanding as we, Your people, look for ways to help in the aftermath of Hurricane Katrina. We pray to You wholeheartedly for the great needs that follow in the wake of this disaster, both in the basic necessities of a devastated people calling out for physical assistance and in the spiritual to help cope with such widescale loss and ruin.

As we gather together with thoughts and sympathies of New Orleans and the surrounding areas, states and agencies on our minds and in our hearts we ask You, Lord, to listen to we Your servants who pray to You.

Lord, hear our prayer, for the wisdom of the President and his cabinet as they guide national response efforts.

Lord, hear our prayer, for the hearing and health of the injured, ill and elderly.

Lord, hear our prayer, for the wisdom and strength of relief workers and law enforcement officials.

Lord, hear our prayer, for the consolation for those who have lost loved ones and those whose loved ones are missing.

Lord, hear our prayer, for the safe travel and care of evacuated residents, and for the communities providing shelter.

Lord, hear our prayer, for a stop to the looting and a spirit of lawfulness on the part of all.

Lord, hear our prayer, for the people of the world who are providing welcomed assistance through donations and prayer.

Lord, hear our prayer, for restoration of electricity and water supplies, and a willingness to conserve these resources by all.

Lord, hear our prayer, for the delivery of aid to those still needing basics of food and water.

Lord, hear our prayer, for the cooperation and communication between federal, state and local agencies, and Your people everywhere as we remember, rebuild and rejoice in Your glory, Amen.”

Rep. Waters moved that Reps. Cushingberry, Lemmons, Jr. and Phillips be excused from today’s session.

The motion prevailed.

Rep. Palmer moved that Rep. LaJoy be excused from today’s session.

The motion prevailed.

Second Reading of Bills

House Bill No. 4997, entitled

A bill to amend 1996 PA 354, entitled “Savings bank act,” by repealing section 514 (MCL 487.3514).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4998, entitled

A bill to amend 1980 PA 307, entitled “Savings and loan act of 1980,” by repealing section 1135 (MCL 491.1135).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4999, entitled

A bill to amend 2003 PA 215, entitled “Credit union act,” by repealing section 307 (MCL 490.307).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5000, entitled

A bill to amend 1999 PA 276, entitled “Banking code of 1999,” by repealing section 4406 (MCL 487.14406).

The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Byrnes, Hood, Sheltroun, Mayes, Anderson, Spade, Clemente, Polidori, Hopgood, Wojno, Kolb, Farrah, Gonzales, Accavitti, Dillon, Bieda, Caul, Condino, Elsenheimer, Garfield, Gillard, Hildenbrand, Lipsey, Meyer, Miller, Mortimer, Alma Smith, Stakoe, Waters, Zelenko, Brown, Kathleen Law, Meisner, Plakas, Sak, Brandenburg, Donigan, Gleason, Green, Leland, Tobocman and Lemmons, III offered the following resolution:

House Resolution No. 120.

A resolution declaring September 2005 as College Savings Month in the state of Michigan.

Whereas, As the state of Michigan prepares to compete in the global economy of the 21st century, it is imperative that the children of our state have access to the education and skills that will ensure them success in the future; and

Whereas, Through the hard work and dedication of the families and loved ones of the youth of Michigan, students will have the opportunity to pursue higher education and a chance for educational advancement; and

Whereas, It is extremely important that our state maintain access to postsecondary education, and encourage parents, family members, friends and neighbors to save for our young people's education; and

Whereas, Federal and state government must continue to encourage savings for the future and provide parents, grandparents, friends and businesses additional opportunities to support the educational needs and goals of our children; and

Whereas, It is in the interest of the state to ensure that the people of Michigan have the opportunity to obtain a postsecondary education and to encourage parents to save for their children's education; and

Whereas, The Michigan Education Trust, the nation's first prepaid college tuition plan, was provided by the state of Michigan as a Section 529 Qualified Tuition Plan (QTP), which was passed by our state's legislature through duly enacted laws; and

Whereas, The Michigan Education Savings Program continues to help families save for college expenses and has been named one of the top college savings programs in the nation; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body do hereby declare September 2005 as College Savings Month in the state of Michigan.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Steil, Shaffer, Jones, Vander Veen, Baxter, Robertson, Brandenburg, Hansen, Hildenbrand, Stahl, Booher, Bieda, Caswell, Elsenheimer, Garfield, Gosselin, Meyer, Moore, Mortimer, Palmer, Stakoe, Taub and Sheen offered the following resolution:

House Resolution No. 121.

A resolution to memorialize the United States Congress to adopt and present to the states for ratification an amendment to the United States Constitution to prohibit the counting of illegal immigrants in the tabulations of population for purposes of apportioning members of Congress among the states.

Whereas, Due to lax enforcement of immigration laws, there are more than 9.3 million noncitizens currently living in the United States. Unfortunately, the United States Constitution does not prohibit the Census Bureau from counting noncitizens in the tabulations of population for purposes of apportioning members of Congress among the states. This is a serious problem because it undermines the principle of "one man, one vote." For example, states like Michigan that are composed almost entirely of American citizens lose representation to states with immigrant-heavy Congressional districts. Further, it provides a few states with the incentive to knowingly give refuge to illegal aliens, resulting in the loss of political clout of Michigan and eight other states; and

Whereas, In 2000, an estimated 5.3 million noncitizens in California were counted by the Census Bureau. In one Californian district, more than 260,000 noncitizens, or 43 percent of the district's population, were tabulated, a ratio of almost four noncitizens for every voter. As a result, it took fewer than 35,000 votes to win the district compared to almost 100,000 votes to win a typical Congressional race in Michigan. If only legal citizens were counted, California would have been allocated six fewer seats in the House of Representatives. In addition, New York, Texas, and Florida, which along with California account for more than 50 percent of all noncitizens residing in the United States, would have been allocated one fewer Congressional seat apiece if only citizens were calculated; and

Whereas, Over the past 45 years, Michigan has lost four seats in the United States House of Representatives. In 2010, the state is expected to lose at least one more congressional seat. To prevent the further unfair waning of state political power, Congress must adopt and present to the states for ratification H.J.R. 53. This measure will prevent noncitizens from subverting American democracy and manipulating the manner in which Congress is apportioned by allowing for only the counting of citizens; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to adopt and present to the states for ratification an amendment to the United States Constitution to prohibit the counting of illegal immigrants in the tabulations of population for purposes of apportioning members of Congress among the states; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stahl, Chair, of the Committee on Family and Children Services, was received and read:

Meeting held on: Tuesday, September 6, 2005

Present: Reps. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade and Lemmons, Jr.

Absent: Rep. Polidori

Excused: Rep. Polidori

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 6, 2005

Present: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner, Tobocman, Dillon, Bennett and Accavitti

Absent: Reps. Murphy and McConico

Excused: Reps. Murphy and McConico

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, September 1, for her approval of the following bills:

Enrolled House Bill No. 4702 at 11:19 a.m.

Enrolled House Bill No. 4703 at 11:21 a.m.

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Thursday, September 1:

House Bill Nos.	5110	5111	5112	5113	5114														
Senate Bill Nos.	688	689	690	691	692	693	694	695	696	697	698	699	700	701					
	702	703	704	705	706	707	708	709	710	711	712	713	714	715					
	716	717	718	719															
Senate Joint Resolution		E																	

Messages from the Governor

The following message from the Governor was received August 31, 2005 and read:

EXECUTIVE ORDER No. 2005 – 16

STATE OF ENERGY EMERGENCY

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 3 of 1982 PA 191, MCL 10.83, authorizes the Governor to declare a State of Energy Emergency upon notification of an impending energy emergency by the Energy Advisory Committee, or upon the Governor's own initiative, if the Governor finds that an energy emergency exists or is imminent;

WHEREAS, the destruction caused by Hurricane Katrina in Louisiana, Mississippi, and Alabama, has degraded significantly the supply of crude oil from the Gulf Coast to Midwest oil refineries, including in Michigan;

WHEREAS, the effects of Hurricane Katrina have also impacted seriously the supply and price of gasoline, diesel fuel, and other petroleum products in the Midwest and Michigan;

WHEREAS, the Energy Advisory Committee reports that the current situation has affected the transportation of petroleum products in Michigan and the ability to supply gasoline that meets federal air quality requirements;

WHEREAS, the Energy Advisory Committee today notified the Governor that based on information available to the Committee from the Michigan Public Service Commission, other state agencies, and other sources of information an energy emergency is imminent in this state due to the effects of Hurricane Katrina;

WHEREAS, the Energy Advisory Committee also has recommended that the Governor declare a State of Energy Emergency so that appropriate action may be taken;

WHEREAS, it is in the best interests of the State of Michigan that appropriate measures be taken in response to an imminent energy emergency to ensure that petroleum supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and 1982 PA 191, MCL 10.81 to 10.87, order the following:

1. A State of Energy Emergency is declared in the State of Michigan. Pursuant to Section 3 of 1982 PA 191, MCL 10.83, the State of Energy Emergency is effective until the earlier of either of the following:

- a. A finding by the Governor that the energy emergency no longer exists.
- b. Tuesday, November 29, 2005.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 31st day of August, in the year of our Lord, two thousand and five.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received August 31, 2005 and read:

EXECUTIVE ORDER

No. 2005 – 17

STATE OF ENERGY EMERGENCY

**WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS
TRANSPORTING GASOLINE, DIESEL FUEL, AND JET FUEL**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 4 of 1982 PA 191, MCL 10.84, during a declared State of Energy Emergency the Governor may by executive order suspend a statute, order, rule of a state agency, or specific provision of a statute, rule, or order if strict compliance with the statute, order, rule, or a specific provision of the statute, rule, or order will prevent, hinder, or delay necessary action in coping with the energy emergency;

WHEREAS, based on the effects of Hurricane Katrina, Executive Order 2005-16 declared a State of Energy Emergency in this state beginning on August 31, 2005;

WHEREAS, the United States Department of Transportation Federal Motor Carrier Safety Administration has declared that a regional transportation emergency exists in the Midwest Region (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin) in the highway transportation of certain petroleum products;

WHEREAS, as a result of the declared regional transportation emergency, the Federal Motor Carrier Safety Administration, acting pursuant to 49 CFR 390.23, has exempted motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel from 49 CFR Parts 390-399 to address transportation needs arising from the impact of Hurricane Katrina. The exemption is effective from 1:00 p.m. EDT, August 31, 2005 until 1:00 p.m. EDT, September 14, 2005;

WHEREAS, in addition, appropriate measures must be taken at the state level in response to the energy emergency to ensure that petroleum supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and 1982 PA 191, MCL 10.81 to 10.87, order the following:

1. Motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel in Michigan to address transportation needs arising from the impact of Hurricane Katrina are exempt from compliance with any applicable state statute, order, or rule substantially similar to 49 CFR Parts 390-399. Any such provision of a state statute, order, or rule is suspended. The exemption and suspension exemption is effective from the time of the issuance of this Order until 1:00 p.m. EDT, September 14, 2005.

2. This order applies only to gasoline, diesel fuel, and jet fuel. No other petroleum products are covered by the exemption and suspension under this Order.

3. Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and any similar state statute, order, or rule), the commercial driver's license requirements (49 CFR Part 383 and any similar state statute, order, or rule), the financial responsibility requirements (49 CFR Part 387 and any similar state statute, order, or rule), applicable size and weight requirements, or any portion of federal regulations not specifically identified.

4. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.

5. The Federal Motor Carrier Safety Administration has required that drivers for motor carriers operating under the Declaration of Emergency issued under federal regulations must have a copy of the federal Declaration of Emergency in their possession. A copy of that Declaration of Emergency is attached to this Order.

6. The Motor Carrier Division of the Department of State Police shall coordinate state compliance with this Order. This Order is effective until the earliest of any of the following:

a. A finding by the Governor that the State of Energy Emergency declared under Executive Order 2005-16 no longer exists.

b. Rescission of this Order.

c. 1:00 p.m. EDT, Wednesday, September 14, 2005.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 31st day of August, in the year of our Lord, two thousand and five.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received August 31, 2005 and read:

EXECUTIVE ORDER

No. 2005 – 18

STATE OF ENERGY EMERGENCY

TEMPORARY SUSPENSION OF RULES FOR GASOLINE VAPOR PRESSURE

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 4 of 1982 PA 191, MCL 10.84, during a declared State of Energy Emergency the Governor may by executive order suspend a statute, an order, a rule of a state agency, or a specific provision of the statute, rule, or order if strict compliance with the statute, order, rule, or a specific provision of the statute, rule, or order will prevent, hinder, or delay necessary action in coping with the energy emergency;

WHEREAS, based on the effects of Hurricane Katrina, Executive Order 2005-16 declared a State of Energy Emergency in this state beginning on August 31, 2005;

WHEREAS, appropriate measures must be taken in response to the energy emergency to ensure that gasoline supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to powers vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

1. Regulation No. 561, entitled, "Dispensing Facility Reid Vapor Pressure," promulgated by the Laboratory Division of the Department of Agriculture, 1997 AACRS, R 285.561.1 to 285.561.10, is suspended for the duration of the State of Energy Emergency declared in Executive Order 2005-16.

The Department of Agriculture is responsible for coordinating state compliance with this Order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 31st day of August, in the year of our Lord, two thousand and five.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received September 1, 2005 and read:

EXECUTIVE ORDER

No. 2005 – 19

INTERSTATE EMERGENCY MANAGEMENT ASSISTANCE COMPACT AND CALLING TO ACTIVE DUTY ELEMENTS OF THE MICHIGAN NATIONAL GUARD

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 12 of Article V of the Michigan Constitution of 1963, the Governor is the commander-in-chief of the armed forces of this state;

WHEREAS, under Section 151 of the Michigan Military Act, 1967 PA 150, MCL 32.551, the Governor may order to active state service any members of the Michigan National Guard in case of tumult, breach of the peace, resistance of process, or for service in aid of civil authority, whether state or federal, or in time of public danger, disaster, crisis, catastrophe or other public emergency within this state;

WHEREAS, under Section 159 of the Michigan Military Act, 1967 PA 150, MCL 32.559, the Governor may enter into an agreement with the governors of 1 or more other states authorizing the military forces of this state, in time of invasion, rebellion, public disaster, or catastrophe to be employed within the area of the other states for mutual assistance in the public interest;

WHEREAS, by enacting Public Act 247 of 2001, MCL 3.991 to 3.994, and Public Act 248 of 2001, MCL 3.1001 to 3.1004, the State of Michigan entered into the Interstate Emergency Management Assistance Compact ("Compact") with all other jurisdictions legally joining into the Compact;

WHEREAS, the purpose of the Compact is to provide for mutual assistance between the states entering into the Compact in managing any emergency or disaster that is duly declared by the governor of an affected state whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack;

WHEREAS, Hurricane Katrina has devastated portions of the States of Louisiana and Mississippi causing dangerous and life-threatening conditions and the destruction of property within those states requiring assistance with rescue and recovery operations for persons in the affected areas, security for persons and property, and with other aid to the damaged and destroyed areas;

WHEREAS, the governors of the States of Louisiana and Mississippi have declared states of emergency in their states due to the catastrophic effects of Hurricane Katrina and have requested the assistance of the State of Michigan pursuant to the Compact;

WHEREAS, personnel and resources of the Michigan National Guard are required and critical to response under the Compact;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

1. The Department of Military and Veterans Affairs is authorized to utilize resources of the state military establishment to provide assistance to the States of Louisiana and Mississippi as provided under the Compact.

2. Other state departments and agencies shall assist the Department of Military and Veterans Affairs in responding to this situation as needed.

3. Those elements of the Michigan National Guard the Adjutant General deems necessary to assist in responding to the States of Louisiana and Mississippi by providing rescue, relief, and other response activities under the Compact are called to active state service.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 1st day of September, in the year of our Lord, two thousand and five.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received September 2, 2005 and read:

EXECUTIVE ORDER

No. 2005 – 20

STATE OF ENERGY EMERGENCY

TEMPORARY USE OF DYED DIESEL FUEL

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 4 of 1982 PA 191, MCL 10.84, during a declared State of Energy Emergency the Governor may by executive order suspend a statute, an order, a rule of a state agency, or a specific provision of the statute, rule, or order if strict compliance with the statute, order, rule, or a specific provision of the statute, rule, or order will prevent, hinder, or delay necessary action in coping with the energy emergency;

WHEREAS, based on the effects of Hurricane Katrina, Executive Order 2005-16 declared a State of Energy Emergency in this state beginning on August 31, 2005;

WHEREAS, effective August 31, 2005, in response to shortages of clear diesel fuel caused by the effects of Hurricane Katrina, the federal Environment Protection Agency is temporarily allowing regulated parties to supply motor vehicle diesel fuel having a sulfur content greater than 500 parts per million with visible evidence of red dye;

WHEREAS, on September 2, 2005, the federal Internal Revenue Service declared that it will not impose a penalty when dyed diesel fuel is sold for use or used on highways;

WHEREAS, the waiver provided by the Internal Revenue Service is available only if the operator of the vehicle in which the dyed diesel fuel is used or the person selling the fuel pays the federal tax of 24.4 cents per gallon;

WHEREAS, the waiver issued by the Internal Revenue Service remains in effect through September 15, 2005;

WHEREAS, appropriate measures must be taken in Michigan to ensure that fuel supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to powers vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

1. The provisions of Section 121 of the Motor Fuel Tax Act, 2000 PA 403, MCL 207.1121, prohibiting the sale, use, holding for sale, or holding for use of dyed diesel fuel are suspended through September 15, 2005.

2. The provisions of Section 122 of the Motor Fuel Tax Act, 2000 PA 403, MCL 207.1122, prohibiting a person from operating or maintaining a motor vehicle on the public roads or highways of this state with dyed diesel fuel in the vehicle's fuel supply tank are suspended through September 15, 2005.

3. Consistent with the Internal Revenue Service waiver of federal penalties, this Order does not remove the obligation of any nonexempt person to pay state taxes on dyed diesel fuel in the same manner as other diesel fuel.

4. As used in this Order, "dyed diesel fuel" means diesel fuel that is dyed in accordance with Internal Revenue Service rules or pursuant to any other Internal Revenue Service requirements, including any invisible marker requirements.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 2nd day of September, in the year of our Lord, two thousand and five.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received September 4, 2005 and read:

EXECUTIVE ORDER
No. 2005 – 21

DECLARATION OF STATE OF DISASTER

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, the Governor shall, by executive order or proclamation, declare a state of disaster if he or she finds a disaster has occurred or the threat of disaster exists;

WHEREAS, under the Section 2 of the Emergency Management Act, a disaster means an “occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or human-made cause, including, but not limited to, fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders”;

WHEREAS, the destruction caused by Hurricane Katrina in the Gulf Coast region has resulted in numerous fatalities, injuries, and major devastation in the States of Louisiana, Mississippi, and Alabama;

WHEREAS, significant relief efforts are necessary to protect the public health, to preserve public safety, and to restore the social and economic welfare of persons impacted by the storm;

WHEREAS, the assistance of state governments throughout much of the United States, including Michigan, have been requested to assist with relief efforts in response to Hurricane Katrina;

WHEREAS, a Declaration of State of Disaster is necessary to activate Michigan’s emergency management plan and enable Michigan to continue providing mutual aid and other state assets to the relief effort;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

1. To facilitate this state’s efforts to respond to the effects of Hurricane Katrina, a State of Disaster is declared.
2. The State of Disaster continues in effect until the earliest of the following:
 - a. The Governor finds that the threat or danger has passed.
 - b. The Governor finds that the disaster has been dealt with to the extent that disaster conditions no longer exist.
 - c. October 2, 2005.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 4th day of September, in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The message was referred to the Clerk.

Introduction of Bills

Rep. Bieda introduced

House Bill No. 5115, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 175.

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

Reps. Williams, Phillips, Lipsey, Lemmons, Jr., Hood, Virgil Smith, Adamini, McConico and Brown introduced

House Bill No. 5116, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 70104 (MCL 324.70104), as added by 1995 PA 58.

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Reps. Gosselin, Garfield, Drolet and Pastor introduced

House Bill No. 5117, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 3, 10, and 12 (MCL 207.623, 207.630, and 207.632), section 12 as amended by 2002 PA 237.

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

Reps. Gosselin, Garfield, Drolet, Pastor and Marleau introduced

House Bill No. 5118, entitled

A bill to amend 1978 PA 325, entitled "An act to provide for and implement a suggestion awards program and a quality recognition system; and to prescribe the duties of certain state departments and agencies," by amending sections 1 and 3 (MCL 38.1161 and 38.1163), as amended by 1998 PA 119.

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

Reps. Kathleen Law, Meisner, Hopgood, Mayes, Espinoza, McDowell, Byrum, Sak, Gleason, Plakas, Vagnozzi, Donigan, Gonzales, Clack, Gillard, Waters, Alma Smith, Williams, Zelenko, Kehrl, Leland, Clemente, Tobocman, Polidori, McConico, Lemmons, Jr., Murphy, Lipsey, Sheltroun, Brown, Adamini, Byrnes, Bennett and Lemmons, III introduced

House Bill No. 5119, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," (MCL 290.641 to 290.650d) by adding section 3a.

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

Reps. Sheltroun, Kehrl, Vagnozzi, Lemmons, Jr., Brown, Adamini, McDowell, Byrum, Meisner, Alma Smith, Hopgood, Williams, Zelenko, Leland, Mayes, Clemente, Tobocman, Polidori, Farrah, Lipsey, Kolb, Byrnes, Bennett, Kathleen Law, Espinoza and Lemmons, III introduced

House Bill No. 5120, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 2, 3, and 5 (MCL 290.642, 290.643, and 290.645), section 2 as amended by 1993 PA 236 and sections 3 and 5 as amended by 2002 PA 13.

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

Reps. Polidori, Clemente, Byrnes, Miller, Hopgood, Condino, Jones, Plakas, Espinoza, Gleason, Vagnozzi, Accavitti, Gonzales, Wojno, Lipsey, Hood, McConico, Lemmons, Jr., Murphy, Kolb, Adamini, Sak, Meisner, Alma Smith, Williams, Zelenko, Spade, Leland, Tobocman, Sheltroun, Garfield and Lemmons, III introduced

House Bill No. 5121, entitled

A bill to amend 1964 PA 283, entitled "Weights and measures act," by amending section 28b (MCL 290.628b).

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

Rep. Vander Veen introduced

House Bill No. 5122, entitled

A bill to amend 1984 PA 274, entitled "Michigan antitrust reform act," by amending the title and section 1 (MCL 445.771), the title as amended by 1987 PA 243, and by adding section 3a.

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

Reps. Mortimer, Gaffney, Vagnozzi, Mayes, McDowell, Gleason, Tobocman, Hunter, McConico, Hune, Hansen, Donigan, Wojno, Clack, Shaffer, Baxter, Kahn and Lemmons, III introduced

House Bill No. 5123, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 55a.

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

Reps. Hune, Ward and Gaffney introduced

House Bill No. 5124, entitled

A bill to amend 1875 PA 54, entitled "An act to facilitate the inspection and reproduction of the records and files in the offices of the registers of deeds," by amending section 1 (MCL 565.551), as amended by 1994 PA 51, and by adding sections 2 and 3.

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

Reps. Hansen, Stakoe, Garfield, Green, Vander Veen, Casperson, Stahl, Hildenbrand, Taub and Marleau introduced **House Bill No. 5125, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80110, 80111, and 80112 (MCL 324.80110, 324.80111, and 324.80112), as added by 1995 PA 58.

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

Reps. Hansen, Elsenheimer, Green, Brandenburg, Booher, Vander Veen, Casperson, Stahl, Sheltroun, Hildenbrand and Ball introduced

House Bill No. 5126, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts," by amending section 1 (MCL 41.801), as amended by 2002 PA 501.

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

Reps. Amos, Gosselin, Pastor, Shaffer, Booher, Robertson, Hoogendyk, Emmons, Mortimer, Acciavatti, Nitz, Green, Casperson, Garfield, Rocca, Baxter, Sheen, Vander Veen, Stahl, Phillips, Gaffney and Lemmons, III introduced

House Bill No. 5127, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30305 (MCL 324.30305), as amended by 2003 PA 14.

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

Reps. Vagnozzi, Kehrl, Gosselin, Zelenko, Sak, Sheltroun, Miller, Gonzales, Donigan, Lemmons, Jr. and Lemmons, III introduced

House Bill No. 5128, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2000 PA 260.

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

Reps. Elsenheimer, Robertson, Pastor and Moore introduced

House Joint Resolution N, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 54 of article X, to restrict the power of state or local government to take private property by eminent domain for the primary benefit of private entities.

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

By unanimous consent the House returned to the order of

Second Reading of Bills

Senate Bill No. 373, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 236a. Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Conservation, Forestry, and Outdoor Recreation

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

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

The motion prevailed.

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

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

Rep. Waters moved that Reps. Cheeks, Clack, Hood, Lemmons, III, Lipsey, McConico, Murphy, Alma Smith, Virgil Smith and Williams be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 373, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 236a. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 371

Yeas—90

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

Nays—6

Drolet	Hoogendyk	Nofs	Palmer
Elsenheimer	Hune		

In The Chair: Kooiman

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

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

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 236b.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

Senate Bill No. 620, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 236b. Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Conservation, Forestry, and Outdoor Recreation

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 620, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 236b. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 372

Yeas—90

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

Nays—6

Drolet	Hoogendyk	Nofs	Palmer
Elsenheimer	Hune		

In The Chair: Kooiman

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

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

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 236c.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 371-372. Had I been present, I would have voted 'yea'."

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

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 371-372. Had I been present, I would have voted 'yea'."

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

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 371-372. Had I been present, I would have voted 'yea'."

Rep. Alma Smith, under Rule 33, made the following statement:

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 371-372. Had I been present, I would have voted 'yea'."

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

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 371-372. Had I been present, I would have voted 'yea'."

Rep. Lemmons, III, under Rule 33, made the following statement:

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 371-372. Had I been present, I would have voted 'yea'."

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

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 371-372. Had I been present, I would have voted 'yea'."

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

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 371-372. Had I been present, I would have voted 'yea'."

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

House Bill No. 4465, entitled

A bill to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 236a.

(The bill was enrolled on June 30, see House Journal No. 62, p. 1128, enrollment vacated, motion made to reconsider the vote by which the House concurred in the Senate substitute (S-1) and motion postponed for the day on July 13, see House Journal No. 64, p. 1176.)

The question being on the motion made previously by Rep. Ward,

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

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

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

Roll Call No. 373

Yeas—100

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

Nays—6

Drolet	Hoogendyk	Nofs	Palmer
Elsenheimer	Hune		

In The Chair: Kooiman

The House agreed to the title as amended.

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

Second Reading of Bills

House Bill No. 4204, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

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

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Rep. Ward 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. Ward moved to amend the bill as follows:

1. Amend page 6, line 25, after "**SUBDIVISION**" by striking out "**THROUGH DECEMBER 31, 2007**".

2. Amend page 6, line 26, after "**GASOLINE**" by inserting "**AND DIESEL FUELS**".

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

Rep. Espinoza moved to amend the bill as follows:

1. Amend page 7, following line 5, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) House Bill No. 5119.

(b) House Bill No. 5120."

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

Rep. Waters moved to reconsider the vote by which the House did not adopt the amendment.

The question being on the motion made by Rep. Waters,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Waters,

The motion did not prevail, a majority of members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 374

Yeas—49

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

Nays—57

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

In The Chair: Kooiman

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4204, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

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

Roll Call No. 375**Yeas—106**

Accavitti	Emmons	Leland	Rocca
Acciavatti	Espinoza	Lemmons, III	Sak
Adamini	Farhat	Lipsey	Schuitmaker
Amos	Farrah	Marleau	Shaffer
Anderson	Gaffney	Mayes	Sheen
Angerer	Garfield	McConico	Sheltrown
Ball	Gillard	McDowell	Smith, Alma
Baxter	Gleason	Meisner	Smith, Virgil
Bennett	Gonzales	Meyer	Spade
Bieda	Gosselin	Miller	Stahl
Booher	Green	Moolenaar	Stakoe
Brandenburg	Hansen	Moore	Steil
Brown	Hildenbrand	Mortimer	Stewart
Byrnes	Hood	Murphy	Taub
Byrum	Hoogendyk	Newell	Tobocman
Casperson	Hopgood	Nitz	Vagnozzi
Caswell	Huizenga	Nofs	Van Regenmorter
Caul	Hummel	Palmer	Vander Veen

Cheeks	Hune	Palsrok	Walker
Clack	Hunter	Pastor	Ward
Clemente	Jones	Pavlov	Waters
Condino	Kahn	Pearce	Wenke
DeRoche	Kehrl	Plakas	Whitmer
Dillon	Kolb	Polidori	Williams
Donigan	Kooiman	Proos	Wojno
Drolet	Law, David	Robertson	Zelenko
Elsenheimer	Law, Kathleen		

Nays—0

In The Chair: Kooiman

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

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

Rep. Drolet moved that the Committee on Government Operations be discharged from further consideration of **House Bill No. 5081**.

(For first notice see House Journal No. 71, p. 1280.)
The question being on the motion made by Rep. Drolet
The motion prevailed, a majority of the members serving voting therefor.
Rep. Ward moved that Rule 45(c) be suspended.
The motion prevailed, 3/5 of the members present voting therefor.
The bill was placed on the order of Second Reading of Bills.

Rep. Drolet moved that the Committee on Government Operations be discharged from further consideration of **House Bill No. 4258**.

(For first notice see House Journal No. 71, p. 1280.)
The question being on the motion made by Rep. Drolet
The motion prevailed, a majority of the members serving voting therefor.
Rep. Ward moved that Rule 45(c) be suspended.
The motion prevailed, 3/5 of the members present voting therefor.
The bill was placed on the order of Second Reading of Bills.

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

Messages from the Senate

House Bill No. 4825, entitled

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171), as amended by 2002 PA 1.

The Senate has concurred in the House amendment to the Senate amendment.
The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 4436, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

The Senate has amended the bill as follows:

1. Amend page 15, following line 17, by striking out “State active duty \$ 1,000,000” and inserting “State active duty \$ 3,000,000”.

2. Amend page 15, following line 17, by striking out “Emergency management assistance compact 1,000,000” and inserting “Emergency management assistance compact 3,000,000” and adjusting the subtotals, totals, and section 201 accordingly.

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

“(3) EMERGENCY MANAGEMENT

Disaster assistance 3,000,000

GROSS APPROPRIATION \$ 3,000,000

Appropriated from:

Federal revenues:

FEMA 3,000,000

Special revenue funds:

State general fund/general purpose \$ 0”.

4. Amend page 18, following line 13, following subsection (5), by inserting:

“Sec. 115. DEPARTMENT OF TREASURY

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION \$ 92,000

Total interdepartmental grants and intradepartmental transfers 0

ADJUSTED GROSS APPROPRIATION \$ 92,000

Total federal revenues 0

Total local revenues 0

Total private revenues 0

Total other state restricted revenues 0

State general fund/general purpose \$ 92,000

(2) REVENUE SHARING

Special census revenue sharing payments \$ 92,000

GROSS APPROPRIATION \$ 92,000

Appropriated from:

Special revenue funds:

State general fund/general purpose \$ 92,000”

and adjusting the subtotals, totals, and section 201 accordingly.

5. Amend page 21, following line 19, by inserting:

“Sec. 402. From the funds appropriated in 2004 PA 327, the department of state shall sell copies of records including, but not limited to, records of motor vehicles, off-road vehicles, snowmobiles, watercraft, mobile homes, personal identification cardholders, drivers, and boat operators and shall charge \$7.00 per record sold only as authorized in section 208b of the Michigan vehicle code, 1949 PA 300, MCL 257.208b, section 7 of 1972 PA 222, MCL 28.297, and sections 80130, 80315, 81114, and 82156 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80130, 324.80315, 324.81114, and 324.82156. The revenue received from the sale of records shall be credited to the transportation administration collection fund created under section 810b of the Michigan vehicle code, 1949 PA 300, MCL 257.810b.

DEPARTMENT OF AGRICULTURE

Sec. 501. The unexpended funds appropriated in section 108 of 2004 PA 353 from the refined petroleum fund are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the project is to support gasoline inspection programs under the weights and measures act, 1964 PA 283, MCL 290.601 to 290.634 and the motor fuels quality act, 1984 PA 44, MCL 290.650d.

(b) The project will be accomplished by state employees.

(c) The total estimated cost of the project is \$3,000,000.00.

(d) The tentative completion date is September 30, 2006.”

REPEALER

Sec. 601. Section 803 of 2004 PA 327 is repealed.”.

The Senate has passed the bill as amended, ordered that it 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 for the fiscal year ending September 30, 2005; and 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.

House Bill No. 4541, entitled

A bill to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending sections 518, 525, and 537 (MCL 436.1518, 436.1525, and 436.1537), section 518 as added by 2002 PA 725, section 525 as amended by 2004 PA 266, and section 537 as amended by 2001 PA 223.

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

The Senate has passed the bill as substituted (S-1) and amended the title to read as follows:

A bill to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending sections 518, 525, and 537 (MCL 436.1518, 436.1525, and 436.1537), section 518 as added by 2002 PA 725, section 525 as amended by 2005 PA 97, and section 537 as amended by 2001 PA 223.

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

Rep. Huizenga moved that the House adjourn.
The motion prevailed, the time being 3:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, September 7, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives