

No. 74
STATE OF MICHIGAN
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House of Representatives
93rd Legislature
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House Chamber, Lansing, Thursday, September 8, 2005.

10:30 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	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—present	Rocca—present
Adamini—excused	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—e/d/s	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. Neal Nitz, from the 78th District, offered the following invocation:

“In this quiet moment, Lord, before the day begins, before we raise our voices in affirmation or dissent, before we assert our minds or our wills, we turn to You to ask that our thoughts be Your thoughts, our hopes, Your hopes, and our dreams, Your dreams.

In this moment, when we stop and listen to Your heart and to our own, tears well up in us as we think of those caught in the storms of life and especially in the storm that we have named Katrina.

We have seen the pictures of homeless children and frightened adults, of people on rooftops and in sports stadiums, of those searching for the lost and those finding them, and of the water everywhere covering everything, and our hearts ache, as Your heart must.

In whatever way You have for us, help us to reach out to them with love and compassion, with hope and a hand, so that they may find a new life out of the debris of the old and new joy from the remains of sorrow.

Grant to this nation and to this state, Lord, that our greatness may be found in the largeness of our heart, that our strength may be found in the character of our people, and that our unity in our commitment to others.

Grant that those of us who serve in positions of power may use that power in the service of a vision larger than ourselves, of a vision larger than party or faction, of a vision larger than all that would tear us down and tear us apart.

Grant us the wisdom to know right from wrong not only in our private lives but in our lives together, and grant us the courage to stand for the right when the wrong is easy, as it so often is.

Finally, Lord, grant us the grace at the end of this day, as of every day, when we have laid aside all our tasks, to look back and see that You have once again filled this day with unexpected joys and with unanticipated blessings, and that You have turned our small and often stumbling efforts into something greater than we could have hoped.

And so, at the beginning of this day, in the quietness of this moment, while the day is still fresh, we lift up our hearts to You and ask for Your presence, Your guidance, and Your grace. In Your name. Amen.”

Rep. Sak moved that Reps. Adamini, 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.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, September 7:

Senate Bill Nos.	720	721	722	723	724	725	726	727	728	729	730	731	732	733
	734	735	736	737	738									

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, September 8:

House Bill Nos.	5129	5130	5131	5132	5133	5134	5135	5136	5137	5138	5139	5140	5141	5142
	5143													

The Clerk announced that the following Senate bills had been received on Thursday, September 8:

Senate Bill Nos.	470	548	549	550	658
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By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. McDowell moved that the Committee on Commerce be discharged from further consideration of **House Bill No. 5139**.

(For first notice see House Journal No. 73, p. 1323.)

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

Rep. McDowell demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 385**Yeas—89**

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

Nays—16

Elsenheimer	Huizenga	Newell	Taub
Garfield	Kahn	Palmer	Van Regenmorter
Gosselin	Marleau	Pearce	Vander Veen
Hoogendyk	Meyer	Sheen	Walker

In The Chair: Kooiman

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. Donigan moved that the Committee on Commerce be discharged from further consideration of **House Bill No. 5071**.

(For first notice see House Journal No. 73, p. 1323.)

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

Rep. Donigan demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 386**Yeas—88**

Accavitti	Dillon	Law, David	Rocca
Acciavatti	Donigan	Law, Kathleen	Sak
Amos	Drolet	Leland	Schuitmaker
Anderson	Emmons	Lemmons, III	Shaffer

Angerer	Espinoza	Lipsey	Sheltrown
Ball	Farhat	Mayes	Smith, Alma
Baxter	Farrah	McConico	Smith, Virgil
Bennett	Gaffney	McDowell	Spade
Bieda	Gillard	Meisner	Stahl
Booher	Gleason	Miller	Stakoe
Brandenburg	Gonzales	Moolenaar	Steil
Brown	Hansen	Moore	Stewart
Byrnes	Hildenbrand	Mortimer	Tobocman
Byrum	Hood	Murphy	Vagnozzi
Casperson	Hopgood	Nitz	Van Regenmorter
Caswell	Hummel	Nofs	Ward
Caul	Hune	Palsrok	Waters
Cheeks	Hunter	Pavlov	Wenke
Clack	Jones	Plakas	Whitmer
Clemente	Kehrl	Polidori	Williams
Condino	Kolb	Proos	Wojno
DeRoche	Kooiman	Robertson	Zelenko

Nays—17

Elsenheimer	Huizenga	Newell	Sheen
Garfield	Kahn	Palmer	Taub
Gosselin	Marleau	Pastor	Vander Veen
Green	Meyer	Pearce	Walker
Hoogendyk			

In The Chair: Kooiman

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. Donigan moved that the Committee on Commerce be discharged from further consideration of **House Bill No. 4811**.

(For first notice see House Journal No. 73, p. 1323.)

The question being on the motion made by Rep. Donigan,
Rep. Donigan demanded the yeas and nays.
The demand was supported.

The question being on the motion made by Rep. Donigan,
The motion prevailed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 387

Yeas—87

Accavitti	Donigan	Law, Kathleen	Sak
Acciavatti	Drolet	Leland	Schuitmaker
Amos	Emmons	Lemmons, III	Shaffer
Anderson	Espinoza	Lipsey	Sheltrown
Angerer	Farhat	Mayes	Smith, Alma
Ball	Farrah	McConico	Smith, Virgil
Baxter	Gaffney	McDowell	Spade
Bennett	Gillard	Meisner	Stahl
Bieda	Gonzales	Miller	Stakoe
Booher	Green	Moolenaar	Steil

Brandenburg	Hansen	Moore	Stewart
Brown	Hildenbrand	Mortimer	Tobocman
Byrnes	Hood	Murphy	Vagnozzi
Byrum	Hopgood	Nitz	Van Regenmorter
Casperson	Hummel	Nofs	Ward
Caul	Hune	Palsrok	Waters
Cheeks	Hunter	Pavlov	Wenke
Clack	Jones	Plakas	Whitmer
Clemente	Kehrl	Polidori	Williams
Condino	Kolb	Proos	Wojno
DeRoche	Kooiman	Robertson	Zelenko
Dillon	Law, David	Rocca	

Nays—18

Caswell	Hoogendyk	Newell	Sheen
Elsenheimer	Huizenga	Palmer	Taub
Garfield	Kahn	Pastor	Vander Veen
Gleason	Marleau	Pearce	Walker
Gosselin	Meyer		

In The Chair: Kooiman

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. Cushingberry entered the House Chambers.

Rep. McDowell moved that the Committee on Commerce be discharged from further consideration of **House Bill No. 4773**.

(For first notice see House Journal No. 73, p. 1323.)

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

Rep. McDowell demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 388**Yeas—89**

Accavitti	Donigan	Law, David	Rocca
Acciavatti	Drolet	Law, Kathleen	Sak
Amos	Emmons	Leland	Schuitmaker
Anderson	Espinoza	Lemmons, III	Shaffer
Angerer	Farhat	Lipsey	Sheltrown
Ball	Farrah	Mayes	Smith, Alma
Baxter	Gaffney	McConico	Smith, Virgil
Bennett	Gillard	McDowell	Spade
Bieda	Gleason	Meisner	Stahl

Booher	Gonzales	Miller	Stakoe
Brandenburg	Green	Moolenaar	Steil
Brown	Hansen	Moore	Stewart
Byrnes	Hildenbrand	Mortimer	Tobocman
Byrum	Hood	Murphy	Vagnozzi
Casperson	Hopgood	Nitz	Van Regenmorter
Caul	Hummel	Nofs	Ward
Cheeks	Hune	Palsrok	Waters
Clack	Hunter	Pavlov	Wenke
Clemente	Jones	Plakas	Whitmer
Condino	Kehrl	Polidori	Williams
Cushingberry	Kolb	Proos	Wojno
DeRoche	Kooiman	Robertson	Zelenko
Dillon			

Nays—17

Caswell	Huizenga	Newell	Sheen
Elsenheimer	Kahn	Palmer	Taub
Garfield	Marleau	Pastor	Vander Veen
Gosselin	Meyer	Pearce	Walker
Hoogendyk			

In The Chair: Kooiman

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 Rule 45 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Ward moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 4306**.

The motion prevailed, a majority of the members serving voting therefor.
The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

House Bill No. 4642, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 12 (MCL 28.432), as amended by 2004 PA 99.

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

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

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

The motion prevailed.

Senate Bill No. 83, entitled

A bill to amend 1964 PA 287, entitled “An act to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts,” by amending section 9a (MCL 388.1009a), as amended by 1983 PA 240.

The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5057, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 91.

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

Roll Call No. 389

Yeas—106

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

Senate Bill No. 564, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 97.

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

Roll Call No. 390**Yeas—106**

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

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

"An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,"

The House agreed to the full title.

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

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

Pending the Third Reading of

House Bill No. 5029, entitled

A bill to amend 1978 PA 639, entitled "Hertel-Law-T. Stopczynski port authority act," by amending sections 2, 4, 8, 9, 12, 13, 14, 15, 16, 18, 22, 23, and 24 (MCL 120.102, 120.104, 120.108, 120.109, 120.112, 120.113, 120.114, 120.115, 120.116, 120.118, 120.122, 120.123, and 120.124), sections 14 and 18 as amended by 2002 PA 412 and section 23 as amended by 1984 PA 256, and by adding sections 1a, 1b, 7a, 18a, 31, and 32; and to repeal acts and parts of acts.

(The bill was placed on the order of Third Reading of Bills on September 7, see House Journal No. 73, p. 1308.)

Rep. Ward moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills. The motion prevailed, a majority of the members present voting therefor.

Second Reading of Bills

House Bill No. 5029, entitled

A bill to amend 1978 PA 639, entitled "Hertel-Law-T. Stopczynski port authority act," by amending sections 2, 4, 8, 9, 12, 13, 14, 15, 16, 18, 22, 23, and 24 (MCL 120.102, 120.104, 120.108, 120.109, 120.112, 120.113, 120.114, 120.115, 120.116, 120.118, 120.122, 120.123, and 120.124), sections 14 and 18 as amended by 2002 PA 412 and section 23 as amended by 1984 PA 256, and by adding sections 1a, 1b, 7a, 18a, 31, and 32; and to repeal acts and parts of acts.

Rep. Ward moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Hunter. The motion prevailed, a majority of the members present voting therefor. The question being on the adoption of the amendment offered previously by Rep. Hunter, Rep. Hunter withdrew the amendment.

Rep. Ward 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

The Speaker laid before the House

House Bill No. 4071, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the title, as amended by 1996 PA 434, and by adding section 43540a.

(The bill was received from the Senate on September 7, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 73, p. 1317.)

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. 391

Yeas—106

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

Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Ward
Condino	Jones	Pavlov	Waters
Cushingberry	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 full title of the bill.

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

The Speaker laid before the House

House Bill No. 4145, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 43540c.

(The bill was received from the Senate on September 7, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 73, p. 1317.)

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. 392**Yeas—106**

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

Donigan
Drolet
Elsenheimer

Kooiman
Law, David
Law, Kathleen

Proos
Robertson

Wojno
Zelenko

Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

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

The Speaker laid before the House

House Bill No. 4679, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 1, 3, 4, and 7 (MCL 125.1651, 125.1653, 125.1654, and 125.1657), sections 1 and 3 as amended by 2005 PA 13, section 4 as amended by 1987 PA 66, and section 7 as amended by 2004 PA 196.

(The bill was received from the Senate on September 7, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 73, p. 1317.)

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. 393

Yeas—100

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Amos	Espinoza	Lemmons, III	Sak
Anderson	Farhat	Lipsey	Schuitmaker
Angerer	Farrah	Mayes	Shaffer
Ball	Gaffney	McConico	Sheltrown
Baxter	Gillard	McDowell	Smith, Virgil
Bennett	Gleason	Meisner	Spade
Bieda	Gonzales	Meyer	Stahl
Booher	Green	Miller	Stakoe
Brandenburg	Hansen	Moolenaar	Steil
Brown	Hildenbrand	Moore	Stewart
Byrnes	Hood	Mortimer	Taub
Byrum	Hoogendyk	Murphy	Tobocman
Casperson	Hopgood	Newell	Vagnozzi

Caswell	Huizenga	Nitz	Van Regenmorter
Caul	Hummel	Nofs	Vander Veen
Cheeks	Hune	Palmer	Walker
Clack	Hunter	Palsrok	Ward
Clemente	Jones	Pastor	Waters
Condino	Kahn	Pavlov	Wenke
Cushingberry	Kehrl	Pearce	Whitmer
DeRoche	Kolb	Plakas	Williams
Dillon	Kooiman	Polidori	Wojno
Donigan	Law, David	Proos	Zelenko

Nays—5

Drolet	Gosselin	Marleau	Sheen
Garfield			

In The Chair: Kooiman

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

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 No. 393. Had I been present, I would have voted ‘yea’.”

The Speaker laid before the House

House Bill No. 4915, 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 received from the Senate on September 7, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 73, p. 1317.)

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. 394**Yeas—106**

Accavitti	Emmons	Leland	Rocca
Acciavatti	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lipsey	Schuitmaker
Anderson	Farrah	Marleau	Shaffer
Angerer	Gaffney	Mayer	Sheen
Ball	Garfield	McConico	Sheltrown

Baxter	Gillard	McDowell	Smith, Alma
Bennett	Gleason	Meisner	Smith, Virgil
Bieda	Gonzales	Meyer	Spade
Booher	Gosselin	Miller	Stahl
Brandenburg	Green	Moolenaar	Stakoe
Brown	Hansen	Moore	Steil
Byrnes	Hildenbrand	Mortimer	Stewart
Byrum	Hood	Murphy	Taub
Casperson	Hoogendyk	Newell	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	Palmer	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Ward
Condino	Jones	Pavlov	Waters
Cushingberry	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 bill was referred to the Clerk for enrollment printing and presentation to the Governor.

The Speaker laid before the House

Senate Bill No. 416, entitled

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending the title and sections 1, 2, and 4 (MCL 722.671, 722.672, and 722.674), section 1 as amended by 2003 PA 192, and by adding sections 12a and 12b, part II, and a heading for part I; and to repeal acts and parts of acts.

(The bill was received from the Senate on September 7, with amendments to the House substitute (H-2) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 73, p. 1317.)

The question being on concurring in the amendments to the House substitute (H-2) made to the bill by the Senate, The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 395

Yeas—101

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Amos	Farhat	Lipsey	Sak
Anderson	Farrah	Marleau	Schuitmaker
Angerer	Gaffney	Mayes	Shaffer
Ball	Gillard	McConico	Sheen
Baxter	Gleason	McDowell	Sheltrown
Bennett	Gonzales	Meisner	Smith, Virgil

Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Brown	Hildenbrand	Moore	Steil
Byrnes	Hood	Mortimer	Stewart
Byrum	Hoogendyk	Murphy	Taub
Casperson	Hopgood	Newell	Vagnozzi
Caswell	Huizenga	Nitz	Van Regenmorter
Caul	Hummel	Nofs	Vander Veen
Cheeks	Hune	Palmer	Walker
Clack	Hunter	Palsrok	Ward
Clemente	Jones	Pastor	Waters
Condino	Kahn	Pavlov	Wenke
Cushingberry	Kehrl	Pearce	Whitmer
DeRoche	Kooiman	Plakas	Williams
Dillon	Law, David	Polidori	Wojno
Donigan	Law, Kathleen	Proos	Zelenko
Elsenheimer			

Nays—5

Drolet	Kolb	Smith, Alma	Tobocman
Garfield			

In The Chair: Kooiman

The Speaker laid before the House

Senate Bill No. 463, entitled

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

(The bill was received from the Senate on September 7, with substitute (S-1) to the House substitute (H-2) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 73, p. 1318.)

The question being on concurring in the substitute (S-1) to the House substitute (H-2) 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. 396

Yeas—106

Accavitti	Emmons	Leland	Rocca
Acciavatti	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lipsey	Schuitmaker
Anderson	Farrah	Marleau	Shaffer
Angerer	Gaffney	Mayes	Sheen
Ball	Garfield	McConico	Sheltrown
Baxter	Gillard	McDowell	Smith, Alma
Bennett	Gleason	Meisner	Smith, Virgil
Bieda	Gonzales	Meyer	Spade
Booher	Gosselin	Miller	Stahl
Brandenburg	Green	Moolenaar	Stakoe
Brown	Hansen	Moore	Steil

Byrnes	Hildenbrand	Mortimer	Stewart
Byrum	Hood	Murphy	Taub
Casperson	Hoogendyk	Newell	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	Palmer	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Ward
Condino	Jones	Pavlov	Waters
Cushingberry	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

Second Reading of Bills

House Bill No. 4306, entitled

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

The bill was read a second time.

Rep. Moolenaar 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. Hummel 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. 4306, entitled

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

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

Roll Call No. 397

Yeas—106

Accavitti	Emmons	Leland	Rocca
Acciavatti	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lipsey	Schuitmaker
Anderson	Farrar	Marleau	Shaffer
Angerer	Gaffney	Mayer	Sheen
Ball	Garfield	McConico	Sheltrown
Baxter	Gillard	McDowell	Smith, Alma
Bennett	Gleason	Meisner	Smith, Virgil
Bieda	Gonzales	Meyer	Spade

Booher	Gosselin	Miller	Stahl
Brandenburg	Green	Moolenaar	Stakoe
Brown	Hansen	Moore	Steil
Byrnes	Hildenbrand	Mortimer	Stewart
Byrum	Hood	Murphy	Taub
Casperson	Hoogendyk	Newell	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	Palmer	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Ward
Condino	Jones	Pavlov	Waters
Cushingberry	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 question being on agreeing to the title of the bill,

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

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6 and 17b (MCL 388.1606 and 388.1617b), section 6 as amended by 2004 PA 351 and section 17b as amended by 2000 PA 297.

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

The motion prevailed.

Notices

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. 379-384. Had I been present, I would have voted ‘yea’.”

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Conservation, Forestry, and Outdoor Recreation, by Rep. Hildenbrand, Vice-Chair, reported **House Bill No. 4977, entitled**

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and

gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 51 (MCL 28.4251), as amended by 2002 PA 719.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Hildenbrand, Garfield, Nitz, Stakoe, Baxter, Rocca, McDowell, Sheltroun and Espinoza

Nays: None

The Committee on Conservation, Forestry, and Outdoor Recreation, by Rep. Hildenbrand, Vice-Chair, reported **House Bill No. 4978, entitled**

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” (MCL 28.421 to 28.435) by adding section 6.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Hildenbrand, Garfield, Nitz, Stakoe, Baxter, Rocca, McDowell, Sheltroun and Espinoza

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hildenbrand, Vice-Chair, of the Committee on Conservation, Forestry, and Outdoor Recreation, was received and read:

Meeting held on: Thursday, September 8, 2005

Present: Reps. Hildenbrand, Garfield, Nitz, Stakoe, Baxter, Rocca, McDowell, Sheltroun and Espinoza

Absent: Reps. Casperson and Gillard

Excused: Reps. Casperson and Gillard

Messages from the Senate

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; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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.

Senate Bill No. 470, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321, 5756, 8371, and 8420 (MCL 600.321, 600.5756, 600.8371, and 600.8420), sections 321 and 8420 as amended by 2003 PA 138 and sections 5756 and 8371 as amended by 2003 PA 178.

The Senate has passed the bill.

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

Senate Bill No. 548, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 7 (MCL 28.297), as added by 1997 PA 99.

The Senate has passed the bill.

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

Senate Bill No. 549, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208b and 232 (MCL 257.208b and 257.232), section 208b as amended by 2000 PA 159 and section 232 as amended by 2000 PA 192.

The Senate has passed the bill.

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

Senate Bill No. 550, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80130, 80315, 81114, and 82156 (MCL 324.80130, 324.80315, 324.81114, and 324.82156), as amended by 1997 PA 102.

The Senate has passed the bill.

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

Senate Bill No. 658, entitled

A bill to amend 1889 PA 39, entitled "An act to authorize the formation of corporations for the purchase and improvement of grounds to be occupied for summer homes, for camp-meetings, for meetings of assemblies or associations and societies organized for intellectual and scientific culture and for the promotion of the cause of religion and morality, or for any or all of such purposes; and to impose certain duties on the department of commerce," by amending section 4 (MCL 455.54), as amended by 1982 PA 85.

The Senate has passed the bill.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Spade, Miller, Sak, Kehrl, Bennett, Gillard, Sheltroun, Accavitti, Bieda, Anderson, Ball, Brown, Byrum, Caul, Clack, Condino, Gleason, Gonzales, Green, Hopgood, Kolb, Kooiman, David Law, Leland, Lemmons III, Marleau, Mayes, McConico, Meisner, Meyer, Mortimer, Murphy, Plakas, Polidori, Proos, Shaffer, Alma Smith, Stahl, Tobocman, Vagnozzi, Van Regenmorter, Waters and Zelenko offered the following resolution:

House Resolution No. 124.

A resolution recognizing September 9, 2005, as Fetal Alcohol Spectrum Disorders Awareness Day and the month of September 2005 as Fetal Alcohol Spectrum Disorders Awareness Month in the state of Michigan.

Whereas, Fetal alcohol spectrum disorders, the range of effects including fetal alcohol syndrome that can occur in an individual whose mother drank alcohol during pregnancy, are the leading cause of mental retardation in western civilization, including the United States. These are found in all racial and socio-economic groups, and are 100 percent preventable; and

Whereas, Fetal alcohol spectrum disorders, which cause a lifetime of negative effects, are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime; and

Whereas, The incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births. The incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births; and

Whereas, The economic cost of fetal alcohol syndrome alone to the Nation was \$5,400,000,000 in 2003 and it is estimated that each individual with fetal alcohol syndrome will cost United States taxpayers between \$1,500,000 and \$3,000,000 in his or her lifetime; and

Whereas, Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked "What if...a world full of FAS/E (Fetal Alcohol Syndrome/Effect) parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol...would the rest of the world listen?"; and

Whereas, On the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize September 9, 2005, as Fetal Alcohol Spectrum Disorders Awareness Day and the month of September 2005 as Fetal Alcohol Spectrum Disorders Awareness Month in the state of Michigan; be it further

Resolved, That we to recognize and promote awareness of the effects of prenatal exposure to alcohol and increase compassion for individuals affected by prenatal exposure to alcohol, minimize further effects of prenatal exposure to alcohol, and ensure healthier communities across Michigan, and be it further

Resolved, That copies of this resolution be transmitted to the National Organization on Fetal Alcohol Syndrome and other concerned organizations throughout 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. Spade, Gleason, Polidori, Gonzales, Miller, Bennett, Kehrl, Vagnozzi, Mayes, Sak, Gillard, Angerer, Sheltroun, Accavitti, Byrnes, Espinoza, McDowell, Kathleen Law, Anderson, Ball, Bieda, Brown, Byrum, Clack, Condino, Cushingberry, Green, Hansen, Hopgood, Kolb, David Law, Leland, Lipsey, McConico, Meisner, Murphy, Plakas, Proos, Alma Smith, Stahl, Tobocman, Waters and Zelenko offered the following resolution:

House Resolution No. 125.

A resolution to urge the Department of Management and Budget and the Department of Transportation to ensure that state vehicles use biodiesel and ethanol fuels and that flexible fuel vehicles and American made hybrids be purchased to the fullest extent possible.

Whereas, Executive agencies of the state of Michigan should be at the forefront in utilizing biodiesel and ethanol-blended fuels in diesel-powered and flexible fuel vehicles in the state's fleet. Doing so would actively demonstrate the economic and environmental benefits to be realized from utilization of renewable alternative fuels; and

Whereas, It is becoming increasingly apparent that alternative fuels, flexible fuel vehicles, and American made hybrids must be a critical component of the state's and the nation's energy supply and strategy. The world supply of crude oil is as precarious as ever and prices for gasoline and diesel fuel are reaching new highs every week. Gasoline and diesel fuel tail pipe emissions also impact human health and the environment and alternative fuels generally have less toxic air emissions; and

Whereas, Biodiesel is biodegradable and reduces air pollutants such as particulate matter, carbon monoxide, and volatile organic compounds. Biodiesel can be blended with diesel fuel to create a blend of biodiesel and regular diesel that can be used in any diesel engine. Ethanol increases octane and improves the emission quality of gasoline. Ethanol can be blended with gasoline to create E85-a blend of 85% ethanol and 15% gasoline. Vehicles that run on E85 are called flexible fuel vehicles; and

Whereas, Biodiesel and ethanol are renewable alternative fuels domestically produced primarily from soybean and corn crops. In the United States, the majority of biodiesel is made from soybean and the majority of ethanol is produced from corn, both of which are prominent crops in Michigan's agricultural sector; and

Whereas, The federal Energy Policy Act of 2005 and Executive Directive 2005-4 issued by Governor Granholm encourage and provide directives for the use of biodiesel and ethanol in the state fleet; and

Whereas, Michigan citizens will benefit from improved air quality, less dependence on foreign oil, and an investment in Michigan farmers who produce corn and soybeans, Michigan companies that process ethanol and biodiesel, and Michigan manufacturers of flexible fuel vehicles and hybrids; and

Whereas, Under Section 213 of the Management and Budget Act, 1984 PA 431, MCL § 18.1213, the Department of Management and Budget may issue directives relative to motor vehicles used by all state agencies, except for motor vehicles under the jurisdiction of the Department of Transportation; now, therefore, be it

Resolved by the House of Representatives, That we urge the Department of Management and Budget and the Department of Transportation to ensure that state vehicles use biodiesel and ethanol fuels and that flexible fuel vehicles and American made hybrids be purchased to the fullest extent possible; and be it further

Resolved, That copies of this resolution be transmitted to the directors of the Department of Management and Budget and the Department of Transportation and the Governor of the State of Michigan.

The resolution was referred to the Committee on Agriculture.

Reps. Baxter, Acciavatti, Booher, Brandenburg, Caul, Farhat, Garfield, Gosselin, Green, Hansen, Huizenga, Hummel, Jones, Kooiman, Marleau, Meyer, Mortimer, Nitz, Pearce, Proos, Stahl, Taub and Vander Veen offered the following concurrent resolution:

House Concurrent Resolution No. 19.

A concurrent resolution to express opposition to any new or revised administrative rules that are more stringent than federal policies and that impede economic development and job creation.

Whereas, The economic challenges facing Michigan serve to illustrate the fact that policymakers in this state can never rest in their efforts to foster economic development and create job opportunities. Although states across the country are coping with financial difficulties and American jobs are threatened in many sectors of the economy, the fact remains that Michigan is especially vulnerable and has absorbed an inordinate portion of the nation's job losses over the past few years; and

Whereas, A key area where state policies can impact the development of the economy and job creation is the administrative process. The promulgation of rules by executive branch departments, although intended to provide necessary standards and to increase public health and safety, can sometimes impede progress and stifle interest that companies may have to locate or expand in our state; and

Whereas, Over the years, there have been many examples of administrative regulations that have hindered, rather than helped, the cause of creating jobs and promoting economic activity. This has been clearly illustrated recently in discussions at the federal and state levels on the establishment of ergonomic standards. Although the federal government no longer requires the states to set ergonomic standards, proposals have been under way in Michigan in spite of the fact that mandating ergonomic standards would put many job providers at a competitive disadvantage; and

Whereas, It is imperative that every regulation be developed in the real-world context of our state's competition for economic development and jobs. For this reason, Michigan's standards should not be more stringent than those of the federal government. All sectors of society must remember that jobs and opportunities that are lost are a threat to the economic well-being and stability of Michigan; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we express opposition to any new or revised administrative rules that are more stringent than federal policies and that impede economic development and job creation; and be it further

Resolved, That copies of this resolution be transmitted to the State Office of Administrative Hearings and Rules.

The concurrent resolution was referred to the Committee on Commerce.

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing
Administrative Rules

August 5, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 10:15 A.M. this date, administrative rule (05-08-01) for the Department of Labor and Economic Growth, Public Service Commission, entitled "*Telecommunication Service Quality*", effective immediately upon filing with the Secretary of State.

August 22, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 4:34 P.M. this date, administrative rule (05-08-02) for the Department of

Labor and Economic Growth, Director's Office, entitled "*Construction Safety Standards- Part 16. Power Transmission and Distribution*", effective immediately upon filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

Introduction of Bills

Reps. Ball, Palsrok, Farhat, Jones, Pearce, Caswell, Sheltroun, Hune, Hildenbrand, Marleau, Taub, Casperson and Emmons introduced

House Bill No. 5144, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40120.

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

Rep. Steil introduced

House Bill No. 5145, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1k to chapter IX.

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

Reps. Espinoza, Alma Smith, McDowell, Mayes, Sheltroun, Zelenko, Gonzales, Kehrl, Spade, Bennett, Angerer, Polidori, Miller, Byrnes, Byrum, Gleason, Plakas, Kathleen Law, Accavitti, Dillon, Donigan, Condino, Gillard, Brown, Adamini and Leland introduced

House Bill No. 5146, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.

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

Reps. McDowell, Espinoza, Mayes, Kehrl, Spade, Gillard, Bennett, Byrnes, Angerer, Byrum, Farrah, Tobocman, Alma Smith, Gleason, Bieda, Waters, Brown, Adamini, Gonzales, Zelenko, Sak, Donigan, Vagnozzi, Polidori, Leland, Kathleen Law, Plakas, Sheltroun and Dillon introduced

House Bill No. 5147, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 275.

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

Reps. Pavlov, Acciavatti, Jones, Booher, Palmer, Newell, Hildenbrand, Gillard and Pearce introduced

House Bill No. 5148, entitled

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

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. Acciavatti, Pavlov, Booher and Palmer introduced

House Bill No. 5149, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11518 and 11701 (MCL 324.11518 and 324.11701), section 11701 as amended by 2004 PA 381.

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. Sheltroun and Murphy introduced

House Bill No. 5150, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 30a (MCL 46.30a).

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

Reps. Brandenburg, Wenke, Gosselin, Hoogendyk, Palmer, Garfield, Acciavatti, Ball, Nitz, Marleau, Pastor, Amos, Hansen, Drolet, Stakoe, Robertson, Hummel, Steil, Jones, Vander Veen, Hune, Gaffney, Baxter, Farhat, Pearce, Casperson, Meyer, Stahl, Stewart, Caswell, Ward, Hildenbrand and David Law introduced

House Bill No. 5151, 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. Mortimer and Rocca introduced

House Bill No. 5152, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7524 (MCL 333.7524), as amended by 1994 PA 8.

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

Reps. Mortimer, Gaffney, Hildenbrand, Hune, Rocca, Green, Acciavatti, Nitz, Jones, Caul, Schuitmaker, David Law, Drolet, Baxter, Robertson and Farhat introduced

House Bill No. 5153, entitled

A bill to clarify the rights and duties of self-defense and the defense of others; to provide for criminal and civil immunity under certain circumstances; to regulate the investigation of incidents involving self-defense or the defense of others; and to provide for certain remedies.

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

Rep. Hansen introduced

House Joint Resolution O, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 40 to article IX, to impose a recycling fee on certain sales transactions under certain circumstances.

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

Rep. Hoogendyk moved that the House adjourn.

The motion prevailed, the time being 12:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, September 13, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives