

No. 69
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
92nd Legislature
REGULAR SESSION OF 2003

House Chamber, Lansing, Wednesday, October 1, 2003.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Jim Plakas, from the 16th District, offered the following invocation:

“Heavenly Father, thank You for Your love. Accept our thanks for the peace that yields this day and the shared faith that makes its continuance likely. Make us strong to do Your work, willing to heed and hear Your will, and write on our hearts these words: ‘Use power to help people.’ For we are given power - not to advance our own purposes, nor to make a great show in the world, nor a name. There is but one just use of power, and it is to serve people. Help us to remember it, Lord. Almighty God, we pray, the power to discern clearly right from wrong and allow all our works and actions to be governed thereby and by the laws of this land. Especially we pray that our concern shall be for all of the people, regardless of station, race, religion, or calling. May cooperation be permitted and be the mutual aim of those who, under the concept of our Constitution, hold to differing political beliefs, so that all may work for the good of our beloved country and for Thy glory. Amen.”

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

Second Reading of Bills

Senate Bill No. 701, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending section 8 (MCL 390.1458), as amended by 2002 PA 736.

The bill was read a second time.

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

The motion prevailed.

Rep. Kooiman 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. 701, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending section 8 (MCL 390.1458), as amended by 2002 PA 736.

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

Roll Call No. 513

Yeas—107

Accavitti	Garfield	Meyer	Sheltrown
Acciavatti	Gielegem	Middaugh	Shulman
Adamini	Gillard	Milosch	Smith
Amos	Gleason	Minore	Spade
Anderson	Hager	Moolenaar	Stahl
Bieda	Hardman	Mortimer	Stakoe
Bisbee	Hart	Murphy	Stallworth
Bradstreet	Hood	Newell	Steil
Brandenburg	Hoogendyk	Nitz	Stewart
Brown	Hopgood	Nofs	Tabor
Byrum	Howell	O’Neil	Taub
Casperson	Huizenga	Paletko	Tobocman
Caswell	Hummel	Palmer	Vagnozzi
Caul	Hune	Palsrok	Van Regenmorter

Cheeks	Hunter	Pappageorge	Vander Veen
Clack	Jamnick	Pastor	Voorhees
Condino	Johnson, Rick	Phillips	Walker
Dennis	Johnson, Ruth	Plakas	Ward
DeRoche	Julian	Pumford	Waters
DeRossett	Koetje	Richardville	Wenke
Drolet	Kolb	Rivet	Whitmer
Ehardt	Kooiman	Robertson	Williams
Elkins	LaJoy	Rocca	Wojno
Emmons	LaSata	Sak	Woodward
Farhat	Law	Shackleton	Woronchak
Farrah	Lipsey	Shaffer	Zelenko
Gaffney	Meisner	Sheen	

Nays—0

In The Chair: Julian

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

“An act to create the Michigan merit award scholarship trust fund; to create the Michigan merit award scholarship board and prescribe the powers and duties of the board; and to provide for the Michigan merit award scholarship program,”

The House agreed to the full title.

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

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

Reps. Daniels and Reeves entered the House Chambers.

By unanimous consent the House returned to the order of

Motions and Resolutions

By unanimous consent the House considered **House Resolution No. 133** out of numerical order.

Reps. Tobocman, Accavitti, Acciavatti, Anderson, Bieda, Brown, Byrum, Caswell, Caul, Clack, Condino, Dennis, DeRossett, Ehardt, Elkins, Farhat, Farrah, Gielegem, Gillard, Hager, Hardman, Hood, Hoogendyk, Hopgood, Huizenga, Hummel, Hunter, Jamnick, Koetje, Kolb, Kooiman, Law, Lipsey, Middaugh, Minore, Mortimer, Murphy, O’Neil, Paletko, Pappageorge, Plakas, Richardville, Rivet, Rocca, Sak, Sheltroun, Shulman, Smith, Spade, Stakoe, Stallworth, Stewart, Tabor, Vander Veen, Voorhees, Waters, Wojno, Woronchak and Zelenko offered the following resolution:

House Resolution No. 133.

A resolution to recognize September 15, 2003, through October 15, 2003, as Hispanic Heritage Month.

Whereas, Spanish-speaking peoples have brought to our nation the gifts of law, religion, agriculture, art, music, education, technology, architecture, cuisine, theater and exploration; and

Whereas, Michigan is fortunate to count among its population a large concentration of citizens of Spanish and Latin American descent, including those who have lived in Michigan for generations and those who are new to the Great Lakes State, who contribute to Michigan’s economy and society through their commitment to professions, commerce, family and the arts; and

Whereas, Time and again throughout our nation’s history, Hispanic Americans have faithfully defended the principles of freedom and representative government, and indeed 41 have earned the nation’s highest honor, the Congressional Medal of Honor; and

Whereas, During the month spanning from September 15 through October 15, Michigan’s Hispanic-American community will celebrate Hispanic Heritage Month through a series of special programs featuring Hispanic history, food, dance and art; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body do hereby recognize the month of September 15, 2003, through October 15, 2003, as Hispanic Heritage Month in the state of Michigan, and we encourage all citizens to recognize and applaud the many contributions made by these individuals to enhance the quality of life in this state.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Kooiman moved that House Committees be given leave to meet during the balance of today's session.

The motion prevailed.

Reps. Sak, Accavitti, Acciavatti, Anderson, Bieda, Brandenburg, Brown, Byrum, Caswell, Caul, Clack, Condino, Dennis, DeRossett, Ehardt, Elkins, Farhat, Farrah, Gielegem, Gillard, Hager, Hardman, Hoogendyk, Hopgood, Hummel, Jamnick, Koetje, Kolb, Kooiman, Law, Lipsey, Middaugh, Minore, Mortimer, Murphy, O'Neil, Paletko, Palmer, Pappageorge, Pastor, Plakas, Richardville, Rivet, Rocca, Sheltroun, Shulman, Spade, Stakoe, Stallworth, Stewart, Tabor, Tobocman, Vander Veen, Voorhees, Waters, Wojno, Woronchak and Zelenko offered the following resolution:

House Resolution No. 131.

A resolution recognizing October 2003 as Polish Heritage Month.

Whereas, The first Polish immigrants to North America were among the settlers of Jamestown, Virginia, in the 17th century; and

Whereas, Kazimierz Pulaski, Tadeusz Kosciuszko and other Polish people came to the British Colonies in America to fight in the Revolutionary War and risk their lives and fortunes for the creation of the United States; and

Whereas, For over 300 years Polish people and their American descendants have shared with us their traditional customs, thousand-year-old culture and strong devotion to democracy; and

Whereas, Polish people and their American descendants have distinguished themselves by contributing to the development of arts, sciences, government, military service, athletics and education in the United States; and

Whereas, The Polish Constitution of May 3, 1791, was directly modeled on the Constitution of the United States and is recognized as the second written constitution in history. It is revered by Polish people and Americans of Polish descent; and

Whereas, Through Revolutionary War heroes and Nobel Peace Prize recipients, we have come to know and respect the indomitable spirit and loyal civic involvement of Polish American people and Pole refugees and immigrants that have come to our shores; and

Whereas, Polish people and their American descendants take great pride in, and honor the achievements of, the greatest son of Poland, his Holiness Pope John Paul, II; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize October 2003 as Polish Heritage Month.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Hood, Stahl, Lipsey, Plakas, McConico, Byrum, Sak, Rivet, Vagnozzi, Tobocman, Accavitti, Hune, Cheeks, Dennis, Acciavatti, Brown, Caswell, Clack, Condino, Elkins, Farhat, Farrah, Gielegem, Gillard, Hager, Hardman, Hopgood, Huizenga, Hunter, Jamnick, Kolb, Law, Middaugh, Minore, Mortimer, Murphy, O'Neil, Sheltroun, Smith, Spade, Stallworth, Waters and Wojno offered the following resolution:

House Resolution No. 132.

A resolution to memorialize the Congress of the United States and the United States Postal Service to refrain from implementing recent recommendations to close small-sized post offices across the country.

Whereas, Access to postal service is as old as our nation itself. Since its founding in 1775, the Postal Service has been a key vehicle for commerce and communication for all communities, regardless of wealth, geography, or size; and

Whereas, The American postal system, with uniform rates and universal access, is the most extensive, efficient, and least costly of any in the industrialized world. This is achieved without taxpayer subsidies and through service rate increases that have remained at or below inflation rates; and

Whereas, The Postal Service has suffered increasing financial difficulties recently, due to a variety of factors, including reduced volume of business caused by the economic slowdown and the impact of terrorism. In response, a commission has made a series of recommendations to address the financial challenges facing the system. Several of the recommendations would bring about significant and potentially damaging changes to this key universal service; and

Whereas, In addition to suggestions that could revamp the uniform rate structure, the recommendations also include major cutbacks in service. A key element of the curtailment of services is the recommendation to close post offices in remote areas. The impact of eroding universal access, especially in smaller communities, would be very harmful. While there can be no question that following a business, profit-oriented model holds many benefits, this is a service that is essential to communication and commerce. Universal access to postal services must remain a national priority, as it has over the past 230 years; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the United States Postal Service to refrain from implementing recent recommendations to close small-sized post offices across the country; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reports of Standing Committees

The Committee on Government Operations, by Rep. Koetje, Chair, reported

Senate Bill No. 510, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3118 and 3119 (MCL 324.3118 and 324.3119), section 3118 as amended by 1999 PA 35 and section 3119 as amended by 1999 PA 106.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Koetje, Howell, Tobocman and Lipsey

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Koetje, Chair of the Committee on Government Operations, was received and read:

Meeting held on: Tuesday, September 30, 2003, at 2:40 p.m.

Present: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4916, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2002 PA 271.

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

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

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4802 of the 92nd Legislature is enacted into law."

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, Gaffney, Nofs, Meisner, Condino and Hood
Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 258, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 120a (MCL 750.120a), as amended by 2000 PA 450.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, Gaffney, Nofs, Meisner, Condino and Hood
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair of the Committee on Criminal Justice, was received and read:

Meeting held on: Wednesday, October 1, 2003, at 10:30 a.m.

Present: Reps. Van Regenmorter, Stakoe, Howell, Gaffney, Nofs, Meisner, Condino and Hood

Absent: Rep. LaSata

Excused: Rep. LaSata

The Committee on Insurance, by Rep. Julian, Chair, reported

House Bill No. 4907, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 602 (MCL 500.602), as amended by 1989 PA 35, and by adding section 603.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Julian, Hune, Bisbee, Ehardt, Middaugh, Mortimer, Hummel, Garfield, Robertson, Sheen, Woodward, Anderson, Wojno, Hood, Gillard and Condino

Nays: None

The Committee on Insurance, by Rep. Julian, Chair, reported

House Bill No. 5050, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4072 (MCL 500.4072), as amended by 2002 PA 635.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Julian, Hune, Bisbee, Middaugh, Mortimer, Hummel, Garfield, Robertson, Sheen, Woodward, Anderson, Wojno, Hood, Gillard and Condino

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 1, 2003, at 10:30 a.m.

Present: Reps. Julian, Hune, Bisbee, Ehardt, Middaugh, Mortimer, Hummel, Garfield, Robertson, Sheen, Woodward, Anderson, Wojno, Hood, Gillard and Condino

Absent: Rep. Daniels

Excused: Rep. Daniels

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 30, 2003, at 2:55 p.m.

Present: Reps. Palmer, Hummel, Meyer, Bradstreet, Hager, Hart, Ruth Johnson, Tabor, Voorhees, Vander Veen, Nofs, Stahl, Gielegem, Vagnozzi, Spade, Smith, Hopgood, Meisner and Clack

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 1, 2003, at 9:00 a.m.

Present: Reps. Wenke, Sheen, Koetje, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Minore, Farrah, Bieda and Condino

Absent: Reps. Woronchak, Stakoe, O'Neil and Zelenko

Excused: Reps. Woronchak, Stakoe, O'Neil and Zelenko

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, October 1, 2003, at 9:00 a.m.

Present: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, Rivet, Daniels, Woodward, Hopgood, Murphy and Stallworth

Absent: Reps. LaSata and McConico

Excused: Rep. LaSata

Messages from the Senate**House Bill No. 4715, entitled**

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending section 1 (MCL 780.651), as amended by 2002 PA 506.

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

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

House Bill No. 4632, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 394 (MCL 750.394).

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 2, line 26, by striking out "October 1, 2003" and inserting "January 1, 2004".

The Senate has concurred in the House substitute (H-1) as amended, ordered that the bill be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4633, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16s of chapter XVII (MCL 777.16s), as amended by 2000 PA 279.

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 3, line 25, by striking out "October 1, 2003" and inserting "January 1, 2004".

The Senate has concurred in the House substitute (H-1) as amended, ordered that the bill be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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 Thursday, September 25:

Senate Bill Nos. 726 727 728 729 730 731 732 733

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, September 26:

Senate Bill Nos. 734 735 736 737 738 739

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

**House Bill Nos. 5088 5089 5090 5091 5092 5093 5094 5095 5096 5097 5098 5099 5100 5101
5102 5103**

House Joint Resolution N

Messages from the Governor

The following message from the Governor was received September 30, 2003 and read:

EXECUTIVE ORDER

No. 2003 - 15

MICHIGAN CLEAN WATER CORPS**DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

WHEREAS, Section 1 of 1931 PA 195, MCL 10.51, authorizes and empowers the Governor, at such times and for such purposes as the Governor deems necessary or advisable, to create special advisory bodies consisting of as many members as the Governor deems appropriate;

WHEREAS, the State of Michigan is blessed with an abundance of fresh water, including 3,251 miles of Great Lakes shoreline, 36,350 miles of streams and rivers, and over 11,000 inland lakes;

WHEREAS, Michigan's lakes and streams are of exceptional quality when compared to the rest of the nation and are undoubtedly among the state's most valuable resources;

WHEREAS, because the Department of Environmental Quality is charged with monitoring and protecting water quality in Michigan's lakes and rivers, the Department has established water quality monitoring and assessment programs, including volunteer monitoring programs for inland lakes and streams;

WHEREAS, the Department of Environmental Quality has developed a Strategic Environmental Quality Monitoring Program for Michigan's Surface Waters;

WHEREAS, Michigan citizens need to play an active role in protecting the state's water resources;

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

I. MICHIGAN CLEAN WATER CORPS

A. The Michigan Clean Water Corps ("Corps") is created as an advisory body to the Department of Environmental Quality ("DEQ"). The Corps shall assist the DEQ in carrying out its mission to preserve and protect Michigan waters from impairment or destruction.

B. The primary responsibility of the Corps shall be to assist the DEQ in establishing a comprehensive statewide volunteer water quality monitoring network, built on the foundation of volunteer monitoring programs already established by the DEQ, and to encourage the participation of other water quality monitoring programs in the Corps.

C. The Corps shall:

1. Solicit and organize volunteer monitors into a volunteer monitoring network to facilitate communication, data and information sharing, common methods, and quality assurance practices.

2. Advise and assist the DEQ in educating Michigan citizens about water quality issues and the need to foster exemplary environmental stewardship.

3. Advise and assist the DEQ in gathering and exchanging reliable and meaningful water quality data for water resources management and protection programs at the state and local level.

4. In cooperation with the DEQ establish an Internet-based program to assist Corps participants, including an enrollment registry, directory of member organizations, a data exchange platform, volunteer monitoring resources, training aids, and a newsletter.

5. Develop a volunteer monitoring recognition program with a Certificate of Recognition for each member organization and a Certificate of Participation for each volunteer member.

II. OPERATIONS OF THE CORPS

A. The Director of the DEQ or his or her designated representative shall serve as Chairperson of the Corps.

B. The Corps shall be staffed by personnel from and be assisted by the DEQ.

C. The DEQ may adopt procedures for the Corps, not inconsistent with Michigan law and this Order, governing its organization and operations. The DEQ may establish Corps committees and request public participation on advisory panels as it deems necessary.

D. In developing recommendations, the DEQ or the Corps may, as appropriate, make inquiries, studies, or receive comments from the public. The DEQ may consult with outside experts in order assist the DEQ and the Corps in the performance of their duties.

E. The DEQ may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of powers and the performance of duties under this Order as the Director of the DEQ deems advisable and necessary, in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

F. The Corps may accept donations of labor, services, or other things of value from any public or private agency or person.

G. The DEQ shall coordinate legal, legislative, and media contacts regarding the Corps.

III. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the DEQ or to any member or representative of the DEQ, any necessary assistance required by the DEQ, or any member or representative of the DEQ, in the performance of the duties of the DEQ or the Corps under this Order, so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the DEQ or the Corps.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder the order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 30th day of September, 2003.

Jennifer M. Granholm

Governor

By the Governor:

Terri Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received September 30, 2003 and read:

EXECUTIVE ORDER

No. 2003 - 16

END OF STATE OF ENERGY EMERGENCY

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

WHEREAS, under Section 3 of 1982 PA 191, MCL 10.83, a state of an energy emergency declared by the Governor is effective for the shorter of 90 days or until a finding that the energy emergency no longer exists;

WHEREAS, the Chairperson of the Energy Advisory Committee has advised that the energy emergency recognized by Executive Order 2003-11 no longer exists;

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 state of energy emergency proclaimed on August 21, 2003 under Executive Order 2003-11 is rescinded, effective immediately.
2. Executive Order 2003-12 is rescinded, effective immediately.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 30th day of September, 2003.

Jennifer M. Granholm

Governor

By the Governor:

Terri Land

Secretary of State

The message was referred to the Clerk.

Date: September 30, 2003

Time: 2:43 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4737 (Public Act No. 178, I.E.), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 880b, 2529, 2538, 4805, 5756, 8371, and 8731 (MCL 600.880b, 600.2529, 600.2538, 600.4805, 600.5756, 600.8371, and 600.8731), sections 880b, 2529, 2538, 5756, and 8371 as amended by 2003 PA 138 and section 8731 as amended by 2003 PA 95.

(Filed with the Secretary of State September 30, 2003, at 3:06 p.m.)

Announcements by the Clerk

September 29, 2003

Received from Central Michigan University the financial report for the fiscal year ending June 30, 2003 which is available on their website: www.controller.cmich.edu/Accounting/fin_stmts.htm.

Gary L. Randall

Clerk of the House

By unanimous consent the House returned to the order of

Introduction of Bills

Reps. Van Regenmorter, Nofs, Gaffney, Stahl, Acciavatti, LaJoy, Wojno, Robertson, Rocca, Tabor, Meisner, Ward, Pappageorge, Taub, Bieda, Stakoe, Voorhees, Kooiman and Casperson introduced

House Bill No. 5104, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 316 (MCL 750.316), as amended by 1999 PA 189.

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

Reps. Van Regenmorter, Nofs, Gaffney, Stahl, Acciavatti, Robertson, Rocca, Tabor, Meisner, Ward, Pappageorge, Taub, Bieda, Stakoe, Voorhees, Kooiman and Casperson introduced

House Bill No. 5105, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 529, 529a, and 530 (MCL 750.529, 750.529a, and 750.530), section 529a as added by 1994 PA 191.

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

Reps. Richardville, Spade, Anderson, Koetje, Acciavatti, DeRossett, Huizenga, Wojno, Emmons, Robertson, Pappageorge, Bieda, Stakoe, Kooiman and Farhat introduced

House Bill No. 5106, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2504 and 2505 (MCL 339.2504 and 339.2505), section 2504 as amended by 2002 PA 611 and section 2505 as amended by 1988 PA 463.

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

Reps. Ruth Johnson, Vander Veen, Stakoe, Kolb, Hoogendyk, Rocca, Garfield, Tobocman, LaJoy, Voorhees, Milosch, Minore, Farrah, Woodward, Drolet, Sheen, Brandenburg, Hager and Amos introduced

House Bill No. 5107, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 1c (MCL 247.651c), as amended by 1982 PA 438.

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

Reps. Ruth Johnson, Stahl, Pappageorge, Koetje, Rocca, Garfield, Tobocman, Voorhees, Stakoe, Milosch, Woodward, Drolet, Robertson, Brandenburg, Hager and Amos introduced

House Bill No. 5108, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 634.

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

Rep. Condino introduced

House Bill No. 5109, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5757, 8306, and 8420 (MCL 600.5757, 600.8306, and 600.8420), sections 5757 and 8306 as amended by 1993 PA 189 and section 8420 as amended by 2003 PA 138.

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

Rep. Condino introduced

House Bill No. 5110, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 901a and 907 (MCL 257.901a and 257.907), section 901a as added by 1982 PA 433 and section 907 as amended by 2003 PA 73.

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

Reps. Hood, Gaffney, Hune, Nofs, Lipsey, Plakas, Byrum, McConico, Smith, Wojno, Sak, Rivet, Vagnozzi, Accavitti, Tobocman, Cheeks and Dennis introduced

House Bill No. 5111, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5431 (MCL 333.5431), as amended by 2002 PA 691.

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

Reps. Gleason, Paletko, Jamnick, Phillips, Dennis, O'Neil, Waters, Hood, Plakas, Farrah, Rivet, Gaffney, Stahl and Ward introduced

House Bill No. 5112, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 6 (MCL 224.6), as amended by 1982 PA 299.

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

Reps. Kooiman, Steil, Voorhees, Sak, Pappageorge, Hart, Van Regenmorter and Koetje introduced

House Bill No. 5113, entitled

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies," by amending section 4 (MCL 45.504), as amended by 1980 PA 7.

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

Reps. Sak, Kooiman, Voorhees, Pappageorge, Hart, Steil, Van Regenmorter and Koetje introduced

House Bill No. 5114, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 2 (MCL 46.402).

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

Rep. Palmer moved that the House adjourn.

The motion prevailed, the time being 2:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, October 2, at 10:00 a.m.