

No. 35
JOURNAL OF THE HOUSE

House Chamber, Lansing, Tuesday, April 29, 1997.

2:00 p.m.

The House was called to order by the Speaker.

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

Agee—present	Fitzgerald—present	Kaza—present	Price—present
Alley—present	Frank—present	Kelly—present	Profit—present
Anthony—present	Freeman—present	Kilpatrick—excused	Prusi—present
Baade—present	Gagliardi—present	Kukuk—present	Quarles—present
Baird—present	Galloway—present	LaForge—present	Raczkowski—present
Bankes—present	Geiger—excused	Law—present	Rhead—present
Birkholz—present	Gernaat—present	Leland—present	Richner—present
Bobier—present	Gilmer—present	LeTarte—present	Rison—present
Bodem—present	Gire—present	Llewellyn—present	Rocca—present
Bogardus—present	Godchaux—present	London—present	Schauer—present
Brackenridge—present	Goschka—present	Lowe—present	Schermesser—present
Brater—present	Green—present	Mans—present	Schroer—present
Brewer—present	Griffin—present	Martinez—present	Scott—present
Brown—present	Gubow—present	Mathieu—present	Scranton—present
Byl—present	Gustafson—present	McBryde—present	Sikkema—present
Callahan—present	Hale—present	McManus—excused	Stallworth—present
Cassis—present	Hammerstrom—present	McNutt—present	Tesanovich—present
Cherry—present	Hanley—present	Middaugh—present	Thomas—present
Ciaramitaro—present	Harder—present	Middleton—present	Varga—excused
Crissman—excused	Hertel—present	Murphy—excused	Vaughn—excused
Cropsey—present	Hood—excused	Nye—present	Voorhees—present
Curtis—present	Horton—present	Olshove—present	Walberg—present
Dalman—present	Jansen—present	Owen—present	Wallace—present
DeHart—present	Jaye—present	Oxender—present	Wetters—present
DeVuyst—present	Jelinek—present	Palamara—present	Whyman—present
Dobb—present	Jellema—present	Parks—present	Willard—present
Dobronski—present	Johnson—present	Perricone—present	Wojno—present
Emerson—excused			

e/d/s = entered during session

Rep. Dan Gustafson, from the 67th District, offered the following invocation:

“Dear Heavenly Father, We thank You for giving us this beautiful day. We thank You for giving us the opportunity to serve You through our leadership and allowing us the occasion to gather today to represent the citizens of this great state of Michigan. We pray as You commanded, for all elected officials and leaders in this country that we may live peaceful and humble lives in all godliness and holiness. We seek Your wisdom and guidance in the decisions we are about to make.

We also lift up to You the volunteerism movement in this nation and the people who are meeting today in Philadelphia. We pray that You will use us, Lord, to reach the young people in our state and to give us strong schools—successful schools—safe communities and sensible government. Show each of us, Lord, what You would have us do in our own communities and in the Legislature to meet these goals. In Your precious name we pray, Amen.”

Rep. Dobronski moved that Reps. Vaughn, Varga, Emerson, Hood, Murphy and Kilpatrick be excused from today’s session.

The motion prevailed.

Rep. Hammerstrom moved that Reps. Crissman, Geiger and McManus be excused from today’s session.

The motion prevailed.

Reports of Standing Committees

The Committee on House Oversight and Ethics, by Rep. Gagliardi, Chair, reported

House Concurrent Resolution No. 34.

A concurrent resolution to create a special committee to study and make recommendations regarding Michigan’s campaign finance laws.

(For text of resolution, see House Journal No. 29, p. 550.)

With the recommendation that the concurrent resolution be adopted.

Favorable Roll Call

HCR 34 To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Hanley, Varga, Wallace, Wojno, Gustafson, DeVuyst, Goschka, Perricone, Richner, Voorhees,

Nays: None.

The Speaker announced that under Rule 77 the concurrent resolution would lie over one day.

Rep. Gagliardi moved that Rule 77 be suspended.

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

Rep. Fitzgerald moved to amend the concurrent resolution as follows:

1. Amend the Resolving clause, line 4, after “members,” by striking out the balance of the sentence and inserting “with the Speaker and the Minority Leader of the House each selecting one member of their caucus and one member of the public; and the Majority Leader and the Minority Leader of the Senate each selecting one member of their caucus and one member of the public.”.

The question being on the adoption of the amendment offered by Rep. Fitzgerald,

Rep. Fitzgerald demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Fitzgerald,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 245

Yeas—47

Bankes
Birkholz

Gilmer
Godchaux

Kaza
Kukuk

Perricone
Raczowski

Bobier	Goschka	Law	Rhead
Bodem	Green	LeTarte	Richner
Brackenridge	Gustafson	Llewellyn	Rocca
Byl	Hammerstrom	London	Scranton
Cassis	Horton	Lowe	Sikkema
Cropsey	Jansen	McBryde	Voorhees
DeVuyst	Jaye	McNutt	Walberg
Dobb	Jelinek	Middleton	Whyman
Fitzgerald	Jellema	Nye	Willard
Gernaat	Johnson	Oxender	

Nays—42

Agee	Dobronski	Mans	Rison
Alley	Frank	Martinez	Schauer
Anthony	Gagliardi	Mathieu	Schermesser
Baade	Galloway	Olshove	Scott
Bogardus	Gire	Owen	Stallworth
Brewer	Griffin	Palamara	Tesanovich
Brown	Hale	Parks	Thomas
Callahan	Hanley	Price	Wallace
Cherry	Hertel	Prusi	Wetters
Ciaramitaro	Kelly	Quarles	Wojno
DeHart	Leland		

In The Chair: Hertel

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

The Committee on House Oversight and Ethics, by Rep. Gagliardi, Chair, reported

House Concurrent Resolution No. 14.

A concurrent resolution memorializing the United States Congress to return to the states the revenue collected under the gasoline tax increase of 1993.

(For text of resolution, see House Journal No. 13, p. 211.)

With the recommendation that the following substitute (H-2) be adopted and that the concurrent resolution then be adopted.

Substitute for House Concurrent Resolution No. 14.

A concurrent resolution memorializing the United States Congress to return to the states the revenue collected under the gasoline tax increase of 1993.

Whereas, The maintenance of a high quality road network is vital to the economic health of our state. As the home of the city that put America on wheels, we in Michigan appreciate this relationship instinctively. Roads of less than excellent quality impede commerce, discourage job formation, and diminish our quality of life. Road maintenance is simultaneously one of the least glamorous of tasks and one of the most important responsibilities that the state carries out; and

Whereas, We in Michigan levy a tax on the purchase of gasoline in order to repair and improve our system of roads and highways. As a tax on those who use the highways, it is one of our fairest means of raising revenue. Just as the states levy a tax on gasoline purchases, so too does the federal government. One consequence of the federal government's taxation of gasoline is the effective limit it places on states that need additional revenue for road repair. As maintenance costs rise and as cars become more fuel efficient, the ability of gasoline tax revenue to fund road work is diminished. In addition, increases in federal gasoline taxes effectively block states from raising state taxes on fuel due to the need to avoid too steep of an increase that might stifle economic growth; and

Whereas, If the federal government used its revenue from the federal gasoline tax to help states maintain their roads, this dual taxation might not be harmful in practice because the tax money would still repair our roads regardless of

who collected the funds. Unfortunately, the 1993 federal gasoline tax increase of 4.3 cents per gallon has been devoted to deficit reduction. While deficit reduction is a valid and admirable goal, utilizing revenue from a source which should be ear-marked for road maintenance effectively deprives the states of an adequate means to repair and expand their roads; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the United States Congress to return to the states the revenue collected under the gasoline tax increase of 1993; and be it further

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

Favorable Roll Call

HCR 14 To Report Out:

Yeas: Reps. Gagliardi, Cherry, Agee, DeHart, Varga, DeVuyst, Fitzgerald, Richner, Voorhees,

Nays: Rep. Wallace.

The Speaker announced that under Rule 77 the concurrent resolution would lie over one day.

Rep. Gagliardi moved that Rule 77 be suspended.

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

The question being on the adoption of the substitute (H-2) recommended by the Committee,

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

The question being on the adoption of the concurrent resolution,

Rep. London demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 246

Yeas—97

Agee	Dobronski	Kaza	Price
Alley	Fitzgerald	Kelly	Profit
Anthony	Frank	Kukuk	Prusi
Baade	Freeman	LaForge	Quarles
Baird	Gagliardi	Law	Raczkowski
Bankes	Galloway	Leland	Rhead
Birkholz	Gernaat	LeTarte	Richner
Bobier	Gire	Llewellyn	Rison
Bodem	Godchaux	London	Rocca
Bogardus	Goschka	Lowe	Schauer
Brackenridge	Green	Mans	Schermesser
Brater	Griffin	Martinez	Schroer
Brewer	Gubow	Mathieu	Scott
Brown	Gustafson	McBryde	Scranton
Byl	Hale	McNutt	Sikkema
Callahan	Hammerstrom	Middaugh	Stallworth
Cassis	Harder	Middleton	Tesanovich
Cherry	Hertel	Nye	Thomas
Ciaramitaro	Horton	Olshove	Voorhees
Cropsey	Jansen	Owen	Walberg
Curtis	Jaye	Oxender	Wetters
Dalman	Jelinek	Palamara	Whyman
DeHart	Jellema	Parks	Willard
DeVuyst	Johnson	Perricone	Wojno
Dobb			

Nays—0

In The Chair: Hertel

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gagliardi, Chair of the Committee on House Oversight and Ethics, was received and read:

Meeting held on: Monday, April 28, 1997, at 2:00 p.m.,

Present: Reps. Gagliardi, Cherry, Agee, Brewer, DeHart, Hanley, Varga, Wallace, Wojno, Gustafson, DeVuyst, Fitzgerald, Goschka, Perricone, Richner, Voorhees,

Absent: Rep. Kilpatrick,

Excused: Rep. Kilpatrick.

Second Reading of Bills**House Bill No. 4472, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 47 (MCL 211.47), as amended by 1994 PA 253.

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

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"Sec. 44. (1) Upon receipt of the tax roll, the township treasurer or other collector shall proceed to collect the taxes. The township treasurer or other collector shall mail to each taxpayer at the taxpayer's last known address on the tax roll or to the taxpayer's designated agent a statement showing the description of the property against which the tax is levied, the taxable value of the property, and the amount of the tax on the property. If a tax statement is mailed to the taxpayer, a tax statement sent to a taxpayer's designated agent may be in a summary form or may be in an electronic data processing format. If the tax statement information is provided to both a taxpayer and the taxpayer's designated agent, the tax statement mailed to the taxpayer may be identified as an informational copy. A township treasurer or other collector electing to send a tax statement to a taxpayer's designated agent or electing not to include an itemization in the manner described in subsection (9)(c) in a tax statement mailed to the taxpayer shall, upon request, mail a detailed copy of the tax statement, including an itemization of the amount of tax in the manner described by subsection (9)(c), to the taxpayer without charge, as previously required by this section.

(2) The expense of preparing and mailing the statement shall be paid from the county, township, city, or village funds. Failure to send or receive the notice does not prejudice the right to collect or enforce the payment of the tax. The township treasurer shall remain in the office of the township treasurer at some convenient place in the township on each Friday in the month of December, from 9 a.m. to 5 p.m. to receive taxes, but shall receive taxes upon a weekday when they are offered. However, if a Friday in the month of December is Christmas eve, Christmas day, New Year's eve, or a day designated by the township as a holiday for township employees, the township treasurer shall not be required to remain in the office of the township treasurer on that Friday, but shall remain in the office of the township treasurer at some convenient place in the township from 9 a.m. to 5 p.m. on the day most immediately preceding that Friday that is not Christmas eve, Christmas day, New Year's eve, or a day designated by the township as a holiday for township employees, to receive taxes.

(3) Except as provided by subsection (7), on a sum voluntarily paid before February 15 of the succeeding year, the local property tax collecting unit shall add 1% for a property tax administration fee. However, unless otherwise provided for by an agreement between the assessing unit and the collecting unit, if a local property tax collecting unit other than a village does not also serve as the local assessing unit, the excess of the amount of property tax administration fees over the expense to the local property tax collecting unit in collecting the taxes, but not less than 80% of the fee imposed, shall be returned to the local assessing unit. A property tax administration fee is defined as a fee to offset costs incurred by a collecting unit in assessing property values, collecting the property tax levies, and in the review and appeal processes. The costs of any appeals, in excess of funds available from the property tax administration fee, may be shared by any taxing unit only if approved by the governing body of the taxing unit. Except as provided by subsection (7), on all taxes paid after February 14 and before March 1 the governing body of a city or township may authorize the treasurer to add to the tax a property tax administration fee to the extent imposed on taxes paid before February 15 and a late penalty charge equal to 3% of the tax. ~~Interest~~ ~~THE GOVERNING BODY OF A CITY OR TOWNSHIP MAY WAIVE INTEREST~~ from February 15 to the last day of February on a summer property tax that has been deferred under section 51 or any late penalty charge ~~may be waived by the governing body of a city or township~~ for the homestead property of a senior citizen, paraplegic, quadriplegic, hemiplegic, eligible serviceperson, eligible veteran, eligible widow or widower, totally and permanently disabled person, or blind person,

as those persons are defined in chapter 9 of the income tax act of 1967, ~~Act No. 281 of the Public Acts of 1967, being sections 206.501 to 206.532 of the Michigan Compiled Laws 1967 PA 281, MCL 206.501 TO 206.532~~, if the person makes a claim before February 15 for a credit for that property provided by chapter 9 of ~~Act No. 281 of the Public Acts of 1967~~ THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.501 TO 206.532, if the person presents a copy of the form filed for that credit to the local treasurer, and if the person has not received the credit before February 15. ~~Interest~~ THE GOVERNING BODY OF A CITY OR TOWNSHIP MAY WAIVE INTEREST from February 15 to the last day of February on a summer property tax deferred under section 51 or any late penalty charge ~~may be waived by the governing body of a city or township~~ for a person's property that is subject to a farmland development rights agreement recorded with the register of deeds of the county in which the property is situated as provided in section 36104 of part 361 (farmland and open space preservation) of the natural resources and environmental protection act, ~~Act No. 451 of the Public Acts of 1994, being section 324.36104 of the Michigan Compiled Laws 1994 PA 451, MCL 324.36104~~, if the person presents a copy of the development rights agreement or verification that the property is subject to a development rights agreement before February 15. A 4% county property tax administration fee, a property tax administration fee to the extent imposed on and if authorized under subsection (7) for taxes paid before March 1, and interest on the tax at the rate of 1% per month shall be added to taxes collected by the township or city treasurer after the last day of February and before settlement with the county treasurer, and the payment shall be treated as though collected by the county treasurer. If the statements required to be mailed by this section are not mailed before December 31, the treasurer shall not impose a late penalty charge ~~with respect to~~ ON taxes collected after February 14.

(4) The governing body of a local property tax collecting unit may waive all or part of the property tax administration fee or the late penalty charge, or both. A property tax administration fee collected by the township treasurer shall be used only for the purposes for which it may be collected as specified by subsection (3) and this subsection. If the bond of the treasurer, as provided in section 43, is furnished by a surety company, the cost of the bond may be paid by the township from the property tax administration fee.

(5) If apprehensive of the loss of personal tax assessed upon the roll, the township treasurer may enforce collection of the tax at any time, and if compelled to seize property or bring an action in December may add, if authorized under subsection (7), 1% for a property tax administration fee and 3% for a late penalty charge.

(6) Along with taxes returned delinquent to a county treasurer under section 55, the amount of the 1% property tax administration fee prescribed by subsection (3) that is imposed and not paid shall be included in the return of delinquent taxes and, when delinquent taxes are distributed by the county treasurer under this act, the delinquent 1% property tax administration fee shall be distributed to the treasurer of the local unit who transmitted the statement of taxes returned as delinquent. Interest imposed upon delinquent property taxes under this act shall also be imposed upon the 1% property tax administration fee and, for purposes of this act other than to which local unit the county treasurer shall distribute a delinquent 1% property tax administration fee, any reference to delinquent taxes shall be considered to include the 1% property tax administration fee returned as delinquent for the same property.

(7) The local property tax collecting treasurer shall not impose a property tax administration fee, collection fee, or any type of late penalty charge authorized by law or charter unless the governing body of the local property tax collecting unit approves, by resolution or ordinance adopted after December 31, 1982, an authorization for the imposition of a property tax administration fee, collection fee, or any type of late penalty charge provided for by this section or by charter, which authorization shall be valid for all levies that become a lien after the resolution or ordinance is adopted. However, unless otherwise provided for by an agreement between the assessing unit and the collecting unit, a local property tax collecting unit that does not also serve as the assessing unit shall impose a property tax administration fee on each parcel at a rate equal to the rate of the fee imposed for city or township taxes on that parcel. A PROPERTY TAX ADMINISTRATION FEE OR COLLECTION FEE IMPOSED IN A TAX YEAR SHALL NOT EXCEED THE ACTUAL COST OF COLLECTING THE PROPERTY TAXES LEVIED IN THAT TAX YEAR.

(8) The annual statement required by ~~Act No. 125 of the Public Acts of 1966, being sections 565.161 to 565.164 of the Michigan Compiled Laws 1966 PA 125, MCL 565.161 TO 565.164~~, or a monthly billing form or mortgagor passbook provided instead of that annual statement shall include a statement to the effect that a taxpayer who ~~has~~ WAS not ~~been~~ mailed the tax statement or a copy of the tax statement by the township treasurer or other collector shall receive, upon request and without charge, a copy of the tax statement from the township treasurer or other collector or, if the tax statement has been mailed to the taxpayer's designated agent, from either the taxpayer's designated agent or the township treasurer or other collector. A designated agent who is subject to ~~Act No. 125 of the Public Acts of 1966 1966 PA 125, MCL 565.161 TO 565.164~~, and who has been mailed the tax statement for taxes that became a lien in the calendar year immediately preceding the year in which the annual statement may be required to be furnished shall mail, upon ~~the request of~~ and without charge to a taxpayer who ~~has~~ WAS not ~~been~~ mailed that tax statement or a copy of that tax statement, a copy of that tax statement. ~~to that taxpayer.~~

(9) As used in this section:

(a) "Designated agent" means an individual, partnership, association, corporation, receiver, estate, trust, or other legal entity that has entered into an escrow account agreement or other agreement with the taxpayer that obligates that individual or legal entity to pay the property taxes for the taxpayer or, if an agreement has not been entered into, that

~~has been~~ WAS designated by the taxpayer on a form made available to the taxpayer by the township treasurer and filed with that treasurer. The designation by the taxpayer shall remain in effect until revoked by the taxpayer in a writing filed with the township treasurer. The form made available by the township treasurer shall include a statement that submission of the form allows the treasurer to mail the tax statement to the designated agent instead of to the taxpayer and a statement notifying the taxpayer of his or her right to revoke the designation by a writing filed with the township treasurer.

(b) "Taxpayer" means the owner of the property ~~upon~~ ON which the tax is imposed.

(c) When describing in subsection (1) that the amount of tax on the property must be shown in the tax statement, "amount of tax" means an itemization by dollar amount of each of the several ad valorem property taxes and special assessments that a person may pay under section 53 and an itemization by millage rate, on either the tax statement or a separate form accompanying the tax statement, of each of the several ad valorem property taxes that a person may pay under section 53. The township treasurer or other collector may replace the itemization described in this subdivision with a statement informing the taxpayer that the itemization of the dollar amount and millage rate of the taxes is available without charge from the local property tax collecting unit."

The question being on the adoption of the amendment offered by Rep. Jaye,

Rep. Jaye demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Jaye,

Rep. Jaye withdrew the amendment.

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

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

House Bill No. 4230, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5131, 5205, and 5207 (MCL 333.5131, 333.5205, and 333.5207), section 5131 as amended by 1994 PA 200 and sections 5205 and 5207 as added by 1988 PA 490, and by adding section 5204.

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

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

Rep. Hammerstrom 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. Jaye moved to amend the bill as follows:

1. Amend page 5, line 5, after "5204," by inserting "5204A,".
2. Amend page 12, following line 19, by inserting:

"SEC. 5204A. (1) AN INDIVIDUAL, OTHER THAN AN INDIVIDUAL DESCRIBED IN SECTION 5204, WHO IS AN EMPLOYEE OF A PUBLIC OR PRIVATE EMPLOYER MAY PROCEED UNDER THIS SECTION IF HE OR SHE HAS RECEIVED TRAINING IN THE TRANSMISSION OF BLOODBORNE DISEASES UNDER THE RULES GOVERNING EXPOSURE TO BLOODBORNE DISEASES IN THE WORKPLACE PROMULGATED BY THE OCCUPATIONAL HEALTH STANDARDS COMMISSION OR INCORPORATED BY REFERENCE UNDER THE MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT, 1974 PA 154, MCL 408.1001 TO 408.1094.

(2) AN INDIVIDUAL WHO HAS RECEIVED THE TRAINING DESCRIBED IN SUBSECTION (1) AND WHO, WHILE PERFORMING THE DUTIES OF HIS OR HER EMPLOYMENT, DETERMINES THAT HE OR SHE HAS SUSTAINED A PERCUTANEOUS, MUCOUS MEMBRANE, OR OPEN WOUND EXPOSURE TO THE BLOOD OR BODY FLUIDS OF ANOTHER MAY REQUEST THAT THE OTHER INDIVIDUAL BE TESTED FOR HIV INFECTION, HBV INFECTION, HCV INFECTION, OR ALL 3 INFECTIONS, PURSUANT TO THIS SECTION.

(3) AN INDIVIDUAL WHO DESIRES TO MAKE A REQUEST DESCRIBED IN SUBSECTION (2) SHALL MAKE THE REQUEST TO HIS OR HER EMPLOYER IN WRITING ON A FORM PROVIDED BY THE DEPARTMENT AS SOON AS POSSIBLE, BUT NOT LATER THAN 72 HOURS, AFTER THE EXPOSURE OCCURS. THE REQUEST FORM SHALL BE DATED AND SHALL CONTAIN, AT A MINIMUM, THE NAME AND ADDRESS OF THE INDIVIDUAL MAKING THE REQUEST AND A DESCRIPTION OF HIS OR HER EXPOSURE TO THE BLOOD OR OTHER BODY FLUIDS OF THE OTHER INDIVIDUAL. THE REQUEST FORM SHALL ALSO CONTAIN A STATEMENT THAT THE REQUESTER IS SUBJECT TO THE CONFIDENTIALITY REQUIREMENTS OF SUBSECTION (7) AND SECTION 5131. THE REQUEST FORM SHALL NOT CONTAIN INFORMATION THAT WOULD IDENTIFY THE OTHER INDIVIDUAL BY NAME, EXCEPT IF NECESSARY TO IDENTIFY THE INDIVIDUAL FOR PURPOSES OF TESTING UNDER THIS SECTION.

(4) THE EMPLOYER OF AN INDIVIDUAL MAKING A REQUEST UNDER SUBSECTIONS (2) AND (3) SHALL ACCEPT AS FACT THE REQUESTER'S DESCRIPTION OF HIS OR HER EXPOSURE TO BLOOD OR OTHER BODY FLUIDS AS DESCRIBED IN SUBSECTION (2). THE REQUESTER'S EMPLOYER SHALL HAVE THE TEST FOR HIV INFECTION, HBV INFECTION, HCV INFECTION, OR ALL 3 INFECTIONS PERFORMED BY THE LOCAL HEALTH DEPARTMENT OR BY A HEALTH CARE PROVIDER DESIGNATED BY THE LOCAL

HEALTH DEPARTMENT. IF THE TEST SUBJECT CONSENTS TO THE PERFORMANCE OF THE TEST OR TESTS NAMED IN THE REQUEST, THE REQUESTER'S EMPLOYER SHALL TRANSPORT THE TEST SUBJECT TO THE LOCAL HEALTH DEPARTMENT OR DESIGNATED HEALTH CARE PROVIDER FOR TESTING, OR A REPRESENTATIVE OF THE LOCAL HEALTH DEPARTMENT OR DESIGNATED HEALTH CARE PROVIDER SHALL COME TO WHERE THE TEST SUBJECT IS TO TAKE A BLOOD OR OTHER BODY FLUID SAMPLE FOR TESTING, AS SOON AS PRACTICABLE AFTER THE LOCAL HEALTH DEPARTMENT RECEIVES THE REQUEST FOR TESTING FROM THE REQUESTER'S EMPLOYER. IF THE TEST SUBJECT REFUSES TO UNDERGO 1 OR MORE TESTS SPECIFIED IN THE REQUEST, THE REQUESTER'S EMPLOYER MAY PROCEED WITH A PETITION TO THE FAMILY DIVISION OF THE CIRCUIT COURT IN THE MANNER PROVIDED IN SECTION 5205 OR 5207, AS APPROPRIATE.

(5) A LOCAL HEALTH DEPARTMENT OR A HEALTH CARE PROVIDER DESIGNATED BY THE LOCAL HEALTH DEPARTMENT THAT PERFORMS 1 OR MORE TESTS UNDER THIS SECTION MAY CHARGE THE EMPLOYEE REQUESTING THE TEST FOR THE REASONABLE AND CUSTOMARY CHARGES OF EACH TEST. THE EMPLOYEE REQUESTING THE TEST IS RESPONSIBLE FOR THE PAYMENT OF THE CHARGES IF THE CHARGES ARE NOT PAYABLE BY THE EMPLOYEE'S EMPLOYER, PURSUANT TO AN AGREEMENT BETWEEN THE EMPLOYEE AND THE EMPLOYER, OR BY THE EMPLOYEE'S HEALTH CARE PAYMENT OR BENEFITS PLAN. A LOCAL HEALTH DEPARTMENT OR A HEALTH CARE PROVIDER DESIGNATED BY THE LOCAL HEALTH DEPARTMENT TO PERFORM AN HIV TEST UNDER THIS SECTION IS NOT REQUIRED TO PROVIDE HIV COUNSELING PURSUANT TO SECTION 5133(1) TO AN EMPLOYEE WHO REQUESTS THAT ANOTHER INDIVIDUAL BE TESTED FOR HIV UNDER THIS SECTION, UNLESS THE LOCAL HEALTH DEPARTMENT OR DESIGNATED HEALTH CARE PROVIDER TESTS THE EMPLOYEE FOR HIV.

(6) A LOCAL HEALTH DEPARTMENT OR A HEALTH CARE PROVIDER DESIGNATED BY THE LOCAL HEALTH DEPARTMENT TO PERFORM A TEST UNDER THIS SECTION SHALL, ON A FORM PROVIDED BY THE DEPARTMENT, NOTIFY THE REQUESTING EMPLOYEE OF THE HIV TEST, HBV TEST, OR HCV TEST RESULTS, AS APPLICABLE, WHETHER POSITIVE OR NEGATIVE, WITHIN 2 DAYS AFTER THE TEST RESULTS ARE OBTAINED BY THE LOCAL HEALTH DEPARTMENT OR DESIGNATED HEALTH CARE PROVIDER. THE NOTIFICATION SHALL BE TRANSMITTED DIRECTLY TO THE REQUESTING EMPLOYEE OR, UPON REQUEST OF THE REQUESTING EMPLOYEE, TO HIS OR HER PRIMARY CARE PHYSICIAN OR TO ANOTHER HEALTH PROFESSIONAL DESIGNATED BY THE EMPLOYEE. THE NOTIFICATION REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE AN EXPLANATION OF THE CONFIDENTIALITY REQUIREMENTS OF SUBSECTION (7). THE NOTIFICATION REQUIRED UNDER THIS SUBSECTION SHALL ALSO CONTAIN A STATEMENT RECOMMENDING THAT THE REQUESTING EMPLOYEE UNDERGO AN HIV TEST, AN HBV TEST, OR AN HCV TEST, OR ALL 3 TESTS.

(7) THE NOTICE REQUIRED UNDER SUBSECTION (6) SHALL NOT CONTAIN INFORMATION THAT WOULD IDENTIFY THE OTHER INDIVIDUAL WHO TESTED POSITIVE OR NEGATIVE FOR HIV, HBV, OR HCV. THE INFORMATION CONTAINED IN THE NOTICE IS CONFIDENTIAL AND IS SUBJECT TO THIS SECTION, THE RULES PROMULGATED UNDER SECTION 5111(2), AND SECTION 5131. A PERSON WHO RECEIVES CONFIDENTIAL INFORMATION UNDER THIS SECTION SHALL DISCLOSE THE INFORMATION TO OTHERS ONLY TO THE EXTENT CONSISTENT WITH THE AUTHORIZED PURPOSE FOR WHICH THE INFORMATION WAS OBTAINED.

(8) THE DEPARTMENT MAY PROMULGATE RULES TO ADMINISTER THIS SECTION. THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE THE FORMS REQUIRED UNDER THIS SECTION.

(9) IN ADDITION TO THE PENALTIES PRESCRIBED IN THE RULES PROMULGATED UNDER SECTION 5111(2) AND IN SECTION 5131, A PERSON WHO DISCLOSES INFORMATION IN VIOLATION OF SUBSECTION (7) IS GUILTY OF A MISDEMEANOR.

(10) A LOCAL HEALTH DEPARTMENT OR DESIGNATED HEALTH CARE PROVIDER SHALL REPORT TO THE DEPARTMENT EACH TEST RESULT OBTAINED UNDER THIS SECTION THAT INDICATES THAT AN INDIVIDUAL IS HIV INFECTED, IN COMPLIANCE WITH SECTION 5114.

(11) A PERSON OR GOVERNMENTAL ENTITY THAT MAKES A GOOD FAITH EFFORT TO COMPLY WITH SUBSECTIONS (1) TO (6) IS IMMUNE FROM CIVIL LIABILITY OR CRIMINAL PENALTY BASED ON COMPLIANCE WITH, OR THE FAILURE TO COMPLY WITH, THOSE SUBSECTIONS.

(12) AS USED IN THIS SECTION AND SECTION 5205:

(A) "EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED BY A PUBLIC OR PRIVATE EMPLOYER.

(B) "HBV" MEANS HEPATITIS B VIRUS.

(C) "HBV INFECTED" OR "HBV INFECTION" MEANS THE STATUS OF AN INDIVIDUAL WHO IS TESTED AS HBSAG-POSITIVE.

(D) "HCV" MEANS HEPATITIS C VIRUS.

(E) "HCV INFECTED" OR "HCV INFECTION" MEANS THE STATUS OF AN INDIVIDUAL WHO HAS TESTED POSITIVE FOR THE PRESENCE OF HCV ANTIBODIES OR HAS TESTED POSITIVE FOR HBV USING AN RNA TEST.

(F) "HIV" MEANS HUMAN IMMUNODEFICIENCY VIRUS.

(G) "HIV INFECTED" MEANS THAT TERM AS DEFINED IN SECTION 5101."

3. Amend page 13, line 15, after "5204" by inserting "OR 5204A".

4. Amend page 13, line 23, after "(3)" by inserting "OR SECTION 5204A(2) OR (3)".

5. Amend page 13, line 25, after "PAROLEE," by striking out "OR PROBATIONER" and inserting "PROBATIONER, OR OTHER INDIVIDUAL".

6. Amend page 14, line 3, after "(3)" by inserting "OR SECTION 5204A(2) OR (3)".

7. Amend page 14, line 7, after "5204(1)" by inserting "AND SECTION 5204A(1)".

8. Amend page 14, line 9, after "PAROLEE," by striking out "OR PROBATIONER" and inserting "PROBATIONER, OR OTHER INDIVIDUAL".

9. Amend page 14, line 10, after "(3)" by inserting "AND SECTION 5204A(2) AND (3)".

10. Amend page 14, line 20, after "5204" by inserting "OR 5204A".

11. Amend page 19, line 13, after "PAROLEE," by striking out "OR PROBATIONER" and inserting "PROBATIONER, OR OTHER INDIVIDUAL".

The question being on the adoption of the amendments offered by Rep. Jaye,

Rep. Jaye demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Jaye,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 247

Yeas—42

Anthony	Cropsey	Jaye	Oxender
Baade	Curtis	Jelinek	Perricone
Birkholz	Dalman	Johnson	Rackowski
Bobier	DeVuyst	Kaza	Richner
Bodem	Frank	Llewellyn	Rocca
Bogardus	Gernaat	London	Sikkema
Brackenridge	Goschka	Lowe	Voorhees
Brewer	Gustafson	McBryde	Walberg
Brown	Harder	McNutt	Whyman
Byl	Horton	Middaugh	Willard
Cassis	Jansen		

Nays—55

Agee	Gilmer	Leland	Quarles
Alley	Gire	LeTarte	Rison
Baird	Godchaux	Mans	Schauer
Banks	Green	Martinez	Schermesser
Brater	Gubow	Mathieu	Schroer
Callahan	Hale	Middleton	Scott
Cherry	Hammerstrom	Nye	Scranton
Ciaramitaro	Hanley	Olshove	Stallworth
DeHart	Hertel	Owen	Tesanovich
Dobb	Jellema	Palamara	Thomas
Dobronski	Kelly	Parks	Wallace
Fitzgerald	Kukuk	Price	Wetters
Gagliardi	LaForge	Profit	Wojno
Galloway	Law	Prusi	

In The Chair: Hertel

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

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

House Bill No. 4097, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57i.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Human Services and Children (for amendments, see House Journal No. 32, p. 601),

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

Reps. Scott and Bogardus moved to amend the bill as follows:

1. Amend page 1, line 1, after "SEC. 57I." by inserting "(1)".
2. Amend page 1, following line 5, by inserting:

"(2) IN ADDITION TO THE NOTICE REQUIRED UNDER SUBSECTION (1), THE DEPARTMENT SHALL, AT A MINIMUM, PUBLISH A BIENNIAL NOTICE OF THE AVAILABILITY OF LOW-INCOME CHILD CARE ASSISTANCE AND OF THE ELIGIBILITY REQUIREMENTS FOR RECEIVING THAT ASSISTANCE. THE DEPARTMENT SHALL PUBLISH THE NOTICE REQUIRED UNDER THIS SUBSECTION IN NOT LESS THAN 5 NEWSPAPERS OF GENERAL CIRCULATION IN THOSE PARTS OF THE STATE WHERE NOT LESS THAN 25% OF THE POPULATION IS DETERMINED BY THE DEPARTMENT TO BE LOW OR MODERATE INCOME, 1 OF WHICH SHALL BE IN THE UPPER PENINSULA. THE DEPARTMENT SHALL ALSO PUBLISH THE NOTICE REQUIRED UNDER THIS SUBSECTION IN POSTER FORM, AND SHALL PROVIDE A COPY OF THE POSTER TO EACH OF THE FOLLOWING:

(A) EACH LICENSED OR REGISTERED CHILD DAY CARE PROVIDER.

(B) EACH HOSPITAL THAT PROVIDES OBSTETRICAL SERVICES.

(C) EACH LICENSED PHYSICIAN WHO SPECIALIZES IN OBSTETRICS."

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

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

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

—

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

House Bill No. 4146, entitled

A bill to amend 1982 PA 455, entitled "The library privacy act," by amending section 2 (MCL 397.602).

The bill was read a second time.

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

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

House Bill No. 4448, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

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

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

Rep. Jaye moved to amend the bill as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"Sec. 639. (1) If a special election is called by a county, city, township, village, or school district, the proposed date of the election shall be submitted to a county election scheduling committee consisting of the county clerk and 3 other members appointed by the county board of commissioners. Members appointed by the county board of commissioners shall be appointed at the first meeting of the board each odd-numbered year and shall serve for 2 years. Of the members appointed by the county board of commissioners, 1 shall be a township clerk, 1 shall be a city clerk, and 1 shall be a member of the board of education of a school district in the county. In counties not containing cities, the committee shall consist of 3 members. Vacancies shall be filled by appointment by the county board of commissioners. The county clerk shall be chairperson of the committee and the prosecuting attorney shall be legal advisor to the committee. Members of the committee who are full-time employees of a unit of government shall not receive additional compensation for serving on the committee. Other members shall receive a per diem established by the county board of commissioners but not to exceed that paid to members of the board of canvassers. Any meeting of 4 hours or less shall be paid as a half day. The members of the commission may be paid expenses incurred in the performance of their duties.

(2) The committee shall determine if the proposed election date conflicts with any other scheduled election in the county. In determining conflict, the committee shall give consideration to such matters as the proximity of the proposed election to other scheduled elections, whether adequate notice can be given, and if residents will be given opportunity to register for the election. Except for elections held pursuant to section 36(2) of the general property tax act, ~~Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws~~ 1893 PA 206, MCL 211.36, the commission shall not approve any election scheduled to be held less than 45 days after the approval date and shall have the authority to disapprove an election date if an election is scheduled to be held in the same territory within 30 days of the proposed election date. For elections held pursuant to section 36(2) of the general property tax act, ~~Act No. 206 of the Public Acts of 1893, as amended~~ 1893 PA 206, MCL 211.36, the committee shall have only the right to receive notice of the election and shall not have any power as regards the 45- and 30-day restrictions contained in this section. Two or more special elections may be held on the same date. If the committee determines that a substantial conflict does not exist, SUBJECT TO SUBSECTION (3), it shall approve the proposed date and notify the clerk of the governmental unit involved. If the committee determines that a substantial conflict exists OR IF SUBSECTION (3) APPLIES, it shall notify the clerk of the governmental unit, explaining the conflict and disapproving the date, and the proposed election shall not be scheduled on that date. A determination by the committee shall be made within 5 days of receiving a proposed date unless the scheduling committee has 2 or more regularly scheduled meetings per month, in which case the determination shall be made at the first meeting of the committee following receipt in writing of the proposed date by the county clerk. Notice to the local clerk of the determination of the committee shall be made by the county clerk immediately after the committee makes its determination. The secretary of any school district shall, upon receiving the approval of a proposed date, immediately notify the clerk of every city and township in the school district of the approved date. If a district extends into more than 1 county, the determination shall be made by a committee of the county in which the greatest number of registered voters of the unit of government scheduling the special election reside after consulting with the county clerk from each county involved.

(3) THE COUNTY ELECTION SCHEDULING COMMITTEE SHALL ONLY SCHEDULE A SPECIAL ELECTION TO SUBMIT A QUESTION TO THE ELECTORS OF THIS STATE OR TO THE ELECTORS OF ANY SUBDIVISION OF THIS STATE THAT RELATES TO A NEW TAX, A TAX INCREASE OR A TAX RENEWAL, OR THAT RELATES TO A BOND ISSUE OR RENEWAL AS FOLLOWS:

(A) FOR THE FIRST TIME IN A CALENDAR YEAR THAT THE QUESTION APPEARS ON THE BALLOT, THE SPECIAL ELECTION SHALL BE SCHEDULED FOR THE REGULARLY SCHEDULED PRIMARY ELECTION OF THIS STATE OR SUBDIVISION OF THIS STATE, AS APPLICABLE.

(B) FOR THE SECOND TIME IN A CALENDAR YEAR THAT THE QUESTION APPEARS ON THE BALLOT, THE SPECIAL ELECTION SHALL BE SCHEDULED FOR THE REGULARLY SCHEDULED GENERAL ELECTION OF THIS STATE OR SUBDIVISION OF THIS STATE, AS APPLICABLE.”.

The question being on the adoption of the amendment offered by Rep. Jaye,

Rep. Jaye demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Jaye,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 248

Yeas—34

Anthony	Gustafson	Lowe	Richner
Brewer	Horton	McBryde	Rocca
Brown	Jansen	Middleton	Scranton
Cropsey	Jaye	Nye	Sikkema
Dalman	Johnson	Olshove	Voorhees
DeVuyst	Kaza	Perricone	Walberg
Freeman	Kukuk	Raczkowski	Whyman
Goschka	Llewellyn	Rhead	Willard
Green	London		

Nays—64

Agee	DeHart	Harder	Parks
Alley	Dobb	Hertel	Price

Baade	Dobronski	Jelinek	Profit
Baird	Fitzgerald	Jellema	Prusi
Bankes	Frank	Kelly	Quarles
Bobier	Gagliardi	LaForge	Rison
Bodem	Galloway	Leland	Schauer
Bogardus	Gernaat	LeTarte	Schermesser
Brackenridge	Gilmer	Mans	Schroer
Brater	Gire	Martinez	Scott
Byl	Godchaux	Mathieu	Stallworth
Callahan	Griffin	McNutt	Tesanovich
Cassis	Gubow	Middaugh	Thomas
Cherry	Hale	Owen	Wallace
Ciaramitaro	Hammerstrom	Oxender	Wetters
Curtis	Hanley	Palamara	Wojno

In The Chair: Gire

Rep. Jaye moved to amend the bill as follows:

1. Amend page 8, following line 18, by inserting:

“SEC. 759C. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT TO THE CONTRARY, THE CLERK OF A SCHOOL DISTRICT SHALL MAIL AN ABSENT VOTER BALLOT APPLICATION FORM TO EACH REGISTERED VOTER IN THE SCHOOL DISTRICT WHO IS 60 YEARS OF AGE OR OLDER. THE CLERK SHALL MAIL THE FORMS UNDER THIS SECTION 30 DAYS OR MORE BEFORE EACH ELECTION IN WHICH SCHOOL ELECTORS OF THE SCHOOL DISTRICT WILL BE VOTING.”.

The question being on the adoption of the amendment offered by Rep. Jaye,

Rep. Jaye demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Jaye,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 249

Yeas—22

Bodem	Dobb	Johnson	Raczkowski
Brown	Gernaat	Llewellyn	Rocca
Cropsey	Goschka	London	Voorhees
Dalman	Gustafson	McBryde	Whyman
DeHart	Horton	Perricone	Willard
DeVuyst	Jaye		

Nays—74

Agee	Frank	Kukuk	Profit
Alley	Gagliardi	LaForge	Prusi
Anthony	Galloway	Leland	Quarles
Baade	Gilmer	LeTarte	Rhead
Baird	Gire	Lowe	Richner
Bankes	Godchaux	Mans	Rison
Bobier	Green	Martinez	Schauer
Bogardus	Griffin	Mathieu	Schermesser
Brackenridge	Gubow	McNutt	Schroer
Brater	Hale	Middaugh	Scott
Brewer	Hammerstrom	Middleton	Scranton
Byl	Hanley	Nye	Sikkema

Callahan	Harder	Olshove	Tesanovich
Cassis	Hertel	Owen	Thomas
Cherry	Jansen	Oxender	Walberg
Ciaramitaro	Jelinek	Palamara	Wallace
Curtis	Jellema	Parks	Wetters
Dobronski	Kaza	Price	Wojno
Fitzgerald	Kelly		

In The Chair: Gire

Rep. Dobronski moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed, a majority of the members voting therefor.

House Bill No. 4450, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2815 (MCL 333.2815), as amended by 1985 PA 20.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Health Policy (for amendment, see House Journal No. 32, p. 602),

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

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

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Kaza, Anthony, LaForge, Raczkowski, Brater, Schroer, Prusi and Bobier offered the following resolution:

House Resolution No. 40.

A resolution memorializing the Congress of the United States to repeal the Price-Anderson Act, which artificially alters the assessment of risk for the United States nuclear power industry.

Whereas, From its inception, the United States nuclear power industry has relied heavily on federal subsidies in the form of government sector research and development on reactor designs; and

Whereas, Even with such subsidies, private development of the nuclear industry was slow to develop, based on the determination by private sector insurance companies that the hazard of nuclear catastrophe was many times greater than any other risk previously known in industry; and

Whereas, Rather than abide by the rational determination of private sector insurance underwriters that the risk of catastrophe of the United States nuclear power industry was such that its furtherance was not considered to be reasonable public policy, the United States Congress did interfere in the spontaneous order of risk assessment and resource allocation by artificially encouraging development of the United States nuclear power industry through passage of the Price-Anderson Act in 1957; and

Whereas, The Price-Anderson Act limits liability for a nuclear accident to a maximum of \$560 million, a fraction of the actual risk posed by this form of energy generation; and

Whereas, As it is now written, the original 10-year authorization of the Price-Anderson Act passed in 1957 is automatically renewed every 10 years unless Congress votes not to extend the act; and

Whereas, Absent this unwarranted federal government interference in the rational market process of risk assessment and resource allocation, the United States nuclear power industry would never have come into existence, bringing with it excessive electric power prices; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to repeal the Price-Anderson Act, and end the practice of limiting the liability of nuclear power plants and utilities in the case of accidents; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Energy, and members of the Michigan congressional delegation.

The resolution was referred to the Committee on Conservation, Environment and Recreation.

Messages from the Senate

House Bill No. 4339, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 1 (MCL 15.231), as amended by 1996 PA 553.

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

The House agreed to the full title.

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

House Bill No. 4239, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, dog pounds and animal shelters," by amending the title and sections 1, 6, 7, 8, and 9 (MCL 287.331, 287.336, 287.337, 287.338, and 287.339), section 1 as amended by 1980 PA 214, and by adding sections 8a, 9a, and 9b.

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

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

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

Notices

Public Hearings

Committee on Education

Date: Friday, May 9, 1997

Time: 2:30-5:30 p.m.

Place: Macomb Intermediate School District

44001 Garfield Road

Clinton Township, MI

Rep. Sharon Gire

Chair

Agenda: Fact Finding on Michigan's Proficiency Test and any/or all business properly before this committee.

Committee on Education

Date: Friday, May 16, 1997

Time: 1:00-4:00 p.m.

Place: Harper Creek High School

7290 B-Drive North

Battle Creek, MI

Rep. Sharon Gire

Chair

Agenda: Fact Finding on Michigan's Proficiency Test and any/or all business properly before this committee.

Committee on Education

Date: Friday, May 23, 1997

Time: 1:00-4:00 p.m.

Place: Erwin L. Davis Education Center

2413 West Maple Avenue

Flint, MI

Rep. Sharon Gire

Chair

Agenda: Fact Finding on Michigan's Proficiency Test and any/or all business properly before this committee.

Committee on Education

Date: Friday, June 6, 1997
 Time: 1:00-4:00 p.m.
 Place: Annapolis High School
 20629 Annapolis
 Dearborn Heights, MI

Rep. Sharon Gire
 Chair

Agenda: Fact Finding on Michigan's Proficiency Test and any/or all business properly before this committee.

Committee on Education

Date: Monday, June 9, 1997
 Time: 1:00-4:00 p.m.
 Place: Kent County I. S. D. Educational Service Center
 2930 Knapp NE
 Grand Rapids, MI

Rep. Sharon Gire
 Chair

Agenda: Fact Finding on Michigan's Proficiency Test and any/or all business properly before this committee.

Announcement by the Clerk of Printing and Enrollment

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

Senate Bill Nos. 407 408 409 410 411 412 413 414 415 435 436
Senate Joint Resolution I

The Clerk announced the enrollment printing and presentation to the Governor on Friday, April 25, for his approval of the following bills:

Enrolled House Bill No. 4142 at 2:11 p.m.
Enrolled House Bill No. 4143 at 2:13 p.m.

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Monday, April 28:

House Bill Nos. 4648 4649 4650 4651 4652 4653 4654 4655 4656 4657 4658 4659 4660 4661
4662 4663
House Joint Resolution R

Messages from the Governor

The following message from the Governor was received April 24, 1997 and read:

EXECUTIVE ORDER
 1997 - 8

Michigan Biologic Products Institute
Michigan Department of Community Health
Michigan Department of Management and Budget

Executive Reorganization

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

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Executive Order 1995-25 created the Michigan Biologic Products Institute and the Michigan Biologic Products Commission, both as temporary agencies under Article V, Section 4, of the Constitution of the State of Michigan of 1963; and

WHEREAS, certain functions supporting the manufacture of biologic products at the Michigan Biologic Products Institute are currently provided by the Michigan Department of Community Health and the Michigan Department of Management and Budget; and

WHEREAS, federal regulations concerning biologic manufacturing enterprises, being 21 CFR 600.10, require that the management of such enterprises exercise control in all matters impacting manufacturing at the establishment; and

WHEREAS, recent regulatory actions by the United States Food and Drug Administration have created a need for management of the Michigan Biologic Products Institute to take immediate control of certain functions in order to comply with federal regulations.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. The portion of the Stockroom operation for the North Complex of the Michigan Department of Community Health supporting the Michigan Biologic Products Institute and the portion of the North Complex Security service supporting the Michigan Biologic Products Institute of the Michigan Department of Management and Budget are hereby transferred to the Michigan Biologic Products Institute by a Type II transfer, as defined by Section 3 of Public Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws. The Michigan Biologic Products Institute shall assume all functions, duties, contractual obligations, responsibilities, inventory, tangible and intangible property, and employees for the portion of the Stockroom operation for the North Complex of the Michigan Department of Community Health supporting the Michigan Biologic Products Institute and the portion of the North Complex Security service of the Michigan Department of Management and Budget supporting the Michigan Biologic Products Institute.

2. The Director of the Michigan Biologic Products Institute shall provide executive direction and supervision for the implementation of the transfers. The Director of the Michigan Biologic Products Institute shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this order.

3. All records, personnel, property, and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the portion of the Stockroom operation for the North Complex of the Michigan Department of Community Health supporting the Michigan Biologic Products Institute are hereby transferred to the Michigan Biologic Products Institute.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the portion of the North Complex Security service of the Michigan Department of Management and Budget supporting the Michigan Biologic Products Institute are hereby transferred to the Michigan Biologic Products Institute.

5. The Michigan Department of Community Health and the Michigan Department of Management and Budget shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this order.

6. The Director of the Michigan Department of Community Health, the Director of the Michigan Department of Management and Budget, and the Director of the Michigan Biologic Products Institute shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or obligations to be resolved by the Michigan Biologic Products Institute.

7. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.

8. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this order shall continue to be effective until revised, amended, or repealed.

9. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this order shall not abate by reason of the taking effect of this order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this order.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 25th day of April, in the Year of our Lord, One Thousand Nine Hundred Ninety-Seven.

John Engler

Governor

By the Governor:

Candice S. Miller

Secretary of State

The message was referred to the Clerk.

Communications from State Officers

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

April 24, 1997

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

Performance Audit of the Adult Education Program
Department of Education
April 1997

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

The communication was referred to the Clerk and the accompanying report referred to the Committee on House Oversight and Ethics.

The following communication from the Department of Management & Budget was received and read:

April 15, 1997

Enclosed for your information are copies of Annual Reports for the Michigan Public School Employees Retirement System, The Michigan State Employees Retirement System, the Michigan State Police Retirement System, and the Michigan Judges Retirement System for the fiscal year ending September 30, 1996.

The Michigan Public School Employees Annual Report is submitted pursuant to Act 300, P.A. 1980, Sec. 38.1328, MCL 1979.

The Michigan State Employees Retirement System Annual Report is submitted pursuant to Act 240, P.A. 1943, Sec. 31.1 et seq., MCL 1979.

The Michigan State Police Retirement System Annual Report is submitted pursuant to Act 182, P.A. 1986, Sec. 38.1613.

The Michigan Judges Retirement System Annual Report is submitted pursuant to Act 234, P.A. 1992, Sec. 209.

Sincerely,
Mark A. Murray
Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Jaye, Kaza, Goschka and Whyman introduced

House Bill No. 4703, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 44c.

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

Reps. Jaye, Goschka, Whyman and Dobb introduced

House Bill No. 4704, entitled

A bill to amend 1931 PA 246, entitled "An act to provide for the construction, repair, and maintenance of pavements, sidewalks, and elevated structures on or along public roads and highways; to provide for the levying of taxes and of special assessments; to authorize the borrowing of money and the issuance of bonds; to prescribe the powers and duties of certain state and local agencies and officers; to validate actions taken, special assessments levied, and bonds issued; and to provide for the lighting of certain roads, highways, and bridges," by amending section 20 (MCL 41.290), as added by 1989 PA 80.

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

Reps. Jaye, Gernaat, Goschka, Dobb and Whyman introduced

House Bill No. 4705, entitled

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for

assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending sections 5 and 15b (MCL 41.725 and 41.735b), section 5 as amended by 1986 PA 180.

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

Reps. Jaye, Goschka, Gernaat, Whyman and Dobb introduced

House Bill No. 4706, entitled

A bill to amend 1923 PA 116, entitled "Township and village public improvement and public service act," by amending section 4 (MCL 41.414), as amended by 1989 PA 82.

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

Reps. Horton, Perricone, Cropsey, Bodem, Gire, Lowe, Walberg, Baird, Voorhees, Law, Green, Rocca, Bobier, Johnson, McManus, Gernaat, Hammerstrom, Jansen, Jellema, Harder, Bankes, Goschka, McBryde, Raczkowski and Ciaramitaro introduced

House Bill No. 4707, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16204, 16204a, 16221, and 16226 (MCL 333.16204, 333.16204a, 333.16221, and 333.16226), section 16204 as added by 1994 PA 234, section 16204a as added by 1994 PA 232, and sections 16221 and 16226 as amended by 1996 PA 594, and by adding sections 17017, 17018, 17517, and 17518.

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

Reps. Horton, Cropsey, Middaugh, Jansen, Sikkema, McManus, Lowe, Goschka, Kaza, McBryde, Whyman, Jaye, Richner, Byl, Dalman, McNutt, Gernaat, Raczkowski, Birkholz, Jellema, Dobb, Bodem, Green and Voorhees introduced

House Bill No. 4708, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

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

Reps. Brater, Llewellyn, Hale, Schroer, Kaza, Martinez, Hanley, Walberg, LaForge, Goschka, DeHart, Whyman, Scott, Parks and Jellema introduced

House Bill No. 4709, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2964.

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

Reps. Cassis, Profit, Hammerstrom, Dobb, Whyman, Palamara, Goschka, Richner and Perricone introduced

House Bill No. 4710, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 1995 PA 194.

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

Reps. Willard, Scott, Gire, LaForge, DeHart, Walberg, Mans, Callahan, Bogardus, Goschka, Ciaramitaro, Gubow, Brater and Wojno introduced

House Bill No. 4711, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding sections 48 and 48a.

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

Reps. Hammerstrom, Brackenridge, Perricone, Kaza, McNutt, Dalman, Voorhees, Birkholz, Scranton, Goschka, Gilmer, Brater and Rhead introduced

House Bill No. 4712, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 674 and 677 (MCL 168.674 and 168.677), section 674 as amended by 1996 PA 207 and section 677 as amended by 1996 PA 583.

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

Reps. Nye and Cropsey introduced

House Bill No. 4713, entitled

A bill to designate Michigan state highway M-99 as the General John A. Logan memorial highway; and to prescribe the duties of the state transportation department.

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

Reps. Fitzgerald, Sikkema, Gustafson, DeVuyst, Goschka, Perricone, Voorhees, Middleton, Jellema, Brackenridge, Cropsey, Raczkowski, Scranton, Kukuk, Jansen, McManus, Gilmer, Green, Godchaux, Rhead, Walberg, Dalman, McNutt, Lowe, Bobier and Llewellyn introduced

House Bill No. 4714, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending the title and sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, and 15 (MCL 432.202, 432.203, 432.204, 432.205, 432.206, 432.208, 432.209, 432.210, 432.211, 432.212, 432.213, 432.214, and 432.215) and by adding sections 4a, 4b, 4c, 6a, 7a, 7b, 7c, 8a, 13a, 13b, 13c, 17, 18, 19, 20, 21, 22, 23, and 24; and to repeal acts and parts of acts.

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

Reps. Jaye, Kukuk, Whyman and Dobb introduced

House Bill No. 4715, entitled

A bill to amend 1905 PA 157, entitled "An act to provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation; to provide for the creation of a township park commission; to provide for a board of commissioners to provide for the issuance of bonds and the levy of taxes; to provide for the transfer of certain real property for parks; to authorize cities and villages to appropriate money for park purposes; to provide for the acquisition, construction, and use of wharves, piers, docks, and landing places in townships; and to provide the powers and duties of certain local units of government and certain officials," by amending sections 6c and 6d (MCL 41.426c and 41.426d), as added by 1989 PA 79.

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

Reps. Rhead, Llewellyn, Law, Galloway, Hood, Varga and Parks introduced

House Bill No. 4716, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," (MCL 432.201 to 432.216) by adding section 9a.

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

Reps. Lowe, Llewellyn, Whyman, Cropsey, Horton, Jaye, Nye, Kaza, Bodem, Sikkema, Dobb, Byl and Perricone introduced

House Joint Resolution T, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 9 and 11 of article IX, to provide for the earmarking of 100% of the sales and use taxes on motor vehicle and aircraft fuels for transportation purposes.

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

Rep. Agee moved that the House adjourn.
The motion prevailed, the time being 4:20 p.m.

The Associate Speaker Pro Tempore declared the House adjourned until Wednesday, April 30, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

