

No. 5
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
89th Legislature
REGULAR SESSION OF 1998

House Chamber, Lansing, Tuesday, January 27, 1998.

2:00 p.m.

The House was called to order by Acting Speaker Hanley.

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

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

e/d/s = entered during session

Rep. Deborah Cherry, from the 50th District, offered the following invocation:

“Dear Lord, Whose glory is in all the world, we commend this State into Your merciful care. Grant to us, this legislature, the wisdom and strength to do Your will. Fill us with truth and righteousness and keep us ever mindful of our calling to serve the people of this state with understanding and respect, so that the decisions we make will promote the well-being of every person. Thank you for Your grace and guidance as we conduct the business of the day. Amen.”

Rep. Hammerstrom moved that Reps. Dobb and Raczkowski be excused from today’s session.
The motion prevailed.

Rep. Dobronski moved that Reps. DeHart and LaForge be excused from today’s session.
The motion prevailed.

Notices

January 27, 1998

In accordance with House Rule 10, I hereby designate Representative Michael Hanley, to be the Presiding Officer for all, or part of today’s session.

Sincerely,
Curtis Hertel
Speaker of the House

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

House Bill No. 4441, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2567 (MCL 600.2567), as amended by 1990 PA 346, and by adding section 2567b.

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

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

Rep. Gubow moved to amend the bill as follows:

1. Amend page 1, line 7, after “page” by inserting “UNTIL DECEMBER 31, 2008. AFTER DECEMBER 31, 2008, THE FEE FOR ENTERING AND RECORDING A DOCUMENT DESCRIBED IN THIS SUBDIVISION SHALL BE \$5.00 FOR THE FIRST PAGE AND \$3.00 FOR EACH ADDITIONAL AND SUCCEEDING PAGE”.

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

Rep. Hammerstrom 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 the bill be placed on its immediate passage.

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

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

House Bill No. 4441, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2567 (MCL 600.2567), as amended by 1990 PA 346, and by adding section 2567b.

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

Roll Call No. 26

Yeas—72

Agee
Alley

Dobronski
Emerson

Jellema
Johnson

Oxender
Palamara

Baade	Fitzgerald	Kelly	Perricone
Baird	Gagliardi	Kilpatrick	Price
Bankes	Galloway	Kukuk	Profit
Birkholz	Geiger	Law	Prusi
Bobier	Gernaat	Leland	Rhead
Bodem	Gilmer	LeTarte	Rison
Brackenridge	Gire	Llewellyn	Schauer
Brater	Godchaux	Lowe	Schroer
Brewer	Hammerstrom	Mans	Scranton
Byl	Hanley	Martinez	Sikkema
Cassis	Harder	McBryde	Tesanovich
Cherry	Hertel	McManus	Thomas
Cropsey	Hood	McNutt	Varga
Curtis	Horton	Middaugh	Voorhees
Dalman	Jansen	Murphy	Walberg
DeVuyst	Jelinek	Nye	Wallace

Nays—31

Anthony	Freeman	Mathieu	Scott
Basham	Goschka	Middleton	Stallworth
Bogardus	Green	Olshove	Vaughn
Brown	Gubow	Owen	Wetters
Callahan	Gustafson	Parks	Whyman
Ciaramitaro	Hale	Richner	Willard
Crissman	Kaza	Rocca	Wojno
Frank	London	Schermesser	

In The Chair: Hanley

The House agreed to the title of the bill.

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

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

Reps. Brackenridge, Byl, DeVuyst, Dobronski, Gernaat, Gilmer, Kelly, Kukuk and Llewellyn were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 173.

A resolution to memorialize the Congress of the United States to recognize the right of all citizens to hunt and fish.
(For text of resolution, see House Journal No. 89 of 1997, p. 2328.)

(The resolution was reported by the Committee on Conservation, Environment and Recreation on January 21, with amendment, consideration of which was postponed until January 22 under the rules.)

(For amendment, see House Journal No. 3, p. 47.)

The question being on the adoption of the proposed amendment recommended by the Committee,

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

The question being on the adoption of the resolution,

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

Reps. Anthony, Bogardus, Callahan, Crissman, Gagliardi, Geiger, Gire, Jelinek, Kaza, Kukuk, London, Mans, Middleton, Palamara, Profit, Prusi, Rhead, Sikkema and Tesanovich were named co-sponsors of the resolution.

The Speaker laid before the House

House Resolution No. 174.

A resolution to recognize the right of every Michigan citizen to hunt and fish.

(For text of resolution, see House Journal No. 89 of 1997, p. 2329.)

(The resolution was reported by the Committee on Conservation, Environment and Recreation on January 21, consideration of which was postponed until January 22 under the rules.)

The question being on the adoption of the resolution,

Rep. Brater moved to amend the resolution as follows:

1. Amend the fourth Whereas clause, line 5, after “fish” by striking out the balance of the clause and inserting “pursuant to state statute; now, therefore, be it”.

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

The question being on the adoption of the resolution,

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

Reps. Bogardus, Callahan, Crissman, Gagliardi, Geiger, Gernaat, Gire, Jelinek, Kaza, Kukuk, London, Middleton, Palamara, Profit, Prusi, Rhead, Sikkema and Tesanovich were named co-sponsors of the resolution.

The Speaker laid before the House

Senate Concurrent Resolution No. 37.

A concurrent resolution to approve a designated open space land application and a local open space land application on appeal.

(For text of resolution, see House Journal No. 94 of 1997, p. 2522.)

(The concurrent resolution was reported by the Committee on Conservation, Environment and Recreation on January 21, consideration of which was postponed until January 22 under the rules.)

The question being on the adoption of the concurrent resolution,

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

Third Reading of Bills

House Bill No. 4975, entitled

A bill to amend 1972 PA 348, entitled “An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties,” (MCL 534.601 to 554.616) by adding section 1b.

(The bill was read a third time and postponed for the day on January 20, see House Journal No. 2, p. 29.)

The question being on the passage of the bill,

Rep. Gagliardi moved that the bill be referred to the Committee on Regulatory Affairs.

The motion prevailed.

Rep. Gagliardi moved that Rep. Owen be excused temporarily from today’s session.

The motion prevailed.

Second Reading of Bills

House Bill No. 4846, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16221, 16226, 16245, 16247, and 16248 (MCL 333.16221, 333.16226, 333.16245, 333.16247, and 333.16248), sections 16221 and 16226 as amended by 1996 PA 594, section 16245 as amended by 1993 PA 87, and sections 16247 and 16248 as amended by 1993 PA 79, and by adding section 16274.

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

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

Rep. Gubow moved to amend the bill as follows:

1. Amend page 5, line 24, after “(P)” by inserting “UNTIL THE EXPIRATION OF 5 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 16274.”.

2. Amend page 12, line 20, after “(1)” by inserting “UNTIL THE EXPIRATION OF 5 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION,”.

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

Rep. Gubow demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 27**Yeas—30**

Alley	Ciaramitaro	Gubow	Price
Anthony	Crissman	Hale	Schroer
Baird	Curtis	Johnson	Scranton
Bobier	Emerson	Kilpatrick	Stallworth
Bogardus	Freeman	Leland	Thomas
Brater	Gilmer	Martinez	Wetters
Brewer	Gire	Murphy	Willard
Cherry	Godchaux		

Nays—73

Agee	Geiger	LeTarte	Prusi
Baade	Gernaat	Llewellyn	Quarles
Bankes	Goschka	London	Rhead
Basham	Green	Lowe	Richner
Birkholz	Gustafson	Mans	Rison
Bodem	Hammerstrom	Mathieu	Rocca
Brackenridge	Hanley	McBryde	Schauer
Brown	Harder	McManus	Schermesser
Byl	Hertel	McNutt	Scott
Callahan	Hood	Middaugh	Sikkema
Cassis	Horton	Middleton	Tesanovich
Cropsey	Jansen	Nye	Varga
Dalman	Jelinek	Olshove	Vaughn
DeVuyst	Jellema	Oxender	Voorhees
Dobronski	Kaza	Palamara	Walberg
Fitzgerald	Kelly	Parks	Wallace
Frank	Kukuk	Perricone	Whyman
Gagliardi	Law	Profit	Wojno
Galloway			

In The Chair: Hanley

Rep. Gubow moved to amend the bill as follows:

1. Amend page 8, line 4, after “(P)” by striking out “PERMANENT REVOCATION” and inserting “DENIAL, REVOCATION, PROBATION, SUSPENSION, REPRIMAND, OR FINE”.

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

Rep. Gubow demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 28**Yeas—34**

Agee	Ciaramitaro	Hale	Price
Alley	Crissman	Hanley	Prusi
Anthony	Curtis	Hood	Quarles
Baird	Emerson	Johnson	Schroer
Bobier	Freeman	Kilpatrick	Scranton
Bogardus	Gilmer	Leland	Thomas
Brater	Gire	Martinez	Wetters
Brewer	Godchaux	Murphy	Willard
Cherry	Gubow		

Nays—68

Baade	Galloway	Llewellyn	Rhead
Bankes	Geiger	London	Richner
Basham	Gernaat	Lowe	Rison
Birkholz	Goschka	Mans	Rocca
Bodem	Green	Mathieu	Schauer
Brackenridge	Gustafson	McBryde	Schermesser
Brown	Hammerstrom	McManus	Scott
Byl	Harder	McNutt	Sikkema
Callahan	Horton	Middaugh	Stallworth
Cassis	Jansen	Middleton	Tesanovich
Cropsey	Jelinek	Nye	Varga
Dalman	Jellema	Olshove	Vaughn
DeVuyst	Kaza	Oxender	Voorhees
Dobronski	Kelly	Palamara	Walberg
Fitzgerald	Kukuk	Parks	Wallace
Frank	Law	Perricone	Whyman
Gagliardi	LeTarte	Profit	Wojno

In The Chair: Hanley

Rep. Profit moved to amend the bill as follows:

1. Amend page 12, line 21, after “NOT” by striking out the balance of the sentence and inserting “ENGAGE OR ATTEMPT TO ENGAGE IN HUMAN CLONING OR HUMAN CLONING RESEARCH.”.

2. Amend page 12, line 23, after “PRODUCE” by striking out “AN” and inserting “A HUMAN”.

3. Amend page 13, line 7, after “(A)” by striking out ““CLONE” OR “CLONING”” and inserting ““HUMAN CLONING””.

4. Amend page 13, line 8, after “PRODUCE” by striking out “AM” and inserting “A HUMAN”.

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

Rep. Martinez moved to reconsider the vote by which the House adopted the amendments.

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

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

Rep. Martinez moved to amend the Profit amendment as follows:

1. Amend the Profit Amendment No. 1, page 12, line 21, after the second “OR” by striking out the balance of the amendment and inserting “RESEARCH IN CLONING A HUMAN BEING.”.

Rep. Martinez withdrew the amendment.

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

Rep. Profit withdrew the amendments.

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.

The Speaker assumed the Chair.

House Bill No. 4962, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 430a. Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Health Policy,

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

Reps. McManus and Profit moved to amend the bill as follows:

1. Amend page 1, line 6, after "THAN" by striking out "\$5,000.00" and inserting "\$10,000,000.00".

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

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

Rep. Varga moved that Rep. Schermesser be excused temporarily from today's session.
The motion prevailed.

Rep. Gubow moved to amend the bill as follows:

1. Amend page 1, line 9, after "EMBRYO" by inserting "FOR GESTATION AND SUBSEQUENT BIRTH".

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

Rep. McManus demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 29**Yeas—17**

Bogardus	Godchaux	Kilpatrick	Quarles
Brater	Gubow	Martinez	Scranton
Brewer	Hale	Murphy	Thomas
Freeman	Hanley	Price	Wetters
Gire			

Nays—80

Agee	DeVuyst	Kelly	Perricone
Alley	Dobronski	Kukuk	Profit
Anthony	Fitzgerald	Law	Prusi
Baade	Frank	Leland	Rhead
Banks	Gagliardi	LeTarte	Richner
Basham	Galloway	Llewellyn	Rison
Birkholz	Geiger	London	Rocca
Bobier	Gernaat	Lowe	Schauer
Bodem	Gilmer	Mans	Scott
Brackenridge	Goschka	Mathieu	Sikkema
Brown	Green	McBryde	Stallworth
Byl	Gustafson	McManus	Tesanovich
Callahan	Hammerstrom	McNutt	Varga
Cassis	Hertel	Middaugh	Vaughn
Cherry	Horton	Middleton	Voorhees
Ciaramitaro	Jansen	Nye	Walberg
Crissman	Jelinek	Olshove	Wallace
Cropsey	Jellema	Oxender	Whyman

Curtis
Dalman

Johnson
Kaza

Palamara
Parks

Willard
Wojno

In The Chair: Hertel

Rep. McManus 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. 5475, entitled

A bill to prohibit the expenditure of state funds to conduct or to support research on the cloning of human beings.
Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Health Policy,
The substitute (H-2) was adopted, a majority of the members serving voting therefor.
Rep. Mans 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. Llewellyn, Kukuk, Dobronski, Baade, Gire, Dalman, Richner, Rocca, Cassis, Geiger, Gilmer, Gernaat, Brackenridge, Cropsey, Horton, Lowe, Birkholz, Jellema, Rhead, Green, Oxender, Scranton, Basham, Johnson, Profit, Voorhees, Thomas, Scott, Jansen, Goschka, McBryde, Jelinek, Freeman, Hammerstrom, Galloway, Baird and Hale offered the following resolution:

House Resolution No. 200.

A resolution to designate the month of October as Hepatitis C Education Awareness Month.

Whereas, The Michigan House of Representatives supports the designation of the month of October, as Hepatitis C Education Awareness Month, by urging public awareness on behalf of the Department of Public Health, through increased public education; and

Whereas, Chronic viral hepatitis currently infects 4.5 million Americans and there are 150,000 new cases reported each year in the United States. Hepatitis C is spread by blood exposure from a person with Hepatitis C; and

Whereas, The consequences of the Hepatitis C virus costs \$7.3 million per 100,000 people because the nature of Hepatitis is largely an asymptomatic disease until irreversible liver damage has occurred. Treatment for end stage liver disease could exceed \$240,000 per individual; and

Whereas, Chronic viral hepatitis is largely unreported and the public is uninformed about this disease. It is estimated that by the year 2010 the annual death rate from chronic Hepatitis C will be 38,000 deaths per year, this number is equivalent to the current annual death rate for HIV; and

Whereas, Approximately 85% of chronic Hepatitis C infections can progress to liver disease associated with increased morbidity and mortality. In the absence of a vaccine, emphasis must be placed on other means of disease prevention, including the education of health care workers and the general public; now, therefore, be it

Resolved by the House of Representatives, That the month of October be designated Hepatitis C Education Awareness Month, urging public awareness on behalf of the Department of Public Health through increased public education; and be it further

Resolved, That a copy of this resolution be transmitted to Dr. Kimberly Brown, of Henry Ford Hospital, as evidence of our esteem.

Pending the reference of the resolution to a committee,

Rep. Gagliardi 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, a majority of the members serving voting therefor.

Reps. Alley, Callahan, Schermesser and Kaza offered the following resolution:

House Resolution No. 201.

A resolution to call on the Department of Environmental Quality, the Department of Community Health, and the Michigan Public Service Commission to form a task force on hydrogen sulfide emissions.

Whereas, Natural gas development in Michigan has resulted in evacuation and illness to the public from exposure to airborne releases of hydrogen sulfide; and

Whereas, Different state departments have separate responsibilities in regulating natural gas development, production, and distribution. There is a need for a comprehensive public health and safety management plan; and

Whereas, The Department of Environmental Quality, through its Air Quality Division, has jurisdiction over the release of contaminants into Michigan's air, and has the authority to regulate these releases in order to protect the public health and safety. The department is also responsible for monitoring and regulating oil and gas drilling and related activities through the Geological Survey Division; now, therefore, be it

Resolved by the House of Representatives, That we call on the Department of Environmental Quality, the Department of Community Health, and the Michigan Public Service Commission to convene an interagency task force to address the issue of hydrogen sulfide emissions. We urge that the task force be comprised of staff from the Department of Environmental Quality's Geological Survey and Air Quality Divisions, staff from the Department of Community Health, and staff from the Public Service Commission, and that it include petroleum industry safety experts, emergency management directors for northern Michigan communities, and citizens groups; and be it further

Resolved, That we urge the task force to perform the following duties:

1. Establish hydrogen sulfide exposure standards for Michigan residents.
2. Establish permit procedures that require all new permits to meet these safety standards.
3. Establish procedures for conducting a safety review of all existing oil and gas facilities.
4. Coordinate oversight amongst agencies with some regulatory responsibility so that all elements of the natural gas industry receive equal attention.
5. Determine the relevant needs of local emergency service providers and ensure that these needs are met.
6. Develop an ongoing data gathering and reporting program. We urge that this task force complete these tasks and report its findings and recommendations to the House Conservation Committee by April 1, 1998; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Environmental Quality, the Department of Community Health, and the Public Service Commission.

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

Reps. Alley, Middaugh, Schermesser, Baade, DeVuyst, Cropsey, Walberg and Kaza offered the following concurrent resolution:

House Concurrent Resolution No. 83.

A concurrent resolution to urge the Department of Education to encourage gun safety education.

Whereas, The history of Michigan is rich with a long heritage of recreational shooting sports, including hunting and other rifle, shotgun, blackpowder, and handgun marksmanship activities. This heritage also includes the efforts of parents and outdoors organizations to promote the safe and responsible use of firearms equipment; and

Whereas, The most important component of education on gun safety is developing strategies to teach children how to act safely around firearms. This is a critical step in the effort to reduce the number of accidents related to firearms that involve children; and

Whereas, There are established child firearm safety programs available to meet this need. These educational initiatives offer clear lifesaving messages to children, such as leaving any area where a firearm is present and quickly notifying an adult. These respected programs include the Eddie Eagle Elementary Gun Safety Program. This nationally recognized firearm safety program has been taught to over 6,000,000 children since 1988. It has been recognized by the National Safety Council as the Outstanding Community Service Program for 1993; and

Whereas, Michigan would do well to encourage more firearm safety programs through our schools and communities; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Department of Education to encourage gun safety programs in our schools and communities; and be it further

Resolved, That a copy of this resolution be transmitted to the Department of Education.

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

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hanley, Chair of the Committee on Urban Policy and Economic Development, was received and read:

Meeting held on: Thursday, January 22, 1998, at 12:46 p.m.,

Present: Reps. Hanley, Schauer, Baird, LaForge, Thomas, Cassis, Byl, Raczkowski, Voorhees.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 27, 1998, at 9:00 a.m.,

Present: Reps. Dobronski, Mans, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom.

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

The House agreed to the full title.

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

House Bill No. 5084, entitled

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending sections 2, 6, 8, and 12 (MCL 54.262, 54.266, 54.268, and 54.272).

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

The House agreed to the full title.

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

House Concurrent Resolution No. 81.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

(For text of resolution, see House Journal No. 2, p. 32.)

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

The concurrent resolution was referred to the Clerk for record.

Notices**Public Hearing**

Subcommittee on Solid Waste

Date: Thursday, January 29, 1998

Time: 10:00 a.m.

Place: Gibraltar Community Center, 29340 S. Gibraltar Road, Gibraltar, Michigan
Rep. Alley
Chair

Agenda: House Bill No. 5284 - Environmental protection
and any/or all business properly before the subcommittee

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, Friday, January 23:

House Bill Nos. 5481 5482 5483 5484 5485 5486 5487

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, January 27:

House Bill Nos. 5488 5489 5490 5491 5492 5493 5494

Communications from State Officers

The following communication from the Commission on Spanish Speaking Affairs was received and read:

January 1, 1998

With this letter we present to you the Michigan Commission on Spanish Speaking Affairs' Annual Report for the year 1996.

The 1996 Annual Report will inform you, the Senate, the House of Representatives and people of Michigan of the Commission on Spanish Speaking Affairs' activities and accomplishments during this past year. We have continued to work on our mission for the betterment of Michigan's Hispanic population.

The Commission on Spanish Speaking Affairs is certainly committed to upholding and pursuing the goals of Public Act 164 of 1975. We have been diligently networking with your executive office, state departments and many other agencies and organizations in the State of Michigan for the purpose of enhancing the lives of Hispanics in Michigan. We appreciate your support and commitment to our mission and our community and look forward to continue working with you in addressing the challenges for the future.

Sincerely,
Carmen Munoz
Commission Chairperson
Marylou Olivarez Mason
Executive Director

The communication was referred to the Clerk.

The following communication from the House Fiscal Agency was received and read:

January 22, 1998

Shortly before Greg Rosine left the agency to become Chief Administrative Officer of the Michigan Department of Transportation, he and Ellen Jeffries, Deputy Director of the Senate Fiscal Agency, completed preparation of the FY 1997-98 Higher Education Appropriations Report. The report has now been printed, and a copy is enclosed.

A summary of appropriation issues is found on pages 2-9. Spreadsheets which provide details concerning the components of the appropriation bill at each stage of the legislative process are located on pages 10-18. Beginning on page 19, the appropriation detail for each university is provided. Finally, the legislative history of the 1997-98 higher education act begins on page 30, and details of the Executive recommendation and House and Senate action are found there.

If you have any questions regarding any aspect of this report, please call me at 517-373-8080.

Sincerely,
Hank Prince, Associate Director

The communication was referred to the Clerk.

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

January 23, 1998

I am pleased to transmit to you the enclosed unaudited financial statements of the General Fund and the School Aid Fund for the fiscal year ended September 30, 1997, as required by Public Act 431 of 1984, as amended. The audited *State of Michigan Comprehensive Annual Financial Report* (SOMCAFR) is scheduled to be available in March 1998.

These unaudited financial statements report preliminary unreserved fund balances of \$85.2 million for the General Fund and \$193.0 million for the School Aid Fund as of September 30, 1997. These surpluses are the direct result of continued growth in the State's economy during the past year, combined with the continued efforts of Governor Engler, the Legislature and department directors to control State spending.

As described more fully in Note 3 to these financial statements, the Counter-Cyclical Budget and Economic Stabilization Fund (the "Budget Stabilization Fund," or BSF), after adding current year interest earnings, transferring \$69.0 million to the Department of Transportation for road maintenance projects, and providing for the legally required public education reserve, has a total year-end fund balance of just over \$1.1 billion. This total includes an unreserved fund balance of \$575.7 million, and \$566.7 million set aside, pursuant to Public Act 364 of 1996, to provide for future education funding needs. The BSF total fund balance equals approximately 7.0% of our combined general fund-general purpose and school aid fund revenues, and will be a significant help when the next recession occurs.

Another indicator of our continued fiscal discipline, described more fully in Note 3 to the financial statements, is the net lapses of spending authority by State departments and agencies. Executive branch agencies lapsed \$88.2

million. When combined with the legislative and judicial branches, net General Fund lapses for the State totaled \$89.6 million. State agency program managers have shown a continued recognition of their responsibility to manage programs within appropriated amounts. The results of this can be seen in the fact that, once again, no department had net over expenditures of its appropriations in fiscal year 1997. This was the fifth consecutive year that this occurred, after fourteen consecutive years in which at least one department, and in many cases numerous departments, overspend their budgets.

Finally, I am especially gratified by the timely publication of this report—the earliest issuance of the preliminary unaudited financial statements in over two decades. Across State government, financial management personnel continue to make improvements in our book-closing process by making greater use of the Michigan Administrative Information Network (MAIN) and other book-closing efficiencies. This year, most departments and agencies substantially completed their book-closing procedures before the holiday period—considerably earlier than this has ever been accomplished in the past. As we continue our work to streamline the book-closing process, we anticipate further improvements in the timeliness of this report.

The historic improvements in Michigan's financial condition could not have been made without the cooperation of the Michigan Legislature. We continue to appreciate all you have done to put Michigan back on firm financial ground, and we look forward to working with you to adopt a responsible budget for fiscal year 1999.

Sincerely,
Mary A. Lannoye
State Budget Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Law, Voorhees, Nye, Horton, Hammerstrom and Jelinek introduced

House Bill No. 5495, entitled

A bill to prohibit the employment of individuals less than 21 years of age in adult entertainment establishments; and to impose penalties.

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

Reps. Richner, Crissman, Birkholz, Kukuk, Whyman, Anthony, DeHart, McBryde, Hammerstrom, Cassis, Scranton, Lowe, Kaza, Goschka, Dobb, Stallworth, Quarles, Raczkowski and Perricone introduced

House Bill No. 5496, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 1995 PA 209.

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

Reps. Quarles, Crissman, Birkholz, Kukuk, Whyman, Anthony, DeHart, McBryde, Hammerstrom, Cassis, Scranton, Lowe, Kaza, Goschka, Geiger, Dobb, Stallworth, Raczkowski and Perricone introduced

House Bill No. 5497, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 1995 PA 208.

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

Rep. Ciaramitaro introduced

House Bill No. 5498, entitled

A bill to make certain appropriations for the department of community health for the fiscal year ending September 30, 1998; and to provide for the expenditure of those certain appropriations.

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

Reps. Raczkowski, Schauer, Martinez, DeHart, Wojno, Brater, Hammerstrom, Goschka, Jelinek, Rhead, Cherry, Gire, Crissman, Geiger, Middaugh, McBryde, Sikkema, Alley, Cropsey, Wetters, Jansen, Cassis and Voorhees introduced

House Bill No. 5499, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3c.

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

Reps. Schauer, Raczkowski, DeHart, Martinez, Hale, Wojno, Schermesser, Brater, Gire, Bogardus, Cherry, Rison, McBryde, Goschka, Harder, Vaughn, Scott, Jelinek, Wetters and Voorhees introduced

House Bill No. 5500, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3d.

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

Reps. Freeman, Wallace, Scott, Prusi, Leland, Ciaramitaro, Hale, Gubow, Vaughn, Parks, Cherry, Martinez, Rison, Curtis, Gire, Kilpatrick, Agee, Dobronski, Baird, Wojno, Brewer, DeHart, Griffin, Stallworth, Olshove, Schermesser, Callahan, Tesanovich, Price, Mathieu, Quarles, Baade, Harder, Palamara, Hanley, Owen, Brater, Emerson, Anthony, Varga, Mans, Willard, Kelly, LaForge, Frank, Gagliardi, Schroer, Hood, Basham and Alley introduced

House Bill No. 5501, entitled

A bill to amend 1978 PA 322, entitled "An act to authorize financial institutions to make electronic funds transfer terminals available to their customers; to protect the privacy and security of customers; to prohibit unfair discrimination among financial institutions and monopolistic practices in the use and availability of electronic funds transfer terminals; to prescribe remedies; and to prescribe penalties," by amending sections 4 and 5 (MCL 488.4 and 488.5) and by adding section 7a.

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

Reps. McManus, McBryde, Rocca, Law, Bodem, Voorhees, Horton, Birkholz, Jansen, Oxender, Richner, Lowe, Cropsey, Jelinek, Hammerstrom, Scranton, Goschka, Cassis, Llewellyn and Raczkowski introduced

House Bill No. 5502, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5210 (MCL 333.5210), as added by 1988 PA 490.

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

Reps. McNutt, Voorhees, Goschka and Geiger introduced

House Bill No. 5503, entitled

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending sections 40, 41, 43, 50, and 56 (MCL 205.240, 205.241, 205.243, 205.250, and 205.256), sections 40, 41, 43, and 50 as added by 1993 PA 54 and section 56 as amended by 1994 PA 372.

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

Rep. Gustafson introduced

House Bill No. 5504, entitled

A bill to amend 1905 PA 42, entitled "An act to define the duties and liabilities of hotel keepers and innkeepers with relation to the personal property of their guests, and to provide for the protection of inn and hotel keepers, and to repeal Act No. 227 of the Public Acts of 1897, and Act No. 15 of the Public Acts of 1875," by amending section 1 (MCL 427.101), as amended by 1987 PA 115.

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

Reps. Crissman, Law, Birkholz, Voorhees, Sikkema, Dobb, Bodem, Horton, Cassis, Brackenridge, Jelinek, Hammerstrom, Gernaat, Kaza, Goschka, Mans and Quarles introduced

House Bill No. 5505, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending section 2 (MCL 691.1402), as amended by 1996 PA 150.

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

Rep. Perricone moved that the House adjourn.
The motion prevailed, the time being 4:10 p.m.

The Speaker declared the House adjourned until Wednesday, January 28, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.