

No. 92
JOURNAL OF THE HOUSE

House Chamber, Lansing, Tuesday, December 2, 1997.

2:00 p.m.

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

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—present	Raczkowski—present
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—present	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—present	Jaye—present	Palamara—present	Whyman—present
DeVuyst—present	Jelinek—present	Parks—present	Willard—excused
Dobb—present	Jellema—present	Perricone—present	Wojno—present
Dobronski—present	Johnson—present		

e/d/s = entered during session

Rep. Raymond Basham, from the 22nd District, offered the following invocation:

“Heavenly Father, Thank You for allowing us to come together and to address legislation in the great State of Michigan. Father, help us to remember those that are less fortunate than ourselves. As we go into this holiday season, Father, help us to keep in mind the true meaning of Christmas and the celebration of Your Son’s birth, for it is in Jesus’ name we pray, Amen.”

Rep. Dobronski moved that Rep. Willard be excused from today’s session.
The motion prevailed.

Notices

December 2, 1997

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

Reports of Standing Committees

The Speaker laid before the House
Senate Concurrent Resolution No. 49.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Western Michigan University relative to the Western Michigan University Science Facility.

(For text of resolution, see House Journal No. 87, p. 2281.)

(The concurrent resolution was reported by the Committee on Appropriations on November 13, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

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. 938

Yeas—106

Agee	Emerson	Johnson	Perricone
Alley	Fitzgerald	Kelly	Price
Anthony	Frank	Kilpatrick	Profit
Baade	Freeman	Kukuk	Prusi
Bankes	Gagliardi	LaForge	Quarles
Basham	Galloway	Law	Raczkowski
Birkholz	Geiger	Leland	Rhead
Bobier	Gernaat	LeTarte	Richner
Bodem	Gilmer	Llewellyn	Rison
Bogardus	Gire	London	Rocca
Brackenridge	Godchaux	Lowe	Schauer

Brater	Goschka	Mans	Schermesser
Brewer	Green	Martinez	Schroer
Brown	Griffin	Mathieu	Scott
Byl	Gubow	McBryde	Scranton
Callahan	Gustafson	McManus	Sikkema
Cassis	Hale	McNutt	Stallworth
Cherry	Hammerstrom	Middaugh	Tesanovich
Ciaramitaro	Hanley	Middleton	Thomas
Crissman	Harder	Murphy	Vaughn
Cropsey	Hertel	Nye	Voorhees
Curtis	Hood	Olshove	Walberg
Dalman	Horton	Owen	Wallace
DeHart	Jansen	Oxender	Wetters
DeVuyst	Jaye	Palamara	Whyman
Dobb	Jelinek	Parks	Wojno
Dobronski	Jellema		

Nays—1

Kaza

In The Chair: Gire

The Speaker laid before the House

Senate Concurrent Resolution No. 50.

A concurrent resolution approving an increase in the total project cost and a lease among the State of Michigan, the State Building Authority, and Western Michigan University relative to the Western Michigan University Power Plant Project.

(For text of resolution, see House Journal No. 87, p. 2282.)

(The concurrent resolution was reported by the Committee on Appropriations on November 13, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

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. 939**Yeas—98**

Agee	Emerson	Kilpatrick	Profit
Alley	Fitzgerald	LaForge	Prusi
Anthony	Frank	Law	Quarles
Baade	Freeman	Leland	Raczkowski
Baird	Gagliardi	LeTarte	Rhead
Basham	Galloway	Llewellyn	Richner
Birkholz	Geiger	London	Rison
Bobier	Gernaat	Lowe	Rocca
Bodem	Gilmer	Mans	Schauer
Bogardus	Gire	Martinez	Schermesser
Brackenridge	Godchaux	Mathieu	Schroer
Brater	Griffin	McBryde	Scott

Brown	Gubow	McManus	Scranton
Byl	Gustafson	McNutt	Sikkema
Callahan	Hale	Middaugh	Stallworth
Cassis	Hammerstrom	Middleton	Tesanovich
Cherry	Hanley	Murphy	Thomas
Ciaramitaro	Hertel	Olshove	Varga
Crissman	Hood	Owen	Vaughn
Curtis	Horton	Oxender	Voorhees
Dalman	Jansen	Palamara	Walberg
DeHart	Jelinek	Parks	Wallace
DeVuyst	Jellema	Perricone	Wetters
Dobb	Johnson	Price	Wojno
Dobronski	Kelly		

Nays—8

Cropsey	Green	Kaza	Nye
Goschka	Jaye	Kukuk	Whyman

In The Chair: Gire

The Speaker laid before the House

Senate Concurrent Resolution No. 51.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Wayne State University relative to the Wayne State University Undergraduate Library.

(For text of resolution, see House Journal No. 87, p. 2282.)

(The concurrent resolution was reported by the Committee on Appropriations on November 13, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

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. 940**Yeas—103**

Agee	Dobronski	Johnson	Profit
Alley	Emerson	Kelly	Prusi
Anthony	Fitzgerald	Kilpatrick	Quarles
Baade	Frank	Kukuk	Raczkowski
Baird	Freeman	LaForge	Rhead
Bankes	Gagliardi	Law	Richner
Basham	Galloway	Leland	Rison
Birkholz	Geiger	LeTarte	Rocca
Bobier	Gernaat	Llewellyn	Schauer
Bodem	Gilmer	London	Schermesser
Bogardus	Gire	Lowe	Schroer
Brackenridge	Godchaux	Mans	Scott
Brater	Goschka	Martinez	Scranton
Brewer	Griffin	Mathieu	Sikkema

Brown	Gubow	McBryde	Stallworth
Byl	Gustafson	McManus	Tesanovich
Callahan	Hale	McNutt	Thomas
Cassis	Hammerstrom	Middaugh	Varga
Cherry	Hanley	Middleton	Vaughn
Ciaramitaro	Harder	Murphy	Voorhees
Crissman	Hertel	Olshove	Walberg
Curtis	Hood	Oxender	Wallace
Dalman	Horton	Palamara	Wetters
DeHart	Jansen	Parks	Whyman
DeVuyst	Jelinek	Perricone	Wojno
Dobb	Jellema	Price	

Nays—5

Cropsey	Jaye	Kaza	Nye
Green			

In The Chair: Gire

The Speaker assumed the Chair.

Third Reading of Bills**House Bill No. 4741, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by amending the title, as amended by 1991 PA 98, and by adding section 831.

(The bill was read a third time and amended on June 24, see House Journal No. 59, p. 1385; amended and postponed for the day on November 13, see House Journal No. 90, p. 2340.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 941**Yeas—56**

Agee	Geiger	Kilpatrick	Price
Baade	Gire	Kukuk	Profit
Baird	Godchaux	Law	Prusi
Bodem	Green	Leland	Rhead
Brater	Griffin	Llewellyn	Rison
Brewer	Gubow	Mans	Schroer
Cherry	Gustafson	Martinez	Scott
Curtis	Hale	Mathieu	Stallworth
Dobb	Hammerstrom	McManus	Tesanovich
Dobronski	Hanley	Middaugh	Thomas
Emerson	Hertel	Middleton	Varga
Fitzgerald	Hood	Murphy	Walberg
Gagliardi	Jelinek	Palamara	Wallace
Galloway	Kelly	Parks	Wetters

Nays—53

Alley	Cropsey	Jellema	Perricone
Anthony	Dalman	Johnson	Quarles
Bankes	DeHart	Kaza	Raczkowski
Basham	DeVuyst	LaForge	Richner
Birkholz	Frank	LeTarte	Rocca
Bobier	Freeman	London	Schauer
Bogardus	Gernaat	Lowe	Schermesser
Brackenridge	Gilmer	McBryde	Scranton
Brown	Goschka	McNutt	Sikkema
Byl	Harder	Nye	Vaughn
Callahan	Horton	Olshove	Voorhees
Cassis	Jansen	Owen	Whyman
Ciaramitaro	Jaye	Oxender	Wojno
Crissman			

In The Chair: Hertel

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.

Rep. Jaye, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I’m opposed to this 2% tax increase on people who rent cars. The heavy hand of state government should not be injected on voluntary private transactions between adults. This bill represents the worse examples of government’s police powers used to coerce and force people to do big business’ bidding. The free market system should provide the incentives and penalties for consumer choices on which features should be part of a car rental agreement. Economic competition, not government coercion should rule private business transactions between adults.”

The Speaker called Acting Speaker Hanley to the Chair

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4273, entitled

A bill to amend 1945 PA 200, entitled “An act to define a marketable record title to an interest in land; to require the filing of notices of claim of interest in such land in certain cases within a definite period of time and to require the recording thereof; to make invalid and of no force or effect all claims with respect to the land affected thereby where no such notices of claim of interest are filed within the required period; to provide for certain penalties for filing slanderous notices of claim of interest, and to provide certain exceptions to the applicability and operation thereof,” by amending sections 1, 2, 3, and 6 (MCL 565.101, 565.102, 565.103, and 565.106) and by adding sections 1a and 2a.

(The bill was received from the Senate on November 13, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 91, p. 2423.)

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

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

Roll Call No. 942**Yeas—105**

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

Nays—0

In The Chair: Hanley

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 4951, entitled

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

(The bill was received from the Senate on November 13, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 91, p. 2423.)

The question being on concurring in the adoption of the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 943**Yeas—86**

Alley	Frank	Law	Prusi
Baird	Gagliardi	Leland	Raczkowski
Bankes	Galloway	LeTarte	Rhead

Basham	Geiger	Llewellyn	Richner
Birkholz	Gernaat	London	Rocca
Bobier	Gilmer	Lowe	Schauer
Bodem	Goschka	Mans	Schermesser
Brackenridge	Gustafson	Martinez	Scott
Brewer	Hale	Mathieu	Scranton
Brown	Hammerstrom	McBryde	Sikkema
Byl	Hood	McManus	Stallworth
Callahan	Horton	McNutt	Tesanovich
Cassis	Jansen	Middleton	Thomas
Cherry	Jaye	Murphy	Varga
Cropsey	Jelinek	Nye	Vaughn
Curtis	Jellema	Olshove	Voorhees
Dalman	Johnson	Oxender	Walberg
DeHart	Kaza	Parks	Wallace
DeVuyst	Kelly	Perricone	Wetters
Dobb	Kilpatrick	Price	Whyman
Dobronski	Kukuk	Profit	Wojno
Fitzgerald	LaForge		

Nays—16

Agee	Brater	Green	Owen
Anthony	Emerson	Gubow	Quarles
Baade	Freeman	Harder	Rison
Bogardus	Godchaux	Middaugh	Schroer

In The Chair: Hanley

The House agreed to the full title of the bill.

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

Second Reading of Bills

Senate Bill No. 181, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 476 and 525 (MCL 330.1476 and 330.1525), as amended by 1995 PA 290.

The bill was read a second time.

Rep. Gubow moved to amend the bill as follows:

1. Amend page 2, following line 21, by inserting:

"(5) IF A PATIENT IS RELEASED FROM A HOSPITAL OPERATED BY THE DEPARTMENT WITHIN 240 DAYS BEFORE THE HOSPITAL IS CLOSED AND IS TRANSFERRED TO ANOTHER HOSPITAL OR OTHER FACILITY, THE DEPARTMENT SHALL FILE A REPORT WITH THE LEGISLATURE. THE DEPARTMENT SHALL FILE THE REPORT BY JANUARY 15 OF THE YEAR FOLLOWING THE YEAR IN WHICH THE PATIENT WAS TRANSFERRED. THE DEPARTMENT SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION IN THE REPORT:

(A) THE NAME OF THE FACILITY TO WHICH THE PATIENT WAS TRANSFERRED. AS USED IN THIS SUBSECTION, "FACILITY" MEANS A HOSPITAL LICENSED OR OPERATED BY THE DEPARTMENT, A CENTER OPERATED BY THE DEPARTMENT, OR A DEPENDENT LIVING SETTING.

(B) THE LOCATION OF THE FACILITY TO WHICH THE PATIENT WAS TRANSFERRED.

(C) THE NUMBER OF PATIENTS OR RESIDENTS IN THE FACILITY TO WHICH THE PATIENT WAS TRANSFERRED AT THE TIME THE PATIENT WAS TRANSFERRED.

(D) THE TOTAL NUMBER OF PATIENTS TRANSFERRED TO THAT FACILITY FROM THE HOSPITAL THAT CLOSED.

(E) THE TOTAL NUMBER OF PATIENTS TRANSFERRED FROM THE HOSPITAL THAT CLOSED WHO RECEIVED COMMUNITY PLACEMENTS, BUT WHOSE PLACEMENT PLANS NOTED BARRIERS TO COMMUNITY PLACEMENT."

2. Amend page 3, following line 22, by inserting:

“(5) IF A PATIENT IS RELEASED FROM A CENTER OPERATED BY THE DEPARTMENT WITHIN 240 DAYS BEFORE THE CENTER IS CLOSED AND IS TRANSFERRED TO ANOTHER CENTER OR OTHER FACILITY, THE DEPARTMENT SHALL FILE A REPORT WITH THE LEGISLATURE. THE DEPARTMENT SHALL FILE THE REPORT BY JANUARY 15 OF THE YEAR FOLLOWING THE YEAR IN WHICH THE PATIENT WAS TRANSFERRED. THE DEPARTMENT SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION IN THE REPORT:

(A) THE NAME OF THE FACILITY TO WHICH THE PATIENT WAS TRANSFERRED. AS USED IN THIS SUBSECTION, “FACILITY” MEANS A HOSPITAL LICENSED OR OPERATED BY THE DEPARTMENT, A CENTER OPERATED BY THE DEPARTMENT, OR A DEPENDENT LIVING SETTING.

(B) THE LOCATION OF THE FACILITY TO WHICH THE PATIENT WAS TRANSFERRED.

(C) THE NUMBER OF PATIENTS OR RESIDENTS IN THE FACILITY TO WHICH THE PATIENT WAS TRANSFERRED AT THE TIME THE PATIENT WAS TRANSFERRED.

(D) THE TOTAL NUMBER OF PATIENTS TRANSFERRED TO THAT FACILITY FROM THE CENTER THAT CLOSED.

(E) THE TOTAL NUMBER OF PATIENTS TRANSFERRED FROM THE CENTER THAT CLOSED WHO RECEIVED COMMUNITY PLACEMENTS, BUT WHOSE PLACEMENT PLANS NOTED BARRIERS TO COMMUNITY PLACEMENT.”

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

Rep. Baird moved to amend the bill as follows:

1. Amend page 2, line 22, by striking out all of section 525.

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 181, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending sections 476 and 525 (MCL 330.1476 and 330.1525), as amended by 1995 PA 290.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Gustafson moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills

House Bill No. 4580, entitled

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” (MCL 450.2101 to 450.3192) by adding section 301a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-8) previously recommended by the Committee on Commerce,

The substitute (H-8) was adopted, a majority of the members serving voting therefor.

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.

Rep. Cherry 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. 4580, entitled

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” (MCL 450.2101 to 450.3192) by adding section 301a.

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

Roll Call No. 944**Yeas—106**

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

Nays—0

In The Chair: Hanley

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

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

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending sections 271 and 601 (MCL 450.2271 and 450.2601) and by adding section 301a.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills**House Bill No. 5043, entitled**

A bill to amend 1970 PA 73, entitled "An act to provide for the creation of airport authorities; to provide for certain counties and cities within certain limitations of state-owned airports to create an airport authority; to provide for the membership of authorities; to provide for the powers and duties of the authorities; to provide for the transfer of employees of state airports to the employment of an authority; to provide for the transferring of state-owned lands to the authority; to provide for the retention of certain rights, powers and privileges by the state in state-owned airport facilities; to provide for a referendum; and to repeal acts and parts of acts," by amending section 2 (MCL 259.802), as amended by 1982 PA 271.

The bill was read a second time.

Rep. Martinez 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. Cherry 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. 5043, entitled

A bill to amend 1970 PA 73, entitled "An act to provide for the creation of airport authorities; to provide for certain counties and cities within certain limitations of state-owned airports to create an airport authority; to provide for the membership of authorities; to provide for the powers and duties of the authorities; to provide for the transfer of employees of state airports to the employment of an authority; to provide for the transferring of state-owned lands to the authority; to provide for the retention of certain rights, powers and privileges by the state in state-owned airport facilities; to provide for a referendum; and to repeal acts and parts of acts," by amending section 2 (MCL 259.802), as amended by 1982 PA 271.

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

Roll Call No. 945

Yeas—103

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

Nays—0

In The Chair: Hanley

The House agreed to the title of the bill.

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

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

The House returned to the consideration of

Senate Bill No. 181, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 476 and 525 (MCL 330.1476 and 330.1525), as amended by 1995 PA 290.

(The bill was considered earlier today, see today's Journal, p. 2439.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 946

Yeas—105

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

Nays—0

In The Chair: Hanley

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

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

A bill to amend 1974 PA 258, entitled "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disabilities; to establish guardianship procedures for individuals with development disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending section 476 (MCL 330.1476), as amended by 1995 PA 290.

The motion prevailed.

The House agreed to the title as amended.

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

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

Messages from the Governor

The following veto messages from the Governor were received and read:

Executive Office, Lansing, December 1, 1997

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled House Bill 4049.

While I agree with the intent of this bill, there are certain technical issues which need to be addressed. I am directing the Department of Natural Resources to work with the sponsor on these issues, which include the appropriate description for the location of a public meeting and the issue of the requirements for a burn on private property, along with appropriate notice.

For this reason, I am returning Enrolled House Bill 4049 without signature.

Sincerely,
John Engler
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Cherry moved that consideration of the bill be postponed for the day.
The motion prevailed.

Executive Office, Lansing, December 1, 1997

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled House Bill 4509.

The Michigan sales tax is imposed upon sellers of tangible personal property for the privilege of making sales at retail in the state, MCL 205.91 *et seq.* The seller is obligated to pay the tax due and bears the legal incidence of the act. The use tax is imposed for the privilege of using tangible personal property in the state, MCL 205.93. The legal incidence of the use tax falls upon the customer, but the tax is collected by the seller.

Enrolled House Bill 4509 would amend the Use Tax Act to permit one specific seller, telecommunication companies, to eliminate the use tax liability of its non-paying customers, a privilege accorded to those who pay sales tax in the state.

Michigan's sales and use taxes are complementary and supplementary. The Legislature, in the enactment of both taxes, sought to avoid the burden of both taxes being imposed on the same transaction. Consequently, while complementary, they are not the same. The exemptions in each of the statutes clearly indicate this. The state is required to assess the seller who fails to collect and remit the use tax, MCL 205.99. Furthermore, the failure to collect the use tax is a misdemeanor, MCL 205.106.

The use tax is imposed on the use of tangible personal property, regardless of whether there is payment for the property. By forgiving the tax owed on telecommunication services that have already been provided, simply because that seller did not collect payment from the customer, puts the state's taxpayers in the untenable position of assuming the seller's credit risks.

Requiring the state to assume this credit risk, as well as narrowly carving out a deduction for one industry starts the state down a path that, if allowed, would invite other similarly situated taxpayers to seek similar treatment. Uncertainty over the impact of what might follow leads me to the conclusion that I should not start the journey with this bill.

For these reasons, I am returning Enrolled House Bill 4509 without signature.

Sincerely,
John Engler
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Cherry moved that consideration of the bill be postponed for the day.
The motion prevailed.

Rep. Middaugh asked and obtained an excuse from tomorrow's session.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Lowe, Freeman, DeHart, Cropsey, Horton, Prusi, McManus, Goschka, Bodem, Whyman, Llewellyn, Martinez, Gernaat, Middleton, Anthony, Basham, Hammerstrom, Green, McBryde, Birkholz, Galloway, Voorhees, Kelly, Wetters, Wojno, Hanley, Gubow, Harder, Cherry, Kaza, Schermesser, Baade, Jelinek, Rhead, Hale, Parks, Baird, Richner, Perricone, Schauer, Bogardus and Oxender offered the following resolution:

House Resolution No. 179.

A resolution to memorialize the Congress of the United States and the Department of Veterans Affairs to recognize the effects of Agent Orange and to require that its health impacts are covered through VA medical centers.

Whereas, The terrible impact that Agent Orange has on human health is an issue that has not been adequately addressed by our government. People who served our nation in times of need have suffered enormously from exposure to Agent Orange. Scientific studies have identified links between the defoliant and a host of debilitating conditions, including numerous cancers, birth defects, and circulatory, respiratory, and digestive disorders; and

Whereas, Agent orange was the most widely used herbicide in the Vietnam War. Scientists continue to learn more about the harm this chemical causes to the body. There is increasing evidence of Agent Orange causing serious birth defects in the children of those exposed to it; and

Whereas, While it may be difficult to determine precisely how much damage Agent Orange has exerted in some situations, the responsibility that our country has to the men and women who have defended our nation is clear. We must ensure that services through our VA medical centers are available to provide help to those suffering as a result of exposure to Agent Orange; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the Department of Veterans Affairs to recognize the effects of Agent Orange and to require that its health impacts are covered through VA medical centers; and be it further

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

The resolution was referred to the Committee on Senior Citizens and Veterans Affairs.

Reps. Gagliardi, Llewellyn, Martinez, Kelly, Wojno, Goschka, Prusi, Hanley, Gubow, Cherry, Kaza, DeHart, Schermesser, Baade, Jelinek, Hale, Bodem, Gernaat, Dalman, Leland, LaForge, Horton, Birkholz, Parks, Baird, Richner, Green and Bogardus offered the following resolution:

House Resolution No. 180.

A resolution honoring Lawrence Rubin upon the occasion of his 85th birthday.

Whereas, Lawrence Rubin has reached a milestone in his life — his 85th birthday. We are grateful for this opportunity to congratulate one of the Great Lakes State's exceptional citizens as he celebrates this special occasion between the warmth and love of family and friends; and

Whereas, Lawrence Rubin was born in Chelsea, Massachusetts on December 7, 1912. In June of 1930, he graduated from Central High School in Detroit and four years later, he received his Bachelor of Arts degree from the University of Michigan. Following graduation from college, he spent seven years working in advertising and public relations. In 1937, Mr. Rubin served as the radio publicist to the Assistant Director for the Michigan State Highway Department. He also served in the United States Army from 1942-1945, working for the Intelligence Corps in the Southwest Pacific Theater. Following his time in the U.S. Army, he worked for the Genesee Sportsman Magazine; and

Whereas, Mr. Rubin served as the Executive Director of the Mackinac Bridge Authority since its creation in June of 1950. He worked diligently with the late Prentiss M. Brown, chairman, and other authority members to raise, through the sale of revenue bonds, the nearly \$100,000,000. required to build the Mackinac Bridge. The Mackinac Bridge officially opened on November 1, 1957 with Lawrence Rubin serving as its executive director. Mr. Rubin was responsible for the day-to-day operations of this multimillion dollar structure. In 1956, the Mackinac Bridge Authority made Mr. Rubin's revenue bond financing experience available to the International Bridge Authority. He served as the Secretary/Treasurer of the International Bridge Authority from 1956-1960. Mr. Rubin retired as the Executive Director of the Mackinac Bridge Authority on December 31, 1983; and

Whereas, Over the years, Mr. Rubin has received various awards and has been a member of many organizations. Mr. Rubin was the Director of the Upper Peninsula Travel and Recreation Association (UPTRA) since its founding in 1960. He served as President of UPTRA from 1970-1974. In December of 1974, he was one of five Michigan persons, named by Governor William Milliken, as a Michigan Ambassador of Tourism. Mr. Rubin served on the Board of Trustees and as Chairman for the Mackinac Straits Hospital. He was also the President of the International Bridge Tunnel and Turnpike Association. In 1971, he was the St. Ignace Citizen of the Year. He was also elected to the Transportation Hall of Honor in 1988 and received the UPTRA Gold Award in 1996; now, therefore, be it

Resolved by the House of Representatives, That this resolution be dedicated to honor Lawrence A. Rubin in recognition of his 85th birthday on December 7, 1997. It is a pleasure to convey our congratulations and best wishes for many happy returns; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Rubin 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. Griffin, Llewellyn, Martinez, Kelly, Wojno, Goschka, Prusi, Hanley, Gubow, Cherry, Kaza, DeHart, Schermesser, Baade, Jelinek, Rhead, Voorhees, Hale, Bodem, Gernaat, Dalman, Leland, LaForge, Birkholz, Parks, Baird, Richner, McBryde, Perricone, Green, Bogardus and Gilmer offered the following resolution:

House Resolution No. 181.

A resolution honoring Monsignor James A. Murray upon his appointment as Bishop of the Diocese of Kalamazoo.

Whereas, It is a distinct honor and privilege to join with his brother priests and parishioners in congratulating Monsignor James A. Murray upon his appointment as Bishop of the Diocese of Kalamazoo by Pope John Paul II. His ordination will be held at St. Augustine Cathedral Church in Kalamazoo, Michigan, on January 27, 1998, by Adam Cardinal Maida, of the Archdiocese of Detroit; and

Whereas, Bishop-elect James A. Murray, was born, raised, and graduated from St. Mary High School, in Jackson, Michigan. As a young man, James A. Murray answered the call from God to the priesthood of the Roman Catholic Church. He received his undergraduate degree from Sacred Heart Seminary in Detroit. He went on to earn his Bachelor of Theology from St. John Provincial Seminary, in Plymouth, Michigan, and then earned his Licentiate of Canon Law from the Catholic University of America, in Washington, D.C.; and

Whereas, On June 7, 1958, James A. Murray was ordained into the priesthood at St. Mary Cathedral, in Lansing, by Bishop Joseph A. Albers. During his thirty-nine years as a priest for the Diocese of Lansing, he has served the Church as teacher, parish priest, and Chancellor of the Diocese of Lansing. In his twenty-four years as pastor of St. Mary Cathedral, his ministry has touched the lives of many in the inner-city, including the homeless, employees of state government, and elected officials of the State of Michigan. For this, many are very grateful; and

Whereas, Monsignor James A. Murray was instrumental in establishing the St. Mary Cathedral Knights of Columbus Council 11694, which was chartered in January 1996. Since its inception, Monsignor James A. Murray has served as the Council's chaplain; and

Whereas, Through his ministry at St. Mary Cathedral, Monsignor James A. Murray was the principle force in the building of the new parish hall, which was dedicated in May 1994. Monsignor James A. Murray captivated his parishioners with inspirational homilies, which were laced with his wit, wisdom, and guidance in Catholic spirituality. His advocacies include Catholic education, strengthening families, youth and social issues, and, especially, proclaiming the gospel without compromise. Other diocesan bishops have praised the Pope's choice. We concur with the words of Bishop Carl Mengeling: "Monsignor is esteemed and respected as a priest who is forthright, reliable, and trustworthy. His love for the Lord and the Church meant always saying 'Yes.' The word 'No' to parish and diocesan needs and the myriad and varied needs of parishioners was not in his vocabulary. It was always a firm 'YES', with a smile and often a humorous quip. Monsignor is defined by the word 'priest.' He is essentially a priest, and he loves it. Many are grateful for his wise counsel and solid common sense, his comforting presence, his consoling sensitivity, and his cheerful optimism and Irish wit. We are deeply grateful to Monsignor Murray who in our midst is the essence of fidelity, loyalty, and generosity. He will always be one of us and a permanent and significant part of the history of the Diocese of Lansing"; now, therefore, be it

Resolved by the House of Representatives, That we offer our sincere appreciation to Monsignor James A. Murray for his inspiration to members of the church throughout Michigan, encouraging all to strengthen their faith and to serve the entire community; and be it further

Resolved, That as Monsignor James A. Murray is ordained as the third Bishop of the Diocese of Kalamazoo, may he know that he will remain in our hearts and in our prayers as he continues in his ministry to deliver the message of God's word to all people. May God bless him.

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. Lowe, Freeman, DeHart, Cropsey, Horton, Prusi, McManus, Goschka, Bodem, Llewellyn, Whyman, Martinez, Gernaat, Middleton, Basham, Anthony, Green, McBryde, Galloway, Birkholz, Voorhees, Kelly, Wetters, Wojno, Hanley, Gubow, Harder, Cherry, Kaza, Schermesser, Baade, Jelinek, Rhead, Hale, Dalman, Parks, Baird, Richner, Perricone, Schauer, Bogardus and Oxender offered the following concurrent resolution:

House Concurrent Resolution No. 75.

A concurrent resolution to memorialize the Congress of the United States and the Department of Veterans Affairs to recognize the effects of Agent Orange and to require that its health impacts are covered through VA medical centers.

Whereas, The terrible impact that Agent Orange has on human health is an issue that has not been adequately addressed by our government. People who served our nation in times of need have suffered enormously from exposure to Agent Orange. Scientific studies have identified links between the defoliant and a host of debilitating conditions, including numerous cancers, birth defects, and circulatory, respiratory, and digestive disorders; and

Whereas, Agent orange was the most widely used herbicide in the Vietnam War. Scientists continue to learn more about the harm this chemical causes to the body. There is increasing evidence of Agent Orange causing serious birth defects in the children of those exposed to it; and

Whereas, While it may be difficult to determine precisely how much damage Agent Orange has exerted in some situations, the responsibility that our country has to the men and women who have defended our nation is clear. We must ensure that services through our VA medical centers are available to provide help to those suffering as a result of exposure to Agent Orange; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States and the Department of Veterans Affairs to recognize the effects of Agent Orange and to require that its health impacts are covered through VA medical centers; and be it further

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

The concurrent resolution was referred to the Committee on Senior Citizens and Veterans Affairs.

Reps. Schroer and Brater offered the following concurrent resolution:

House Concurrent Resolution No. 76.

A concurrent resolution to urge the Department of Environmental Quality to include in its proposed new rules on groundwater certain provisions to protect the quality of the state's groundwater.

Whereas, The Department of Environmental Quality is presently working on a proposed rules package on groundwater permits. The proposed rules allow the discharge of pollutants into uncontaminated groundwater sources; and

Whereas, With its unique location amid the largest volume of accessible fresh surface water in the world, Michigan has a strong interest in preserving water resources. Our commerce, agriculture, recreation, health, and character are dependent upon safeguarding water for present and future generations; and

Whereas, Michigan law prohibits polluting the waters of the state. It is illegal to discharge, either directly or indirectly, harmful substances that are or may become injurious to the health of our citizens or impair the use of the state's waters for agriculture, commerce, or recreation; and

Whereas, Cleaning up contaminated groundwater is both exceedingly time consuming and prohibitively expensive, for it costs the taxpayers of Michigan hundreds of millions of dollars and small amounts of chemical contaminants can render large amounts of groundwater unusable; and

Whereas, Proposing to permit chemical pollutants to be discharged into uncontaminated waters also increases the likelihood of more development in open areas of the state instead of redeveloping and cleaning up other areas. The proposed Department of Environmental Quality rules redefine "nondegradation" in a manner that will not encourage the redevelopment of brownfields. This will impede efforts to deal with long-term problems facing this state, including moves to better use our infrastructure, especially in our cities; and

Whereas, Michigan's future is closely tied to the quality of our water resources. Steps should not be taken to jeopardize them or to initiate measures inconsistent with our statutes; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Department of Environmental Quality to include in its proposed new rules on groundwater provisions to encompass more closely the concept of "nondegradation" currently included in the rules; provisions to foster the redevelopment of brownfield areas and to discourage urban sprawl; and provisions to require pollution prevention before any discharge is allowed to the groundwater of this state; and be it further

Resolved, That a copy of this resolution be transmitted to the Department of Environmental Quality and to the Office of the Governor.

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

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, Wednesday, November 12:

Senate Bill Nos. 792 805 806

The Clerk announced the enrollment printing and presentation to the Governor on Monday, November 17, for his approval of the following bills:

Enrolled House Bill No. 4049 at 10:46 a.m.

Enrolled House Bill No. 4386 at 10:48 a.m.

Enrolled House Bill No. 4509 at 10:50 a.m.
Enrolled House Bill No. 4850 at 10:52 a.m.
Enrolled House Bill No. 4939 at 10:54 a.m.
Enrolled House Bill No. 5083 at 10:56 a.m.
Enrolled House Bill No. 5309 at 10:58 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, November 17:

House Bill Nos. 5361 5362 5363 5364

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, November 18:

House Bill Nos. 5365 5366 5367 5368 5369 5370 5371 5372 5373 5374 5375 5376 5377 5378
5379 5380 5381 5382 5383 5384 5385 5386

The Clerk announced that the following Senate bills had been received on Tuesday, December 2:

Senate Bill Nos. 790 793 794 795 796 797 798 799 800 801 802 803 804 812

By unanimous consent the House returned to the order of

Reports of Select Committees

Joint Committee on Administrative Rules

Certificates of Approval

Date: November 13, 1997

Subject: Trans. No. 97-54

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Community Health Department, Health Legislation and Policy Development, pertaining to Childhood Immunization Registry, dated June 24, 1997.

Date: November 13, 1997

Subject: Trans. No. 97-55

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Consumer and Industry Services Department, Office of Commercial Services, pertaining to Occupational Boards—Disciplinary Proceedings, dated May 16, 1997.

Date: November 13, 1997

Subject: Trans. No. 97-56

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the State Police Department, Alcohol Enforcement Unit, pertaining to Drunk Driving Prevention Equipment and Training Fund, dated September 18, 1997.

Date: November 13, 1997

Subject: Trans. No. 97-57

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Consumer and Industry Services Department, Bureau of Workers' Disability Compensation, pertaining to General Rules, dated June 19, 1997.

Sincerely,
 Representative Candace A. Curtis
 Chair

December 1, 1997

Pursuant to PA 445 of 1994, attached herewith is the report of the Michigan Sentencing Guidelines Commission, which was adopted by the Commission on November 25, 1997.

I believe that the proposals submitted herein, meet the requirements set forth in PA 445. I further believe that the Commission's recommendations represent a comprehensive approach to sentencing consistent with our enabling statute.

Therefore, on behalf of the members of the Commission, it is with great pleasure that I commend this report to the Legislature for consideration and deliberation.

Sincerely,
Paul L. Maloney
Chairman, Michigan Sentencing Commission
Circuit Court Judge, County of Berrien

Reports of Standing Committees

The Committee on Forestry and Mineral Rights, by Rep. Anthony, Chair, reported

House Bill No. 4259, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503a.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 4259 To Report Out:

Yeas: Reps. Anthony, Callahan, Alley, Bogardus, Brater, DeVuyst, Lowe,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Anthony, Chair of the Committee on Forestry and Mineral Rights, was received and read:

Meeting held on: Tuesday, December 2, 1997, at 10:30 a.m.,

Present: Reps. Anthony, Callahan, Alley, Bogardus, Brater, Middleton, DeVuyst, Gernaat, Lowe.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

House Bill No. 4048, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5827 (MCL 600.5827) and by adding section 5828.

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

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

Favorable Roll Call

HB 4048 To Report Out:

Yeas: Reps. Wallace, Baird, Curtis, Freeman, Gubow, Schauer, Vaughn, Wojno, Cropsey,

Nays: Reps. Nye, Richner.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

House Bill No. 5371, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2949a (MCL 600.2949a), as added by 1995 PA 249.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5371 To Report Out:

Yeas: Reps. Wallace, Baird, Curtis, Freeman, Gubow, Schauer, Vaughn, Wojno, Cropsey,
Nays: Reps. Nye, Richner.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

House Bill No. 5373, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 6313.

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

1. Amend page 1, line 9, by striking out "INTERESTS" and inserting "SAFETY".
2. Amend page 1, following line 9, by inserting:

"(E) IN VIOLATION OF A CRIMINAL LAW OF THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE, OR THE UNITED STATES."

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

Favorable Roll Call

HB 5373 To Report Out:

Yeas: Reps. Wallace, Baird, Curtis, Freeman, Gubow, Schauer, Vaughn, Wojno, Cropsey,
Nays: Reps. Nye, Richner.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

Senate Bill No. 280, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401 and 7403 (MCL 333.7401 and 333.7403), as amended by 1996 PA 249.

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

1. Amend page 2, line 9, after "life" by striking out the balance of the page and inserting "OR ANY TERM OF YEARS."
2. Amend page 3, line 3, after "felony" by striking out the balance of the line through "nor" on line 4 and inserting "PUNISHABLE BY IMPRISONMENT FOR NOT".
3. Amend page 3, line 7, after "felony" by striking out the balance of the line through "nor" on line 8 and inserting "PUNISHABLE BY IMPRISONMENT FOR NOT".
4. Amend page 3, line 10, after "felony" by striking out the balance of the subparagraph and inserting "PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$25,000.00, OR BOTH."
5. Amend page 4, line 18, by striking out the balance of the page through line 4 of page 8 and renumbering the remaining subsection.
6. Amend page 8, line 5, after "section" by striking out the balance of the line through "'Plant'" on line 10 and inserting a comma and "'PLANT'".
7. Amend page 9, line 5, after "YEARS" by striking out the balance of the subparagraph and inserting a period.
8. Amend page 9, line 21, after "felony" by striking out the balance of the line through "nor" on line 22 and inserting "PUNISHABLE BY IMPRISONMENT FOR NOT".
9. Amend page 9, line 25, after "felony" by striking out the balance of the line through "nor" on line 26 and inserting "PUNISHABLE BY IMPRISONMENT FOR NOT".
10. Amend page 10, line 1, after "amount" by striking out "of 25 grams or more, but".
11. Amend page 10, line 3, after "felony" by striking out the balance of the line through "felony" on line 7.
12. Amend page 11, line 5, by striking out all of subsection (3).
13. Amend page 12, line 5, by striking out all of enacting section 1 and inserting:
"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:
(a) Senate Bill No. 281.
(b) Senate Bill No. ___ or House Bill No. ___ (request no. 05053'97)."

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

Favorable Roll Call

SB 280 To Report Out:

Yeas: Reps. Wallace, Baird, Curtis, Freeman, Gubow, Kilpatrick, Vaughn, Nye, Cropsey, Dalman, Law, McNutt,
Nays: Rep. Richner.

The Committee on Judiciary, by Rep. Wallace, Chair, reported

Senate Bill No. 281, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1994 PA 345 and section 36 as amended by 1996 PA 554.

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

1. Amend page 3, line 21, after "(6)" by striking out "EXCEPT AS PROVIDED IN SUBSECTION (7), A" and inserting "A".

2. Amend page 3, line 23, after "years" by inserting a comma and "other than a prisoner sentenced TO IMPRISONMENT for life for murder in the first degree,".

3. Amend page 4, line 2, after "prisoner" by inserting "SENTENCED FOR A VIOLATION OF SECTION 7401(2)(A)(i) OR SECTION 7403(2)(A)(i) OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 AND 333.7403, OR".

4. Amend page 4, line 2, after "for" by striking out "a" and inserting "ANY OTHER".

5. Amend page 5, line 12, by striking out all of subsection (7) and inserting:

"(7) IN DETERMINING WHETHER A PRISONER CONVICTED OF VIOLATING OR CONSPIRING TO VIOLATE SECTION 7401(2)(A)(i) OR 7403(2)(A)(i) OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 AND 333.7403, AND SENTENCED TO IMPRISONMENT FOR LIFE BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION IS TO BE RELEASED ON PAROLE, THE PAROLE BOARD SHALL CONSIDER ALL OF THE FOLLOWING:

(A) WHETHER THE VIOLATION WAS PART OF A CONTINUING SERIES OF VIOLATIONS OF SECTION 7401 OR 7403 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 AND 333.7403, BY THAT INDIVIDUAL.

(B) WHETHER THE VIOLATION WAS COMMITTED BY THE INDIVIDUAL IN CONCERT WITH 5 OR MORE OTHER INDIVIDUALS.

(C) EITHER OF THE FOLLOWING:

(i) WHETHER THE INDIVIDUAL WAS A PRINCIPAL ADMINISTRATOR, ORGANIZER, OR LEADER OF AN ENTITY THAT THE INDIVIDUAL KNEW OR HAD REASON TO KNOW WAS ORGANIZED, IN WHOLE OR IN PART, TO COMMIT VIOLATIONS OF SECTION 7401 OR 7403 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 AND 333.7403, AND WHETHER THE VIOLATION FOR WHICH THE INDIVIDUAL WAS CONVICTED WAS COMMITTED TO FURTHER THE INTERESTS OF THAT ENTITY.

(ii) WHETHER THE INDIVIDUAL WAS A PRINCIPAL ADMINISTRATOR, ORGANIZER, OR LEADER OF AN ENTITY THAT THE INDIVIDUAL KNEW OR HAD REASON TO KNOW COMMITTED VIOLATIONS OF SECTION 7401 OR 7403 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 AND 333.7403, AND WHETHER THE VIOLATION FOR WHICH THE INDIVIDUAL WAS CONVICTED WAS COMMITTED TO FURTHER THE INTERESTS OF THAT ENTITY."

6. Amend page 6, line 17, after "parole." by striking out the balance of the subsection and inserting "IF A PRISONER CONVICTED OF VIOLATING OR CONSPIRING TO VIOLATE SECTION 7401(2)(A)(i) OR (ii) OR 7403(2)(A)(i) OR (ii) OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 AND 333.7403, IS RELEASED ON PAROLE AND VIOLATES OR CONSPIRES TO VIOLATE ARTICLE 7 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 TO 333.7545, AND THAT VIOLATION OR CONSPIRACY TO VIOLATE IS PUNISHABLE BY IMPRISONMENT FOR 4 OR MORE YEARS, OR COMMITS A VIOLENT FELONY DURING HIS OR HER RELEASE ON PAROLE, PAROLE SHALL BE REVOKED."

7. Amend page 7, line 15, after "services." by striking out the balance of the subsection.
8. Amend page 8, line 11, by striking out all of subsection (9) and inserting:
 "(9) IF A PRISONER CONVICTED OF VIOLATING OR CONSPIRING TO VIOLATE SECTION 7401(2)(A)(i) OR (ii) OR 7403(2)(A)(i) OR (ii) OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 AND 333.7403, IS RELEASED ON PAROLE, THE PAROLE ORDER SHALL CONTAIN A NOTICE THAT IF THE PAROLEE VIOLATES OR CONSPIRES TO VIOLATE ARTICLE 7 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 TO 333.7545, AND THAT VIOLATION OR CONSPIRACY TO VIOLATE IS PUNISHABLE BY IMPRISONMENT FOR 4 OR MORE YEARS, OR COMMITS A VIOLENT FELONY DURING HIS OR HER RELEASE ON PAROLE, PAROLE SHALL BE REVOKED."
9. Amend page 9, following line 6, subsection (11), after "TESTS." by striking out the balance of the subsection.
10. Amend page 10, line 16, by striking out all of enacting section 1 and inserting:
 "Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:
 (a) Senate Bill No. 280.
 (b) Senate Bill No. _____ or House Bill No. _____ (request no. 05053'97).".
 The bill and amendments were referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 281 To Report Out:

Yeas: Reps. Wallace, Baird, Curtis, Freeman, Gubow, Kilpatrick, Vaughn, Nye, Cropsey, Dalman, Law, McNutt,
 Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 2, 1997, at 9:00 a.m.,

Present: Reps. Wallace, Baird, Curtis, Freeman, Gubow, Kilpatrick, Schauer, Vaughn, Wojno, Nye, Cropsey, Dalman, Fitzgerald, Law, McNutt, Richner,

Absent: Rep. Willard,

Excused: Rep. Willard.

The Committee on Public Utilities, by Rep. Olshove, Chair, reported

House Bill No. 5280, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by adding section 202a.

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

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

Favorable Roll Call

HB 5280 To Report Out:

Yeas: Reps. Olshove, Thomas, Baade, Dobronski, Freeman, Gubow, Wetters, Dobb, Birkholz, Cassis, Galloway, Gustafson, Kukuk, LeTarte, Raczkowski, Whyman,

Nays: None.

The Committee on Public Utilities, by Rep. Olshove, Chair, reported

Senate Bill No. 480, entitled

A bill to amend 1929 PA 9, entitled "An act to regulate corporations, associations or persons engaged in the business of carrying and transporting natural gas through pipe lines and to regulate the production, purchase and sale of natural gas; to provide for the control and regulation of such corporations, associations and persons by the Michigan public utilities commission; to define the powers and duties of the commission relative thereto; to prescribe penalties for the violations of the provisions hereof; and to repeal Act No. 29 of the Public Acts of 1889," (MCL 483.101 to 483.120) by adding sections 1a and 1b.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 480 To Report Out:

Yeas: Reps. Olshove, Thomas, Dobronski, Freeman, Griffin, Gubow, Leland, Murphy, Profit, Wetters, Dobb, Birkholz, Cassis, Galloway, Gustafson, Kukuk, LeTarte, Middaugh, Raczkowski, Whyman,

Nays: None.

The Committee on Public Utilities, by Rep. Olshove, Chair, reported

Senate Bill No. 788, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 316 (MCL 484.2316), as amended by 1995 PA 216; and to repeal acts and parts of acts.

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

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

Favorable Roll Call

SB 788 To Report Out:

Yeas: Reps. Olshove, Thomas, Baade, Dobronski, Freeman, Griffin, Gubow, Hanley, Murphy, Wetters, Dobb, Birkholz, Cassis, Galloway, Gustafson, Kukuk, LeTarte, Middaugh, Raczkowski, Whyman,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Olshove, Chair of the Committee on Public Utilities, was received and read:

Meeting held on: Tuesday, December 2, 1997, at 11:00 a.m.,

Present: Reps. Olshove, Thomas, Alley, Baade, Dobronski, Freeman, Griffin, Gubow, Hanley, Leland, Murphy, Profit, Wetters, Dobb, Birkholz, Cassis, Galloway, Gustafson, Kukuk, LeTarte, Middaugh, Raczkowski, Whyman.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 25, 1997, at 10:00 a.m.,

Present: Reps. Hood, Ciaramitaro, Emerson, Frank, Hale, Harder, Kelly, Martinez, Owen, Price, Rison, Schroer, Gilmer, Bankes, Geiger, Jansen, Jellema, Johnson, Oxender,

Absent: Reps. Mathieu, Parks, Prusi, Stallworth, Tesanovich, Bobier, Godchaux, McBryde,

Excused: Reps. Mathieu, Parks, Prusi, Stallworth, Tesanovich.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 2, 1997, at 9:00 a.m.,

Present: Reps. LaForge, Scott, Bogardus, Gire, Schauer, Horton,

Absent: Reps. Jaye, London, McManus,

Excused: Reps. Jaye, London, McManus.

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, December 2, 1997, at 9:00 a.m.,

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

Messages from the Governor

The following message from the Governor was received November 17, 1997 and read:

EXECUTIVE ORDER

No. 1997 - 18

MICHIGAN EMPLOYMENT SECURITY AGENCY**MICHIGAN JOBS COMMISSION****MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES****EXECUTIVE REORGANIZATION**

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 1995-8 transferred all of the statutory authority, powers, duties, functions and responsibilities of the Michigan Employment Security Commission to the Michigan Jobs Commission as an autonomous entity known as the Michigan Employment Security Agency; and

WHEREAS, Executive Order 1997-12 transferred all of the statutory authority, powers, duties, functions and responsibilities of the Michigan Employment Security Agency for unemployment insurance programs from the Michigan Jobs Commission/Michigan Employment Security Agency to a new entity known as the Unemployment Agency within the Department of Consumer and Industry Services (the "Unemployment Agency"); and

WHEREAS, Executive Order 1997-12 further required the Departments of the Michigan Jobs Commission and Consumer and Industry Services to develop an agreement to identify the positions to be transferred to Consumer and Industry Services; and

WHEREAS, the State of Michigan should do everything possible to ensure that employment services are provided to Michigan citizens in a seamless system; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

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:

A. Definitions

In this Order, the following definitions shall apply except where the context clearly requires a different definition.

1. "Workforce Development Board" means a local workforce development board established pursuant to the federal Job Training Partnership Act, 29 USC 1501 et seq., Public Law 97-300, 96 Stat. 1322, and the federal School-to-Work Opportunities Act of 1994, 20 USC 6101 et seq., Public Law 103-239, 108 Stat. 568, or the equivalent entity, and also referenced in Sections 406(6) and 407(2) of Act No. 104 of the Michigan Public Acts of 1997 and Section 67 of Act No. 93 of the Michigan Public Acts of 1997.

2. "Unemployment Insurance Program" means the State of Michigan component of the nationwide system of unemployment insurance offices, funded through the United States Unemployment Insurance Service, U.S. Department of Labor, and operated by the Michigan Employment Security Agency, as defined by the Michigan Employment Security Act, Act No. 1 of the Public Acts of 1936 (Ex. Sess.), being Section 421.1 et seq. of the Michigan Compiled Laws, as modified by successor executive orders, including Executive Order 1997-12, the Federal Unemployment Tax Act, 26 USC 3301 et seq., Public Law 76-1, 53 Stat. 183, February 10, 1939, as amended, and the federal Social Security Act, 42 USC 501-504, 1101-1109, Public Law 74-271, 49 Stat. 620, August 14, 1935, as amended.

3. "Administrative Functions" means all administrative functions, including but not limited to personnel, budget, finance, office facilities, contract administration, information technology services, and communications, as well as any other positions identified as administrative by the directors of the Departments of Consumer and Industry Services and the Michigan Jobs Commission in the agreement reached pursuant to paragraph B.4. of Executive Order 1997-12.

B. Consumer and Industry Services

1. Pursuant to the agreement required between the Michigan Jobs Commission and the Department of Consumer and Industry Services by Executive Order 1997-12, the following functions are transferred to the Unemployment Agency:

- a. All functions and positions associated with the following funding sources:
 - Unemployment Insurance (Normal Base, UI Integrity, Year 2000 and Contingency)
 - NAFTA Trade Benefits

- Work Opportunity Tax Credit
- Trade Readjustment Act Allowance Payments to Claimants
- Income Eligibility Verification System
- Penalty and Interest; and

b. Unemployment Insurance Program Administrative Functions.

2. The Director of Consumer and Industry Services shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of Consumer and Industry Services shall provide executive direction and supervision for the implementation of the transfer.

C. Michigan Jobs Commission

1. All of the functions and positions not transferred in paragraph B.1. of this Order will remain with the Michigan Employment Security Agency. The Michigan Employment Security Agency is renamed the "Employment Service Agency" and remains a Type I agency within the Michigan Jobs Commission. The programs, functions and positions to remain with the Employment Service Agency include those associated with the following funding sources:

- a. Employment Service
- b. Veterans (DVOP and LVER)
- c. Bureau of Labor Statistics (CES, LAUS, OES, ES-202, MLS, CES AAMC, ES-202 AAMC, and MLS AAMC)
- d. ALC-OES
- e. Alien Labor Certification
- f. Trade TAA Program
- g. NAFTA Trade Training
- h. Occupational Analysis Field Center
- i. Labor Market Information
- j. One Stop State Admin. and OES
- k. ALMIS
- l. North Assessment Test Development
- m. Workforce Development Board Contracts
- n. Private funds related to Employment Service or Labor Market Information

2. Employment Service Agency state employees shall deliver services to special populations including persons with disabilities, veterans and migrant and seasonal farm workers.

3. Employment Service Agency state employees shall provide labor market information services and employment service policy, administration, oversight, management of Governor's discretionary funded activities and other related functions.

4. The Employment Service Agency, in accordance with Civil Service and Department of Management and Budget rules and regulations, shall provide employment services, with the exception of the employment service portions of paragraphs C.2. and C.3. of this Order, via Workforce Development Boards in the same manner the state's other workforce development programs are provided, including federal Job Training Partnership Act programs, federal School-to-Work, federal One-Stop and Work First.

5. The Director of the Michigan Jobs Commission 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 Jobs Commission shall provide executive direction and supervision for the implementation of the transfer.

D. Coordination

1. The Employment Service Agency and the Unemployment Agency shall work cooperatively with the Workforce Development Boards to ensure that the maximum available services are provided to Michigan citizens at locations known as "One-Stop" or "No Wrong Door" centers.

2. The Employment Service Agency will work with the local Workforce Development Boards to maximize coordination of state and local resources for delivery of employment services in the same manner as is currently done with other workforce development programs.

3. Local Unemployment Agency offices shall co-locate wherever possible with Workforce Development Board local service providers to provide seamless service delivery.

4. In order to ensure proper coordination among all entities involved, the Unemployment Agency shall require Unemployment Insurance Program claimants to personally register for employment services through Workforce Development Boards using the Michigan component of America's Talent Bank.

5. The Employment Service Agency, the Unemployment Agency and Workforce Development Boards shall continue to meet all of the confidentiality responsibilities required by law.

E. Miscellaneous

1. 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.

2. 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 17th day of November, 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.

The following messages from the Governor, approving and signing the following bills at the times designated below, were received and read:

Date: November 11, 1997
Time: 10:30 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4646 (Public Act No. 131, I.E.), being

An act to amend 1965 PA 190, entitled “An act to provide for a system of uniformity of service for veterans,” by amending section 1 (MCL 35.61).

(Filed with the Secretary of State November 14, 1997, at 1:20 p.m.)

Date: November 13, 1997
Time: 10:15 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4815 (Public Act No. 132, I.E.), being

An act to amend 1978 PA 90, entitled “An act to provide for the legal employment and protection of minors; to provide for the issuance and revocation of work permits; to provide for the regulation of hours and conditions of employment of minors; to prescribe powers and duties of the departments of labor and education; to provide for the enforcement of this act; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 3 (MCL 409.103), as amended by 1987 PA 71.

(Filed with the Secretary of State November 14, 1997, at 1:22 p.m.)

Date: November 13, 1997
Time: 11:15 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5092 (Public Act No. 133, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 14801, 14802, 14804, 14805, and 14808 (MCL 324.14801, 324.14802, 324.14804, 324.14805, and 324.14808), as added by 1996 PA 132.

(Filed with the Secretary of State November 14, 1997, at 1:24 p.m.)

Date: November 13, 1997
Time: 11:17 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5093 (Public Act No. 134, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate

the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 14809 (MCL 324.14809), as added by 1996 PA 132.

(Filed with the Secretary of State November 14, 1997, at 1:26 p.m.)

Date: November 17, 1997

Time: 2:15 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4654 (Public Act No. 135, I.E.), being

An act to amend 1966 PA 331, entitled "An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; and to repeal certain acts and parts of acts," by amending sections 103, 111, 121, and 124 (MCL 389.103, 389.111, 389.121, and 389.124).

(Filed with the Secretary of State November 17, 1997, at 3:35 p.m.)

Date: November 17, 1997

Time: 2:20 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4080 (Public Act No. 136), being

An act to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 21004 (MCL 333.21004), as amended by 1982 PA 354.

(Filed with the Secretary of State November 17, 1997, at 3:37 p.m.)

Date: November 17, 1997

Time: 2:45 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4221 (Public Act No. 137, I.E.), being

An act to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 558, 799a, 803, and 933 (MCL 168.558, 168.799a, 168.803, and 168.933), section 558 as amended by 1996 PA 583, section 799a as amended by 1992 PA 8, and section 803 as amended by 1985 PA 160.

(Filed with the Secretary of State November 17, 1997, at 3:39 p.m.)

Date: November 18, 1997

Time: 3:40 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5309 (Public Act No. 138, I.E.), being

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act,” by amending section 36 (MCL 211.36), as amended by 1994 PA 343.

(Filed with the Secretary of State November 18, 1997, at 4:20 p.m.)

Date: November 18, 1997

Time: 3:50 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4944 (Public Act No. 139, I.E.), being

An act to amend 1962 PA 192, entitled “An act authorizing the creation of professional service corporations; providing definitions; providing exceptions; providing the manner and method of creating such corporations; providing for individual liability of officers, employees and agents of such corporations in certain instances; authorizing certain investments of corporate funds; regulating the issuance and transfer of capital stock; providing forfeiture of corporate franchise in certain instances; and requiring identification as a corporation,” by amending section 4 (MCL 450.224), as amended by 1990 PA 166.

(Filed with the Secretary of State November 18, 1997, at 4:22 p.m.)

Date: November 18, 1997

Time: 4:00 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4814 (Public Act No. 140, I.E.), being

An act to authorize the department of state police to convey certain state owned property in Iron county; to prescribe conditions for the conveyance; and to provide for the disposition of revenue derived from the conveyance.

(Filed with the Secretary of State November 19, 1997, at 3:45 p.m.)

Date: November 18, 1997

Time: 4:05 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5079 (Public Act No. 141, I.E.), being

An act to authorize the department of natural resources to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

(Filed with the Secretary of State November 19, 1997, at 3:47 p.m.)

Date: November 19, 1997

Time: 10:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5083 (Public Act No. 144, I.E.), being

An act to amend 1984 PA 431, entitled “An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and

for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts," (MCL 18.1101 to 18.1594) by adding section 353e.

(Filed with the Secretary of State November 19, 1997, at 3:53 p.m.)

Date: December 1, 1997
Time: 10:32 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4386 (Public Act No. 145, I.E.), being

An act to amend 1968 PA 317, entitled "An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts," by amending sections 3 and 8 (MCL 15.323 and 15.328), section 3 as amended by 1984 PA 184.

(Filed with the Secretary of State December 1, 1997, at 10:47 a.m.)

Date: December 1, 1997
Time: 10:35 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4850 (Public Act No. 146, I.E.), being

An act to amend 1933 (Ex Sess) PA 8, entitled "An act to create a liquor control commission for the control of the alcoholic beverage traffic within the state of Michigan, and to prescribe its powers, duties and limitations; to provide for the control of the alcoholic liquor traffic within the state of Michigan and the establishment of state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges thereto; to provide for the licensing and taxation thereof, and the disposition of the moneys received under this act; to prescribe liability for retail licensees under certain circumstances; to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for the confiscation and disposition of property seized under the provisions of this act; to provide a referendum in certain cases; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date," by amending section 4 (MCL 436.4).

(Filed with the Secretary of State December 1, 1997, at 10:49 a.m.)

Date: December 1, 1997
Time: 10:37 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4939 (Public Act No. 147, I.E.), being

An act to amend 1966 PA 331, entitled "An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; and to repeal certain acts and parts of acts," by amending section 21 (MCL 389.21).

(Filed with the Secretary of State December 1, 1997, at 10:51 a.m.)

Communications from State Officers

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

Notices of Filing
Administrative Rules

October 20, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:12 P.M. this date, administrative rule (97-10-4) for the Family Independence Agency, entitled "*Intercounty disputes*", effective 15 days hereafter.

October 20, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:13 P.M. this date, administrative rule (97-10-5) for the Department of Consumer and Industry Services, Safety Standards Division, entitled "*Part 20. Underhung Cranes and Monorail Systems*", effective 15 days hereafter.

October 20, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:14 P.M. this date, administrative rule (97-10-6) for the Department of Consumer and Industry Services, Safety Standards Division, entitled "*Part 12. Scaffolds and Scaffold Platforms*", effective 15 days hereafter.

October 20, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:15 P.M. this date, administrative rule (97-10-7) for the Department of Corrections, entitled "*General Rules*", effective 15 days hereafter.

October 23, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 4:00 P.M. this date, administrative rule (97-10-8) for the Department of Natural Resources, Law Enforcement Division, entitled "*Local Watercraft Control*", effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Helen Kruger, Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

The following communication from West Shore Community College was received and read:

October 6, 1997

Audit Report for Fiscal Years Ended June 30, 1997 and 1996.
The communication was referred to the Clerk.

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

November 17, 1997

1996 Statistical Report.

Sincerely,
Kenneth L. McGinnis
Director
Michigan Department of Corrections

The communication was referred to the Clerk.

Introduction of Bills

Reps. Crissman, DeHart, Goschka, Bodem, Martinez, Dobb, Middleton, Dalman, Anthony, Gire, Banks, Hammerstrom, Green, McBryde, Birkholz and Voorhees introduced

House Bill No. 5387, entitled

A bill to amend 1913 PA 206, entitled "An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates," by amending section 25 (MCL 484.125), as added by 1980 PA 47.

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

Rep. Profit introduced

House Bill No. 5388, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 11a and 601a (MCL 380.11a and 380.601a), as added by 1995 PA 289.

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

Rep. Profit introduced

House Bill No. 5389, entitled

A bill to amend 1921 PA 136, entitled "An act to authorize and facilitate the acquisition and disposal of public library property by public corporations empowered to maintain public libraries," by amending section 1 (MCL 397.381).

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

Rep. Martinez introduced

House Bill No. 5390, entitled

A bill to amend 1961 PA 101, entitled "Supervision of trustees for charitable purposes act," by amending section 3 (MCL 14.253).

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

Rep. Profit introduced

House Bill No. 5391, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 13 of chapter 2 (MCL 141.613), as amended by 1988 PA 216.

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

Rep. Dobb introduced

House Bill No. 5392, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 3 (MCL 208.3) and by adding section 3a.

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

Rep. Stallworth moved that the House adjourn.

The motion prevailed, the time being 4:30 p.m.

Acting Speaker Hanley declared the House adjourned until Wednesday, December 3, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.