

No. 14
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House of Representatives
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House Chamber, Lansing, Tuesday, February 17, 1998.

2:00 p.m.

The House was called to order by the Speaker.

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

Agee—present	Emerson—present	Kaza—present	Price—present
Alley—present	Fitzgerald—present	Kelly—excused	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—excused	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—excused	Owen—present	Wallace—present
Dalman—present	Jansen—present	Oxender—excused	Wetters—present
DeHart—present	Jelinek—present	Palamara—present	Whyman—present
DeVuyst—present	Jellema—excused	Parks—present	Willard—present
Dobb—present	Johnson—present	Perricone—present	Wojno—present
Dobronski—present			

e/d/s = entered during session

Rep. Agnes Dobronski, from the 15th District, offered the following invocation:

“Let us pray. Our gracious heavenly Father, as we come before You on this day, we seek Your guidance through this House session, on the bills we debate and the many issues that will arise. Lord, we pray that You let us see the needs of all the different people with open minds and unselfish thoughts. We ask that You be with us and in our lives each day from hereafter, in Jesus’ name. Amen.”

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

Rep. Hammerstrom moved that Reps. Horton, Jellema and Oxender be excused from today’s session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House
House Concurrent Resolution No. 78.

A concurrent resolution to memorialize the Congress of the United States to increase the amount of money being distributed to the states from the Leaking Underground Storage Tank Trust Fund.

(For text of resolution, see House Journal No. 96 of 1997, p. 2651.)

(The resolution was reported by the Committee on Conservation, Environment and Recreation on February 12, with amendments, consideration of which was postponed until today under the rules.)

(For amendments, see House Journal No. 13, p. 196.)

The question being on the adoption of the proposed amendments recommended by the Committee on Conservation, Environment and Recreation,

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

The question being on the adoption of the concurrent resolution,

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

The Speaker laid before the House
House Concurrent Resolution No. 83.

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

(For text of resolution, see House Journal No. 5, p. 75.)

(The concurrent resolution was reported by the Committee on Conservation, Environment and Recreation on February 12, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

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

Rep. Gilmer moved that Rep. Johnson be excused temporarily from today’s session.
The motion prevailed.

Messages from the Senate

The Speaker laid before the House
House Bill No. 5223, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for

the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 9 (MCL 207.559), as amended by 1996 PA 513.

(The bill was received from the Senate on February 11, with amendments and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 12, see House Journal No. 12, p. 181.)

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. 61**Yeas—102**

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

Nays—1

Kaza

In The Chair: Hertel

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

Third Reading of Bills**House Bill No. 5345, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8401 (MCL 600.8401), as amended by 1991 PA 192.

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

Roll Call No. 62**Yeas—103**

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

Nays—0

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.

Reps. Anthony, Bankes, Bodem, Cassis, Crissman, Cropsey, Dobb, Kaza, Kukuk, Law, London, Lowe, Perricone, Profit, Prusi, Rocca, Tesanovich, Voorhees and Wallace were named co-sponsors of the bill.

House Bill No. 5283, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by adding section 312c.

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

Roll Call No. 63**Yeas—102**

Agee	Dobb	Kilpatrick	Prusi
Alley	Dobronski	Kukuk	Quarles
Anthony	Emerson	LaForge	Raczkowski
Baade	Fitzgerald	Law	Rhead
Baird	Frank	Leland	Richner
Bankes	Freeman	LeTarte	Rison
Basham	Gagliardi	Llewellyn	Rocca
Birkholz	Galloway	London	Schauer
Bobier	Geiger	Lowe	Schermesser
Bodem	Gernaat	Mans	Schroer

Bogardus	Gilmer	Martinez	Scott
Brackenridge	Godchaux	Mathieu	Scranton
Brater	Goschka	McBryde	Sikkema
Brewer	Green	McManus	Stallworth
Brown	Griffin	McNutt	Tesanovich
Byl	Gubow	Middaugh	Thomas
Callahan	Gustafson	Middleton	Varga
Cassis	Hale	Nye	Vaughn
Cherry	Hammerstrom	Olshove	Voorhees
Ciaramitaro	Hanley	Owen	Walberg
Crissman	Harder	Palamara	Wallace
Cropsey	Hood	Parks	Wetters
Curtis	Jansen	Perricone	Whyman
Dalman	Jelinek	Price	Willard
DeHart	Johnson	Profit	Wojno
DeVuyst	Kaza		

Nays—0

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.

Second Reading of Bills

House Bill No. 4019, entitled

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

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

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

Rep. McNutt moved to amend the bill as follows:

1. Amend page 1, line 1, after "DECEMBER 31," by striking out "1990" and inserting "1998".
2. Amend page 2, line 5, by striking out "1990" and inserting "1998".

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

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

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

The Speaker called the Speaker Pro Tempore to the Chair.

House Bill No. 4949, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4m.

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

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

Rep. McNutt moved to amend the bill as follows:

1. Amend page 1, line 1, after "DECEMBER 31," by striking out "1990" and inserting "1998".
2. Amend page 2, line 3, by striking out "1990" and inserting "1998".

The motion prevailed and the amendments were 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.

Senate Bill No. 828, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ff (MCL 211.7ff), as added by 1996 PA 469.

The bill was read a second time.

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

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

Senate Bill No. 352, entitled

A bill to amend 1976 PA 220, entitled "Michigan handicappers' civil rights act," by amending the title and sections 101, 102, 103, 202, 203, 204, 205, 206, 208, 209, 210, 211, 302, 402, 403, 502, 504, 505, 506, 506a, 507, 604, and 606 (MCL 37.1101, 37.1102, 37.1103, 37.1202, 37.1203, 37.1204, 37.1205, 37.1206, 37.1208, 37.1209, 37.1210, 37.1211, 37.1302, 37.1402, 37.1403, 37.1502, 37.1504, 37.1505, 37.1506, 37.1506a, 37.1507, 37.1604, and 37.1606), the title and sections 103, 502, and 504 as amended and section 506a as added by 1992 PA 123, sections 102 and 606 as amended and sections 210 and 211 as added by 1990 PA 121, and sections 204 and 402 as amended and section 209 as added by 1980 PA 478.

The bill was read a second time.

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

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

Senate Bill No. 353, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 29, 504, 509t, and 795 (MCL 168.29, 168.504, 168.509t, and 168.795), sections 29 and 504 as amended by 1989 PA 142, section 509t as added by 1994 PA 441, and section 795 as amended by 1992 PA 8.

The bill was read a second time.

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

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

Senate Bill No. 355, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 115f (MCL 400.115f), as amended by 1994 PA 238.

The bill was read a second time.

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

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

Senate Bill No. 357, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 205 (MCL 484.1205), as amended by 1994 PA 29.

The bill was read a second time.

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

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

Senate Bill No. 358, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 211a, 410, and 502 (MCL 550.1211a, 550.1410, and 550.1502), section 211a as added by 1993 PA 127 and section 502 as amended by 1994 PA 440.

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

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

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

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

Senate Bill No. 359, entitled

A bill to amend 1948 (1st Ex Sess) PA 31, entitled "An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and

facilities necessary or convenient for the effective use thereof, for the use of any county, city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district's boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district's boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district's boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; and to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property," by amending section 2b (MCL 123.952b).

The bill was read a second time.

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

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

Senate Bill No. 360, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2027, 2121, 2264, 2925a, and 5208a (MCL 500.2027, 500.2121, 500.2264, 500.2925a, and 500.5208a), sections 2121 and 2925a as amended by 1980 PA 461 and section 5208a as added by 1981 PA 189.

The bill was read a second time.

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

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

Senate Bill No. 361, entitled

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending section 306 (MCL 331.1306), as amended by 1988 PA 502.

The bill was read a second time.

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

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

Senate Bill No. 362, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 116 (MCL 330.1116), as amended by 1995 PA 290.

The bill was read a second time.

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

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

Senate Bill No. 363, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 1995 PA 81.

The bill was read a second time.

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

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

Senate Bill No. 364, entitled

A bill to amend 1973 PA 8, entitled "An act to provide for the construction and maintenance of sidewalks for use by handicapped persons," by amending the title and section 1 (MCL 125.1361).

The bill was read a second time.

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

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

Senate Bill No. 365, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending the title and sections 47a and 104b (MCL 559.147a and 559.204b), the title and section 104b as amended by 1982 PA 538 and section 47a as added by 1987 PA 31.

The bill was read a second time.

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

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

Senate Bill No. 367, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending sections 7 and 14 (MCL 408.387 and 408.394).

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

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

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

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Alley, Middaugh, Callahan, Schermesser, Birkholz, Wetters, Kilpatrick, Bodem Walberg, DeVuyst, McNutt, Sikkema, Dalman, Mans and Perricone offered the following resolution:

House Resolution No. 214.

A resolution to urge the Environmental Protection Agency to revise its timetable for proposed rule making on ozone transport to provide opportunities for refined modeling to identify both beneficial and adverse impacts on air quality in upwind areas from emissions controls intended to benefit downwind areas.

Whereas, On November 7, 1997, the Environmental Protection Agency (EPA) released a proposed rule calling on twenty-two states to revise their State Implementation Plans to address ozone transport and meet specific limits on emissions. The limits will require equal levels of control in the twenty-two states, ignoring studies showing that these twenty-two states have different impacts on downwind sites; and

Whereas, Michigan recognizes the challenges presented by transported pollutants. This is a problem that has been especially vexing to the western portions of our Lower Peninsula. Michigan also believes that, due to variables in climate, topography, and atmospheric chemistry, the extent to which transport causes any given area's ozone problems can be quite different from one locale to another; and

Whereas, All upwind areas do not contribute equally to poor air quality in downwind areas; and

Whereas, EPA relied on different emissions inventories and modeling assumptions than those used by the Ozone Transport Assessment Group (OTAG) in reaching their recommendations after two years of study. The EPA disregarded OTAG recommendations calling for the states to conduct additional local and subregional modeling over a twelve-month period. This modeling is essential to better understanding "disbenefits" on upwind areas of some emissions controls compared to the minimal benefits to downwind areas of those same controls; and

Whereas, Other differences between the OTAG recommendations and the EPA's proposed call for State Implementation Plan revisions include OTAG's recommendations for a wider range of controls, variability for geographic areas, using a one-hour rather than an eight-hour standard, and using an emissions base of 1990 instead of 1995; and

Whereas, Given the disagreement over the timetable and means of addressing the transport of ozone, it is prudent to reconsider our response and the expectations and requirements placed upon the states; now, therefore, be it

Resolved by the House of Representatives, That we urge the Environmental Protection Agency to reconsider its timetable for proposed revisions to State Implementation Plans and to work with other states and groups of states to determine more appropriate modeling to identify the impact of emissions controls at upwind sources on local air quality in downwind locales; and be it further

Resolved, That we urge that the EPA's final action be based on consideration of all of the following:

1. Michigan's proportional contribution to a specifically identified problem in another state,
2. The ozone benefits and disbenefits that would result from reducing emissions in Michigan, and

3. The comparative cost of achieving those ozone reductions from controlling emissions in Michigan versus controlling emissions in the downwind states and nearby states
; and be it further

Resolved, That copies of this resolution be transmitted to the United States Environmental Protection Agency, to the members of the Michigan congressional delegation, and to the office of the President of the United States.

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

Reps. Alley, Middaugh, Callahan, Schermesser, Birkholz, Wetters, Kilpatrick, Bodem, Walberg, DeVuyst, Byl, McNutt, Sikkema, Dalman, Mans and Perricone offered the following concurrent resolution:

House Concurrent Resolution No. 87.

A concurrent resolution to urge the Environmental Protection Agency to revise its timetable for proposed rule making on ozone transport to provide opportunities for refined modeling to identify both beneficial and adverse impacts on air quality in upwind areas from emissions controls intended to benefit downwind areas.

Whereas, On November 7, 1997, the Environmental Protection Agency (EPA) released a proposed rule calling on twenty-two states to revise their State Implementation Plans to address ozone transport and meet specific limits on emissions. The limits will require equal levels of control in the twenty-two states, ignoring studies showing that these twenty-two states have different impacts on downwind sites; and

Whereas, Michigan recognizes the challenges presented by transported pollutants. This is a problem that has been especially vexing to the western portions of our Lower Peninsula. Michigan also believes that, due to variables in climate, topography, and atmospheric chemistry, the extent to which transport causes any given area's ozone problems can be quite different from one locale to another; and

Whereas, All upwind areas do not contribute equally to poor air quality in downwind areas; and

Whereas, EPA relied on different emissions inventories and modeling assumptions than those used by the Ozone Transport Assessment Group (OTAG) in reaching their recommendations after two years of study. The EPA disregarded OTAG recommendations calling for the states to conduct additional local and subregional modeling over a twelve-month period. This modeling is essential to better understanding "disbenefits" on upwind areas of some emissions controls compared to the minimal benefits to downwind areas of those same controls; and

Whereas, Other differences between the OTAG recommendations and the EPA's proposed call for State Implementation Plan revisions include OTAG's recommendations for a wider range of controls, variability for geographic areas, using a one-hour rather than an eight-hour standard, and using an emissions base of 1990 instead of 1995; and

Whereas, Given the disagreement over the timetable and means of addressing the transport of ozone, it is prudent to reconsider our response and the expectations and requirements placed upon the states; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Environmental Protection Agency to reconsider its timetable for proposed revisions to State Implementation Plans and to work with other states and groups of states to determine more appropriate modeling to identify the impact of emissions controls at upwind sources on local air quality in downwind locales; and be it further

Resolved, That we urge that the EPA's final action be based on consideration of all of the following:

1. Michigan's proportional contribution to a specifically identified problem in another state,
2. The ozone benefits and disbenefits that would result from reducing emissions in Michigan, and
3. The comparative cost of achieving those ozone reductions from controlling emissions in Michigan versus controlling emissions in the downwind states and nearby states

; and be it further

Resolved, That copies of this resolution be transmitted to the United States Environmental Protection Agency, to the members of the Michigan congressional delegation, and to the office of the President of the United States.

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

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held jointly with the Senate Appropriations Committee on: Thursday, February 12, 1998, at 11:00 a.m.,

Present: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Harder, Kelly, Martinez, Parks, Price, Prusi, Rison, Schroer, Stallworth, Tesanovich, Gilmer, Bankes, Bobier, Geiger, Godchaux, Jansen, Jellema, Johnson, McBryde, Oxender,

Absent: Rep. Owen,

Excused: Rep. Owen.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Alley, Chair of the Committee on Conservation, Environment and Recreation, was received and read:

Meeting held on: Thursday, February 12, 1998, at 12:30 p.m.,

Present: Reps. Alley, Callahan, Anthony, Brater, Brown, LaForge, Mans, Schermesser, Basham, Middaugh, Birkholz, Bodem, Byl, McManus, Walberg,

Absent: Reps. Kilpatrick, Wetters, DeVuyst, McNutt,

Excused: Reps. Kilpatrick, Wetters, DeVuyst, McNutt.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 17, 1998, at 9:00 a.m.,

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

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, February 17, 1998, at 9:00 a.m.,

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

Messages from the Senate**House Bill No. 4382, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8904, 8905a, and 8905b (MCL 324.8904, 324.8905a, and 324.8905b), section 8904 as amended and sections 8905a and 8905b as added by 1995 PA 111; and to repeal acts and parts of acts.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill 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 8904 (MCL 324.8904), as amended by 1995 PA 111, and by adding sections 8905a, 8905b, and 8905c.

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

House Bill No. 5222, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2102a.

The Senate has amended the bill as follows:

1. Amend page 1, line 5, after "TRAILWAY." by inserting "IF THE TRAIL OR TRAILWAY AT ISSUE IS SUBJECT TO AN INTEREST BY WHICH THE TRAIL OR TRAILWAY COULD BE TRANSFORMED INTO OR REACTIVATED AS A RAILROAD, THEN THE SALE OR TRANSFER OF THE TRAIL OR TRAILWAY IS SUBJECT TO THE RAIL INTEREST AND ANY EASEMENT RETAINED BY THE STATE ON THE TRAIL OR TRAILWAY IS ALSO SUBJECT TO THE RAIL INTEREST."

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

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

Notices

February 12, 1998

Dear Madam Clerk:

Please be advised that I am temporarily removing Rep. Sharon Gire from the Consumer Protection Committee and assigning Rep. Raymond Basham in her place until further notice.

Thank you for your prompt attention to this matter. Please feel free to contact me if you have further questions.

Sincerely,
Curtis Hertel
Speaker of the House

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Friday, February 13, for his approval of the following bill:

Enrolled House Bill No. 5300 at 2:50 p.m.

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members, Tuesday, February 17:

House Bill Nos. 5548 5549 5550 5551 5552 5553 5554 5555 5556 5557 5558 5559 5560 5561
5562 5563 5564 5565 5566 5567 5568 5569 5570 5571 5572 5573 5574
House Joint Resolutions DD EE

The Clerk announced that the following Senate bill had been received on Tuesday, February 17:

Senate Bill No. 565

Communications from State Officers

The following communication from the Secretary of State was received and read:

Notice of Filing
Administrative Rules

February 11, 1998

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 9:27 A.M. this date, administrative rule (98-2-1) for the Department of Treasury, entitled "*Michigan Education Trust (Rule 21)*", effective 15 days hereafter.

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

The communication was referred to the Clerk.

The following communication from the Department of Consumer & Industry Services was received and read:

February 12, 1998

Pursuant to Section 328 of P.A. 104 of 1997, we are enclosing a copy of the interim evaluation conducted November 26, 1997 on Pine Lodge Residential Care Center, 227 N. Sycamore Street, Lansing, Michigan 48933. This evaluation was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

Sincerely,
Roy Murry, Director
Finance and Administrative Services

The communication was referred to the Clerk.

Introduction of Bills

Reps. Freeman, Brewer and Llewellyn introduced

House Bill No. 5575, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 1994 PA 445.

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

Reps. Alley, Middaugh, Gernaat, Rhead, Gustafson, Mans, Schermesser, Callahan, Palamara, Walberg, Kukuk, Olshove, Middleton, Godchaux, Law, Galloway, Raczkowski and Perricone introduced

House Bill No. 5576, entitled

A bill to provide for the regulation of contracts between persons publicly performing or broadcasting copyrighted nondramatic musical works under certain circumstances; to provide for recognition of certain agents and employees of performing rights societies; to impose certain fees; to provide for certain powers and duties for certain state agencies and departments; and to prescribe penalties and provide remedies.

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

Reps. McManus and Lowe introduced

House Bill No. 5577, entitled

A bill to designate the cherry burger as the official burger of this state.

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

Reps. Murphy, Wallace, Freeman, Hood, Price, LaForge, Parks, Agee, Hale, Schermesser, Callahan and Bogardus introduced

House Bill No. 5578, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8321 and 8322 (MCL 600.8321 and 600.8322), section 8322 as amended by 1996 PA 388.

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

Reps. Jansen, Horton, Galloway, Baade, McBryde, Rocca, McManus, Mans and Birkholz introduced

House Bill No. 5579, entitled

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending sections 2 and 3 (MCL 41.722 and 41.723), as amended by 1995 PA 139.

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

Rep. Dobb introduced

House Bill No. 5580, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 1993 PA 13, and by adding section 30c.

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

Rep. Wetters introduced

House Joint Resolution FF, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 54 of article IV, to increase the maximum number of terms of certain state officers.

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

Rep. Brown moved that the House adjourn.
The motion prevailed, the time being 4:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 18, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

