

No. 12
STATE OF MICHIGAN
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House of Representatives
89th Legislature
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House Chamber, Lansing, Wednesday, February 11, 1998.

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

e/d/s = entered during session

Allen L. Lanstra, parish lay minister of Faith Lutheran Church, Grand Blanc, Michigan, offered the following invocation:

“Heavenly Father, We thank You for the blessings You have given to us. We thank You for our country and this great State of Michigan whose beautiful cities, countryside, farmlands and lakes abundantly provide for our needs. We thank You for the resources that You have given to us. Resources that have been so plentiful that we sometimes take them for granted. Most of all we thank You for the diversity, commitment and intellect of the people of this great state whose determination and will have made this state the state of opportunity and security for all who reside here.

Lord, as we begin this session of Legislature we pray that You be with the members of this body to lead them and guide them in the business that You have entrusted into their care. We ask that You give them the wisdom to act not only as elected representatives of their constituents but also to serve as an implement of Your will. Let this body function in unity to attend to those matters which are of concern to the efficient operation of government and the well being of the people. We also ask that they address their business with compassion and understanding using the time You have given them effectively and efficiently. Give them the opportunity to apply their skills and talents in a way that will demonstrate responsible leadership and set a positive example. We pray that this example will serve, in part, as a guideline for others, especially our children who are in the process of learning how our government works and who are the future for this great State of Michigan and the United States of America. May the peace and love of God be with us all and be the source of our strength for now and forever. Amen.”

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

Third Reading of Bills

House Bill No. 4207, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 21707 and 21715 (MCL 333.21707 and 333.21715) and by adding sections 21714 and 21720c.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Schroer moved to amend the bill as follows:

1. Amend page 2, line 10, after “HOME” by striking out “OR HOSPITAL LONG-TERM CARE UNIT”.
2. Amend page 2, line 12, after “HOME” by striking out “OR HOSPITAL LONG-TERM CARE UNIT”.
3. Amend page 2, line 13, after “HOME” by striking out “OR HOSPITAL LONG-TERM CARE UNIT”.
4. Amend page 2, line 15, after “HOME” by striking out “OR HOSPITAL LONG-TERM CARE UNIT”.
5. Amend page 2, line 16, after “HOME” by striking out “OR HOSPITAL LONG-TERM CARE UNIT”.
6. Amend page 2, line 18, after “HOME” by striking out “OR HOSPITAL LONG-TERM CARE UNIT”.
7. Amend page 2, line 21, after “HOME” by striking out the balance of the line through “UNIT” on line 22.
8. Amend page 2, line 23, after “HOME” by striking out the balance of the line through “UNIT” on line 24.
9. Amend page 2, line 25, after “HOME” by striking out the balance of the line through “UNIT” on line 26.
10. Amend page 3, line 3, after “HOME” by striking out the balance of the line through “UNIT” on line 4.
11. Amend page 3, line 4, after “HOME” by striking out the balance of the line through “UNIT” on line 5.
12. Amend page 3, line 8, after “HOME” by striking out “OR HOSPITAL LONG-TERM CARE UNIT”.

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

Rep. Schroer moved to amend the bill as follows:

1. Amend page 3, line 6, after “ADMISSION” by inserting “OR, IF THE ADMISSION TAKES PLACE ON A FRIDAY, SATURDAY, OR SUNDAY, WITHIN 72 HOURS OF ADMISSION,”.

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

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. 54

Yeas—102

Agee
Alley

Dobronski
Fitzgerald

Kaza
Kukuk

Price
Profit

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

Nays—0

In The Chair: Gire

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.

House Bill No. 5365, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690).

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

Roll Call No. 55**Yeas—97**

Agee	Dobb	Jellema	Perricone
Alley	Dobronski	Johnson	Price
Anthony	Fitzgerald	Kaza	Profit
Baade	Frank	Kukuk	Prusi
Baird	Gagliardi	LaForge	Quarles
Bankes	Galloway	Law	Raczkowski
Basham	Geiger	Leland	Rhead
Birkholz	Gernaat	LeTarte	Richner
Bobier	Gilmer	Llewellyn	Rison
Bodem	Gire	London	Rocca
Bogardus	Godchaux	Mans	Schauer
Brackenridge	Goschka	Martinez	Schermesser
Brater	Green	Mathieu	Schroer
Brewer	Gubow	McBryde	Scott

Brown	Gustafson	McManus	Scranton
Byl	Hale	McNutt	Sikkema
Callahan	Hammerstrom	Middaugh	Stallworth
Cassis	Hanley	Middleton	Tesanovich
Cherry	Harder	Murphy	Thomas
Ciaramitaro	Hertel	Olshove	Vaughn
Crissman	Hood	Owen	Voorhees
Curtis	Horton	Oxender	Wallace
Dalman	Jansen	Palamara	Willard
DeHart	Jelinek	Parks	Wojno
DeVuyst			

Nays—5

Cropsey	Nye	Walberg	Whyman
Lowe			

In The Chair: Gire

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.

House Bill No. 5237, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 19 (MCL 29.19).

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

Roll Call No. 56**Yeas—97**

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

Dalman
DeHart

Johnson

Parks

Wojno

Nays—6DeVuyst
GernaatGreen
Jellema

Raczkowski

Rhead

In The Chair: Gire

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. 5476, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1531 and 1532 (MCL 380.1531 and 380.1532), as amended by 1995 PA 289.

The bill was read a second time.

Reps. Dalman and Cherry moved to amend the bill as follows:

1. Amend page 6, line 19, after "education" by striking out "OR OTHER SUBJECT AREA".

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. Gagliardi moved that the bill be placed on its immediate passage.

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

Rep. Wetters entered the House Chambers.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5476, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1531 and 1532 (MCL 380.1531 and 380.1532), as amended by 1995 PA 289.

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

Roll Call No. 57**Yeas—99**Agee
Alley
Anthony
Baade
Baird
BankesDeVuyst
Dobb
Dobronski
Fitzgerald
Frank
FreemanJohnson
Kukuk
LaForge
Law
Leland
LeTartePrice
Profit
Prusi
Quarles
Rhead
Richner

Basham	Gagliardi	Llewellyn	Rison
Birkholz	Galloway	London	Rocca
Bobier	Geiger	Lowe	Schauer
Bodem	Gernaat	Mans	Schermesser
Bogardus	Gilmer	Martinez	Schroer
Brackenridge	Gire	Mathieu	Scott
Brater	Godchaux	McBryde	Scranton
Brewer	Goschka	McManus	Sikkema
Brown	Green	McNutt	Stallworth
Byl	Gubow	Middaugh	Tesanovich
Callahan	Gustafson	Middleton	Thomas
Cassis	Hale	Murphy	Vaughn
Cherry	Hammerstrom	Nye	Walberg
Ciaramitaro	Hanley	Olshove	Wallace
Crissman	Harder	Owen	Wetters
Cropsey	Hertel	Oxender	Whyman
Curtis	Jansen	Palamara	Willard
Dalman	Jelinek	Parks	Wojno
DeHart	Jellema	Perricone	

Nays—4

Horton	Kaza	Raczkowski	Voorhees
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In The Chair: Gire

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. 5487, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2001 (MCL 339.2001), as amended by 1997 PA 122.

The bill was read a second time.

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. 714, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

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

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

Rep. Gagliardi moved to amend the bill as follows:

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

"TITLE

An act to authorize the state administrative board to convey certain state owned property in Kalkaska county; TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO CONVEY CERTAIN STATE OWNED PROPERTY IN MACKINAC COUNTY; to prescribe conditions for the ~~conveyance~~ CONVEYANCES; and to provide for disposition of the revenue derived from the ~~conveyance~~ CONVEYANCES."

The motion prevailed and the amendment 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. Kilpatrick entered the House Chambers.

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. Wallace and Rocca offered the following concurrent resolution:

House Concurrent Resolution No. 86.

A concurrent resolution to memorialize the Congress of the United States to present to the states for ratification an amendment to the United States Constitution to remove the requirement that the president must be a natural born citizen of the United States.

Whereas, Article II, section 5 of the Constitution of the United States provides, in part:

No Person except a natural born Citizen. . . shall be eligible to the Office of President. . . ; and

Whereas, The constitutional provision requiring that a person must be a natural born citizen to be president is unnecessary. With the sophistication of communications, voters can judge for themselves the loyalty any candidate feels to our country. Instead, this restriction serves to remove from consideration for our highest office people with significant talents and energies to share. It is harmful to the country to exclude any citizen solely on the basis of how they achieved their citizenship. To do so relegates naturalized citizens to second-class status; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to present to the states for ratification an amendment to the United States Constitution to remove the requirement that the president must be a natural born citizen of the United States; 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, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on House Oversight and Ethics.

Reports of Standing Committees

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

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.

With the recommendation that the substitute (H-4) 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 5283 To Report Out:

Yeas: Reps. Olshove, Thomas, Baade, Griffin, Gubow, Hanley, Leland, Dobb, Birkholz, Cassis, Galloway, 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, February 10, 1998, at 3:05 p.m.,

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

Absent: Reps. Murphy, Wetters,

Excused: Reps. Murphy, Wetters.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

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.

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 4019 To Report Out:

Yeas: Reps. Profit, Quarles, Freeman, Palamara, Wallace, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Whyman,

Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

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.

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

HB 4949 To Report Out:

Yeas: Reps. Profit, Quarles, Freeman, Palamara, Wallace, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Whyman,

Nays: None.

The Committee on Tax Policy, by Rep. Profit, Chair, reported

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.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 828 To Report Out:

Yeas: Reps. Profit, Quarles, Agee, Freeman, Palamara, Wallace, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Whyman,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 11, 1998, at 9:00 a.m.,

Present: Reps. Profit, Quarles, Agee, Freeman, Gubow, Hanley, Palamara, Wallace, Wetters, Wojno, Perricone, Brackenridge, Cassis, Dobb, Goschka, Whyman,

Absent: Rep. Middleton,

Excused: Rep. Middleton.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Griffin, Chair of the Committee on Commerce, was received and read:
Meeting held on: Wednesday, February 11, 1998, at 9:00 a.m.,
Present: Reps. Griffin, Thomas, Alley, Callahan, Mans, Murphy, Olshove, Palamara, Gernaat, Dobb, Kukuk, Rhead, Richner, Walberg,
Absent: Reps. Schermesser, Varga, Kaza,
Excused: Reps. Schermesser, Varga, Kaza.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Brater, Chair of the Committee on Consumer Protection, was received and read:
Meeting held on: Wednesday, February 11, 1998, at 9:00 a.m.,
Present: Reps. Brater, DeHart, Brown, Freeman, Crissman, Law, Perricone,
Absent: Reps. Gire, Cropsy,
Excused: Reps. Gire, Cropsy.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gire, Chair of the Committee on Education, was received and read:
Meeting held on: Wednesday, February 11, 1998, at 12:00 Noon,
Present: Reps. Gire, Bogardus, Agee, Brown, Cherry, Curtis, Kilpatrick, LaForge, Schauer, Scott, Dalman, Crissman, Cropsy, Jelinek, LeTarte, McNutt, Middleton.

Messages from the Senate**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 Senate has amended the bill as follows:

1. Amend page 7, following line 17, by inserting:

"(vii) A FACILITY LOCATED IN AN EXISTING INDUSTRIAL DEVELOPMENT DISTRICT OWNED BY A PERSON WHO FILED AN APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE IN FEBRUARY 1996 IF THE APPLICATION WAS APPROVED BY THE LOCAL GOVERNMENT UNIT IN APRIL 1996 AND THE REAL PROPERTY PORTION OF THE APPLICATION WAS DENIED BY THE STATE TAX COMMISSION IN SEPTEMBER 1996."

2. Amend page 9, following line 19, following subsection (8), by inserting:

"(9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF A LOCAL GOVERNMENTAL UNIT PASSED A RESOLUTION APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR A NEW FACILITY ON MARCH 2, 1993 BUT RECLASSIFIED THAT FACILITY AND PASSED A RESOLUTION APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR THAT SAME FACILITY AS A REPLACEMENT FACILITY ON NOVEMBER 7, 1995, THE COMMISSION SHALL ISSUE FOR THAT FACILITY AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR THE REPLACEMENT FACILITY THAT BEGINS DECEMBER 30, 1996 AND ENDS DECEMBER 30, 2006.

(10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF A LOCAL UNIT OF GOVERNMENT APPROVED A REQUEST FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE IN 1996 THAT WAS SUBSEQUENTLY DENIED BY THE COMMISSION IN 1996 DUE TO THE LATE RECEIPT OF THE APPLICATION AND A MODIFIED APPLICATION WAS APPROVED BY THE SAME LOCAL UNIT OF GOVERNMENT IN 1997 AND WAS SUBSEQUENTLY APPROVED BY THE COMMISSION WHICH ISSUED AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE ON MAY 27, 1997, THE FACILITY SHALL BE TAXED

UNDER THIS ACT AS IF IT WAS GRANTED AN INDUSTRIAL FACILITIES EXEMPTION ON DECEMBER 30, 1996.

(11) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF A LOCAL GOVERNMENTAL UNIT PASSED A RESOLUTION APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR A FACILITY ON FEBRUARY 10, 1997, THE COMMISSION SHALL ISSUE FOR THAT PROPERTY AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE THAT BEGINS DECEMBER 30, 1997 AND ENDS DECEMBER 2009. THE REPLACEMENT FACILITY DESCRIBED IN THIS SUBSECTION SHALL BE TAXED UNDER THIS ACT AS IF IT WAS GRANTED AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE ON DECEMBER 30, 1997.”.

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

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

Senate Bill No. 555, entitled

A bill to amend 1964 PA 208, entitled “An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program,” by amending section 4 (MCL 390.974), as amended by 1986 PA 270, and by adding section 4a.

The Senate has passed the bill.

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

Senate Bill No. 556, entitled

A bill to amend 1966 PA 313, entitled “An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor,” by amending section 3 (MCL 390.993), as amended by 1980 PA 503, and by adding section 3a.

The Senate has passed the bill.

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

Senate Bill No. 557, entitled

A bill to amend 1978 PA 105, entitled “An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules,” by amending section 4 (MCL 390.1274) and by adding section 4a.

The Senate has passed the bill.

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

Senate Bill No. 558, entitled

A bill to amend 1976 PA 228, entitled “The legislative merit award program act,” by amending section 4 (MCL 390.1304), as amended by 1980 PA 386, and by adding section 4a.

The Senate has passed the bill.

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

Senate Bill No. 559, entitled

A bill to amend 1986 PA 303, entitled “An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation,” by amending section 4 (MCL 390.1324) and by adding section 4a.

The Senate has passed the bill.

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

Senate Bill No. 560, entitled

A bill to amend 1986 PA 288, entitled “An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies,” by amending section 4 (MCL 390.1374), as amended by 1990 PA 47, and by adding section 4a.

The Senate has passed the bill.

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

Senate Bill No. 561, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1404) and by adding section 4a.

The Senate has passed the bill.

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

Senate Bill No. 562, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283) and by adding section 3a.

The Senate has passed the bill.

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

Senate Bill No. 563, entitled

A bill to amend 1976 PA 174, entitled "An act to provide free tuition for state resident North American Indians in Michigan public community colleges, public universities, and certain federal tribally controlled community colleges; and to prescribe certain powers and duties of certain state departments, commissions, and agencies," by amending section 1 (MCL 390.1251), as amended by 1993 PA 106, and by adding section 1a.

The Senate has passed the bill.

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

Senate Bill No. 564, entitled

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending sections 4a and 12 (MCL 390.1154a and 390.1162), section 4a as added by 1989 PA 96 and section 12 as amended by 1987 PA 206.

The Senate has passed the bill.

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

Senate Bill No. 747, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8132 (MCL 600.8132).

The Senate has passed the bill.

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

Senate Bill No. 805, entitled

A bill to amend 1965 PA 166, entitled "An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties," by amending section 8 (MCL 408.558).

The Senate has passed the bill.

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

Senate Bill No. 808, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1011 (MCL 600.1011), as added by 1996 PA 388; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 834, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8138 (MCL 600.8138).

The Senate has passed the bill.

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

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, Monday, February 9:

Senate Bill Nos. 860 861 862 863 864 865 866

The Clerk announced that the following Senate bill had been approved and signed by the Governor:
Enrolled Senate Bill No. 642 - Public Act No. 6

Messages from the Governor

The following message from the Governor was received February 11, 1998 and read:
EXECUTIVE ORDER
No. 1998 - 1

**MICHIGAN DEPARTMENT OF STATE POLICE
L.E.I.N. POLICY COUNCIL
A.F.I.S. POLICY COUNCIL
CRIMINAL JUSTICE INFORMATION SYSTEM

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, the Law Enforcement Information Network (L.E.I.N.) Policy Council was established pursuant to Act No. 163 of the Public Acts of 1974 to create policy and promulgate rules regarding the operational procedures to be followed by agencies using the law enforcement information network, to review applications for network terminals and approve or disapprove the applications and the sites for terminal installations and to establish minimum standards for terminal sites and installations; and

WHEREAS, the Automated Fingerprint Identification System (A.F.I.S.) Policy Council was established pursuant to Act No. 307 of the Public Acts of 1988 to, among other things, create policy and promulgate rules regarding the operation and audit procedures to be followed by agencies using the A.F.I.S., to design and provide for statewide identification of individuals using an A.F.I.S., to establish minimum standards for A.F.I.S. sites and installation, to review proposed applications for the A.F.I.S. and approve or disapprove the applications and the sites for system installations and to establish policy and promulgate rules restricting the dissemination of identification information to individuals and agencies; and

WHEREAS, the membership of the L.E.I.N. Policy Council is fully represented on the A.F.I.S. Policy Council; and

WHEREAS, the mission and goals of the L.E.I.N. Policy Council and the A.F.I.S. Policy Council are similar and the technologies and system interaction involved with both L.E.I.N. and A.F.I.S. are closely linked; and

WHEREAS, the functions, duties and responsibilities assigned to the L.E.I.N. Policy Council and the A.F.I.S. Policy Council can be more effectively organized and carried out under the supervision and direction of one governmental body; 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:

1. There is created the Criminal Justice Information Systems (CJIS) Policy Council within the Department of State Police. The council shall exercise its prescribed powers, duties, functions and responsibilities independently of the director of the department. The budgeting, procurement and related management functions of the council shall be performed under the direction and supervision of the director of the department.

2. The CJIS Policy Council shall consist of the following members:

- a. The Attorney General or his or her designee;
- b. The Secretary of State or his or her designee;
- c. The Director of the Department of State Police or his or her designee;
- d. The Director of the Department of Corrections or his or her designee;
- e. Three representatives of the Department of State Police to be appointed by the Director of the Department of State Police;
- f. The Chief of Detroit Police Department or his or her designee;

- g. Three representatives of the Michigan Association of Chiefs of Police to be appointed by that association;
 - h. Four representatives of the Michigan Sheriff's Association to be appointed by that association;
 - i. Three representatives of the Prosecuting Attorneys Association of Michigan to be appointed by that association;
 - j. A representative of the Michigan District Judges Association to be appointed by that association;
 - k. A representative of the Michigan Judges Association to be appointed by that association;
 - l. The State Court Administrator or his or her designee;
 - m. An individual employed in or engaged in the business of private security, who shall be appointed by and serve at the pleasure of the Governor;
 - n. An individual who represents human services concerns in the state, who shall be appointed by and serve at the pleasure of the Governor; and
 - o. The executive secretary of the CJIS Policy Council, who shall serve in an ex officio capacity.
3. The Council shall, at its first meeting, elect from its membership a chairperson who shall serve for one year. Elections thereafter shall be held annually. A chairperson may, if reelected, succeed himself or herself. The council shall meet quarterly, during the months of January, April, July and October, and at other times the chairperson considers necessary. A majority of the council members shall constitute a quorum for conducting the business of the council.
4. The council chairperson shall appoint committee chairpersons with the approval of the council. A committee chairperson may succeed himself or herself if reappointed.
5. Council members or their representatives shall serve without compensation, but shall be entitled to actual expenses incurred during attendance at a regular or special council meeting and in traveling to and from a meeting.
6. A council member shall serve a two (2) year term and may succeed himself or herself if reappointed as a member.
7. All the statutory authority, powers, duties, functions and responsibilities, including the functions of rulemaking, budgeting, procurement and related management functions of the A.F.I.S. Policy Council set forth in Act No. 307 of the Public Acts of 1988, as amended, being Sections 28.151 et seq. of the Michigan Compiled Laws, are hereby transferred to the CJIS Policy Council by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the A.F.I.S. Policy Council is abolished.
8. In addition to the aforementioned responsibilities, the CJIS Policy Council shall serve in an advisory capacity to the Director of the Department of State Police on issues related to the development and deployment of information management systems that facilitate the rapid exchange of accurate information between the various components of the criminal justice community.
9. All the statutory authority, powers, duties, functions and responsibilities, including the functions of rulemaking, budgeting, procurement and related management functions of the L.E.I.N. Policy Council set forth in Act No. 163 of the Public Acts of 1974, as amended, being Sections 28.211 et seq. of the Michigan Compiled Laws, are hereby transferred to the CJIS Policy Council by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the L.E.I.N. Policy Council is abolished.
10. The Director of the Department of State Police shall provide executive direction and supervision for the implementation of the transfers and shall make internal organizational changes that may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.
11. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the A.F.I.S. Policy Council or the L.E.I.N. Policy Council are hereby transferred to the CJIS Policy Council.
12. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of this fiscal year.
13. 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.
14. 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.
- In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Order shall become effective sixty (60) days after filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 10th day of February, in the Year of our Lord, One Thousand Nine Hundred Ninety-Eight.

John Engler
Governor
By the Governor:
Candice S. Miller
Secretary of State

The message was referred to the Clerk.

Communications from State Officers

The following communications from the Auditor General were received and read:

February 10, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the
Northern Michigan Community Mental Health Board
An Agency Under Contract with the
Department of Community Health
February 1998

February 10, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Regulatory Services Administration
Department of State
February 1998

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Ethics.

Introduction of Bills

Reps. Hammerstrom, Brackenridge, Schroer, Brater, Profit and Cassis introduced

House Bill No. 5566, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 1998 PA 1.

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

Rep. Kilpatrick introduced

House Bill No. 5567, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 15b and 15c of chapter IV (MCL 764.15b and 764.15c), as amended by 1996 PA 15.

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

Reps. Law and Griffin introduced

House Bill No. 5568, entitled

A bill to amend 1975 PA 169, entitled "Charitable organizations and solicitations act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 20, 21, and 23 (MCL 400.272, 400.273, 400.274, 400.275, 400.276, 400.277, 400.278, 400.279, 400.280, 400.281, 400.282, 400.283, 400.286, 400.287, 400.288, 400.290, 400.291, and 400.293), section 13 as amended by 1992 PA 299, and by adding sections 3a, 19, 19a, 19b, 19c, 19d, 22a, 23a, and 23b; and to repeal acts and parts of acts.

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

Rep. Geiger introduced

House Bill No. 5569, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4q.

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

Reps. Ciaramitaro and Nye introduced

House Joint Resolution EE, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 1, 11, 12, 13, 18, 19, 27, 29, and 30 of article VI; adding section 9 to article III; and repealing sections 9, 15, 16, and 22 of article VI, to provide for the reorganization of the judicial branch.

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

Rep. Hanley moved that the House adjourn.

The motion prevailed, the time being 3:30 p.m.

The Associate Speaker Pro Tempore declared the House adjourned until Thursday, February 12, at 10:00 a.m.

MARY KAY SCULLION
Clerk of the House of Representatives.

