No. 81 JOURNAL OF THE HOUSE

House Chamber, Lansing, Tuesday, October 21, 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—excused
Basham—present	Geiger—excused	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—excused
Callahan—present	Hale—present	McNutt—present	Tesanovich—present
Cassis—present	Hammerstrom—present	Middaugh—present	Thomas—present
Cherry—present	Hanley—present	Middleton—present	Varga—excused
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—present	Wetters—excused
DeHart—present	Jaye—present	Palamara—present	Whyman—present
DeVuyst—present	Jelinek—present	Parks—present	Willard—present
Dobb—present	Jellema—present	Perricone—present	Wojno—present
Dobronski-present	Johnson—present		

Rep. Tom Alley, from the 103rd District, offered the following invocation:

"It is with humility that we stand before You, and it is with gratitude to You and our constituents that we are able to serve the citizens of Michigan. Amen."

Rep. Hammerstrom moved that Rep. Geiger be excused from today's session due to a death in the family. The motion prevailed.

Rep. Hammerstrom moved that Rep. Horton be excused from today's session due to a death in the family. The motion prevailed.

Rep. Hammerstrom moved that Rep. Rhead be excused from today's session. The motion prevailed.

Rep. Dobronski moved that Reps. Varga, Stallworth and Wetters be excused from today's session. The motion prevailed.

The Speaker assumed the Chair.

Notices

October 21, 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

Motions and Resolutions

The Speaker laid before the House

House Resolution No. 155.

A resolution to amend the Standing Rules of the House of Representatives.

(For text of resolution, see House Journal No. 78, p. 2097.)

(The resolution was introduced, Rule 77 suspended, and resolution postponed for the day on October 14, see House Journal No. 78, p. 2097.)

The question being on the adoption of the resolution,

Reps. Gagliardi and Gustafson moved to substitute (H-1) the resolution as follows:

A resolution to amend the Standing Rules of the House of Representatives.

"Publication and Correction of Journal.

Rule 17. (1) The Clerk shall make up and complete the journal of the House in conformity with the rules, supervise the daily publication thereof and make such corrections therein from day to day as may be necessary. During the consideration and passage of appropriations bills, the Clerk is authorized to correct totals that may have been affected by amendments made to items in the bill, such corrections to be made in the official bill and the journal.

(2) THE JOURNAL OF THE HOUSE SHALL BE THE ONLY OFFICIAL RECORD OF THE PROCEEDINGS OF THE HOUSE.

RESPONSIBILITY FOR TELEVISING HOUSE SESSION.

RULE 22. CONSISTENT WITH THE STANDING RULES OF THE HOUSE AND ANY GUIDELINES OR PROCEDURES ADOPTED BY THE HOUSE TELEVISION OVERSIGHT COMMITTEE, THE CLERK SHALL BE RESPONSIBLE FOR TELEVISED COVERAGE OF HOUSE SESSION.

Names and Numbers of Members.

Rule 35. (a) All standing committees shall be appointed by the Speaker except where the House shall otherwise order.

- (b) The standing committees of the House and the number of Members shall be as follows:
- 1. Advanced Technology and Computer Development (9)
- 2. Agriculture (13)
- 3. Appropriations (27)
- 4. Colleges and Universities (9)
- 5. Commerce (17)
- 6. Conservation, Environment and Recreation (19)
- 7. Constitutional and Civil Rights (9)
- 8. Consumer Protection (9)
- 9. Corrections (9)
- 10. Education (17)
- 11. Forestry and Mineral Rights (9)
- 12. Health Policy (17)
- 13. House Oversight and Ethics (17)
- 14. HOUSE TELEVISION OVERSIGHT (6)
- 14. 15. Human Services and Children (9)
- 15. 16. Insurance (17)
- 16. 17. Judiciary (17)
- 17. 18. Labor and Occupational Safety (11)
- 18. 19. Local Government (9)
- 19. 20. Marine Affairs and Port Development (9)
- 20. 21. Mental Health (9)
- 21. 22. Public Retirement (9)
- 22. 23. Public Utilities (23)
- 23. 24. Regulatory Affairs (15)
- 24. 25. Senior Citizens and Veterans Affairs (9)
- 25. 26. Tax Policy (17)
- 26. 27. Tourism (9)
- 27. 28. Transportation (17)
- 28. 29. Urban Policy and Economic Development (9)

Statutory Standing Committees:

- 1. Administrative Rules (5)
- 2. House Fiscal Agency (6)
- 3. Legislative Council (6)
- 4. Legislative Retirement (4)
- 5. Michigan Capitol Committee (4)
- (c) Any Member of any committee who is absent from attendance at any such committee meetings for three out of five consecutive committee meetings, unless excused from attendance on account of illness, or because of a death in the family, or serious family illness, or is in attendance at some other committee meeting at the same time, or has been excused from attending the day's session of the House, shall be automatically dropped from membership on such committee, and the committee automatically reduced unless the Speaker of the House shall fill such vacancy. Each committee clerk shall keep a record of attendance at all committee meetings, and shall make a written report to the office of the Clerk of the House showing the names of those present, the names of those absent, and the names of those excused from attendance, which shall be entered upon the journal of the House. When a Member has been absent for three out of five consecutive meetings of a committee without proper excuse, the Clerk of the House shall report the name of such Member, together with the dates of said meetings, to the Speaker of the House, and advise the Member of such action. The Speaker of the House may then fill such vacancy by appointing a Member to the committee who shall not be the Member previously dropped from membership on the committee.
- (d) The daily journal of the House shall report the roll call on all motions to report bills, joint resolutions and reorganization orders. (See Const 1963, Art 4 § 17)
- (e) Committees shall adopt a meeting schedule at the commencement of each term which shall be printed in the journal of the House. Additional meetings may be called by the Chair or by a majority of the Members in writing to the Clerk of the House. The Chair may cancel any scheduled meeting, except one called by a majority of the Members, by notice to the Members.

Amendment or Suspension of Rules.

Rule 75. (A) Any rule of the House may be amended by a majority vote of the Members elected and serving. No rule shall be amended unless the amendment is in writing and in possession of the House five days prior to its consideration. A rule may be suspended by a vote of three-fifths of the Members shown to be present by the journal entries.

- (B) SUSPENSION OF RULES GOVERNING THE OPERATION OR TELEVISING OF HOUSE SESSION SHALL BE BY RECORD ROLL CALL AND SHALL REQUIRE THE APPROVAL OF THREE-FIFTHS OF THE MEMBERS PRESENT AND VOTING.
- (C) Suspension of the rules as applied to matters pertaining to order of business, schedule of legislative sessions and adjournment may be by a majority vote of the Members elected and serving.

TELEVISING OF HOUSE SESSION.

- Rule 80. (A) Nothing in these rules shall prohibit the eable broadcast TELEVISING of sessions of the Michigan House of Representatives. The House may adopt such rules and policies as are necessary to provide for the orderly eable broadcast of session.
- (B) THE TELEVISED COVERAGE OF SESSIONS OF THE MICHIGAN HOUSE OF REPRESENTATIVES BY HOUSE TELEVISION SHALL BE MADE AVAILABLE FOR DISSEMINATION, PURSUANT TO SUBSECTION (D).
 - (C) ALL TELEVISED COVERAGE OF HOUSE SESSION SHALL BE UNEDITED.
- (D) NO PORTION OF THE COVERAGE (EITHER LIVE OR TAPED) AUTHORIZED PURSUANT TO SUBSECTION (B) MAY BE UTILIZED IN ANY FASHION FOR CAMPAIGN OR POLITICAL PURPOSES OR TO PROMOTE OR OPPOSE A BALLOT ISSUE OR THE CANDIDACY OF ANY PERSON FOR ANY ELECTIVE OFFICE. ONLY ACCREDITED NEWS ORGANIZATIONS, EDUCATIONAL INSTITUTIONS, AND NON-PROFIT PUBLIC AFFAIRS DOCUMENTARY PROGRAMS MAY UTILIZE ANY PORTION OF THE HOUSE TELEVISION FEED. NO PART OF THE HOUSE TELEVISION FEED MAY BE USED IN ANY PAID COMMERCIAL ADVERTISEMENTS.

HOUSE TELEVISION OVERSIGHT COMMITTEE.

RULE 81A. (A) THE HOUSE TELEVISION OVERSIGHT COMMITTEE SHALL HAVE 6 MEMBERS AND MEMBERSHIP SHALL BE EVENLY DIVIDED BETWEEN THE TWO PARTIES. THE MEMBERS OF THE COMMITTEE SHALL BE: THE SPEAKER, THE MAJORITY FLOOR LEADER, THE MINORITY FLOOR LEADER. IN ADDITION TO THE INDIVIDUAL MEMBERS DESIGNATED BY THIS SUBSECTION, ONE MEMBER FROM EACH CAUCUS SHALL BE APPOINTED BY EACH RESPECTIVE CAUCUS LEADER.

(B) THE HOUSE TELEVISION OVERSIGHT COMMITTEE SHALL MEET AT LEAST QUARTERLY AND SHALL ADOPT SUCH POLICIES AS ARE NECESSARY TO PROVIDE FOR THE ORDERLY TELEVISING OF COVERAGE OF ALL HOUSE SESSIONS. THE COMMITTEE SHALL ALSO RECOMMEND TO THE HOUSE ANY REVISIONS TO THE STANDING RULES OF THE HOUSE WHICH IT DETERMINES ARE NECESSARY TO ENSURE THAT ALL TELEVISED COVERAGE OF HOUSE PROCEEDINGS ARE CONSISTENT WITH ACCEPTABLE STANDARDS OF DIGNITY, PROPRIETY AND DECORUM."

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

The question being on the adoption of the resolution,

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

Messages from the Senate

The Speaker laid before the House

House Bill No. 4773, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35 (MCL 208.35), as amended by 1995 PA 255.

(The bill was received from the Senate on October 15, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 16, see House Journal No. 79, p. 2141.)

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. 854 Yeas—101

Anthony Emerson Parks Kaza Baade Fitzgerald Perricone Kelly Baird Frank Kilpatrick Price Bankes Freeman Kukuk **Profit** Basham Gagliardi LaForge Prusi Galloway Birkholz Law Quarles

Bobier Bodem **Bogardus** Brackenridge Brater Brewer Brown Byl Callahan Cassis Cherry Ciaramitaro Crissman Cropsey Curtis Dalman DeHart DeVuyst Dobb Dobronski

Gernaat
Gilmer
Gire
Godchaux
Goschka
Green
Griffin
Gubow
Gustafson
Hale
Hammerstrom
Hanley
Harder
Hood

Jansen

Jelinek

Jellema

Johnson

Jaye

Leland LeTarte Llewellyn London Lowe Mans Martinez Mathieu McBryde McManus McNutt Middaugh Middleton Murphy Nye Olshove Owen Oxender Palamara

Raczkowski Richner Rison Rocca Schauer Schermesser Schroer Scott Scranton Sikkema Tesanovich Thomas Vaughn Voorhees Walberg Wallace Whyman Willard Wojno

Nays—0

In The Chair: Hertel

The House agreed to the full title of the bill.

Reps. Anthony, Basham, Cassis, Frank, Jaye, Jelinek, McNutt, Oxender, Scranton and Tesanovich were named co-sponsors of the bill.

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

Second Reading of Bills

House Bill No. 5092, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," 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.

The bill was read a second time.

Rep. Alley 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.

The Speaker called Acting Speaker Hanley to the Chair.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5092, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," 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.

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

Roll Call No. 855

Yeas—101

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

Nays—0

In The Chair: Hanley

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 5093, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 14809 (MCL 324.14809), as added by 1996 PA 132.

The bill was read a second time.

Rep. Kilpatrick 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. Dobronski moved that Rep. Callahan be excused temporarily from today's session. The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5093, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 14809 (MCL 324.14809), as added by 1996 PA 132.

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

Roll Call No. 856

Yeas-101

Agee Dobronski Alley Fitzgerald Anthony Frank Baade Freeman Baird Gagliardi Bankes Galloway Basham Gernaat Birkholz Gilmer **Bobier** Gire Bodem Godchaux **Bogardus** Goschka Brackenridge Green Brater Griffin Brewer Gubow Brown Gustafson Byl Hale Cassis Hammerstrom Cherry Hanley Ciaramitaro Harder Crissman Hood Cropsey Jansen Curtis Jaye Jelinek Dalman DeHart Jellema DeVuyst Johnson Dobb

Kaza Kelly Kilpatrick Kukuk LaForge Law Leland LeTarte Llewellyn London Lowe Mans Martinez Mathieu McBryde McManus McNutt Middaugh Middleton Murphy Nye Olshove Owen Oxender Palamara

Parks Perricone Price **Profit** Prusi **Ouarles** Raczkowski Richner Rison Rocca Schauer Schermesser Schroer Scott Scranton Sikkema Tesanovich Thomas Vaughn Voorhees Walberg Wallace Whyman Willard Wojno

Nays-0

In The Chair: Hanley

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 5246, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63101 (MCL 324.63101), as added by 1995 PA 57, and by adding sections 63103a, 63103b, 63103c, and 63103d.

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

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5246, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63101 (MCL 324.63101), as added by 1995 PA 57, and by adding sections 63103a, 63103b, 63103c, and 63103d.

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

Roll Call No. 857

Yeas—98

Dobb Agee Kilpatrick Alley Dobronski Kukuk Anthony Emerson LaForge Baade Fitzgerald Law Baird Frank Leland Bankes Freeman LeTarte Basham Gagliardi Llewellyn Birkholz Galloway London **Bobier** Gernaat Lowe Bodem Gilmer Mans **Bogardus** Gire Martinez Godchaux Brackenridge Mathieu McBryde Brater Green Brewer Gubow McManus Brown Gustafson McNutt Byl Hale Middaugh Cassis Hammerstrom Middleton Hanley Cherry Murphy Harder Ciaramitaro Nye Crissman Hood Olshove Cropsey Jansen Owen Curtis Jelinek Oxender Dalman Jellema Palamara DeHart Johnson Parks DeVuyst Kelly

Perricone Price **Profit** Prusi Quarles Raczkowski Richner Rison Rocca Schauer Schermesser Schroer Scott Scranton Sikkema Tesanovich **Thomas** Vaughn Voorhees Walberg Wallace Whyman Willard Wojno

Nays-3

Goschka Jaye Kaza

In The Chair: Hanley

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Senate Bill No. 706, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," 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.

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.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 706, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," 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.

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

Roll Call No. 858

Yeas—98

Dobronski Agee Allev Fitzgerald Frank Anthony Baade Freeman Baird Gagliardi Bankes Galloway Gernaat Basham Birkholz Gilmer **Bobier** Gire Bodem Godchaux Goschka **Bogardus** Green Brackenridge Brater Gubow Brewer Gustafson Brown Hale Hammerstrom Byl Cassis Hanley Cherry Harder Crissman Hood Cropsey Jansen Curtis Jave Dalman Jelinek Jellema DeHart **DeVuvst** Johnson Dobb Kaza

Kukuk LaForge Law Leland LeTarte Llewellyn London Lowe Mans Martinez Mathieu McBryde McManus McNutt Middaugh Middleton Murphy Nye Olshove Owen Oxender Palamara

Kelly

Kilpatrick

Perricone Profit Prusi Ouarles Raczkowski Richner Rison Rocca Schauer Schermesser Schroer Scott Scranton Sikkema Tesanovich **Thomas** Vaughn Voorhees Walberg Wallace Whyman Willard Wojno

Parks

Nays—0

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

"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,".

The House agreed to the full 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. 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. Brater, Hood, Kilpatrick, Middaugh, McBryde, Hanley, Schroer, DeHart, Wojno, Hale, Dobronski, Martinez, Gubow, LaForge, Freeman, London, Profit, Dalman, Goschka, Godchaux, Tesanovich, Parks, Gilmer, Cassis, Cherry, Kelly, Scott, Brackenridge, Jellema, Rocca, Baird, Murphy, Schermesser, Voorhees, Bogardus, Galloway, Richner, Vaughn, Scranton and Gire offered the following resolution:

House Resolution No. 158.

A resolution to honor the Residential College of the University of Michigan upon the occasion of its Thirtieth Anniversary.

Whereas, It is a distinct privilege to honor the Residential College of the University of Michigan as it celebrates its thirtieth anniversary October 23-26, 1997; and

Whereas, In 1961, Theodore Newcomb, University of Michigan Professor of Psychology, proposed that students' educational experience should entail not only their acquisition of academic skills and knowledge, but also their development of intellectual values, tolerance for new ideas, intellectual curiosity, and enhanced aesthetic sensitivities; and

Whereas, Professor Newcomb suggested the creation of what would become known as a "living-learning community," a residential unit that would nurture students' academic development beyond the classroom. As conceived, the architectural and aesthetic unit would include its own library, academic buildings, residence halls, dining commons, and athletic buildings; and

Whereas, Residential College students, as a selected group, are likely to be interested in a nonconformist style of education. The College also attracts faculty who wish to explore new teaching techniques and who have a positive sense of community and strong goals as a unit of the LS&A; and

Whereas, The Residential College preserves the intimacy and flexibility of a small liberal arts college while sharing the resources of a major university, with a focus on critical thinking, analysis, and interdisciplinary understanding; and Whereas, Residential College students engage in an intensive language program and also are immersed in an extensive arts curriculum, yielding a well-rounded liberal arts education; and

Whereas, The Residential College, starting out as an infant in the education industry, has developed its own strong identity that is involved with the University as a whole. The College serves as an example of how living-learning experiences can work for students and is now exploring ways to expand on these experiences; now, therefore, be it

Resolved by the House of Representatives, That the Michigan House of Representatives congratulates the Residential College of the University of Michigan, upon the occasion of its thirtieth anniversary; and be it further

Resolved, That copies of this resolution be transmitted to the Residential College of the University of Michigan 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.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bills had been received on Thursday, October 16:

Senate Bill Nos. 72 73 520 634 642 684

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, October 20:

House Bill Nos. 5265 5266 5267 5268 5269 5270 5271 5272 5273 5274 5275 5276 5277 5278 5279 5280 5281 5282 5283 5284 5285 5286 5287 5288

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, October 21:

House Bill Nos. 5289 5290 5291 5292 5293 5294

The Clerk announced that the following Senate bill had been received on Tuesday, October 21:

Senate Bill No. 190

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Appropriations, by Rep. Hood, Chair, reported

House Bill No. 5250, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending section 217 (MCL 38.2217), as amended by 1996 PA 525.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5250 To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Harder, Owen, Parks, Price, Rison, Schroer, Tesanovich, Gilmer, Bankes, Bobier, Godchaux, Jansen, Jellema, Johnson, McBryde, Oxender,

Nays: None.

The Committee on Appropriations, by Rep. Hood, Chair, reported

House Bill No. 5251, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 821a.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5251 To Report Out:

Yeas: Reps. Hood, Mathieu, Ciaramitaro, Emerson, Frank, Hale, Harder, Owen, Parks, Price, Rison, Schroer, Stallworth, Tesanovich, Gilmer, Bankes, Bobier, Godchaux, Jansen, Jellema, Johnson, McBryde, Oxender,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hood, Chair of the Committee on Appropriations, was received and read: Meeting held on: Tuesday, October 21, 1997, at 1:30 p.m.,

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

Absent: Reps. Martinez, Prusi, Stallworth, Geiger,

Excused: Reps. Martinez, Prusi, Stallworth, Geiger.

The Committee on Health Policy, by Rep. Palamara, Chair, reported

Senate Bill No. 139, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17401 and 17432 (MCL 333.17401 and 333.17432), as amended by 1994 PA 384.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 139 To Report Out:

Yeas: Reps. Palamara, Schauer, Leland, Murphy, Profit, Hammerstrom, Crissman, Law, Llewellyn, Rocca, Scranton,

Nays: Reps. Gire, Griffin, Raczkowski.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palamara, Chair of the Committee on Health Policy, was received and read: Meeting held on: Tuesday, October 21, 1997, at 10:30 a.m.,

Present: Reps. Palamara, Schauer, Gire, Griffin, Gubow, Leland, Murphy, Profit, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Rocca, Scranton,

Absent: Rep. Thomas, Excused: Rep. Thomas.

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

House Bill No. 4928, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117). With the recommendation that the following amendments be adopted and that the bill then pass.

- 1. Amend page 3, line 10, after "section" by striking out "8176" and inserting "8177".
- 2. Amend page 3, line 11, after "MCL" by striking out "600.8176" and inserting "600.8177".
- 3. Amend page 3, following line 12, by inserting:

"Enacting section 3. If the implementation of this amendatory act requires a transfer of court employees or a change of employers, all employees of the former court employer shall be transferred to, and appointed as employees of, the new employer subject to all rights and benefits they held with the former court employer. An employee who is transferred shall not, by reason of the transfer, be placed in any worse position with respect to worker's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other terms and conditions of employment that the employee enjoyed as an employee of the former court employer. The rights and benefits protected by this section may be altered by a future collective bargaining agreement or, for employees not covered by collective bargaining agreements, by benefit plans as established and adopted by the new employer. An employee who is transferred shall not be made subject to any residency requirements by the new employer. The new employer shall assume and be bound by any existing collective bargaining agreement held by the former court employer and, except where the existing collective bargaining agreement may otherwise permit, shall retain the employees covered by that collective bargaining agreement. A transfer of court employees shall not adversely affect any existing rights and obligations contained in the existing collective bargaining agreement."

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

Favorable Roll Call

HB 4928 To Report Out:

Yeas: Reps. Wallace, Curtis, Freeman, Gubow, Vaughn, Willard, Nye, Cropsey, Dalman, Fitzgerald, McNutt, Richner, Nays: None.

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

House Bill No. 5220, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8112 (MCL 600.8112). 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 5220 To Report Out:

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

Nays: None.

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

House Bill No. 5239, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1996 PA 484.

The committee recommended that the bill be referred to the Committee on Tax Policy.

Favorable Roll Call

HB 5239 To Report Out:

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

Nays: None.

The recommendation was concurred in and the bill was referred to the Committee on Tax Policy.

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

House Bill No. 5279, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8126 (MCL 600.8126). With the recommendation that the following amendments be adopted and that the bill then pass.

- 1. Amend page 3, line 9, after the third "the" by striking out "1996" and inserting "1998".
- 2. Amend page 3, line 10, after "the" by striking out "1996" and inserting "1998".

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

Favorable Roll Call

HB 5279 To Report Out:

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

Nays: None.

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

Senate Bill No. 3, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 1994 PA 174.

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

- 1. Amend page 1, line 9, after "not" by striking out "less than 1 year nor".
- 2. Amend page 2, line 14, after the fourth "PARK" by striking out "shall" and inserting "MAY".
- 3. Amend page 2, line 16, after "not" by striking out "less than 2 years or".
- 4. Amend page 2, line 26, after "7214(a)(iv)" by striking out "shall" and inserting "MAY".
- 5. Amend page 2, line 27, after "not" by striking out "less than 2 years or".
- 6. Amend page 3, line 10, by striking out all of subsection (5) and renumbering the remaining subsections.
- 7. Amend page 4, following line 3, by striking out all of enacting section 1 and inserting: "Enacting section 1. This amendatory act takes effect January 1, 1998.".

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

Favorable Roll Call

SB 3 To Report Out:

Yeas: Reps. Wallace, Curtis, Freeman, Gubow, Schauer, Vaughn, Willard, Nye, Cropsey, Dalman, Fitzgerald, Richner, Nays: Reps. Kilpatrick, Wojno, McNutt.

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

Senate Bill No. 546, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117). With the recommendation that the following amendments be adopted and that the bill then pass.

- 1. Amend page 3, line 10, after "section" by striking out "8176" and inserting "8177".
- 2. Amend page 3, line 11, after "MCL" by striking out "600.8176" and inserting "600.8177".
- 3. Amend page 3, following line 12, by inserting:

"Enacting section 3. If the implementation of this amendatory act requires a transfer of court employees or a change of employers, all employees of the former court employer shall be transferred to, and appointed as employees of, the new employer subject to all rights and benefits they held with the former court employer. An employee who is transferred shall not, by reason of the transfer, be placed in any worse position with respect to worker's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other terms and conditions of employment that the employee enjoyed as an employee of the former court employer. The rights and benefits protected by this section may be altered by a future collective bargaining agreement or, for employees not covered by collective bargaining agreements, by benefit plans as established and adopted by the new employer. An employee who is transferred shall not be made subject to any residency requirements by the new employer. The new employer shall assume and be bound by any existing collective bargaining agreement held by the former court employer and, except where the existing collective bargaining agreement may otherwise permit, shall retain the employees covered by that collective bargaining agreement. A transfer of court employees shall not adversely affect any existing rights and obligations contained in the existing collective bargaining agreement."

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

Favorable Roll Call

SB 546 To Report Out:

Yeas: Reps. Wallace, Curtis, Freeman, Gubow, Schauer, Vaughn, Willard, Wojno, Nye, Cropsey, Dalman, Fitzgerald, McNutt, Richner,

Nays: None.

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

Senate Bill No. 566, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 321 (MCL 600.321), as amended by 1990 PA 277.

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

- 1. Amend page 2, line 6, by striking out "\$250.00" and inserting "\$150.00".
- 2. Amend page 3, following line 7, by inserting:

"Enacting section 1. Section 315 of 1997 PA 105 is repealed.

Enacting section 2. This amendatory act takes effect January 1, 1998.".

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

Favorable Roll Call

SB 566 To Report Out:

Yeas: Reps. Wallace, Freeman, Kilpatrick, Schauer, Nye, Cropsey, Dalman, Fitzgerald, McNutt, Richner,

Nays: Reps. Curtis, Vaughn, Willard.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wallace, Chair of the Committee on Judiciary, was received and read: Meeting held on: Tuesday, October 21, 1997, at 9:00 a.m.,

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

Absent: Rep. Law, Excused: Rep. Law.

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, October 21, 1997, at 9:00 a.m.,

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

Absent: Rep. Jaye, Excused: Rep. Jaye.

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, October 21, 1997, at 9:00 a.m.,

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

Messages from the Senate

House Bill No. 4025, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," (MCL 55.107 to 55.117) by adding section 112a.

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

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

Senate Bill No. 72, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 504 (MCL 380.504), as amended by 1994 PA 416.

The Senate has passed the bill.

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

Senate Bill No. 73, entitled

A bill to amend 1961 PA 88, entitled "Reciprocal retirement act," by amending section 4 (MCL 38.1104), as amended by 1990 PA 274.

The Senate has passed the bill.

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

Senate Bill No. 520, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending section 3 (MCL 397.173). The Senate has passed the bill.

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

Senate Bill No. 634, entitled

A bill to amend 1990 PA 271, entitled "Limousine transportation act," (MCL 257.1901 to 257.1939) by adding section 8.

The Senate has passed the bill.

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

Senate Bill No. 642, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5502 (MCL 324.5502), as amended by 1995 PA 227.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Conservation, Environment and Recreation.

Senate Bill No. 684, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208b (MCL 257.208b), as added by 1997 PA 100.

The Senate has passed the bill.

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

Notices

October 21, 1997

This is to inform you that I have appointed the House Television Oversight Committee. This committee will be responsible for oversight of the House Television system and its work with the televising of House session and House Committee meetings.

I have appointed the following members:

Speaker Curtis Hertel

Representative Patrick Gagliardi Representative Samuel "Buzz" Thomas

I thank you in advance for your time and consideration in this matter.

Sincerely,

Speaker Curtis Hertel

October 9, 1997

I am appointing the following Republican House members to the Committee on House Television:

Representative Ken Sikkema Representative Dan Gustafson Representative Larry DeVuyst

If you have any questions, please do not hesitate to contact me.

Respectfully Yours, Ken Sikkema House Republican Leader

Public Hearing

Committee on Agriculture

Date: Friday, October 24, 1997

Time: 12:00 Noon

Place: Sanilac County Conference Room, 37 Austin Street, Sandusky, Michigan

Rep. Wetters

Chair

Agenda: House Bill No. 4337 - drains; code; revisions; provide for

and any/or all business properly before the committee

Communications from State Officers

The following communication from Central Michigan University was received and read:

September 12, 1997

Central Michigan University's 1996-97 Financial Report is presented on behalf of the university's Board of Trustees. The report, audited by Andrews Hooper & Pavlik P.L.C., shows revenues and expenditures for the various programs maintained by the university. It also shows the financial condition of the various funds.

As we near a new century, CMU is undertaking a number of initiatives that will prepare our students to contribute to the well-being of the state. We have completed a significant reorganization of our academic programs in order to highlight our strengths in the health fields, business, education and human services, the sciences and technology, communication and the arts, and the liberal arts and social sciences. We have invested in technology that will aid in the learning process, and we continue to emphasize the importance of community service throughout the college experience. In addition, we remain committed to our innovative guaranteed four-year degree program for students interested in ensuring that they'll earn their undergraduate degrees on time.

The 1996-97 year also saw the completion of a new music building, increases in funding for student scholarships and financial aid, an emphasis on excellent student services, outreach to the community and state through educational and other initiatives, and a focus on relevant student and faculty research benefiting Michigan. The university's strong faculty built upon their reputation for quality, personalized teaching, and our students gained work experience through internships, volunteer work, and hands-on research.

Central Michigan University continues to be a good steward of state funds and student tuition dollars. These efforts were recently recognized by *U.S. News and World Report* when it listed CMU as the only Michigan university ranked for operating efficiency, reflecting a combination of quality and the level of funding spent to achieve it. This recognition is especially significant to us given our ongoing efforts to emphasize quality education at the same time we manage both our valuable state resources and costs to students. The people of Michigan and their elected officials continue to give higher education a high priority, which is greatly appreciated.

Kim Ellertson Vice President, Business and Finance Leonard E. Plachta President

The communication was referred to the Clerk.

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

October 15, 1997

As Director of the Department of Consumer and Industry Services, I take great pleasure in forwarding to you the third legislative report as required by statute on the activities and the progress of survey and remonumentation in the State of Michigan.

Public Act 345, 1990 created the Survey and Remonumentation Commission and P.A. 346 provided the funding for the function of survey and remonumentation. Since the original Commission was appointed in June, 1991 a statewide Model County Plan for county remonumentation has been developed, Administrative Rules for Act 345 have been promulgated by the Department and adopted by the Legislature, and \$20 million in grants has been made available to all 83 counties in the State of Michigan.

Details of these activities are included in the enclosed report. If you have any questions regarding the survey and remonumentation program, please feel free to contact me.

Sincerely, Kathleen M. Wilbur Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Whyman, Voorhees, Horton, Goschka, Walberg, Lowe, Gernaat, McBryde, Jellema, Mans, London, Raczkowski, Bodem and Kukuk introduced

House Bill No. 5295, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2964 and 2965.

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

Reps. Dalman, Raczkowski, Goschka, Whyman, Horton, McBryde, Gernaat, Kaza, Middleton, Cropsey, Jaye and Bodem introduced

House Bill No. 5296, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 1994 PA 415.

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

Rep. Byl introduced

House Bill No. 5297, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 16, 16a, 17, 18, 21, 22, 23, 24, 25, 27, 28, 28a, 28b, 28c, 29, 30, 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h, 31, 38, and 43 (MCL 125.2301, 125.2302, 125.2303, 125.2304, 125.2305, 125.2306, 125.2307,

125.2311, 125.2312, 125.2313, 125.2314, 125.2316, 125.2316a, 125.2317, 125.2318, 125.2321, 125.2322, 125.2323, 125.2324, 125.2325, 125.2327, 125.2328, 125.2328a, 125.2328b, 125.2328c, 125.2329, 125.2330, 125.2330a, 125.2330b, 125.2330c, 125.2330d, 125.2330d, 125.2330f, 125.2330d, 125.2

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

Rep. Byl introduced

House Bill No. 5298, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4704, 5714, 5771, 5773, 5775, 5777, 5779, 5781, 5783, and 5785 (MCL 600.4704, 600.5714, 600.5771, 600.5773, 600.5775, 600.5777, 600.5779, 600.5781, 600.5783, and 600.5785), section 4704 as added by 1988 PA 104, section 5714 as amended by 1990 PA 310, and sections 5771, 5773, 5775, 5777, 5779, 5781, 5783, and 5785 as added by 1988 PA 336.

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

Reps. Kaza, Kukuk, Rocca, Goschka, Anthony, Brater, Gubow, Bodem, Ciaramitaro and Green introduced House Bill No. 5299, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 202, 203, and 205 (MCL 37.2202, 37.2203, and 37.2205), section 202 as amended by 1991 PA 11.

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

Rep. Brewer introduced

House Bill No. 5300, entitled

A bill to amend 1996 PA 522, entitled "The Michigan biologic products institute transfer act," by amending the title and sections 3 and 9 (MCL 333.26333 and 333.26339) and by adding sections 3a and 3b.

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

Rep. Middleton moved that the House adjourn. The motion prevailed, the time being 4:05 p.m.

Acting Speaker Hanley declared the House adjourned until Wednesday, October 22, at 2:00 p.m.

MARY KAY SCULLION Clerk of the House of Representatives.