

No. 87
JOURNAL OF THE HOUSE

House Chamber, Lansing, Tuesday, November 4, 1997.

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—e/d/s	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	Rackowski—present
Bankes—present	Galloway—e/d/s	Law—present	Rhead—present
Basham—present	Geiger—present	Leland—present	Richner—present
Birkholz—present	Gernaat—present	LeTarte—present	Rison—present
Bobier—present	Gilmer—present	Llewellyn—present	Rocca—present
Bodem—present	Gire—present	London—present	Schauer—present
Bogardus—present	Godchaux—present	Lowe—present	Schermesser—present
Brackenridge—present	Goschka—present	Mans—present	Schroer—present
Brater—present	Green—present	Martinez—present	Scott—present
Brewer—present	Griffin—present	Mathieu—present	Scranton—present
Brown—present	Gubow—present	McBryde—present	Sikkema—present
Byl—present	Gustafson—present	McManus—present	Stallworth—excused
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—excused
Crissman—present	Hertel—present	Nye—present	Voorhees—present
Cropsey—present	Hood—present	Olshove—present	Walberg—present
Curtis—present	Horton—present	Owen—present	Wallace—excused
Dalman—present	Jansen—present	Oxender—present	Wetters—present
DeHart—present	Jaye—excused	Palamara—present	Whyman—present
DeVuyst—present	Jelinek—present	Parks—present	Willard—present
Dobb—present	Jellema—present	Perricone—present	Wojno—present
Dobronski—present	Johnson—present		

e/d/s = entered during session

Mr. Fred Stafani, from the Warren Senior Connection in the City of Warren, offered the following invocation:

“Almighty and eternal God, You have revealed Your glory to all nations. God of power and might, wisdom and justice, through Your authority is rightly administered. Laws are enacted and judgment is decreed. Assist with Your spirit of counsel and fortitude the deliberations of this Congress and shine forth in all the proceedings and laws framed for our rule of government. May they seek to preserve peace, promote happiness and continue to bring us the blessings of liberty and equality. We pray for the Governor, for the members of the Legislature, for judges, elected civil officials and all others who are entrusted to guard our political welfare. May they be enabled by Your powerful protection to discharge their duties with honesty and ability. We finally commend to Your unbounded mercy all citizens of our state, that we may be blessed in the knowledge and sanctified in the observance of Your law. May we be preserved in union and that peace which the world cannot give. And after enjoying the blessings of this life be admitted to those which are eternal. We pray to You who are Lord and God forever and ever, Amen.”

Rep. Dobronski moved that Reps. Vaughn, Stallworth and Wallace be excused from today’s session.
The motion prevailed.

Rep. Hammerstrom moved that Rep. Jaye be excused from today’s session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House
House Concurrent Resolution No. 63.

A concurrent resolution to express opposition to the Michigan Board of Dentistry’s adoption of new policies in the examination and certification of dental specialists and to urge rejection of any major revisions of the examination process.

(For text of resolution, see House Journal No. 74, p. 2007.)

(The resolution was reported by the Committee on Health Policy on October 28, with substitute (H-3), consideration of which was postponed until October 29 under the rules.)

(For substitute, see House Journal No. 84, p. 2229.)

The question being on the adoption of the proposed substitute (H-3) recommended by the Committee,

The substitute (H-3) was 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 called the Speaker Pro Tempore to the Chair.

Second Reading of Bills

Senate Bill No. 495, entitled

A bill to amend 1986 PA 89, entitled “Michigan BIDCO act,” by amending sections 102, 104, 105, 106, 211, 217, 301, 303, 305, 311, 315, 317, 401, 403, 405, 407, 503, 505, 507, 509, 511, 601, 603, 709, 711, 713, 801, 807, 813, and 905 (MCL 487.1102, 487.1104, 487.1105, 487.1106, 487.1211, 487.1217, 487.1301, 487.1303, 487.1305, 487.1311, 487.1315, 487.1317, 487.1401, 487.1403, 487.1405, 487.1407, 487.1503, 487.1505, 487.1507, 487.1509, 487.1511, 487.1601, 487.1603, 487.1709, 487.1711, 487.1713, 487.1801, 487.1807, 487.1813, and 487.1905).

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.

House Bill No. 4736, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1608 (MCL 324.1608), as added by 1995 PA 60.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Conservation, Environment and Recreation (for amendment, see House Journal No. 76, p. 2058),

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

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

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

House Bill No. 5279, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8126 (MCL 600.8126).

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Judiciary (for amendments, see House Journal No. 81, p. 2165),

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

Rep. Fitzgerald moved to amend the bill as follows:

1. Amend page 2, line 26, after "January" by inserting "1".

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

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

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

House Bill No. 5106, 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-1) previously recommended by the Committee on Tax Policy,

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

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

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

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4728, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 263 and 264 (MCL 750.263 and 750.264); and to repeal acts and parts of acts.

(The bill was received from the Senate on October 29, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 30, see House Journal No. 85, p. 2239.)

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

Reps. Gernaat and Profit moved to amend the Senate amendments as follows:

1. Amend Senate Amendment No. 2, page 5, following line 20, enacting section 2, by striking out "November" and inserting "March".

2. Amend page 5, following line 20, enacting section 2, after "1," by striking out "1997" and inserting "1998".

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

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

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

Roll Call No. 895**Yeas—100**

Agee
Alley
Anthony

Dobb
Dobronski
Fitzgerald

Johnson
Kelly
Kilpatrick

Parks
Perricone
Price

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

Nays—2

Kaza Whyman

In The Chair: Murphy

The House agreed to the full title of the bill.

House Bill No. 4729, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 4701 (MCL 600.4701), as amended by 1996 PA 327.

(The bill was received from the Senate on October 29, with amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 30, see House Journal No. 85, p. 2239.)

The question being on concurring in the adoption of the amendment made to the bill by the Senate, Reps. Gernaat and Profit moved to amend the Senate amendment as follows:

1. Amend the Senate Amendment, page 4, following line 6, enacting section 1, by striking out “November” and inserting “March”.

2. Amend page 4, following line 6, enacting section 1, after “1,” by striking out “1997” and inserting “1998”.

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

The question being on concurring in the amendment made to the bill by the Senate,

The amendment, as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 896**Yeas—98**

Agee	DeVuyst	Jellema	Palamara
Alley	Dobb	Johnson	Parks
Anthony	Dobronski	Kelly	Perricone
Baade	Fitzgerald	Kilpatrick	Price

Baird	Frank	Kukuk	Profit
Bankes	Freeman	LaForge	Prusi
Basham	Gagliardi	Law	Quarles
Birkholz	Geiger	Leland	Rackowski
Bobier	Gernaat	LeTarte	Rhead
Bodem	Gilmer	Llewellyn	Richner
Bogardus	Gire	London	Rison
Brackenridge	Godchaux	Lowe	Rocca
Brater	Goschka	Mans	Schauer
Brewer	Green	Mathieu	Schermesser
Brown	Griffin	McBryde	Schroer
Byl	Gubow	McManus	Scott
Callahan	Gustafson	McNutt	Scranton
Cassis	Hale	Middaugh	Sikkema
Cherry	Hammerstrom	Middleton	Tesanovich
Ciaramitaro	Hanley	Murphy	Thomas
Crissman	Harder	Nye	Voorhees
Cropsey	Hood	Olshove	Walberg
Curtis	Horton	Owen	Willard
Dalman	Jansen	Oxender	Wojno
DeHart	Jelinek		

Nays—3

Kaza

Wetters

Whyman

In The Chair: Murphy

The House agreed to the full title of the bill.

Rep. Kaza, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

The Univ. of Michigan’s use of reverse discrimination in its admissions policy is unconstitutional and illegal.

U-M should not be rewarded, as this bill and companion legislation does, at a time when their administrators are flagrantly in violation of federal law for their use of reverse discrimination in admissions.

Earlier this year I joined with three Republican legislative colleagues in a probe of U-M’s admission policies. After an investigation that spanned nearly six months we established the following:

*U-M routinely admits students from politically-correct groups who have lower grade point averages and college admissions scores than non-minority student applicants to the university. The non-minority applicants are composed of white and Asian-Americans with higher grade point averages and admissions scores.

*U-M stopped maintaining internal documents confirming their use of reverse discrimination after we announced our probe.

*U-M administrators have stated publicly they will continue their policy, in different form, even if they lose a federal court challenge to their use of reverse discrimination.

*More than 200 students, along with the parents and grandparents of prospective students, provided information to us establishing U-M’s use of reverse discrimination in admissions, and in granting scholarships and grants. These students are whites and Asian-Americans.

Last month, U-M was sued in federal district court in Detroit for violating the 14th Amendment rights of two white students - one male and one female - denied admission as the result of U-M’s reverse discrimination policy.

Yesterday the U.S. Supreme Court refused to review a legal challenge to California’s voter-approved Proposition 209, which bans all reverse discrimination by government units, including universities, in that state.

Reverse discrimination proponents were shocked when litigation was filed last month against U-M; they had spent months baiting myself and other legislators probing the university by claiming we would never take action.

They are silent today in the wake of the Supreme Court's refusal to overturn Proposition 209; they had spent months claiming California's voter-approved measure would be overturned in court.

Those of us who support equal opportunity for all Americans are clearly in a position now to fundamentally reshape public policy in the state of Michigan.

We will end reverse discrimination at U-M.

We will move to enact Proposition 209-style legislation banning reverse discrimination in all government units in our state.

The majority of Michigan citizens support our position; they oppose the New Class mandarins administering U-M who have a mockery of the principles of equal opportunity they profess to uphold.

These U-M administrators are the worst kind of hypocrites: they lecture today's young people about their professed 'apathy' while promoting a reactionary social agenda that betrays their pretense as 'cutting-edge intellectuals.'

They have pursued a climate of secret government and destruction of documents reminiscent of the Watergate era. Yet they attempt to publicly position themselves as defenders of academic freedom and open government.

This rank hypocrisy is breathtaking only its arrogance. This is cynicism on a level not seen in recent times in Michigan. U-M should not be rewarded, in light of these facts, with the legislation we are voting on today."

House Bill No. 4768, entitled

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

(The bill was received from the Senate on October 29, with amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 30, see House Journal No. 85, p. 2239.)

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

Rep. Brater moved to amend the Senate amendment as follows:

1. Amend the Senate Amendment, page 3, line 3, by striking out "November" and inserting "January".

2. Amend page 3, line 4, after "1," by striking out "1997" and inserting "1998".

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

The question being on concurring in the amendment made to the bill by the Senate,

The amendment, as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 897

Yeas—103

Agee	Dobb	Kaza	Perricone
Alley	Dobronski	Kelly	Price
Anthony	Fitzgerald	Kilpatrick	Profit
Baade	Frank	Kukuk	Prusi
Baird	Freeman	LaForge	Quarles
Banks	Gagliardi	Law	Rackowski
Basham	Geiger	Leland	Rhead
Birkholz	Gernaat	LeTarte	Richner
Bobier	Gilmer	Llewellyn	Rison
Bodem	Gire	London	Rocca
Bogardus	Godchaux	Lowe	Schauer
Brackenridge	Goschka	Mans	Schermesser
Brater	Green	Martinez	Schroer
Brewer	Griffin	Mathieu	Scott
Brown	Gubow	McBryde	Scranton
Byl	Gustafson	McManus	Sikkema
Callahan	Hale	McNutt	Tesanovich
Cassis	Hammerstrom	Middaugh	Thomas
Cherry	Hanley	Middleton	Varga
Ciaramitaro	Harder	Murphy	Voorhees
Crissman	Hood	Nye	Walberg
Cropsey	Horton	Olshove	Wetters

Curtis
Dalman
DeHart
DeVuyst

Jansen
Jelinek
Jellema
Johnson

Owen
Oxender
Palamara
Parks

Whyman
Willard
Wojno

Nays—0

In The Chair: Murphy

The House agreed to the full title of the bill.

Second Reading of Bills

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 read a second time.

Rep. Schauer moved to amend the bill as follows:

1. Amend page 3, line 15, after “months” by inserting a comma and “OR, IF THE APPLICATION WAS APPROVED BY THE LOCAL GOVERNMENTAL UNIT ON OCTOBER 7, 1996, 7 MONTHS”.

2. Amend page 6, following line 2, by inserting:

“(iv) A FACILITY FOR WHICH AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE WAS FILED IN OCTOBER 1996, IF THE APPLICATION WAS APPROVED BY THE LOCAL GOVERNMENTAL UNIT IN OCTOBER 1996 AND THE APPLICATION WAS DENIED BY THE STATE TAX COMMISSION IN DECEMBER 1996.”.

3. Amend page 8, line 12, after “certificate;” by inserting “EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8),”.

4. Amend page 9, following line 19, by inserting:

“(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF A LOCAL GOVERNMENTAL UNIT PASSED A RESOLUTION DESIGNATING A SPECULATIVE BUILDING AND APPROVING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR THAT SPECULATIVE BUILDING IN JUNE 1997, IF THAT SPECULATIVE BUILDING IS LOCATED IN AN INDUSTRIAL DEVELOPMENT DISTRICT CREATED IN JANUARY 1996, AND IF THAT SPECULATIVE BUILDING WAS OCCUPIED IN NOVEMBER 1995, THE COMMISSION SHALL ISSUE AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR THE SPECULATIVE BUILDING THAT BEGINS DECEMBER 30, 1996 AND ENDS DECEMBER 30, 2006.”.

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

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

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

House Bill No. 5129, entitled

A bill to designate an official flag month of this state.

The bill was read a second time.

Rep. Wojno 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. Galloway entered the House Chambers.

House Bill No. 4619, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17745 (MCL 333.17745), as amended by 1996 PA 355.

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

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

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

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

House Bill No. 4204, entitled

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 1996 PA 92.

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

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

Rep. Schroer moved to substitute (H-4) the bill.

The question being on the adoption of the substitute (H-4) offered by Rep. Schroer,

Rep. Alley moved that consideration of the bill be postponed for the day.

The motion prevailed.

Rep. Emerson 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. Kaza, Martinez, Godchaux, Freeman, Jellema, Wetters, McBryde, LaForge, Profit, Brackenridge, Kukuk, Bodem, Oxender, Jansen and Gubow offered the following resolution:

House Resolution No. 164.

A resolution to memorialize the President and the Congress of the United States to join the world community by agreeing to a treaty to ban the use of landmines.

Whereas, Anti-personnel landmines are considered by most civilized people as a barbaric and indiscriminate form of warfare which, like mustard gas, should be condemned and banned by the world community; and

Whereas, On April 3, 1996, 15 senior retired United States military officers, including the former commanding officers of the United States Armed Forces in Korea, the North Atlantic Treaty Organization (NATO), Vietnam, and Desert Storm, urged President William Clinton to ban the production, stockpiling, sale, and use of anti-personnel landmines, stating that a ban would be "humane and militarily responsible" and that it "would not undermine the military effectiveness or safety of our forces, nor those of other nations"; and

Whereas, According to the Vietnam Veterans of America Foundation, 284 soldiers under the United Nations peacekeeping and NATO command have been casualties of landmines in Bosnia; and

Whereas, In the fall of 1995, the International Committee of the Red Cross called upon the world to ban a weapon—the landmine; and

Whereas, On June 12, 1997, Sen. Patrick Leahy, D-Vermont introduced S. 896, a bill to withhold funding for the deployment of anti-personnel landmines designed to kill and injure; and

Whereas, The United States agreed to participate in the Ottawa Conference in the fall of 1997, which calls for a 150-nation treaty to ban all landmines designed to kill and injure; and

Whereas, According to the United Nations, over 110 million landmines in 64 different countries are silently lying in wait for victims, often innocent civilians, including children; and

Whereas, Landmines primarily make war against innocent civilians, according to the American Medical Association, whose research shows that at least 80 percent of the victims of landmines are civilians; and

Whereas, Thirty-four percent of United States casualties in the Persian Gulf War were due to landmines; and

Whereas, The United States Department of State estimated that a man, woman, or child is killed or injured by a landmine every 22 minutes; and

Whereas, The United Nations Children's Fund (UNICEF) reports that since 1975, landmines have killed or injured over one million people, many of whom are innocent civilians and children; and

Whereas, According to UNICEF, while it costs between \$3 and \$10 to build a land mine, it costs between \$300 and \$1,000 to clear it; and

Whereas, The United States government appears to be committed to banning landmines, yet has sought to exempt so-called "smart mines," the majority of which are manufactured by United States firms and, while designed to self-destruct eventually, are not smart enough to distinguish between a soldier and a child; and

Whereas, By exerting its unmatched international influence, the United States could secure broad support for a legally binding international treaty banning anti-personnel landmines; and

Whereas, Such a treaty would further the security and humanitarian interests of the United States by deterring the use of anti-personnel landmines against United States Armed Forces and civilians; and

Whereas, The 1997 Nobel Peace Prize was awarded to International Campaign to Ban Landmines coordinator Ms. Jody Williams, an American citizen who, working from her home with tools available to any ordinary citizen, has helped assemble a network of over 1,000 organizations through which she has been able to express and mediate a broad wave of popular commitment to the issue of banning landmines, and has helped bring about an international convention in Ottawa, Canada, where an agreement is to be signed in December 1997; now, therefore, be it

Resolved by the House of Representatives, That to join the world community in expressing the same revulsion, opprobrium, and condemnation for the use of anti-personnel landmines that an earlier generation effectively brought an end to the use of mustard gas in warfare, we memorialize Congress to fully embrace and support the Ottawa Convention to be signed in December 1997, which calls for a 150 nation treaty to ban all landmines designed to kill and injure, and to adopt S. 896; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the President, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Defense, the Secretary of the United States Department of State, and the members of the Michigan congressional delegation.

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

Reports of Standing Committees

The Committee on Transportation, by Rep. Leland, Chair, reported

House Bill No. 4536, entitled

A bill to amend 1957 PA 206, entitled "An act to authorize 2 or more counties, cities, townships and incorporated villages, or any combination thereof, to incorporate an airport authority for the planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining and operating the landing, navigational and building facilities necessary thereto of 1 or more community airports; to provide for changes in the membership therein; to authorize an authority or the counties, cities, townships and incorporated villages that form an authority to levy taxes for such purposes; to provide for the operation and maintenance and issuing notes therefor; and to authorize condemnation proceedings," by amending the title and sections 1, 3, 4, 7, 8, and 11 (MCL 259.621, 259.623, 259.624, 259.627, 259.628, and 259.631), the title as amended by 1987 PA 153, sections 1, 3, 4, and 8 as amended by 1982 PA 312, and section 7 as amended by 1983 PA 182.

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 4536 To Report Out:

Yeas: Reps. Leland, Baade, Schauer, Scott, London, Birkholz, Galloway, Gernaat, Green, Middleton,

Nays: Reps. Olshove, Wojno.

The Committee on Transportation, by Rep. Leland, Chair, reported

House Bill No. 4651, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 1996 PA 320.

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 4651 To Report Out:

Yeas: Reps. Leland, Schermesser, Brown, Curtis, Olshove, Schauer, Scott, Wojno, London, Birkholz, Galloway, Middleton,

Nays: Rep. Baade.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Leland, Chair of the Committee on Transportation, was received and read:
Meeting held on: Wednesday, October 29, 1997, at 3:00 p.m.,

Present: Reps. Leland, Schermesser, Baade, Brown, Curtis, Mans, Olshove, Schauer, Scott, Wojno, London, Birkholz, Byl, Galloway, Gernaat, Green, Middleton.

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

House Bill No. 5259, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16909 (MCL 333.16909), as amended by 1996 PA 536.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5259 To Report Out:

Yeas: Reps. Palamara, Schauer, Gire, Griffin, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Scranton,

Nays: None.

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, November 4, 1997, at 10:30 a.m.,

Present: Reps. Palamara, Schauer, Gire, Griffin, Wojno, Hammerstrom, Crissman, Law, Llewellyn, Raczkowski, Scranton,

Absent: Reps. Gubow, Leland, Murphy, Profit, Thomas, Rocca,

Excused: Reps. Gubow, Leland, Murphy, Profit, Thomas, Rocca.

The Committee on Human Services and Children, by Rep. LaForge, Chair, reported

Senate Bill No. 600, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 1996 PA 473.

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

Favorable Roll Call

SB 600 To Report Out:

Yeas: Reps. LaForge, Scott, Gire, Schauer, Horton, London,

Nays: None.

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

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, November 4, 1997, at 9:00 a.m.,

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

Absent: Rep. Jaye,

Excused: Rep. Jaye.

The Committee on Labor and Occupational Safety, by Rep. Murphy, Chair, reported

House Bill No. 5303, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 27, 29, and 50 (MCL 421.27, 421.29, and 421.50), section 27 as amended by 1995 PA 181 and sections 29 and 50 as amended by 1995 PA 25.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5303 To Report Out:

Yeas: Reps. Murphy, Cherry, Agee, Bogardus, Callahan, Freeman, Schermesser,

Nays: Reps. Byl, Llewellyn, Raczkowski, Rhead.

The Committee on Labor and Occupational Safety, by Rep. Murphy, Chair, reported

House Resolution No. 94.

A resolution to memorialize the Congress, the President, and the Federal Trade Commission to maintain existing standards for the use of the "Made in USA" label.

(For text of resolution, see House Journal No. 58, p. 1341.)

With the recommendation that the resolution be adopted.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HR 94 To Report Out:

Yeas: Reps. Murphy, Cherry, Agee, Bogardus, Callahan, Freeman, Schermesser, Byl, Llewellyn, Raczkowski, Rhead,

Nays: None.

The Committee on Labor and Occupational Safety, by Rep. Murphy, Chair, reported

House Concurrent Resolution No. 46.

A concurrent resolution to memorialize the Congress, the President, and the Federal Trade Commission to maintain existing standards for the use of the "Made in USA" label.

(For text of resolution, see House Journal No. 58, p. 1341.)

With the recommendation that the concurrent resolution be adopted.

The Speaker announced that under Rule 77 the concurrent resolution would lie over one day.

Favorable Roll Call

HCR 46 To Report Out:

Yeas: Reps. Murphy, Cherry, Agee, Bogardus, Callahan, Freeman, Schermesser, Byl, Llewellyn, Raczkowski, Rhead,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Murphy, Chair of the Committee on Labor and Occupational Safety, was received and read:

Meeting held on: Tuesday, November 4, 1997, at 9:00 a.m.,

Present: Reps. Murphy, Cherry, Agee, Bogardus, Callahan, Freeman, Schermesser, Byl, Llewellyn, Raczkowski, Rhead.

The Committee on Local Government, by Rep. Dobronski, Chair, reported

House Bill No. 4184, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 726 (MCL 168.726) and by adding sections 750a and 750b.

With the recommendation that the substitute (H-3) 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 4184 To Report Out:

Yeas: Reps. Dobronski, Mans, Brater, Brewer, Callahan,

Nays: Reps. Brackenridge, Birkholz, Crissman.

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, November 4, 1997, at 9:00 a.m.,

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

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

House Bill No. 5317, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 61513 (MCL 324.61513), as added by 1995 PA 57.

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 5317 To Report Out:

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

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 4, 1997, at 10:30 a.m.,

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 30, 1997, at 8:30 a.m.,

Present: Reps. Gubow, Scott, Bogardus, Dobronski, Thomas, Basham, Llewellyn, Jelinek, London, Middaugh, Voorhees,

Absent: Reps. Palamara, Profit, Varga, Vaughn, Green, Law,

Excused: Reps. Palamara, Profit, Varga, Vaughn, Green, Law.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Brewer, Chair of the Committee on Advanced Technology and Computer Development, was received and read:

Meeting held on: Tuesday, November 4, 1997, at 12:30 p.m.,

Present: Reps. Brewer, Basham, Brown, Quarles, Kaza, Hammerstrom, Walberg,

Absent: Reps. Baird, Whyman,

Excused: Rep. Whyman.

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

The House agreed to the full title of the bill.

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

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

The House agreed to the full title of the bill.

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

Senate Concurrent Resolution No. 49.

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

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Control of Western Michigan University (the "University"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the University may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Science Facility (the "Facility") is currently owned by the University; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing a public purpose; and

Whereas, Providing additional space to be used by the University pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the University has been prepared providing for the leasing of the Facility by the Authority to the State and the University (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the total cost of the Western Michigan University Science Facility shall not exceed \$42,400,000 (the Authority share is \$37,620,000, the State General Fund/General Purpose share is \$380,000, and the University share is \$4,400,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$37,620,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the University and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$3,449,684 to \$6,140,351, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the University, and the Authority, the Legislature agrees to appropriate sufficient amounts annually to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the University, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 50.

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

Whereas, 1993 PA 19 established the Western Michigan University Power Plant Project (the "Facility") at a total project cost of \$21,500,000, of which \$21,499,000 was to be financed by the State Building Authority (the "Authority"); and

Whereas, Senate Concurrent Resolution No. 35 of 1997 subsequently established the total project cost of \$24,114,000, of which \$21,499,000 was to be financed by the Authority; \$2,614,000, by Western Michigan University (the "University"), and \$1,000 by the State of Michigan (the "State") general fund and approved a form of lease between the Authority, the State, and the University (the "Lease"); and

Whereas, Section 246 of the Management and Budget Act (1984 PA 431), being MCL § 18.1246, provides that the authorized costs of capital outlay projects may be revised by a concurrent resolution adopted by both houses of the Legislature; and

Whereas, The Legislature previously authorized in 1988 PA 300 and 1990 PA 253, a separate capital outlay project at the Facility to provide for compliance with federal EPA air quality regulations; and

Whereas, It was originally intended by the State that the Facility costs associated with satisfying EPA compliance regulations totaling \$1,168,000 would be financed by the Authority; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Legislature recognizes the need to increase the authorized cost of the Western Michigan University Power Plant Project and hereby increases the authorized cost by an amount not to exceed \$1,168,000, the total of which will be financed by the Authority; and be it further

Resolved, That the total authorized Facility cost established by Senate Concurrent Resolution No. 35 of 1997 is increased to an amount not to exceed \$25,282,000, plus interest charges on monies, if any, advanced by the State to meet construction cash flow requirements for the Facility. The Authority share is \$22,667,000, the University share is \$2,614,000, and the State General Fund/General Purpose share is \$1,000; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility (or the State acquiring the Facility and transferring it to the Authority) and leasing it to the State and the University and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,931,225 and \$3,438,014 as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amount shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease reflecting the increased Facility cost is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the University, and the Authority, the Legislature agrees to appropriate sufficient amounts annually to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the University, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 51.

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

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Governors of Wayne State University (the "University"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the University may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Undergraduate Library (the "Facility") is currently owned by the University; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the

journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing a public purpose; and

Whereas, Providing additional space to be used by the University pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the University has been prepared providing for the leasing of the Facility by the Authority to the State and the University (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the total cost of the Wayne State University Undergraduate Library shall not exceed \$33,000,000 (the Authority share is \$25,999,900, the State General Fund/General Purpose share is \$100, and the University share is \$7,000,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$25,999,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the University and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$2,215,187 to \$3,943,531, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the University, and the Authority, the Legislature agrees to appropriate sufficient amounts annually to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the University, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Notices

Public Hearings

Committee on Agriculture

Date: Friday, November 7, 1997

Time: 12:00 Noon

Place: Kalamazoo County Commissioners Chambers, Second Floor, 201 West Kalamazoo, Kalamazoo, Michigan
Rep. Wetters
Chair

Agenda: House Bill No. 4337 - Drains; code; revisions; provide for
and any/or all business properly before the committee

Committee on Agriculture

Date: Monday, November 10, 1997

Time: 6:00 p.m.

Place: Masonic Hall, 514 North New Street, Stanton, Michigan

Rep. Wetters
Chair

Agenda: House Bill No. 4337 - Drains; code; revisions; provide for
and any/or all business properly before the committee

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members, Wednesday, October 29:

Senate Bill No. 775

The Clerk announced the enrollment printing and presentation to the Governor on Monday, November 3, for his approval of the following bills:

Enrolled House Bill No. 4080 at 4:07 p.m.

Enrolled House Bill No. 4221 at 4:09 p.m.

Enrolled House Bill No. 4646 at 4:11 p.m.

Enrolled House Bill No. 4654 at 4:13 p.m.

Enrolled House Bill No. 4815 at 4:15 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, November 3:

House Bill Nos. 5320 5321 5322 5327

The Clerk announced that the following Senate bills had been approved and signed by the Governor:

Enrolled Senate Bill No. 227 - Public Act No. 122

Enrolled Senate Bill No. 228 - Public Act No. 123

Enrolled Senate Bill No. 414 - Public Act No. 118

Introduction of Bills

Reps. Wojno, Callahan, Hale, Bogardus, Gilmer, Kelly, Baird, Martinez, DeHart, Wetters, Goschka, Brown, Schermesser, Raczkowski, Fitzgerald, Richner, Hanley, McBryde and Jaye introduced

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.

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

Reps. Callahan, Schauer, Wojno, DeHart, Voorhees, Horton and Anthony introduced

House Bill No. 5346, entitled

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in cities and incorporated villages of this state, having a population of more than 3,000," by amending section 5 (MCL 446.205).

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

Reps. Varga and Johnson introduced

House Bill No. 5347, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 25 (MCL 338.2225), as amended by 1988 PA 461.

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

Reps. Fitzgerald, Scranton, Jelinek, Godchaux, Cropsey, Kaza, McBryde, Gernaat, Bankes, Gilmer, Bodem, Rocca, Wojno, Dalman, DeHart, Dobb, Rison, Johnson, Horton, Hammerstrom, Law, Crissman, Byl, McManus, Lowe, Schermesser, Jellema, Gire, Jansen, Middleton, Green, Schauer, Kilpatrick, Scott, Geiger, Richner, Oxender, Middaugh, Cassis, Birkholz, Voorhees, Perricone, Raczkowski, Goschka and Kukuk introduced

House Bill No. 5348, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d.

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

Rep. McBryde moved that the House adjourn.
The motion prevailed, the time being 3:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, November 5, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.