

**No. 70**  
**JOURNAL OF THE HOUSE**

---

House Chamber, Lansing, Tuesday, September 23, 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—present	Kaza—present	Price—present
Alley—present	Fitzgerald—present	Kelly—present	Profit—present
Anthony—present	Frank—present	Kilpatrick—present	Prusi—present
Baade—present	Freeman—present	Kukuk—present	Quarles—present
Baird—present	Gagliardi—present	LaForge—present	Raczkowski—present
Bankes—present	Galloway—present	Law—present	Rhead—present
Basham—present	Geiger—present	Leland—present	Richner—present
Birkholz—present	Gernaat—present	LeTarte—present	Rison—present
Bobier—present	Gilmer—present	Llewellyn—present	Rocca—present
Bodem—present	Gire—present	London—present	Schauer—present
Bogardus—present	Godchaux—present	Lowe—present	Schermesser—excused
Brackenridge—present	Goschka—present	Mans—present	Schroer—present
Brater—present	Green—present	Martinez—present	Scott—present
Brewer—present	Griffin—present	Mathieu—present	Scranton—present
Brown—present	Gubow—present	McBryde—present	Sikkema—present
Byl—present	Gustafson—present	McManus—present	Stallworth—present
Callahan—present	Hale—present	McNutt—present	Tesanovich—present
Cassis—present	Hammerstrom—present	Middaugh—present	Thomas—present
Cherry—present	Hanley—present	Middleton—present	Varga—present
Ciaramitaro—excused	Harder—present	Murphy—present	Vaughn—present
Crissman—present	Hertel—present	Nye—present	Voorhees—present
Cropsey—present	Hood—present	Olshove—present	Walberg—present
Curtis—present	Horton—present	Owen—present	Wallace—present
Dalman—present	Jansen—present	Oxender—present	Wetters—present
DeHart—present	Jaye—present	Palamara—present	Whyman—present
DeVuyst—present	Jelinek—present	Parks—present	Willard—present
Dobb—present	Jellema—present	Perricone—present	Wojno—present
Dobronski—present	Johnson—present		

e/d/s = entered during session

Rev. Hugh Smith, Pastor, Emmanuel Temple Church of Battle Creek, offered the following invocation:

“Eternal Father, In Jesus’ name, we thank You for this day that You have made. O God, we pray that You would allow the wisdom of God to infiltrate this place and these servants and Representatives, stewards that are here serving, representing the people, family, and so many others who have no voice. We pray that they would recognize the awesome responsibility that has been placed upon them, and O God, I trust that You would provide that which is necessary for the betterment of all mankind. Your name shall be praised forevermore, that a blessing be added upon this day. In Jesus’ name, Amen.”

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

### Reports of Standing Committees

The Speaker laid before the House

#### **House Resolution No. 15.**

A resolution to urge the Governor and the Family Independence Agency to request a federal waiver to permit food stamps for certain citizens.

(For text of resolution, see House Journal No. 13, p. 209.)

(The resolution was reported by the Committee on Appropriations on March 12, consideration of which was postponed until March 13 under the rules.)

The question being on the adoption of the resolution,

Rep. Gagliardi moved that the resolution be re-referred to the Committee on Appropriations.

The motion prevailed.

The Speaker laid before the House

#### **House Concurrent Resolution No. 13, entitled**

A concurrent resolution to urge the Governor and the Family Independence Agency to request a federal waiver to permit food stamps for certain citizens.

(For text of resolution, see House Journal No. 13, p. 210.)

(The concurrent resolution was reported by the Committee on Appropriations on March 12, consideration of which was postponed until March 13 under the rules.)

The question being on the adoption of the concurrent resolution,

Rep. Gagliardi moved that the concurrent resolution be re-referred to the Committee on Appropriations.

The motion prevailed.

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Wednesday, July 9:

**Senate Bill Nos. 654 655 656 657 658 659 660 661 662 663 664**

The Clerk announced the enrollment printing and presentation to the Governor on Monday, July 14, for his approval of the following bills:

**Enrolled Senate Bill No. 121 at 2:06 p.m.**

**Enrolled Senate Bill No. 284 at 2:08 p.m.**

**Enrolled Senate Bill No. 297 at 2:10 p.m.**

**Enrolled Senate Bill No. 345 at 2:12 p.m.**

**Enrolled Senate Bill No. 501 at 2:14 p.m.**

**Enrolled Senate Bill No. 570 at 2:16 p.m.**  
**Enrolled Senate Bill No. 571 at 2:18 p.m.**  
**Enrolled Senate Bill No. 572 at 2:20 p.m.**  
**Enrolled Senate Bill No. 574 at 2:22 p.m.**  
**Enrolled Senate Bill No. 592 at 2:24 p.m.**

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, July 15, for his approval of the following bill:

**Enrolled Senate Bill No. 569 at 3:31 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, July 15:

**Senate Bill Nos. 665 666 667 668 669 670 671 672**

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

**Enrolled House Bill No. 4305 at 11:31 a.m.**  
**Enrolled House Bill No. 4309 at 11:33 a.m.**

The Clerk announced the enrollment printing and presentation to the Governor on Friday, July 18, for his approval of the following bills:

**Enrolled House Bill No. 4307 at 4:36 p.m.**  
**Enrolled House Bill No. 4310 at 4:38 p.m.**

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Friday, July 18:

**House Bill Nos. 5042 5043 5044 5045 5046 5047 5048 5049 5050 5051 5052 5053 5054 5055**  
**5056 5057 5058 5059 5060 5061**  
**House Joint Resolution AA**

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, July 23, for his approval of the following bill:

**Enrolled House Bill No. 4308 at 10:51 a.m.**

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, July 24, for his approval of the following bills:

**Enrolled House Bill No. 4180 at 10:29 a.m.**  
**Enrolled House Bill No. 4191 at 10:31 a.m.**  
**Enrolled House Bill No. 4872 at 10:33 a.m.**  
**Enrolled House Bill No. 4306 at 10:35 a.m.**

The Clerk announced the enrollment printing and presentation to the Governor on Friday, July 25, for his approval of the following bills:

**Enrolled House Bill No. 4219 at 2:24 p.m.**  
**Enrolled House Bill No. 4220 at 2:26 p.m.**  
**Enrolled House Bill No. 4522 at 2:28 p.m.**  
**Enrolled House Bill No. 4700 at 2:30 p.m.**  
**Enrolled House Bill No. 4701 at 2:32 p.m.**  
**Enrolled House Bill No. 4997 at 2:34 p.m.**

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

**Enrolled Senate Bill No. 342 - Public Act No. 65**

The Clerk announced that the following Senate bill had been vetoed by the Governor:

**Senate Bill No. 526**

The Clerk announced that the following Senate bill had been received on Tuesday, September 23:

**Senate Bill No. 514**

### Messages from the Governor

The following line items veto message from the Governor was received and read:

Executive Office, Lansing, July 31, 1997

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913  
Ladies and Gentlemen:

Today I have signed Enrolled House Bill 4306, the fiscal year 1998 appropriation for the Department of Community Health. However, I am returning it to you because of items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific items vetoed are contained within the attached copy of the bill, which has been filed with the Secretary of State.

The bill responsibly addresses most of the funding requirements of the physical and behavioral health programs operated by the Department of Community Health. One major exception is the bill's illusory appropriations for the under-utilized state psychiatric hospitals scheduled to be consolidated with other state hospitals. While the bill includes line items for these facilities, it appropriates unavailable local funds to operate the hospitals. If I did not veto these appropriations, the department would be forced to siphon nearly \$68 million from community providers to secure the necessary revenue to finance the hospitals' operations.

Accordingly, I have vetoed the following state psychiatric hospital lines: Clinton Valley Center, Detroit Psychiatric Institute, Detroit Psychiatric Institute—Children's Program, Pheasant Ridge—Children's Program, and Caro Mental Health Center—Developmental and Alternative Services.

While this veto clarifies the status of these facilities in fiscal year 1998, current year legislative action is necessary to ensure a humane transition for both the remaining patients and employees of the closing hospitals. I urge the House Appropriations Committee to return from their summer recess as soon as possible to approve the fiscal year 1997 hospital consolidation funding transfers already endorsed by the Senate Appropriations Committee. Without these transfers, hospital employees will not be able to transfer to other state facilities and the movement of patients will be unnecessarily abrupt.

Enrolled House Bill 4306 also includes two modifications to my recommendations that I have vetoed for the reasons identified below.

- Medicaid Beneficiary Services, Section 1642—The functions specified in boilerplate will be provided by the Medicaid enrollment broker and so additional funding is unnecessary.
- Sale of State Property, Section 603(1) and (2)—This language contains an open-ended appropriation of revenue from sale of property previously used by the department to finance service expansions. I vetoed this language in fiscal year 1997 and have again vetoed this appropriation because it is unwise to use one-time revenue to finance on-going programs, and because of the unspecified nature of the appropriation. In addition, these facilities are state assets and the funds received should go to meet the state's highest priority needs, as determined by the Administration and the Legislature at the time the funds become available.

Legislative action, modified by these vetoes, provides a funding authorization for the Department of Community Health that will enable us to address the health care needs of Michigan citizens in an effective and fiscally responsible manner.

Sincerely,  
John Engler  
Governor

This bill was signed by the Governor July 31, 1997, at 11:09 p.m.

August 4, 1997

Attached is a certified copy of Enrolled House Bill No. 4306 along with a copy of the veto message of the Governor. The official bill as approved by the Governor is open for your inspection in my office.

Yours truly,  
Mary Kay Scullion  
Clerk of the House of Representatives

This bill was filed with the Secretary of State August 1, 1997, at 4:53 p.m. and assigned Public Act No. 94, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

Rep. Gagliardi moved that consideration of the bill be postponed for the day.  
The motion prevailed.

The following line items veto message from the Governor was received and read:

Executive Office, Lansing, August 1, 1997

Michigan House of Representatives  
State Capitol  
Lansing, Michigan 48913  
Ladies and Gentleman:

Today I have signed Enrolled House Bill 4310. However, I am returning it to you because of several items which I have vetoed pursuant to Article V, Section 19, of the Michigan Constitution. The specific items vetoed are contained within the attached copy of the bill, which has been filed with the Secretary of State.

My signing of the major provisions of this \$9.2 billion budget bill comes less than 24 hours after the Supreme Court issued its final decision in the Durant case. After 17 years of litigation over three administrations, I welcome the final decision provided by the court on this complex issue.

My actions today ensure that schools can open their doors in the coming weeks with full funding for the foundation grant, special education and adult education.

However, I am returning this bill to the legislature with extensive vetoes in recognition of the fact that additional legislative action will be required to comply with the court's judgment. The legislature acted promptly to comply with the court's June 10, 1997 order concerning prospective relief, and this law now ensures that the state's obligation for special education funding is fully funded prospectively. I commend the legislature for that action and am prepared to join with them to comply quickly with this latest decision.

When the legislature addresses yesterday's Supreme Court decision, I am prepared to support the policy goals associated with some vetoed items such as At-Risk and initiatives to encourage smaller class size in grades K-3. It is essential, however, that there be a comprehensive solution to all remaining fiscal year 1998 issues before I make final decisions on the enhancements that I have vetoed today.

With my actions today, schools can proceed immediately with basic programming. I am prepared to begin discussions immediately with legislative leaders and interested parties so that the legislature can act promptly upon its return in the fall. I am confident that the schools can have final assurances about their funding soon after the legislators return.

Thank you for your work on behalf of Michigan's children. I look forward to working with you to complete action on the school aid funding.

Sincerely,  
John Engler  
Governor

The bill was signed by the Governor August 1, 1997, at 12:45 p.m.

August 4, 1997

Attached is a certified copy of Enrolled House Bill No. 4310 along with a copy of the veto message of the Governor. The official bill as approved by the Governor is open for your inspection in my office.

Yours truly,  
Mary Kay Scullion  
Clerk of the House of Representatives

This bill was filed with the Secretary of State August 1, 1997, at 4:30 p.m. and assigned Public Act No. 93, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

Rep. Gagliardi moved that the question be divided and that a separate vote be taken on the line item veto of Sec. 31(a).

The motion prevailed.

The question being on the passage of the disapproved item, the objections of the Governor to the contrary notwithstanding,

The disapproved item was not passed, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 778**

**Yeas—56**

Agee	Dobronski	Kilpatrick	Quarles
Alley	Emerson	LaForge	Rison
Anthony	Frank	Leland	Schauer
Baade	Freeman	Mans	Schroer

Baird	Gagliardi	Martinez	Scott
Basham	Gire	Mathieu	Stallworth
Bogardus	Griffin	Murphy	Tesanovich
Brater	Gubow	Olshove	Thomas
Brewer	Hale	Owen	Varga
Brown	Hanley	Palamara	Vaughn
Callahan	Harder	Parks	Wallace
Cherry	Hertel	Price	Wetters
Curtis	Hood	Profit	Willard
DeHart	Kelly	Prusi	Wojno

### Nays—52

Banks	Galloway	Jellema	Middleton
Birkholz	Geiger	Johnson	Nye
Bobier	Gernaat	Kaza	Oxender
Bodem	Gilmer	Kukuk	Perricone
Brackenridge	Godchaux	Law	Raczkowski
Byl	Goschka	LeTarte	Rhead
Cassis	Green	Llewellyn	Richner
Crissman	Gustafson	London	Rocca
Cropsey	Hammerstrom	Lowe	Scranton
Dalman	Horton	McBryde	Sikkema
DeVuyst	Jansen	McManus	Voorhees
Dobb	Jaye	McNutt	Walberg
Fitzgerald	Jelinek	Middaugh	Whyman

In The Chair: Hertel

Reps. McBryde and Middleton, having reserved the right to explain their nay vote, made the following statement:  
 “Mr. Speaker and members of the House:

I voted “no” on the attempt to override the governor’s veto of portions of the 1997-98 school aid budget. I strongly support the restoration of “at risk” funding increase of \$22 million over last year. I also strongly support the restoration of funding for smaller class sizes, especially in the lower grades.

But, Mr. Speaker, I also must emphasize that I believe it is time to pass a comprehensive solution to the issue of special education funding. I also strongly support a once and for all settlement with the plaintiffs of the Durant court case as well as a settlement with the 470 school districts who chose not to sue the state. I also strongly support a comprehensive settlement of the remaining issues involved with the funding of the pension system for teachers.

We can have a comprehensive solution to all of these things by discharging SB 178, SB 356 and SB 648 to use as vehicle bills to solve these issues. The veto override attempt is pure politics at a time when the school children of our state need a comprehensive solution.”

Rep. Scranton, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on the proposal to override the Governor’s veto of certain items in the K-12 budget for 1997-98. The reason I voted no is because I support a package of bills that will address this issue, and the issue of at risk funding, in a more comprehensive manner.”

Rep. Birkholz, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no to override the Governor’s veto because the vote does not solve the problem. I supported a discharge motion for a vehicle bill to restore the at risk funding, hold special education harmless and pay the 84 Durant litigants.”

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

“Mr. Speaker and members of the House:

I voted “No” on this veto override attempt because it is short-sighted in its scope. Not only will it die in the Senate, it doesn’t address the more important issue of the Durant decision. I firmly believe that all of the school districts in the state of Michigan should be reimbursed for special education as a result of the Durant decision, and not just the eighty-four school districts who filed the lawsuit. That’s the way it will end up, anyway.

This veto override is terribly flawed. On the face of it, it would appear as though a “no” voted demonstrates opposition to the at-risk funding. However, I and the overwhelming majority of my colleagues who vote “no” on this override are in support of the at-risk funding, and as equally important, support the Durant decision for all school districts.

I have signed on to the only comprehensive solution that has been proposed to this funding dilemma. I have requested the discharge of Senate Bills 178, 356 and 648, which restores all at-risk funding as well as giving every school district in the state the money they justly deserve as a result of the Durant decision.

The school children in this state, 1.7 million strong, need leadership from this House. Politics should stop outside of this chamber. Unfortunately, with this override attempt, it has entered in. Shame!

Let’s defend the school kids in this state. Let’s discharge SB 178, 356 and 648 to truly address the funding issue once and for all. Today, now—we could restore the at-risk funding and conclusively address Durant. That way, the kids win! Unfortunately, this House has addressed neither. Ironically, it is this override attempt which is holding our kids hostage.”

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

“Mr. Speaker and members of the House:

I voted “no” on this override of the Governor’s veto because it inconsistent with the Governor’s plan to restore full funding for adult education and all vetoed school spending.

Today I was briefed on the Governor’s plan to restore vetoed school funding. The Governor has sent out a press release on this plan as well. For this Legislature to override the veto before examining the Governor’s proposal would not be responsible.”

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

“Mr. Speaker and members of the House:

The state of Michigan continues to spend more than \$600 million annually on corporate welfare through the Jobs Commission budget.

We should cut corporate welfare and earmark those savings to address other problems, and provide tax relief for middle class families.

Those supporting the veto override had the opportunity to cut corporate welfare spending—indeed, to abolish it—earlier this year.

They refused to abolish corporate welfare.

We should refuse their request today.”

The question being on the passage of the remainder of the disapproved items, the objections of the Governor to the contrary notwithstanding,

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

The motion prevailed.

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Rep. Gagliardi moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

The motion prevailed, 3/5 of the members present voting therefor.

By unanimous consent the House returned to the order of

#### **Motions and Resolutions**

Reps. Middaugh, Dobronski, LaForge, Brater, McBryde, DeHart, Prusi, Baade, Freeman, Baird, Richner, Gilmer, Anthony, Kukuk, Scranton, Cassis, Palamara, Kaza, Gubow, Bodem, Llewellyn, Voorhees, Rhead, Hammerstrom, Horton, Jansen, Rocca, Harder, Jelinek, Bogardus, Goschka, Schauer, Gire, Gernaat, London, Raczkowski, Perricone,

Birkholz, Fitzgerald, Parks, Cropsy, Wetters, Brackenridge, Geiger, DeVuyst, Lowe, Dalman, Tesanovich, Cherry, Basham, Green, Jellema, Byl, Dobb, Wojno, Bankes, Oxender, Galloway, Crissman, Kilpatrick and Hanley offered the following resolution:

**House Resolution No. 136.**

A resolution to recognize October 23 through October 31, 1997 as Red Ribbon Week, sponsored in Michigan by Michigan Communities in Action for Drug-Free Youth.

Whereas, Cities across our nation have been plagued by the numerous problems associated with drug and alcohol abuse; and

Whereas, Local leaders in government and in the community know that their support of the people in the neighborhoods is the most effective weapon they can have in their efforts to reduce the demand for illegal drugs and drive away the suppliers of those drugs; and

Whereas, The National Red Ribbon Celebration has been established by the National Family Partnership to help create awareness of the drug problems facing every community, to develop parent and community teams to combat illegal drugs, and to promote drug-free lifestyles for America's youth; and

Whereas, October 23 through October 31, 1997 has been designated National Red Ribbon Week with President Clinton, as Honorable National Chair of the celebration, calling all Americans to show their support for a drug-free nation by wearing a red ribbon during that week; now, therefore, be it

Resolved by the House of Representatives, That the entire State of Michigan shall recognize October 23 through October 31, 1997 as Red Ribbon Week and join the rest of the nation in promoting the Red Ribbon Celebration and a Drug-Free America; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Communities in Action for Drug-Free Youth, organizers of this observance, as evidence of our support.

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.

This resolution is offered to comply with Article V, Section 2 of the Constitution of the State of Michigan.

Reps. Prusi, DeHart, LaForge, Hanley, Hale, Bogardus, Mans, Schauer, Callahan, Thomas and Mathieu offered the following concurrent resolution:

**House Concurrent Resolution No. 58.**

A concurrent resolution to disapprove Executive Order 1997-12 on executive reorganization.

Whereas, On August 6, 1997, Governor Engler, pursuant to authority outlined in Article V, Section 2 of the Constitution of the State of Michigan, issued Executive Order 1997-12. This proposal on executive reorganization seeks to provide for changes in responsibilities within the Department of Consumer and Industry Services, the Michigan Jobs Commission, and the Michigan Employment Security Agency; and

Whereas, Article V, Section 2 of the Constitution of the State of Michigan also provides:

Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of the Michigan Legislature, pursuant to Article V, Section 2 of the Constitution of the State of Michigan, disapprove Executive Order 1997-12; and be it further

Resolved, That a copy of this resolution be transmitted to the office of the Governor.

The concurrent resolution was referred to the Committee on Labor and Occupational Safety.

### Reports of Standing Committees

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

**House Bill No. 4255, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 682b.

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 4255** To Report Out:

Yeas: Reps. Leland, Schermesser, Baade, Curtis, Schauer, Scott, Wojno, London, Byl,  
Nays: None.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Monday, August 11, 1997, at 10:00 a.m.,

Present: Reps. Leland, Schermesser, Baade, Curtis, Schauer, Scott, Wojno, London, Byl, Galloway, Middleton,

Absent: Reps. Brown, Mans, Olshove, Birkholz, Gernaat, Green,

Excused: Reps. Brown, Mans, Olshove, Birkholz, Gernaat, Green.

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

**House Bill No. 4389, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 1 of chapter VII (MCL 67.1), as amended by 1994 PA 314.

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

## Favorable Roll Call

**HB 4389** To Report Out:

Yeas: Reps. Dobronski, Mans, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom,  
Nays: None.

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

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

**House Bill No. 4390, entitled**

A bill to amend 1895 PA 215, entitled "The fourth class city act," by amending section 1 of chapter XI (MCL 91.1), as amended by 1994 PA 19.

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

## Favorable Roll Call

**HB 4390** To Report Out:

Yeas: Reps. Dobronski, Mans, Brater, Brewer, Callahan, Brackenridge, Birkholz, Crissman, Hammerstrom,  
Nays: None.

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

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

**House Bill No. 4447, entitled**

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 4 (MCL 42.4), as amended by 1990 PA 12.

With the recommendation that the bill pass.

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

## Favorable Roll Call

**HB 4447** To Report Out:

Yeas: Reps. Dobronski, Mans, Brater, Brackenridge, Crissman,  
Nays: None.

## 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, September 23, 1997, at 9:00 a.m.,

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

The Committee on Public Retirement, by Rep. DeHart, Chair, reported

**House Bill No. 5038, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 19g. 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 5038** To Report Out:

Yeas: Reps. DeHart, Brewer, Dobronski, Mans, Basham, Dobb,

Nays: Rep. LeTarte.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 23, 1997, at 10:30 a.m.,

Present: Reps. DeHart, Brewer, Dobronski, Mans, Basham, Rhead, Dobb, Jelinek, LeTarte.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 10, 1997, at 1:30 p.m.,

Present: Reps. Profit, Agee, Freeman, Gubow, Hanley, Brackenridge, Cassis, Dobb, Middleton, Whyman,

Absent: Reps. Quarles, Palamara, Wallace, Wetters, Wojno, Perricone, Goschka.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 17, 1997, at 9:00 a.m.,

Present: Reps. Profit, Quarles, Agee, Hanley, Wallace, Wetters, Brackenridge, Cassis, Goschka,

Absent: Reps. Freeman, Gubow, Palamara, Wojno, Perricone, Dobb, Middleton, Whyman,

Excused: Reps. Freeman, Gubow, Palamara, Wojno, Perricone, Dobb, Middleton, Whyman.

**Notices**

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 178**.

Rep. Oxender

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Constitutional and Civil Rights from further consideration of **Senate Bill No. 356**.

Rep. Gilmer

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Public Retirement from further consideration of **Senate Bill No. 648**.

Rep. Rhead

September 16, 1997

This is to inform you that I am removing Representative David Anthony, at his request, from the Advanced Technology and Computer Development Committee and will be appointing Representative Bob Brown to take his place.

If you have any question regarding this matter, please don't hesitate to contact my office.

I thank you in advance for your time and consideration.

Speaker Curtis Hertel

July 17, 1997

Please be advised that I am appointing Rep. Martha Scott as Chair of a bi-partisan special task force which will explore high school-middle school mergers. In addition, the following members have been appointed to serve on this committee:

Rep. Keith Stallworth

Rep. Ed Vaughn

Rep. Jim Agee

Rep. Rose Bogardus

Rep. Kwame Kilpatrick

Rep. Clyde LeTarte

Rep. Robert Brackenridge

Rep. Glenn Oxender

Rep. Judith Scranton

Thank you in advance for your attention to this matter.

Sincerely,  
Curtis Hertel  
Speaker of the House

September 10, 1997

This is to inform you that I am appointing Representative Nick Ciaramitaro and Representative Laura Baird of the House Democratic Caucus to serve on the Sentencing Guidelines Commission. Representative Nick Ciaramitaro has served on the Commission since it began and has a wealth of knowledge on this issue. Representative Laura Baird will be a valuable addition to this discussion with her extensive background in sentencing and the court system.

Representative Ted Wallace, a member of the Commission that served with distinction, did not wish to seek reappointment to the Commission due to his hectic legislative schedule.

The Sentencing Guidelines Commission is an important body that will help redefine our legal system over the next year. I believe that these two appointments will be beneficial to the completion of this task.

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

Speaker Curtis Hertel

#### Public Hearing

Committee on Colleges and Universities

Date: Monday, September 29, 1997

Time: 11:00 a.m.

Place: Wayne State University McGregor Memorial Conference Center, Rooms B and C, 495 West Ferry Mall, Detroit, Michigan

Rep. Cherry  
Chair

Agenda: A review of the impact of Michigan's Financial Aid Programs and any/or all bills properly before the committee

**Messages from the Governor**

The following message from the Governor was received August 1, 1997 and read:

**EXECUTIVE ORDER  
No. 1997 - 12****Michigan Employment Security Agency  
Michigan Jobs Commission  
Michigan Department of Consumer and Industry Services****Executive Reorganization**

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan Employment Security Commission was created by Act No. 1 of the Public Acts of 1936 (Ex. Sess.), being Section 421.1 et seq. of the Michigan Compiled Laws; and

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

WHEREAS, it is necessary to improve services to unemployed Michigan citizens who are seeking employment opportunities; and

WHEREAS, separating the employment services component of the Michigan Employment Security Agency from its unemployment insurance component will lead to enhanced administration of unemployment insurance services; and

WHEREAS, it is organizationally sound to separate the regulatory-oriented function of unemployment insurance from the more service-oriented functions of employment services; and

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

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

**A. Definitions**

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

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

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

3. "Director of Employment Security" means the Director of Employment Security specified in Section 5 of Act No. 1 of the Public Acts of 1936 (Ex. Sess.), being MCL 421.5, and successor executive orders.

**B. Michigan Employment Security Agency**

1. All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, of the Michigan Employment Security Agency to perform, directly or indirectly, unemployment insurance program functions, including all related administrative functions, shall be transferred, subject to paragraphs 4 and 5 of this Order, to the Department of Consumer and Industry Services by a Type I transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws. The transferred entity shall be known as the Unemployment Agency of the Department of Consumer and Industry Services and shall be an autonomous entity within the Department of Consumer and Industry Services. The remaining functions of the Michigan Employment Security Agency that are not transferred by this Order shall remain with the Michigan Jobs Commission.

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

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

4. The Director of Consumer and Industry Services and the Director of the Michigan Jobs Commission shall jointly identify the Unemployment Insurance Program positions and administrative function positions that will be transferred to the Department of Consumer and Industry Services according to the terms of this Order. The Directors of Consumer and Industry Services and the Michigan Jobs Commission shall develop an agreement specifying these positions no later than the effective date of this Order and the transfers shall be implemented no later than 120 days from the effective date of this Order.

5. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan Jobs Commission for the activities transferred by this Order are hereby transferred to the Department of Consumer and Industry Services upon the effective date of the transfers identified in paragraph B.4.

6. The Director of Consumer and Industry Services and the Director of the Michigan Jobs Commission shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Jobs Commission.

7. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

8. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

9. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling the financial transactions and records related to this Order in the state's financial management system for the remainder of the fiscal year in which this Order takes effect.

#### **C. Director of Employment Security**

The Director of Employment Security is hereby transferred to the Department of Consumer and Industry Services.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days after filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of August, in the Year of our Lord, One Thousand Nine Hundred Ninety-Seven.

John Engler

Governor

By the Governor:

Candice S. Miller

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received August 15, 1997 and read:

#### EXECUTIVE ORDER

No. 1997 - 13

#### **Michigan Department of Consumer and Industry Services Michigan Department of Agriculture**

#### **Executive Reorganization**

WHEREAS, Article V, Section 1 of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, the reorganization of the state's licensing, permitting and registration functions into the Department of Consumer and Industry Services has resulted in better coordination between regulatory programs and a higher level of service to the Michigan public; and

WHEREAS, it is necessary to assure that the Director of the Department of Consumer and Industry Services has the authority to complete the process of restructuring the state's licensing, permitting and registration functions; and

WHEREAS, the Michigan State Fair is the nation's oldest state fair and continues its tradition of showcasing Michigan's agricultural community by providing information to its visitors about farm life and farm production; and

WHEREAS, there is a need for closer coordination between the Michigan State Fair, the Upper Peninsula State Fair and Michigan's county fairs; and

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Article V, Section 8, of the Constitution of the State of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided by the Constitution; and

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

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

**A. Department of Consumer and Industry Services**

1. All the statutory authority, powers, duties, functions and responsibilities of the State Survey and Remonumentation Commission created by Act No. 345 of the Public Acts of 1990, as amended, being Sections 54.261 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Consumer and Industry Services by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the commission is abolished.

2. All the statutory authority, powers, duties, functions and responsibilities of the Board of Physical Therapy created by Part 178 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Sections 333.17801 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Consumer and Industry Services by a Type III transfer, as defined Section by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the board is abolished.

3. All the statutory authority, powers, duties, functions and responsibilities of the Board of Occupational Therapists created by Part 183 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Sections 333.18301 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Consumer and Industry Services by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the board is abolished.

4. All the statutory authority, powers, duties, functions and responsibilities of the Scientific Advisory Commission created by Section 7206 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Section 333.7206 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Consumer and Industry Services by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the commission is abolished.

5. All the statutory authority, powers, duties, functions and responsibilities of the ad hoc committees created by Section 2(2) of Act No. 116 of the Public Acts of 1973, being Section 722.112(2) et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Consumer and Industry Services by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and all ad hoc committees created pursuant to this provision are abolished. The Director may at his or her discretion establish advisory committees to review existing rules or proposed changes to rules affecting child care organizations covered by Act No. 116, as amended.

6. All the statutory authority of the Liquor Control Commission to designate one of its members as chairperson of the Commission pursuant to Section 5 of the Liquor Control Act, Act No. 8 of the Public Acts of 1933, Ex. Sess., being Section 436.5 of the Michigan Compiled Laws, is hereby transferred to the Governor.

7. The Director of the Department of Consumer and Industry Services shall provide executive direction and supervision for the implementation of the transfers.

8. The Director of the Department of Consumer and Industry Services shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

9. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to any entity for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the Director of the Department of Consumer and Industry Services.

10. The Director of the Department of Consumer and Industry Services may by written instrument delegate a duty or power conferred by law or this Order and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Department of Consumer and Industry Services.

11. All rules, orders, contracts, declaratory rulings, agreements and other actions relating to the functions transferred to the Department of Consumer and Industry Services by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended or rescinded.

12. Any suit, action or other proceeding lawfully commenced by, against or before any entity transferred to the Department of Consumer and Industry Services by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

**B. State Fair**

1. All the statutory authority, powers, duties, functions and responsibilities of the State Exposition and Fairgrounds Office created under the Michigan Exposition and Fairgrounds Act, Act No. 361 of the Public Acts of 1978, being Sections 285.161 et seq. of the Michigan Compiled Laws, are hereby transferred from the Director of the Department of Consumer and Industry Services to the Director of the Department of Agriculture.

2. All the statutory authority, powers, duties, functions and responsibilities of the Director of the Department of Consumer and Industry Services and the Department of Consumer and Industry Services under the Michigan Exposition and Fairgrounds Act, Act No. 361 of the Public Acts of 1978, being Sections 285.161 et seq. of the Michigan Compiled Laws, and Executive Order 1993-25, are hereby transferred to the Director of the Department of Agriculture.

3. The State Exposition and Fairgrounds Council is hereby transferred to the Department of Agriculture by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

4. The Director of the Department of Agriculture shall provide executive direction and supervision for the implementation of the transfers.

5. The Director of the Department of Agriculture shall administer the assigned functions in such ways as to promote efficient administration and shall make such internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

6. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Consumer and Industry Services for the functions transferred by this order are hereby transferred to the Department of Agriculture. The Departments of Consumer and Industry Services and Agriculture shall jointly develop a memorandum of understanding pertaining to the allocation of resources between the two agencies.

7. All rules, orders, contracts, declaratory rulings, agreements and other actions relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

8. The directors of the Departments of Agriculture and Consumer and Industry Services shall immediately initiate coordination to facilitate the transfer and jointly develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal state laws and regulations, or other obligations to be resolved.

9. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

**C. Mobile Home Commission**

1. The Mobile Home Commission created by the Mobile Home Commission Act, Act No. 96 of the Public Acts of 1987, as amended, being Sections 125.2301 et seq. of the Michigan Compiled Laws, is renamed the Manufactured Housing Commission. All the statutory authority, powers, duties, functions and responsibilities of the Manufactured Housing Commission, which were transferred to the Director of the Department of Consumer and Industry Services by Executive Order 1996-2, are, with the exception of all authority for rulemaking contained in Act No. 96, transferred to the Manufactured Housing Commission.

The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling the financial transactions and records related to this Order in the state's financial management system for the remainder of the fiscal year in which this Order takes effect.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days after filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of August, in the Year of our Lord, One Thousand Nine Hundred Ninety-Seven.

John Engler

Governor

By the Governor:

Candice S. Miller

Secretary of State

The message was referred to the Clerk.

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

Date: July 22, 1997

Time: 10:03 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4840 (Public Act No. 76, I.E.), being**

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

(Filed with the Secretary of State July 22, 1997, at 2:34 p.m.)

Date: July 22, 1997

Time: 10:35 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4827 (Public Act No. 77, I.E.), being**

An act to amend 1933 PA 99, entitled “An act to authorize incorporated villages, townships, and cities to enter into contracts and agreements for the purchase of lands, property, or equipment for public purposes; to validate such contracts or agreements heretofore entered into; to provide for the payment of the purchase price thereof; and to prescribe the use of such lands, equipment, and property,” by amending the title and sections 1 and 3 (MCL 123.721 and 123.723) and by adding section 1a.

(Filed with the Secretary of State July 22, 1997, at 2:36 p.m.)

Date: July 25, 1997

Time: 11:42 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4180 (Public Act No. 81, I.E.), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” (MCL 206.1 to 206.532) by adding section 30d.

(Filed with the Secretary of State July 25, 1997, at 3:56 p.m.)

Date: July 25, 1997

Time: 11:44 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4191 (Public Act No. 82, I.E.), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 274 (MCL 206.274), as amended by 1996 PA 484.

(Filed with the Secretary of State July 25, 1997, at 3:58 p.m.)



Date: July 25, 1997

Time: 11:46 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4872 (Public Act No. 83, I.E.), being**

An act to amend 1927 PA 150, entitled “An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act,” by amending sections 2, 3b, 8, 18b, 34, and 86 (MCL 207.102, 207.103b, 207.108, 207.118b, 207.134, and 207.186), sections 2, 3b, and 8 as amended by 1992 PA 225 and sections 18b, 34, and 86 as amended by 1982 PA 437.

(Filed with the Secretary of State July 25, 1997, at 4:00 p.m.)

Date: July 25, 1997

Time: 2:35 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4309 (Public Act No. 84, I.E.), being**

An act to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 1998; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

(Filed with the Secretary of State July 28, 1997, at 1:20 p.m.)

Date: July 25, 1997

Time: 2:40 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4305 (Public Act No. 85, I.E.), being**

An act to make appropriations for community colleges for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

(Filed with the Secretary of State July 28, 1997, at 1:22 p.m.)

Date: July 31, 1997

Time: 10:45 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4307 (Public Act No. 88, I.E.), being**

An act to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

(Filed with the Secretary of State August 1, 1997, at 4:20 p.m.)

Date: July 31, 1997

Time: 11:11 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4308 (Public Act No. 89, I.E.), being**

An act to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to prescribe the powers

and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

(Filed with the Secretary of State August 1, 1997, at 4:22 p.m.)

Date: July 31, 1997

Time: 11:25 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4522 (Public Act No. 92, I.E.), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 82113 (MCL 324.82113), as added by 1995 PA 58.

(Filed with the Secretary of State August 1, 1997, at 4:28 p.m.)

Date: August 6, 1997

Time: 1:45 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4997 (Public Act No. 96, I.E.), being**

An act to amend 1991 PA 179, entitled “An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date,” (MCL 484.2101 to 484.2604) by adding section 376.

(Filed with the Secretary of State August 7, 1997, at 2:37 p.m.)

Date: August 6, 1997

Time: 1:50 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4219 (Public Act No. 97, I.E.), being**

An act to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 1201, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1214, 1217, and 1218 (MCL 339.1201, 339.1204, 339.1205, 339.1206, 339.1207, 339.1208, 339.1209, 339.1210, 339.1211, 339.1214, 339.1217, and 339.1218), sections 1204, 1205, 1207, 1208, 1209, 1211, and 1214 as amended by 1988 PA 463, and by adding sections 1203a, 1203b, and 1210a; and to repeal acts and parts of acts.

(Filed with the Secretary of State August 7, 1997, at 2:39 p.m.)

Date: August 6, 1997

Time: 1:52 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4220 (Public Act No. 98, I.E.), being**

An act to amend 1979 PA 152, entitled “An act to provide for the establishment and collection of fees for the regulation of certain occupations and professions, and for certain agencies and businesses; to create certain funds; and to prescribe certain powers and duties of certain state agencies and departments,” by amending section 25 (MCL 338.2225), as amended by 1988 PA 461.

(Filed with the Secretary of State August 7, 1997, at 2:41 p.m.)

Date: August 6, 1997

Time: 3:56 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4700 (Public Act No. 99, I.E.), being**

An act to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to provide for certain duties of the secretary of state; and to prescribe certain penalties for violations,” by amending the title and sections 1 and 2 (MCL 28.291 and 28.292), section 2 as amended by 1996 PA 204, and by adding sections 1a, 5a, 6, 7, 8, 9, and 10.

(Filed with the Secretary of State August 7, 1997, at 2:43 p.m.)

Date: August 6, 1997

Time: 3:58 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4701 (Public Act No. 100, I.E.), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 208 (MCL 257.208), as amended by 1996 PA 471, and by adding sections 40b, 208a, 208b, and 208c.

(Filed with the Secretary of State August 7, 1997, at 2:45 p.m.)

### Introduction of Bills

Reps. Kilpatrick, Thomas, Rison, Schermesser, Quarles and Hale introduced

**House Bill No. 5062, entitled**

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” (MCL 37.2101 to 37.2804) by adding section 302b.

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

Reps. Profit, Birkholz and Raczkowski introduced

**House Bill No. 5063, entitled**

A bill to amend 1943 PA 20, entitled “An act relative to the investment of surplus funds of political subdivisions of the state; and to validate certain investments,” by amending the title and sections 1 and 3 (MCL 129.91 and 129.93), the title as amended by 1988 PA 285 and section 1 as amended by 1988 PA 239, and by adding sections 5 and 6; and to repeal acts and parts of acts.

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

Reps. Walberg, Baird, DeVuyst, Voorhees, Horton, Dalman, Cropsey, Goschka, McBryde, Whyman, Nye, Mans, Geiger, Green and Kukuk introduced

**House Bill No. 5064, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1507 (MCL 380.1507), as amended by 1993 PA 335.

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

Reps. Walberg, Baird, DeVuyst, Voorhees, Horton, Dalman, Cropsey, Goschka, McBryde, Whyman, Nye, Mans, Geiger, Green and Kukuk introduced

**House Bill No. 5065, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520b, 520c, 520d, and 520e (MCL 750.520a, 750.520b, 750.520c, 750.520d, and 750.520e), sections 520a, 520b, and 520c as amended by 1983 PA 158 and sections 520d and 520e as amended by 1996 PA 155.

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

Reps. Lowe, Goschka, Horton and Llewellyn introduced

**House Bill No. 5066, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2104 (MCL 324.2104), as added by 1995 PA 60.

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

Rep. Scranton introduced

**House Bill No. 5067, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 67b (MCL 791.267b), as added by 1996 PA 565.

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

Reps. Schermesser, Baade, Curtis, Cherry, Leland, Scott, Wojno and Schauer introduced

**House Bill No. 5068, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 178 and 634 (MCL 168.178 and 168.634), section 178 as amended by 1980 PA 261 and section 634 as amended by 1996 PA 583.

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

Rep. Martinez introduced

**House Bill No. 5069, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Ingham county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

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

Rep. Martinez introduced

**House Bill No. 5070, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7u (MCL 211.7u), as amended by 1994 PA 390.

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

Rep. Schauer introduced

**House Bill No. 5071, entitled**

A bill to amend 1968 PA 39, entitled "Michigan food law of 1968," by amending sections 7 and 10 (MCL 289.707 and 289.710), as amended by 1982 PA 43.

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

Rep. Scranton introduced

**House Bill No. 5072, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5101, 5111, 5123, 5129, and 20191 (MCL 333.5101, 333.5111, 333.5123, 333.5129, and 333.20191), sections 5101, 5111, and 5123 as amended by 1994 PA 200, section 5129 as amended by 1995 PA 253, and section 20191 as amended by 1994 PA 419.

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

Rep. Bodem introduced

**House Bill No. 5073, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811d.

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

Rep. Hood introduced

**House Bill No. 5074, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 9 (MCL 432.9), as amended by 1996 PA 167.

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

Reps. Hammerstrom and Brackenridge introduced

**House Bill No. 5075, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31 and 796a (MCL 168.31 and 168.796a), as amended by 1996 PA 583.

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

Rep. Gubow introduced

**House Bill No. 5076, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 418.

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

Rep. Brackenridge introduced

**House Bill No. 5077, entitled**

A bill to amend 1993 PA 316, entitled "An act to provide for the collection of certain past due monetary amounts owed to courts of this state; and to prescribe the powers and duties of certain state and local officers and agencies," by repealing section 10 (MCL 12.140).

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

Rep. Brackenridge introduced

**House Bill No. 5078, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 200 and 643 (MCL 168.200 and 168.643).

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

Rep. Jelinek introduced

**House Bill No. 5079, entitled**

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

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

Reps. Gagliardi and Bodem introduced

**House Bill No. 5080, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b.

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

Rep. Middleton introduced

**House Bill No. 5081, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279 (MCL 380.1279), as amended by 1997 PA 25.

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

Rep. Middleton introduced

**House Bill No. 5082, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104a (MCL 388.1704a), as amended by 1997 PA 24.

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

Reps. Emerson, Profit, Brater, Curtis, Palamara, Ciaramitaro, Martinez, Price, Gubow, Bogardus, Frank, Cherry, Prusi, Tesanovich, Hood and Dobronski introduced

**House Bill No. 5083, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 353e.

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

Reps. Dobronski, Crissman, Martinez, Brackenridge, Freeman, Hammerstrom, Quarles, Cassis and DeHart introduced

**House Bill No. 5084, entitled**

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending sections 2, 6, 8, and 12 (MCL 54.262, 54.266, 54.268, and 54.272).

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

Reps. Cassis, Profit, Richner, Jelinek, Gernaat, Birkholz, Horton, Kaza, Goschka, Hammerstrom, Voorhees, DeVuyt, Raczkowski, Green, Jaye, Quarles, Dobb and Perricone introduced

**House Bill No. 5085, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1997 PA 86; and to repeal acts and parts of acts.

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

By unanimous consent the House returned to the order of

**Communications from State Officers**

The following communications from the Department of Management & Budget were received and read:

July 15, 1997

Transmitted under this cover is a schedule entitled "Statement of Revenue Subject to Constitutional Limitation - Legal Basis." The statement is submitted pursuant to Section 18.1350 of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 26 of the Michigan Constitution for the fiscal year 1995-96.

The statement has been reviewed by the Office of the Auditor General and a copy of the independent accountant's review is enclosed.

If you have questions regarding this report, please contact Mr. John J. Linderman, Director, Office of Financial Management, at 373-1010.

July 15, 1997

This letter transmits the "Statement of the Proportion of Total State Spending From State Sources Paid to Units of Local Government - Legal Basis" for fiscal year 1996, which has been prepared in accordance with Sections 18.1115(6), 18.1303-18.305, 18.349, 18.1350, 18.1497, and 18.1498 of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 30 of the Michigan Constitution.

The computed percentage of total State spending from State sources paid to local governments for fiscal year 1996 is 59.24%, which is 10.27% in excess of the minimum required 48.97%.

The statement has been reviewed by the Office of the Auditor General and a copy of their independent accountant's review letter precedes the statement.

If you have questions concerning the statement, please contact me or Mr. John J. Linderman, Director, Office of Financial Management, at 373-1010.

Sincerely,  
Mark A. Murray  
Director

The communications were referred to the Clerk.

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

- |   |                   |
|---|-------------------|
| Enclosed is a copy of the following audit report and/or executive digest:<br>Financial Audit Including the Provisions of the Single<br>Audit Act of the Department of Agriculture<br>October 1, 1994 through September 30, 1996                     | July 17, 1997     |
| Enclosed is a copy of the following audit report and/or executive digest:<br>Performance Audit of the Automated Information Systems<br>Department of Natural Resources and<br>Department of Environmental Quality<br>July 1997                      | July 17, 1997     |
| Enclosed is a copy of the following audit report and/or executive digest:<br>Financial Audit Including the Provisions of the Single<br>Audit Act of the Library of Michigan<br>October 1, 1994 through September 30, 1996                           | July 17, 1997     |
| Enclosed is a copy of the following audit report and/or executive digest:<br>Performance Audit of Genesee County Community<br>Mental Health Services<br>Department of Community Health<br>August 1997   | August 6, 1997    |
| Enclosed is a copy of the following audit report and/or executive digest:<br>Financial Audit of the State Treasurer's Annual Report<br>Department of Treasury<br>October 1, 1995 through September 30, 1996   | August 19, 1997   |
| Enclosed is a copy of the following audit report and/or executive digest:<br>Performance Audit of Ferris State University<br>August 1997  | August 20, 1997   |
| Enclosed is a copy of the following audit report and/or executive digest:<br>Performance Audit of the Enforcement Division<br>Corporation, Securities and Land Development Bureau<br>Department of Consumer and Industry Services<br>September 1997 | September 4, 1997 |

September 8, 1997

Enclosed is a copy of the following audit report and/or executive digest:  
 Financial Audit Including the Provisions of the Single  
 Audit Act  
 Department of Social Services  
 October 1, 1992 through September 30, 1994

September 16, 1997

Enclosed is a copy of the following audit report and/or executive digest:  
 Financial Audit of the Michigan Legislative Retirement  
 System  
 October 1, 1994 through September 30, 1996

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

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

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

Notices of Filing  
 Administrative Rules

July 11, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:00 A.M. this date, administrative rule (97-7-1) for the Department of Environmental Quality, Surface Water Quality Division, entitled "*Wastewater Reporting*", effective 15 days hereafter.

July 11, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:05 A.M. this date, administrative rule (97-7-2) for the Department of Environmental Quality, entitled "*Water Resources Protection*", effective 15 days hereafter.

July 18, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:15 A.M. this date, administrative rule (97-7-3) for the Department of Consumer and Industry Services, Director's Office, entitled "*Real Estate Brokers and Salespersons*", effective 15 days hereafter.

July 18, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:17 A.M. this date, administrative rule (97-7-4) for the Department of Consumer and Industry Services, Director's Office, entitled "*Collection Agencies*", effective 15 days hereafter.

July 21, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:43 a.m. this date, administrative rule (97-7-5) for the Family Independence agency, entitled "*Debt Establishment & Collection*", effective 15 days hereafter.



7-25-97

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:20 A.M. this date, administrative rule (97-7-6) for the Department of Community Health, Health Legislation and Policy Development, entitled "*General Rules*", effective 15 days hereafter.

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

The communications were referred to the Clerk.

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Rep. DeHart moved that the House adjourn.  
The motion prevailed, the time being 4:10 p.m.

The Speaker declared the House adjourned until Wednesday, September 24, at 2:00 p.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.

