

No. 14

JOURNAL OF THE HOUSE

House Chamber, Lansing, Tuesday, February 25, 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	Fitzgerald—present	Kaza—present	Price—present
Alley—present	Frank—present	Kelly—present	Profit—present
Anthony—present	Freeman—present	Kilpatrick—present	Prusi—present
Baade—excused	Gagliardi—present	Kukuk—present	Quarles—present
Baird—present	Galloway—present	LaForge—present	Raczkowski—present
Bankes—present	Geiger—present	Law—present	Rhead—present
Birkholz—present	Gernaat—present	Leland—present	Richner—present
Bobier—present	Gilmer—present	LeTarte—present	Rison—present
Bodem—present	Gire—present	Llewellyn—present	Rocca—present
Bogardus—present	Godchaux—present	London—present	Schauer—present
Brackenridge—present	Goschka—present	Lowe—present	Schermesser—present
Brater—present	Green—present	Mans—present	Schroer—present
Brewer—present	Griffin—present	Martinez—present	Scott—present
Brown—present	Gubow—present	Mathieu—present	Scranton—present
Byl—present	Gustafson—present	McBryde—present	Sikkema—present
Callahan—present	Hale—present	McManus—present	Stallworth—present
Cassis—present	Hammerstrom—present	McNutt—present	Tesanovich—present
Cherry—present	Hanley—present	Middaugh—present	Thomas—present
Ciaramitaro—present	Harder—present	Middleton—present	Varga—present
Crissman—present	Hertel—present	Murphy—present	Vaughn—present
Cropsey—present	Hood—present	Nye—present	Voorhees—present
Curtis—present	Horton—present	Olshove—present	Walberg—present
Dalman—present	Jansen—present	Owen—present	Wallace—present
DeHart—present	Jaye—present	Oxender—present	Wetters—present
DeVuyst—present	Jelinek—present	Palamara—present	Whyman—present
Dobb—present	Jellema—present	Parks—present	Willard—present
Dobronski—present	Johnson—present	Perricone—present	Wojno—present
Emerson—present			

e/d/s = entered during session

Rep. Eileen DeHart, from the 18th District, offered the following invocation:

“Lord, Thank You for another day in which to do Your will and the people’s work. Give us caring, compassion and wisdom. Caring to remember whatsoever we do to the least of our brothers that we do unto You. Caring to make us aware that if someone has money they should not get better service than those less fortunate and, in fact, those less fortunate are more in need. Compassion to know that someone else’s problems could very well be ours tomorrow. Compassion to never lose sight of wrongs and try to right them. Wisdom to know the difference between governing and serving. Keep us aware that we are here to serve the people, not govern them. Always let us remember to serve with caring, compassion and wisdom. Amen.”

Rep. Dobronski moved that Rep. Baade be granted an excuse from today’s session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

House Concurrent Resolution No. 6.

A concurrent resolution to disapprove Executive Order 1996-11 on executive reorganization.

(For text of resolution, see p. 85 of House Journal No. 4.)

(The concurrent resolution was reported by the Committee on Education on February 19, consideration of which was postponed until February 20 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 Education.

The motion prevailed and the concurrent resolution was re-referred to the Committee on Education.

Second Reading of Bills

House Bill No. 4232, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 7 (MCL 722.627), as amended by 1995 PA 225, and by adding sections 7b, 7c, 7d, 7e, 7f, 7g, and 7h.

The bill was read a second time.

Reps. McManus and Gire moved to amend the bill as follows:

1. Amend page 14, following line 2, by inserting:

“SEC. 9A. THE AGENCY WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR ADMINISTERING AND PROVIDING SERVICES UNDER THIS ACT SHALL MAKE AN ANNUAL COMPREHENSIVE REPORT TO THE LEGISLATURE THAT SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

(A) STATISTICAL INFORMATION INCLUDING AT LEAST ALL OF THE FOLLOWING:

(i) TOTAL REPORTS OF ABUSE AND NEGLECT INVESTIGATED UNDER THIS ACT AND THE NUMBER WHICH WERE SUBSTANTIATED AND UNSUBSTANTIATED.

(ii) CHARACTERISTICS OF PERPETRATORS OF ABUSE AND NEGLECT AND THE CHILD VICTIMS SUCH AS AGE, RELATIONSHIP, SOCIOECONOMIC STATUS, RACE, AND ETHNICITY.

(iii) THE CATEGORY LISTED UNDER SECTION 3 IN WHICH THE INDIVIDUAL WHO MADE THE REPORT FITS, OR OTHER CATEGORIZATION IF THE INDIVIDUAL IS NOT WITHIN A GROUP REQUIRED TO REPORT UNDER THIS ACT.

(iv) STATISTICS RELATING TO THE CENTRAL REGISTRY SUCH AS NUMBER OF INDIVIDUALS AND THEIR CHARACTERISTICS.

(B) POLICY RELATED TO CHILDREN’S PROTECTIVE SERVICES INCLUDING, BUT NOT LIMITED TO, MAJOR POLICY CHANGES AND COURT DECISIONS AFFECTING THE ADMINISTRATION OF THIS ACT.”.

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4232, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 1995 PA 225, and by adding sections 7b, 7c, 7d, 7e, 7f, 7g, and 7h.

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

Roll Call No. 46

Yeas—108

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

Nays—0

In The Chair: Hertel

The question being on agreeing to the title of the bill,

Rep. Gagliardi moved to amend the title to read as follows:

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 1995 PA 225, and by adding sections 7b, 7c, 7d, 7e, 7f, 7g, 7h, and 9a.

The motion prevailed.

The House agreed to the title as amended.

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

The motion prevailed, two-thirds of the members serving voting therefor.

Reps. Alley, Birkholz, Bodem, Brackenridge, Brater, Brewer, Brown, Byl, Callahan, Ciaramitaro, Crissman, Dalman, DeHart, DeVuyst, Dobb, Frank, Freeman, Gagliardi, Geiger, Gilmer, Jelinek, Jellema, Kelly, Kilpatrick, Kukuk, Law, London, Lowe, Mans, Middaugh, Middleton, Olshove, Palamara, Raczkowski, Richner, Rocca, Schauer, Schermesser, Scranton, Sikkema, Stallworth, Tesanovich, Thomas, Varga, Voorhees, Wallace and Wojno were named co-sponsors of the bill.

The Speaker called the Speaker Pro Tempore to the Chair.

Second Reading of Bills

House Bill No. 4039, entitled

A bill to create the model emergency vehicle operation policy commission; to prescribe its membership, powers, and duties; to prescribe the powers and duties of certain state and local agencies and departments; to provide for the development and certification of emergency vehicle operation policies; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Judiciary,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. McNutt moved to amend the bill as follows:

1. Amend page 2, line 2, after "257.632" by striking out the balance of the subdivision and inserting a period.

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

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

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

Rep. Gubow moved that consideration of the bill be postponed until the next legislative session day.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Wetters, Bobier, Dobronski, Brackenridge, Rhead and Green offered the following resolution:

House Resolution No. 16.

A resolution to create a special committee to study land use issues.

Whereas, Land use issues have long presented unique challenges for state and local governmental public policy makers. Conflicts on land use all across our state involve a wide range of groups and interests; and

Whereas, Examples of concerns that are enfolded in land use questions include environmental contamination, suburban sprawl, agricultural operations, development projects, transportation, recreation, commercial growth, and preserving certain acreage. Due to the wide range of related issues, legislation dealing with land use issues is too easily fragmented. There is much to be gained from a consolidated legislative effort dealing with land use prior to actions by the respective standing committees; now, therefore, be it

Resolved by the House of Representatives, That there be created a special committee to study land use issues in Michigan. The special committee shall be comprised of 5 members of the majority and 4 members of the minority, including the chair and minority vice-chair of the Agriculture Committee and the chair and minority vice-chair of the Local Government Committee, with the remaining members to be appointed by the Speaker. The special committee to study land use issues may review the content of bills the chairs of the Agriculture and Local Government Committees request it to review and the content of other bills at the request of the Speaker. The special committee will complete its work and make recommendations on the bills it reviews to the appropriate committees by December 31, 1998.

Pending the reference of the resolution to a committee,

Rep. Cherry moved that Rule 77 be suspended and the resolution be considered at this time.

Rep. Cherry moved that consideration of the motion be postponed until the next legislative session day.

The motion prevailed.

Reports of Standing Committees

The Committee on House Oversight and Ethics, by Rep. Gagliardi, Chair, reported

House Concurrent Resolution No. 7.

A concurrent resolution to call upon the Governor to support emergency appropriations when snow removal costs threaten the resources of local governmental units.

(For text of resolution, see House Journal No. 6, p. 109.)

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 7 To Report Out:

Yeas: Reps. Gagliardi, Cherry, Brewer, DeHart, Hanley, Kilpatrick, Varga, Wallace, Gustafson, DeVuyst, Goschka, Voorhees,

Nays: Reps. Fitzgerald, Perricone.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gagliardi, Chair of the Committee on House Oversight and Ethics, was received and read:

Meeting held on: Monday, February 24, 1997, at 2:00 p.m.,

Present: Reps. Gagliardi, Cherry, Brewer, DeHart, Hanley, Kilpatrick, Varga, Wallace, Gustafson, DeVuyst, Fitzgerald, Goschka, Perricone, Richner, Voorhees,

Absent: Reps. Agee, Wojno,

Excused: Reps. Agee, Wojno.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Dobronski, Chair of the Committee on Local Government, was received and read:

Meeting held on: Tuesday, February 25, 1997, at 9:00 a.m.,

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

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, February 25, 1997, at 9:00 a.m.,

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

Notices

February 25, 1997

The Honorable Mary Kay Scullion
Clerk of the House
Michigan House of Representatives
State Capitol Building
Lansing, MI

Dear Ms. Scullion:

I am writing to inform you of changes in committee assignments for a number of members.

Effective immediately, I am appointing Representative Brown to Conservation, Environment and Recreation replacing Representative Pitoniak. Representative Griffin will now serve on Public Retirement replacing Representative Pitoniak. Representative Freeman will serve on Insurance replacing Representative Brown. Representative DeHart will serve on Corrections replacing Representative Baird. Representative Baird will serve on Urban Policy and Economic Development replacing Representative Pitoniak. Representative Wojno will now serve on Health Policy replacing Representative Baade.

Thank you for your attention to this matter. Please make all necessary changes to records for the committee and the House of Representatives.

Please contact me if there are any questions about these appointments.

Sincerely,
Curtis Hertel
Speaker of the House

Public Hearing

Committee on Mental Health in conjunction with the House Appropriation Subcommittee on Community Health

Place: McGregor Center, Wayne State University, Detroit, Michigan

Time: 9:00 a.m.

Date: Monday, March 3, 1997

Rep. Baird

Chair

Agenda: Proposed closing of the Detroit Psychiatric Institute.
any and/or all business properly before this committee.

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, February 19:

Senate Bill Nos.	156	157	158	159	160	161	162	163	164	165	166	167	168	169
	170	171	172	173	174	175	176	177	178	179	180	181	182	183
	184	185	186	187	188	189	190	191	192	193	194	195	196	197
	198	199	200	208										

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members, Monday, February 24:

House Bill Nos.	4337	4338	4339	4340	4341	4342	4343	4344	4345	4346	4347	4348	4349	4350
	4351	4352	4353	4354	4355	4356	4357	4358	4359	4360	4361	4362	4363	4364
	4365													

House Joint Resolutions L M

Communications from State Officers

The following communication from the Auditor General was received and read:

February 21, 1997

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of Eastern Michigan University

February 1997

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on House Oversight and Ethics.

Introduction of Bills

Reps. Gustafson, McBryde, Kaza, Goschka, Lowe, Dobb, Brackenridge, Martinez, Gilmer and Cherry introduced

House Bill No. 4366, entitled

A bill to amend 1984 PA 427, entitled "Municipal employees retirement act of 1984," (MCL 38.1501 to 38.1555) by adding section 10b.

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

Reps. Mans, Thomas, Bogardus, Wojno, Agee, Price, Mathieu, Brater, Kaza, Martinez, Parks, McBryde, Goschka, Lowe, Dobb, Profit, Palamara, Brackenridge, Schermesser, Cherry, Gilmer, Prusi, Hale and Kelly introduced

House Bill No. 4367, entitled

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

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

Reps. DeHart, Thomas, Bogardus, Wojno, Brown, Agee, Price, Mathieu, Kaza, Martinez, Wetters, Schermesser, McBryde, Goschka, Lowe, Kelly, Dobb, Brackenridge, Parks, Cherry, Gilmer and Brewer introduced

House Bill No. 4368, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," (MCL 38.1001 to 38.1080) by adding section 23f.

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

Reps. Brewer, McBryde, Kaza, Martinez, Goschka, Dobb, Lowe, Frank, Brackenridge, Cherry, Gilmer and DeHart introduced

House Bill No. 4369, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 1996 PA 390.

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

Reps. Kaza, Raczkowski, Cropsey and Kukuk introduced

House Bill No. 4370, entitled

A bill to regulate benefits provided to certain public employee retirement system participants in this state; and to prescribe powers and duties of certain retirement systems, state departments, public officials, and public employees.

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

Reps. Mathieu, Cropsey, McManus, Kaza, Walberg, Nye, Lowe, Owen, Richner, Horton, LaForge, Gernaat, Llewellyn and Goschka introduced

House Bill No. 4371, entitled

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

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

Reps. DeVuyst, Lowe, Voorhees, Jellema, Rocca, Green, Jelinek and Geiger introduced

House Bill No. 4372, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 1996 PA 476.

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

Reps. Schermesser, Kelly, Bogardus, DeHart, Cherry, Scott, Brater, Varga, Brewer, Bodem, Hale, LaForge, Hanley, Willard, Mans, Palamara, Martinez and Parks introduced

House Bill No. 4373, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 261c.

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

Reps. Schermesser, Kelly, Bogardus, DeHart, Cherry, Scott, Martinez, Lowe, Tesanovich, Varga, Brewer, Bodem, Goschka, Hale, Thomas, LaForge, McBryde, Hanley, Willard, Brown, Mans, Profit, Palamara, Harder and Parks introduced

House Bill No. 4374, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 273 (MCL 206.273), as added by 1988 PA 516.

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

Reps. Schermesser, Kelly, DeHart, Cherry, Scott, Kaza, Varga, Tesanovich, Bodem, Hale, LaForge, McBryde, Hanley, Willard, Profit, Palamara, Harder and Parks introduced

House Bill No. 4375, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 57 (MCL 211.57), as amended by 1993 PA 291.

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

Rep. Profit introduced

House Bill No. 4376, entitled

A bill to prohibit the state or a political subdivision of the state from imposing a substantial burden on a person's exercise of religion unless the state or political subdivision of the state demonstrates a compelling governmental interest in imposing that burden; and to provide a claim or defense to persons whose exercise of religion is substantially burdened by the state or a political subdivision of the state.

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

Reps. Cropsey, McBryde, Kaza, Brewer, Jelinek, Tesanovich, Martinez, Brater, Emerson, Raczkowski, Wetters, Green, Geiger, Goschka, Gire, Walberg and Llewellyn introduced

House Bill No. 4377, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1704.

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

Reps. Cropsey, McBryde, Kaza, Jelinek, Brewer, Tesanovich, Brater, Martinez, Emerson, Raczkowski, Wetters, Green, Geiger, Goschka, Gire and Llewellyn introduced

House Bill No. 4378, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by amending the title, as amended by 1995 PA 289, and by adding part 31a; and to repeal acts and parts of acts.

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

Reps. Stallworth, Hale, DeHart, Vaughn, Scott, Freeman, Thomas, Schauer, Leland, Harder, Hanley, Olshove, Murphy, Rison, Quarles, Kilpatrick, Mans, Goschka, Callahan and Price introduced

House Bill No. 4379, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3147.

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

Rep. Wojno moved that the House adjourn.

The motion prevailed, the time being 3:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 26, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.