

No. 94
JOURNAL OF THE HOUSE

House Chamber, Lansing, Thursday, December 4, 1997.

10:00 a.m.

The House was called to order by the Associate Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Agee—present	Emerson—present	Kaza—present	Price—present
Alley—present	Fitzgerald—present	Kelly—present	Profit—present
Anthony—present	Frank—present	Kilpatrick—present	Prusi—present
Baade—present	Freeman—present	Kukuk—present	Quarles—present
Baird—present	Gagliardi—present	LaForge—present	Rackowski—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—present
Brackenridge—present	Goschka—present	Mans—present	Schroer—present
Brater—present	Green—present	Martinez—present	Scott—present
Brewer—present	Griffin—present	Mathieu—present	Scranton—present
Brown—present	Gubow—present	McBryde—present	Sikkema—present
Byl—present	Gustafson—present	McManus—present	Stallworth—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—present	Harder—present	Murphy—present	Vaughn—present
Crissman—present	Hertel—present	Nye—present	Voorhees—present
Cropsey—excused	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

Rep. Jack Horton, from the 73rd District, offered the following invocation:

“Heavenly Father, we come before You today with a great sense of humility and accountability as we seek to do the business of the great State of Michigan. Today we ask for Your guidance, Your direction and Your blessing. The tasks before us are not always easy, nor are they easy to explain to our constituents, but yet are very serious matters that we have to deal with. So we ask for Your wisdom, we ask for a sense of stability, a sense of accomplishment when we are done. But because of the accountability and respect we have for Your will for the people of this State, guide us today, we pray this in Jesus’ name.”

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

Introduction of Bills

Rep. Wallace introduced

House Bill No. 5406, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 1, 2, and 3 of chapter XI (MCL 771.1, 771.2, and 771.3), section 1 as amended by 1993 PA 185, section 2 as amended by 1994 PA 286, and section 3 as amended by 1994 PA 445.

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

The Speaker Pro Tempore assumed the Chair.

By unanimous consent the House returned to the order of

Second Reading of Bills

Senate Bill No. 490, entitled

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,” by amending sections 13a, 18, 18f, 19, and 19a of chapter XIIA (MCL 712A.13a, 712A.18, 712A.18f, 712A.19, and 712A.19a), section 13a as amended by 1996 PA 409, section 18 as amended by 1996 PA 244, sections 18f and 19 as amended by 1996 PA 16, and section 19a as amended by 1994 PA 264, and by adding section 13b to chapter XIIA.

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

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

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

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Reps. LaForge and Horton moved to amend the bill as follows:

1. Amend page 8, following line 25, by inserting:

“(14) IN AN ORDER PLACING A CHILD IN FOSTER CARE, THE COURT SHALL INCLUDE BOTH OF THE FOLLOWING:

(A) AN ORDER THAT THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN PROVIDE THE SUPERVISING AGENCY WITH THE NAME AND ADDRESS OF EACH OF THE CHILD'S MEDICAL PROVIDERS.

(B) AN ORDER THAT EACH OF THE CHILD'S MEDICAL PROVIDERS RELEASE THE CHILD'S MEDICAL RECORDS. THE ORDER MAY SPECIFY PROVIDERS BY PROFESSION OR TYPE OF INSTITUTION." and renumbering the remaining subsection.

2. Amend page 35, line 20, by striking out all of enacting section 1 and inserting:

"Enacting section 1. (1) The title of 1939 PA 288, as amended by this amendatory act, takes effect January 1, 1998.

(2) Sections 13a, 18, 18f, 19, and 19a of chapter XIIA of 1939 PA 288, MCL 712A.13a, 712A.18, 712A.18f, 712A.19, and 712A.19a, as amended by this amendatory act, take effect 90 days after the sine die adjournment date for 1997 session of the 89th Legislature.

(3) Section 13b of chapter XIIA of 1939 PA 288, MCL 712A.13b, as added by this amendatory act, takes effect July 1, 1998."

Rep. LaForge moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Senate Bill No. 491, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 6232. The bill was read a second time.

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 491, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 6232.

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

Roll Call No. 961

Yeas—101

Agee	Freeman	Kilpatrick	Price
Alley	Gagliardi	Kukuk	Profit
Anthony	Galloway	LaForge	Prusi
Baird	Geiger	Law	Quarles
Banks	Gernaat	Leland	Rackowski
Basham	Gilmer	LeTarte	Rhead
Birkholz	Gire	Llewellyn	Richner
Bobier	Godchaux	London	Rocca
Bodem	Goschka	Lowe	Schauer
Bogardus	Green	Mans	Schermesser
Brackenridge	Griffin	Martinez	Schroer
Brater	Gubow	Mathieu	Scott
Brewer	Hale	McBryde	Scranton
Brown	Hammerstrom	McManus	Sikkema
Byl	Hanley	McNutt	Stallworth
Callahan	Harder	Middaugh	Tesanovich
Ciaramitaro	Hood	Middleton	Varga
Crissman	Horton	Murphy	Vaughn
Curtis	Jansen	Nye	Voorhees
Dalman	Jaye	Olshove	Walberg

DeVuyst
Dobb
Dobronski
Emerson
Fitzgerald
Frank

Jelinek
Jellema
Johnson
Kaza
Kelly

Owen
Oxender
Palamara
Parks
Perricone

Wallace
Wetters
Whyman
Willard
Wojno

Nays—0

In The Chair: Murphy

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The House agreed to the full title of the bill.

Second Reading of Bills

Senate Bill No. 492, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts,” by amending the title (MCL 722.111 to 722.128), as amended by 1994 PA 209, and by adding section 8b.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Human Services and Children,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Reps. LaForge and Horton moved to amend the bill as follows:

1. Amend page 2, line 16, after “AGENCY,” by striking out the balance of the line through “INTERESTS,” on line 17.

2. Amend page 2, line 20, after “TOGETHER.” by striking out the balance of the subsection and inserting “IF THE DEPARTMENT DETERMINES THAT SUCH A PLACEMENT WOULD BE IN THE CHILD’S BEST INTERESTS AND THAT THE VARIANCE FROM THE PARTICULAR LICENSING RULES OR STATUTES WOULD NOT JEOPARDIZE THE HEALTH OR SAFETY OF A CHILD RESIDING IN THE FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME, THE DEPARTMENT MAY GRANT THE VARIANCE.”.

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 492, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts,” by amending the title (MCL 722.111 to 722.128), as amended by 1994 PA 209, and by adding section 8b.

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

Roll Call No. 962

Yeas—102

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

Nays—0

In The Chair: Murphy

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 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts,” by amending the title and section 3a (MCL 722.113a), the title as amended by 1994 PA 209 and section 3a as added by 1986 PA 140, and by adding section 8b.

The motion prevailed.

The House agreed to the title as amended.

Second Reading of Bills

Senate Bill No. 503, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 1988 PA 372.

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

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

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

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

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

Rep. Kelly moved that Rep. DeHart be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 503, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 1988 PA 372.

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

Roll Call No. 963

Yeas—103

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

Dobronski
Fitzgerald
Frank

Johnson
Kaza
Kelly

Parks
Perricone
Price

Willard
Wojno

Nays—0

In The Chair: Murphy

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 “An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 8 (MCL 722.628), as amended by 1997 PA 59.

The motion prevailed.

The House agreed to the title as amended.

Second Reading of Bills

Senate Bill No. 504, 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 section 7b.

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

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

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

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

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

Rep. Kelly moved that Reps. Cherry and Thomas be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 504, 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 section 7b.

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

Roll Call No. 964**Yeas—100**

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

Nays—0

In The Chair: Murphy

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 "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," (MCL 722.621 to 722.636) by adding section 7b.

The motion prevailed.

The House agreed to the title as amended.

Second Reading of Bills**Senate Bill No. 515, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 7 and 8 (MCL 722.627 and 722.628), section 7 as amended by 1995 PA 225 and section 8 as amended by 1988 PA 372, and by adding sections 8b and 8c.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4)* previously recommended by the Committee on Human Services and Children,

The substitute (H-4)* was not adopted, a majority of the members serving not voting therefor.

Rep. LaForge moved to substitute (H-7) the bill.

The motion prevailed and the substitute (H-7) was adopted, a majority of the members serving voting therefor.

Reps. LaForge and Horton moved to amend the bill as follows:

1. Amend page 7, line 8, after "INJURY" by striking out the balance of the line through the first "OF" on line 9 and inserting "OF A CHILD, OR".

2. Amend page 7, line 9, after "THE" by inserting "DEPARTMENT SHALL REFER THE CASE TO THE".

3. Amend page 7, line 10, after "LOCATED" by inserting a period and "THE PROSECUTING ATTORNEY".

4. Amend page 7, line 12, after "THE" by striking out "PROCEDURE" and inserting "PROTOCOL".

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

Reps. LaForge and Horton moved to amend the bill as follows:

1. Amend page 7, line 18, after "DEPARTMENT" by striking out the balance of the line through "EVIDENCE" on line 19 and inserting "DETERMINES".

2. Amend page 7, line 21, after "FOR" by striking out the balance of the line through "CHILD" on line 22 and inserting "AUTHORIZATION BY THE COURT".

3. Amend page 7, line 24, after "PETITION" by striking out "TO" and inserting "FOR AUTHORIZATION BY".

4. Amend page 8, line 1, after "DEPARTMENT" by striking out "HAS REASONABLE CAUSE TO BELIEVE" and inserting "DETERMINES".

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

Rep. Baird moved to amend the bill as follows:

1. Amend page 8, line 6, after "ABANDONMENT" by inserting "OF A YOUNG CHILD".

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 515, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 7 and 8 (MCL 722.627 and 722.628), section 7 as amended by 1995 PA 225 and section 8 as amended by 1988 PA 372, and by adding sections 8b and 8c.

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

Roll Call No. 965

Yeas—102

Agee	Frank	Kelly	Profit
Alley	Freeman	Kilpatrick	Prusi
Anthony	Gagliardi	Kukuk	Quarles
Baird	Galloway	LaForge	Raczkowski
Banks	Geiger	Law	Rhead
Basham	Gernaat	Leland	Richner
Birkholz	Gilmer	LeTarte	Rison
Bobier	Gire	Llewellyn	Rocca
Bodem	Godchaux	London	Schauer
Bogardus	Goschka	Lowe	Schermesser
Brackenridge	Green	Mans	Schroer
Brater	Gubow	Martinez	Scott
Brewer	Gustafson	Mathieu	Scranton
Brown	Hale	McBryde	Sikkema
Byl	Hammerstrom	McManus	Stallworth
Callahan	Hanley	McNutt	Tesanovich
Cassis	Harder	Middaugh	Varga
Ciaramitaro	Hertel	Middleton	Vaughn

Crissman	Hood	Murphy	Voorhees
Curtis	Horton	Olshove	Walberg
Dalman	Jansen	Oxender	Wallace
DeVuyst	Jaye	Palamara	Wetters
Dobb	Jelinek	Parks	Whyman
Dobronski	Jellema	Perricone	Willard
Emerson	Johnson	Price	Wojno
Fitzgerald	Kaza		

Nays—0

In The Chair: Murphy

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 “An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 7 (MCL 722.627), as amended by 1995 PA 225, and by adding sections 8b, 8c, 17, and 18.

The motion prevailed.

The House agreed to the title as amended.

Second Reading of Bills

Senate Bill No. 516, entitled

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,” by amending sections 13a, 17, 17c, 19, and 19b of chapter XIIA (MCL 712A.13a, 712A.17, 712A.17c, 712A.18f, 712A.19, and 712A.19b), sections 13a and 17 as amended by 1996 PA 409, sections 17c and 19b as amended by 1994 PA 264, and section 19 as amended by 1996 PA 16, and by adding section 13c to chapter XIIA.

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

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Reps. LaForge and Horton moved to amend the bill as follows:

1. Amend page 2, line 18, after “DAYS” by inserting “UNLESS THE COURT STATES ON THE RECORD THE SPECIFIC REASONS WHY A LONGER ADJOURNMENT OR CONTINUANCE IS NECESSARY”.
2. Amend page 7, line 4, after “ATTORNEY” by inserting “FOR THE CHILD”.

3. Amend page 7, line 6, after “AGENCY” by inserting a comma and “UNLESS THE COURT DISCHARGES THE ATTORNEY FOR GOOD CAUSE SHOWN ON THE RECORD. IF THE CHILD REMAINS SUBJECT TO THE JURISDICTION, CONTROL, OR SUPERVISION OF THE COURT, OR THE MICHIGAN CHILDREN’S INSTITUTE OR OTHER AGENCY, THE COURT SHALL IMMEDIATELY APPOINT ANOTHER ATTORNEY TO REPRESENT THE CHILD”.

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

Rep. Baird moved to amend the bill as follows:

1. Amend page 12, line 10, after “ABANDONMENT” by inserting “OF A YOUNG CHILD”.

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

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

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

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

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

Rep. Brackenridge moved that Rep. Dobb be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 516, entitled

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,” by amending sections 13a, 17, 17c, 19, and 19b of chapter XIIA (MCL 712A.13a, 712A.17, 712A.17c, 712A.18f, 712A.19, and 712A.19b), sections 13a and 17 as amended by 1996 PA 409, sections 17c and 19b as amended by 1994 PA 264, and section 19 as amended by 1996 PA 16, and by adding section 13c to chapter XIIA.

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

Roll Call No. 966

Yeas—101

Agee	Freeman	Kilpatrick	Prusi
Anthony	Gagliardi	Kukuk	Quarles
Baade	Galloway	LaForge	Rackowski
Baird	Geiger	Law	Rhead
Banks	Gernaat	Leland	Richner
Basham	Gilmer	LeTarte	Rison
Birkholz	Gire	Llewellyn	Rocca
Bobier	Godchaux	London	Schauer
Bodem	Goschka	Lowe	Schermesser
Bogardus	Green	Mans	Schroer
Brewer	Gubow	Martinez	Scott
Brown	Gustafson	Mathieu	Scranton
Byl	Hale	McBryde	Sikkema
Callahan	Hammerstrom	McManus	Stallworth

Cassis	Hanley	McNutt	Tesanovich
Cherry	Harder	Middaugh	Thomas
Ciaramitaro	Hood	Middleton	Varga
Crissman	Horton	Murphy	Vaughn
Curtis	Jansen	Nye	Voorhees
Dalman	Jaye	Olshove	Walberg
DeHart	Jelinek	Owen	Wallace
DeVuyst	Jellema	Oxender	Wetters
Dobronski	Johnson	Parks	Whyman
Emerson	Kaza	Perricone	Willard
Fitzgerald	Kelly	Price	Wojno
Frank			

Nays—0

In The Chair: Murphy

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 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,” by amending sections 17, 17c, and 19b of chapter XIIA (MCL 712A.17, 712A.17c, and 712A.19b), section 17 as amended by 1996 PA 409 and sections 17c and 19b as amended by 1994 PA 264, and by adding section 22 to chapter XIIA.

The motion prevailed.

The House agreed to the title as amended.

Second Reading of Bills

Senate Bill No. 517, entitled

A bill to amend 1984 PA 422, entitled “An act to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; and to provide penalties,” by amending sections 4, 5, 7, and 9 (MCL 722.134, 722.135, 722.137, and 722.139), as amended by 1989 PA 74.

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

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

Reps. LaForge and Horton moved to amend the bill as follows:

1. Amend page 10, following line 15, by inserting:

“Enacting section 2. Section 7 of 1984 PA 422, MCL 722.137, as amended by this amendatory act, takes effect July 1, 1998.”.

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 517, entitled

A bill to amend 1984 PA 422, entitled "An act to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; and to provide penalties," by amending sections 4, 5, 7, and 9 (MCL 722.134, 722.135, 722.137, and 722.139), as amended by 1989 PA 74.

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

Roll Call No. 967

Yeas—104

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

Nays—0

In The Chair: Murphy

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 1984 PA 422, entitled "An act to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; and to provide penalties," by amending sections 4, 5, 7, and 9 (MCL 722.134, 722.135, 722.137, and 722.139), as amended by 1989 PA 74, and by adding section 7a.

The motion prevailed.

The House agreed to the title as amended.

Second Reading of Bills

Senate Bill No. 543, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 4 (MCL 400.204).

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

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 543, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 4 (MCL 400.204).

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

Roll Call No. 968

Yeas—102

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

Nays—0

In The Chair: Murphy

The House agreed to the title of the bill.

Second Reading of Bills**Senate Bill No. 544, entitled**

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 2 (MCL 722.952) and by adding sections 4a and 4b.

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

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

Reps. LaForge and Horton moved to amend the bill as follows:

1. Amend page 4, line 15, after "IF" by striking out "A FAMILY HAS NOT PETITIONED TO ADOPT A CHILD" and inserting "AN ADOPTIVE FAMILY FOR A CHILD HAS NOT BEEN IDENTIFIED".

2. Amend page 5, line 7, by striking out all of line 7 through "RECORDS." on line 11.

3. Amend page 6, line 8, after the second "ABUSE" by inserting a comma.

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

Rep. Cassis moved to amend the bill as follows:

1. Amend page 6, line 10, after "PROFESSIONAL" by striking out the balance of the line through all of line 13 and inserting a comma and "AS DEFINED UNDER MCL 330.1100B(14)(A) OR (B), WHO IS TRAINED IN CONDUCTING CHILDREN'S PSYCHOLOGICAL EVALUATIONS, CONDUCT A".

2. Amend page 6, line 14, after the third "THE" by striking out "ASSESSMENT OR".

The question being on the adoption of the amendments offered by Rep. Cassis,

Rep. Rhead demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Cassis,

Rep. Gagliardi moved that consideration of the amendments be postponed temporarily.

The motion prevailed.

The Speaker assumed the Chair.

Rep. Thomas, under Rule 33, made the following statement:

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 962-965. Had I been present, I would have voted "yes"."

Rep. Dobb, under Rule 33, made the following statement:

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 966-968. Had I been present, I would have voted "yes"."

The House returned to the consideration of

Senate Bill No. 490, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be

brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 13a, 18, 18f, 19, and 19a of chapter XIIA (MCL 712A.13a, 712A.18, 712A.18f, 712A.19, and 712A.19a), section 13a as amended by 1996 PA 409, section 18 as amended by 1996 PA 244, sections 18f and 19 as amended by 1996 PA 16, and section 19a as amended by 1994 PA 264, and by adding section 13b to chapter XIIA.

(The bill was considered earlier today, see today's Journal, p. 2494.)

The question being on the adoption of the amendments offered previously by Reps. LaForge and Horton,

Rep. LaForge withdrew the amendments.

Reps. LaForge and Horton moved to amend the bill as follows:

1. Amend page 8, following line 25, by inserting:

"(14) IN AN ORDER PLACING A CHILD IN FOSTER CARE, THE COURT SHALL INCLUDE BOTH OF THE FOLLOWING:

(A) AN ORDER THAT THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN PROVIDE THE SUPERVISING AGENCY WITH THE NAME AND ADDRESS OF EACH OF THE CHILD'S MEDICAL PROVIDERS.

(B) AN ORDER THAT EACH OF THE CHILD'S MEDICAL PROVIDERS RELEASE THE CHILD'S MEDICAL RECORDS. THE ORDER MAY SPECIFY PROVIDERS BY PROFESSION OR TYPE OF INSTITUTION." and renumbering the remaining subsection.

2. Amend page 35, line 20, by striking out all of enacting section 1 and inserting:

"Enacting section 1. (1) The title of 1939 PA 288, as amended by this amendatory act, takes effect January 1, 1998.

(2) Sections 13a, 18, 18f, 19, and 19a of chapter XIIA of 1939 PA 288, MCL 712A.13a, 712A.18, 712A.18f, 712A.19, and 712A.19a, as amended by this amendatory act, take effect after the expiration of 90 days after the sine die adjournment date for 1997 session of the 89th Legislature.

(3) Section 13b of chapter XIIA of 1939 PA 288, MCL 712A.13b, as added by this amendatory act, takes effect July 1, 1998."

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

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

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 490, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 13a, 18, 18f, 19, and 19a of chapter XIIA (MCL 712A.13a, 712A.18, 712A.18f, 712A.19, and 712A.19a), section 13a as amended by 1996 PA 409, section 18 as amended by 1996 PA 244, sections 18f and 19 as amended by 1996 PA 16, and section 19a as amended by 1994 PA 264, and by adding section 13b to chapter XIIA.

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

Roll Call No. 969

Yeas—107

Agee
Alley
Anthony
Baade
Baird

Fitzgerald
Frank
Freeman
Gagliardi
Galloway

Kelly
Kilpatrick
Kukuk
LaForge
Law

Profit
Prusi
Quarles
Raczowski
Rhead

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

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 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,” by amending the title and sections 13a, 18, 18f, 19, and 19a of chapter XIIA (MCL 712A.13a, 712A.18, 712A.18f, 712A.19, and 712A.19a), the title as amended by 1982 PA 398, section 13a as amended by 1996 PA 409, section 18 as amended by 1996 PA 244, sections 18f and 19 as amended by 1996 PA 16, and section 19a as amended by 1994 PA 264, and by adding section 13b to chapter XIIA.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 4215, entitled

A bill to amend 1993 PA 327, entitled “The federal data facility act,” by amending the title and sections 2, 5, 6, 7, 8, 9, and 12 (MCL 205.422, 205.425, 205.426, 205.427, 205.428, 205.429, and 205.432), section 9 as amended by 1995 PA 118, and by adding sections 5a, 5b, 6a, 6b, 7a, and 7b.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Tax Policy (for amendments, see House Journal No. 93, p. 2486),

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

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

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

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. 4215, entitled

A bill to amend 1993 PA 327, entitled "The federal data facility act," by amending the title and sections 2, 5, 6, 7, 8, 9, and 12 (MCL 205.422, 205.425, 205.426, 205.427, 205.428, 205.429, and 205.432), section 9 as amended by 1995 PA 118, and by adding sections 5a, 5b, 6a, 6b, 7a, and 7b.

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

Roll Call No. 970

Yeas—100

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

Nays—7

Freeman	Kaza	Nye	Whyman
Jaye	Kukuk	Walberg	

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 1993 PA 327, entitled "Tobacco products tax act," by amending the title and sections 2, 5, 6, 7, 8, 9, and 12 (MCL 205.422, 205.425, 205.426, 205.427, 205.428, 205.429, and 205.432), section 9 as amended by 1995 PA 118, and by adding sections 5a, 5b, 6a, 6b, and 7a.

The motion prevailed.
 The House agreed to the title as amended.
 Rep. Gagliardi moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.

Notices

Rep. Emerson moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 5370**.

(For first notice see House Journal No. 93, p. 2481.)

The question being on the motion by Rep. Emerson,
 The motion prevailed.
 The bill was referred to the order of Second Reading of Bills.

By unanimous consent the House returned to the order of
Second Reading of Bills

House Bill No. 5370, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1272a, 1272c, and 1225 (MCL 380.1272a, 380.1272c, and 380.1225), section 1272a as amended by 1995 PA 289 and section 1225 as amended by 1994 PA 103.

The bill was read a second time.

Rep. Emerson moved to substitute (H-1) the bill.

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

Rep. Emerson 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. 5370, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1272a, 1272c, and 1225 (MCL 380.1272a, 380.1272c, and 380.1225), section 1272a as amended by 1995 PA 289 and section 1225 as amended by 1994 PA 103.

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

Roll Call No. 971

Yeas—105

Agee	Emerson	Kaza	Price
Alley	Fitzgerald	Kelly	Profit
Anthony	Frank	Kilpatrick	Prusi
Baade	Freeman	Kukuk	Quarles
Baird	Gagliardi	LaForge	Raczkowski
Bankes	Galloway	Law	Rhead
Basham	Geiger	Leland	Richner
Birkholz	Gernaat	LeTarte	Rison
Bobier	Gilmer	Llewellyn	Rocca
Bodem	Gire	London	Schauer
Bogardus	Godchaux	Lowe	Schermesser
Brackenridge	Goschka	Mans	Schroer
Brater	Green	Martinez	Scott
Brewer	Gubow	Mathieu	Scranton
Brown	Gustafson	McBryde	Sikkema
Byl	Hale	McManus	Stallworth
Callahan	Hammerstrom	McNutt	Tesanovich

Cassis
Cherry
Ciaramitaro
Crissman
Curtis
Dalman
DeHart
DeVuyst
Dobb
Dobronski

Hanley
Harder
Hertel
Hood
Horton
Jansen
Jelinek
Jellema
Johnson

Middaugh
Middleton
Murphy
Olshove
Owen
Oxender
Palamara
Parks
Perricone

Thomas
Varga
Vaughn
Voorhees
Walberg
Wallace
Wetters
Willard
Wojno

Nays—2

Jaye

Whyman

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 1976 PA 451, entitled “The revised school code,” by amending sections 629, 1225, 1351, and 1351a (MCL 380.629, 380.1225, 380.1351, and 380.1351a), section 629 as amended by 1991 PA 187, section 1225 as amended by 1994 PA 103, section 1351 as amended by 1990 PA 352, and section 1351a as amended by 1994 PA 278.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Jaye, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

For the first time ever, this bill authorizes school boards to increase taxes, a bonded debt obligation, without a vote of the people. This bill is unconstitutional. The basic principal of democracy is government only with the consent of the governed. It is shameful for this Legislature to allow a tax increase upon the people without consent of the voters. This bill victimizes taxpayers a second time. Taxpayers are being forced to pay twice for the cost of special education stemming from the Durant case.”

Second Reading of Bills

The House returned to the consideration of

Senate Bill No. 544, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 2 (MCL 722.952) and by adding sections 4a and 4b.

(The bill was considered earlier today, see today's Journal, p. 2507.)

The question being on the adoption of the amendments offered previously by Rep. Cassis,

Rep. Cassis withdrew the amendments.

The Speaker Pro Tempore resumed the Chair.

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

1. Amend page 6, line 12, after "MCL 339.1606," by striking out "WHO IS TRAINED IN" and inserting "WHO HAS A LIMITED LICENSE IN CONDUCTING".

The question being on the adoption of the amendment offered by Reps. Cassis and Gire,

Rep. Cassis demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Cassis and Gire,

Rep. Gagliardi moved that consideration of the amendment be postponed temporarily.

The motion prevailed.

House Bill No. 5250, entitled

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

The bill was read a second time.

Rep. Ciaramitaro 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. 5250, entitled

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

The bill was read a third time.

The question being on the passage of the bill,

Rep. Gagliardi moved that consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

House Resolution No. 183.

A resolution to honor the memory of Coleman A. Young.

Whereas, It is with great admiration for his accomplishments and his legacy of fighting for principles that are the foundation of our nation that we mark the passing of Coleman Young. His battles, in civil rights and public service, have strengthened our state in ways that will empower people far into the future; and

Whereas, Even to the end of his days, Coleman Young demonstrated a willingness to take on battles with pride and dignity. As a young man, he was a member of the historic Tuskegee Airmen fighting his country's international foes while combating racism within our own society. This same commitment to bring justice to the disenfranchised led him to involvement with the labor movement, which culminated in a dramatic confrontation with the congressional House Un-American Activities Committee; and

Whereas, With his experience in working with people and his penchant for leadership, Coleman Young was elected as a delegate to the Constitutional Convention that crafted Michigan's present constitution. In 1965, he brought the same negotiating skills and knowledge to the Michigan Legislature. In nine years in the Senate, Coleman Young earned a reputation for his deep understanding of both issues and human nature. He became the Democratic Floor Leader and was instrumental in the passing of landmark open housing legislation; and

Whereas, In 1973, Coleman Young was elected to the first of his five terms as the mayor of Michigan's most important city. Just as the Motor City faced crises in social unrest and disruption in the city's unique, auto-based economy, Mayor Young fought untiringly to redirect attitudes and policies to rebuild Detroit. His tenure, as the longest-serving and the first Black mayor in Detroit, was marked by the conflicts facing urban America and many landmark successes. In this difficult process, Coleman Young laid the foundation for the renaissance that continues on today; and

Whereas, In everything he did, Coleman Young burned with conviction and a genuine affection for the common man. Clearly, we will not soon see another public figure with his strength and spirit; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Coleman A. Young; and be it further

Resolved, That copies of this resolution be transmitted to his family as evidence of our lasting esteem.

The question being on the adoption of the resolution,

The resolution was adopted by a unanimous standing vote.

Third Reading of Bills

The House returned to the consideration of

House Bill No. 5250, entitled

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

(The bill was considered earlier today, see today's Journal, p. 2513.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 972

Yeas—100

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

Nays—5

Brewer	Llewellyn	Martinez	Scranton
Jaye			

In The Chair: Murphy

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 5251, entitled**

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

The bill was read a second time.

Reps. Nye and Ciaramitaro moved to amend the bill as follows:

1. Amend page 1, line 3, after "FOR" by inserting "PROBATE".

2. Amend page 1, line 4, after the second "FOR" by inserting "PROBATE".

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

Rep. Nye 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. 5251, entitled**

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

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

Roll Call No. 973**Yeas—103**

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

Nays—3

Jaye

Llewellyn

Scranton

In The Chair: Murphy

The House agreed to the title of the bill.

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

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

House Bill No. 5114, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30306, 30307, and 30317 (MCL 324.30306, 324.30307, and 324.30317), section 30306 as added by 1995 PA 59, section 30307 as amended by 1995 PA 103, and section 30317 as amended by 1996 PA 530.

(The bill was read a third time, amended, not passed, vote reconsidered and bill postponed for the day on December 3, see House Journal 93, p. 2473.)

The question being on the passage of the bill,

Rep. Gagliardi moved to amend the bill as follows:

1. Amend page 3, following line 19, by inserting:

"(6) IF THE DEPARTMENT DETERMINES THAT A PERMIT IS NOT REQUIRED UNDER THIS PART, THE DEPARTMENT SHALL PROMPTLY REFUND THE FEE PAID UNDER THIS SECTION."

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 974

Yeas—65

Agee	Curtis	Hammerstrom	Middaugh
Alley	Dalman	Hanley	Middleton
Baird	DeVuyst	Hertel	Murphy
Bankes	Dobb	Hood	Parks
Basham	Dobronski	Horton	Price
Birkholz	Emerson	Jelinek	Quarles
Bobier	Fitzgerald	Jellema	Richner
Bodem	Freeman	Johnson	Rison
Bogardus	Galloway	Kilpatrick	Schermesser
Brackenridge	Gilmer	LaForge	Schroer
Brater	Gire	Leland	Scott
Brewer	Godchaux	LeTarte	Sikkema
Brown	Griffin	Mans	Stallworth
Byl	Gubow	Martinez	Thomas
Callahan	Gustafson	McManus	Vaughn
Cherry	Hale	McNutt	Wallace
Crissman			

Nays—39

Anthony	Jansen	Nye	Scranton
Baade	Jaye	Olshove	Tesanovich
Cassis	Kaza	Owen	Varga
Frank	Kelly	Oxender	Voorhees
Gagliardi	Kukuk	Perricone	Walberg
Geiger	Llewellyn	Profit	Wetters
Gernaat	London	Prusi	Whyman
Goschka	Lowe	Raczkowski	Willard
Green	Mathieu	Rhead	Wojno
Harder	McBryde	Rocca	

In The Chair: Murphy

The House agreed to the title of the bill.

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

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

Rep. Wojno moved that his name be removed as sponsor of the bill.

The motion prevailed.

Rep. Jaye, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

This huge fee increase hurts property owners. Wetlands are a taking of private property without compensation to the owner. A fee increase is a tax increase. The fee goes up from \$25 to \$2,500. Bureaucrat power over people’s property has been greatly expanded by this oppressive bill.”

Rep. Wetters, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

House Bill 5114 lets developers shift their costs onto the backs of individual citizens. It will increase taxes by more than \$400,000 to fund a program that will mostly benefit big developers. Is it any surprise that subdivision and golf course developers are willing to pay \$2000 to get some quickly issued wetlands permit, especially when the average citizen will help to subsidize that process by paying \$500 if their home building site needs a wetland permit? The Department of Environmental Quality has estimated that fewer than 50 big developers will get the \$2000 permits. While 200 homeowners and small businesses will pay \$500 a piece for permits and 1000 homeowners will pay \$100 for permits covered by general wetland permits. All these new fees for permits that were essentially free. Another free ride for the special interests at the taxpayers expense. What’s worse is the fact that the Democratic caucus, which likes to present itself as the “protector of the middle class and small business,” sold those people down the river on this issue. One could hope that the Senate will be more responsible, but I doubt it. It’s sad when special interests own the legislative process. It’s wrong to let them use that power to force working class people to pay their bills. I cannot support it.”

Rep. Gagliardi moved that when the House adjourns today it stand adjourned until Tuesday, December 9 at 2:00 p.m. The motion prevailed.

Rep. Gagliardi moved that House Committees be given leave to meet during the balance of today’s session. The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Gilmer, Johnson, Middaugh, Sikkema, Perricone, McNutt, Geiger, Godchaux, McBryde, Galloway, Bobier, Walberg, Oxender, Fitzgerald, Middleton, Emerson, Agee, Dobb, Jellema, LeTarte, Rhead, Bankes, DeHart, Horton, DeVuyst, Dobronski, Kelly, London, Voorhees, Law, LaForge, Bodem, Jelinek, Hammerstrom, Cherry, Schermesser, Parks, Crissman, Goschka, Dalman, Vaughn, Hanley, Hale, Schauer, Tesanovich, Richner, Birkholz and Hood offered the following resolution:

House Resolution No. 184.

A resolution to honor Charlene McLain upon the occasion of her retirement.

Whereas, It is with sincere pleasure that we extend our heartiest congratulations to Charlene McLain upon the occasion of her retirement from the House of Representatives and in recognition of her thirty-five years of service to the Legislature and the citizens of Michigan; and

Whereas, Charlene first started in state government in 1963 with the Department of Education, Social Services and then to the Department of Mental Health before beginning her service in the House of Representative in 1967 serving as secretary to Representative Phil Pittenger and several other legislators; and

Whereas, She has earned the respect of all who know her due to her expertise, skill and penchant for hard work. Her loyalty and integrity are beyond reproach. Charlene has assisted and shared her experience and knowledge with many personnel. Her preparedness and awareness to her duties will be missed by everyone who has ever had the opportunity to know and work with her; and

Whereas, Over the course of her career Charlene has witnessed many changes to the Michigan State Capitol. When she came to the Capitol the Law Library was located on the third floor which is now the House Appropriations Committee Room. She remembers cashing her paycheck in the State Treasurer's Office which is now the office of Representative Don Gilmer with whom she has been employed since 1976; now, therefore, be it

Resolved by the House of Representatives, That Charlene takes with her into retirement a host of memories and institutional knowledge along with the warm wishes of all those fortunate enough to have known her. May her future be filled with more time to enjoy her hobbies, travel and the company of her family, her husband Sidney, children and grandchildren; and be it further

Resolved, That a copy of this resolution be transmitted to Charlene McLain as a token of our appreciation, respect and a reflection of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

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

Reports of Standing Committees

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

House Bill No. 5290, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1995 PA 287.

With the recommendation that the bill pass.

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

Favorable Roll Call

HB 5290 To Report Out:

Yeas: Reps. Leland, Schermesser, Baade, Brown, Olshove, Schauer, Wojno, London, Birkholz, Byl, Green,

Nays: Rep. Galloway.

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

Senate Bill No. 613, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 222, 698, and 725 (MCL 257.217, 257.222, 257.698, and 257.725), section 217 as amended by 1996 PA 59, section 222 as amended by 1993 PA 300, section 698 as amended by 1997 PA 8, and section 725 as amended by 1997 PA 80.

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

Favorable Roll Call

SB 613 To Report Out:

Yeas: Reps. Leland, Schermesser, Baade, Brown, Olshove, Schauer, Wojno, London, Birkholz, Galloway,

Nays: None.

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 3, 1997, at 4:40 p.m.,

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

Absent: Reps. Curtis, Mans, Gernaat, Middleton,

Excused: Reps. Curtis, Mans, Gernaat, Middleton.

The Committee on Conservation, Environment and Recreation, by Rep. Alley, Chair, reported

House Bill No. 4730, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11521a.

With the recommendation that the substitute (H-6) 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 4730 To Report Out:

Yeas: Reps. Alley, Callahan, Anthony, Brater, Brown, Kilpatrick, LaForge, Mans, Schermesser, Wetters, Basham, Birkholz, Bodem, Byl, DeVuyst, McManus, Walberg,

Nays: Rep. McNutt.

The Committee on Conservation, Environment and Recreation, by Rep. Alley, Chair, reported

House Bill No. 5301, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 21507 (MCL 324.21507), as amended by 1996 PA 181, and by adding section 21308b and part 216.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

HB 5301 To Report Out:

Yeas: Reps. Alley, Callahan, Anthony, Brater, Brown, Kilpatrick, LaForge, Mans, Schermesser, Wetters, Basham, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg,

Nays: None.

The Committee on Conservation, Environment and Recreation, by Rep. Alley, Chair, reported

House Bill No. 5302, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21302, 21304, 21304a, 21307, 21307a, 21308a, 21309a, 21310a, 21311a, 21312a, 21313a, 21314a, and 21315 (MCL 324.21302, 324.21304, 324.21304a, 324.21307, 324.21307a, 324.21308a, 324.21309a, 324.21310a, 324.21311a, 324.21312a, 324.21313a, 324.21314a, and 324.21315), sections 21302 and 21307 as amended and sections 21307a and 21314a as added by 1995 PA 22 and sections 21304a, 21308a, 21309a, 21310a, 21311a, 21312a, 21313a, and 21315 as amended by 1996 PA 116.

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 5302 To Report Out:

Yeas: Reps. Alley, Callahan, Anthony, Brater, Brown, Kilpatrick, LaForge, Mans, Schermesser, Wetters, Basham, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Alley, Chair of the Committee on Conservation, Environment and Recreation, was received and read:

Meeting held on: Wednesday, December 3, 1997, at 10:30 a.m.,

Present: Reps. Alley, Callahan, Anthony, Brater, Brown, Kilpatrick, LaForge, Mans, Schermesser, Wetters, Basham, Birkholz, Bodem, Byl, DeVuyst, McManus, McNutt, Walberg,

Absent: Rep. Middaugh,

Excused: Rep. Middaugh.

The Committee on Insurance, by Rep. Gubow, Chair, reported

Senate Bill No. 514, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2213b (MCL 500.2213b), as added by 1996 PA 517.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

SB 514 To Report Out:

Yeas: Reps. Gubow, Scott, Bogardus, Palamara, Profit, Thomas, Varga, Vaughn, Basham, Llewellyn, Green, Jelinek, Law, London, Voorhees,

Nays: None.

The Committee on Insurance, by Rep. Gubow, Chair, reported

Senate Bill No. 812, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 502 (MCL 550.1502), as amended by 1994 PA 440.

With the recommendation that the bill pass.

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

Favorable Roll Call

SB 812 To Report Out:

Yeas: Reps. Gubow, Scott, Bogardus, Palamara, Profit, Thomas, Varga, Vaughn, Basham, Llewellyn, Jelinek, Law, London, Voorhees,

Nays: None.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 3, 1997, at 4:50 p.m.,

Present: Reps. Gubow, Scott, Bogardus, Palamara, Profit, Thomas, Varga, Vaughn, Basham, Llewellyn, Green, Jelinek, Law, London, Voorhees,

Absent: Reps. Dobronski, Middaugh,

Excused: Reps. Dobronski, Middaugh.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, December 4, 1997, at 8:30 a.m.,

Present: Reps. Wetters, Vaughn, Baade, Bogardus, Brewer, LaForge, Willard, Green, DeVuyst, Horton, Jelinek, Nye,

Absent: Rep. Gernaat,

Excused: Rep. Gernaat.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, December 4, 1997, at 9:00 a.m.,

Present: Reps. Freeman, Mans, Agee, DeHart, Galloway, Nye, Perricone,

Absent: Reps. Callahan, Jaye,

Excused: Reps. Callahan, Jaye.

Messages from the Senate**Senate Bill No. 497, entitled**

A bill to provide for a waiver of tuition at state public institutions of higher education for children and surviving spouses of Michigan corrections officers killed in the line of duty; and to provide for an appropriation.

The Senate has passed the bill.

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

Senate Bill No. 507, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6013 (MCL 600.6013), as amended by 1993 PA 78.

The Senate has passed the bill.

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

Senate Bill No. 553, entitled

A bill to amend 1965 PA 203, entitled "Michigan law enforcement officers training council act of 1965," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, and 15 (MCL 28.601, 28.602, 28.603, 28.604, 28.605, 28.606, 28.607, 28.608, 28.609, 28.610, 28.611, 28.612, 28.614, and 28.615), section 2 as amended by 1995 PA 204, section 3 as amended by 1996 PA 545, section 9 as amended by 1994 PA 155, and section 11 as amended by 1985 PA 15, and by adding sections 9a, 9b, 9c, and 9d.

The Senate has passed the bill.

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

Senate Bill No. 614, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," (MCL 389.1 to 389.195) by adding sections 128, 129, 130, and 131.

The Senate has passed the bill.

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

Senate Bill No. 758, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1606b, 1606c, 1606d, and 1606e.

The Senate has passed the bill.

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

Senate Bill No. 759, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending sections 1 and 33c (MCL 436.1 and 436.33c), section 1 as amended by 1983 PA 11 and section 33c as amended by 1995 PA 122.

The Senate has passed the bill.

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

Senate Bill No. 760, entitled

A bill to amend 1971 PA 140, entitled "State revenue sharing act of 1971," by amending section 7 (MCL 141.907).

The Senate has passed the bill.

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

House Concurrent Resolution No. 21.

A concurrent resolution to memorialize the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program.

Senators McManus and Schwarz were named co-sponsors of the concurrent resolution.

(For text of resolution, see House Journal No. 20, p. 339.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

Senate Concurrent Resolution No. 37.

A concurrent resolution to approve a designated open space land application and a local open space land application on appeal.

Whereas, Section 36105(2) of Part 361, Farmland and Open Space Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, being MCL § 324.36105, requires the state land use agency within the Department of Natural Resources to submit each application for a designated open space development rights easement, along with an analysis of its cost, to the legislature; and

Whereas, The Legislature has reviewed the application for designated open space land for the Micklin Property in Benzie County and the local open space application on appeal for the Qua Property in Otsego County, and has determined that the lands in question qualify and that it is in the interest of the state of Michigan to enter into these easements; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the following designated open space land application and local open space land application on appeal, submitted by the state land use agency, Department of Natural Resources, is hereby approved by the Legislature, pursuant to the provisions of Part 361, Farmland and Open Space Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451. The properties are identified as follows: Designated Open Space Land Application Name

Location

Size/Cost Micklin Property

Section 3

51.4 acres

T25N,R15W

\$653/yr.

Benzie County Local Open Space Land Application on Appeal Name

Location

Size/Cost Qua Property

Section 32

75.11 acres

T30N,R3W

\$4,310/yr.

Otsego County; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Natural Resources.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Conservation, Environment and Recreation.

Senate Concurrent Resolution No. 54.

A concurrent resolution of the very highest praise, tribute, gratitude and thanksgiving offered as a memorial and celebration of the good life of the Honorable Coleman Alexander Young, Tuskegee Airman, Civil Rights Leader, Michigan Legislator and beloved Mayor of the people. He was the city of Detroit's first African American mayor and a legend in his own time. A strong and tenacious leader, he will be greatly missed by his family, friends, admirers and many people throughout the city of Detroit, the state of Michigan and the world.

I will not follow where the path may lead, but I will go where
there is no path, and I will leave a trail.

—Muriel Strode

For I am now ready to be offered and the time of my departure
is at hand. I have fought the good fight, I have finished my
course . . .

—II Timothy 4:6-7

If there is no struggle, there is no progress. Those who profess
to favor freedom and yet deprecate agitation are men who
want crops without plowing up the ground. They want rain
without thunder and lightning. They want the ocean without
the awful roar of its many waters.

—Frederick Douglass

Whereas, It is with a deep sense of loss and heartfelt sorrow that the members of the Michigan Legislature, the citizens of our great state and the city of Detroit record the passing of the Honorable Coleman Alexander Young. Gone

from among us is a remarkable, gifted man who so steadfastly fought for human dignity and advocated the progress of human rights through his entire life. The highly esteemed mayor of our state's largest city for 20 years, he was also one of our nation's most renowned civil rights leaders. Throughout his impressive life, he had a tremendous impact due to his penchant for hard work, his tenacious and dynamic personality, and his strong leadership, which he offered generously. A man of pride and dignity, he worked diligently to champion the causes of those whose voices could not be heard; and

Whereas, Mayor Coleman Young was born on May 24, 1918, in Tuscaloosa, Alabama, the oldest of five children to the loving union of Mr. William Coleman Young and Mrs. Ida Reese Young. The Coleman family moved to Detroit in 1923, where Mayor Young was one of two Black students in his class at St. Mary's Catholic School. A top student throughout his education, he attended Eastern High School and graduated second in his class. Despite his excellent grades, the University of Michigan and Wayne State University refused him academic scholarships because of his race. These events would serve as catalysts that fueled his desire to make fundamental social changes; and

Whereas, The myriad achievements of Mayor Coleman A. Young have been channeled through a host of important and distinguished positions. Indeed, he has directed his limitless energies and creative leadership through his efforts to organize labor unions, which got him blacklisted and kept him unemployed for long stretches of time. As a Tuskegee Airman and the nation's first African American bombardier during World War II, he protested racial discrimination in housing. Not allowed to fight in the War due to racial discrimination, Airman Young established a group of 100 African American officers who staged a sit-in at the "Whites Only" Officers Club at Freeman Field, Indiana. Imprisoned for their actions, the strong stance led to the end of segregation at the club; and

Whereas, After the War, Mayor Young renewed his commitment as a union organizer, where he was elected the director of the Wayne County AFL-CIO and he served as executive secretary of the National Negro Labor Council (NNLC). In 1952, his efforts brought him before the House Un-American Activities Committee that tried to get Mayor Young to give testimony that would implicate his associates as Communists. Mayor Young repeatedly challenged the committee's existence, saying it was unconstitutional for them to question his patriotism for his work to enable Black workers to fight for decent working conditions and salaries. He reprimanded Southern committee members for denying Blacks the right to vote and the right to economic opportunity through intimidation and lynching. As the sixties dawned, he directed his energies to politics, becoming a force in shaping national social policies; and

Whereas, Mayor Young was a delegate to the Michigan Constitutional Convention in 1961, where a new State Constitution was drafted. In 1964, Mayor Young won a seat to the Michigan Senate and his colleagues selected him as Democratic Floor Leader two years later. While serving nine years in the Michigan Senate, he also became the first African American of the National Democratic Party. As a state and national leader, Senator Young fought for integration of police departments. Thus, in 1973, Senator Young ran for election as the first African American mayor of Detroit. In addition to implementing his affirmative action policies, Mayor Young's alliances kept many major businesses in Detroit and provided for the expansion of Cobo Conference/Exhibition Center. During his tenure, Detroit suffered through the 1974 oil embargo that crippled automakers, economic instability and a population exodus. Mayor Young remained committed to his vision of a renaissance city and led Detroit to a rebirth. He initiated projects that expanded City Airport and he focused on riverfront development, provided for affordable housing and strong neighborhoods; and

Whereas, This pioneer was re-elected as mayor of Detroit for an unprecedented fifth term. His profound and positive influence was strongly felt in Detroit even after he did not seek re-election in 1994. Mayor Young met all his challenges with a full head of steam and a limitless passion for his belief. His fans, friends, colleagues and family are grateful for his contributions, but deeply saddened at his passing; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we pause in our deliberations to offer these words of praise, gratitude and respect as a memorial for the good life of a legend in the truest sense of the word, the Honorable Coleman Alexander Young; and be it further

Resolved, That a copy of this resolution be transmitted to his dear family and the city of Detroit, where he was Mayor for 20 years, as a reflection of the Michigan Legislature's enduring esteem.

Unselfish and noble acts are the most radiant pages in the biography of the souls.

—James Thomas

Each honest calling, each walk of life, has its own elite, its own aristocracy based on excellence of performance.

—James Bryant Conant

What I have done...serves to validate my own personal worth and dignity. You know, as a poor person, as a person of working class origin. I think people of these characteristics have been kicked around. I was determined to do something about it.

—Coleman A. Young, 1977

Mayor Coleman Alexander Young cannot be described as just a great man. He was an exceptional leader and his contributions to social reform and to our lives will long be remembered. He has truly left his mark of excellence on our government and our society. Thus, as the mighty oak rises to grasp the rays of sun, so shall his presence remain etched in our consciousness.

—Senator Jackie Vaughn III
Associate President Pro Tempore
of the Michigan Senate
Chairperson, Michigan Martin Luther
King, Jr. Holiday Commission

The Senate has adopted the concurrent resolution.
The question being on the adoption of the resolution,
The resolution was adopted by a unanimous standing vote.

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, Tuesday, December 2:

Senate Bill Nos. 825 826 827 828

Introduction of Bills

Reps. Emerson, Cherry and Rison introduced

House Bill No. 5407, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 4n.
The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Cherry, Martinez, Scott, Prusi, Agee, Kaza, Hale, LaForge, Wetters, Freeman, Emerson, Gagliardi and Cassis introduced

House Bill No. 5408, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by repealing section 737a (MCL 168.737a).
The bill was read a first time by its title and referred to the Committee on Local Government.

Reps. Kaza, Basham, Wetters, Voorhees, Kukuk, McBryde, Godchaux, Cropsey, Mans, Richner and Jaye introduced

House Bill No. 5409, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 3 (MCL 15.233), as amended by 1996 PA 553.

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

Reps. Tesanovich, Hale, Prusi, Anthony, Gagliardi, DeHart, Kelly, Kaza, Bogardus, Alley, McBryde, Jaye, Bodem, Owen, Walberg, Oxender, Lowe, Dobb, Cropsey, Goschka, Llewellyn, Cherry, Whyman, Parks, Scott, Vaughn, Profit and Middleton introduced

House Bill No. 5410, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3115 (MCL 324.3115).

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

Rep. Goschka introduced

House Bill No. 5411, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 33 (MCL 800.33), as amended by 1994 PA 218; and to repeal acts and parts of acts.

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

Rep. Goschka introduced

House Bill No. 5412, 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 sections 33, 33b, 33e, 34, 34a, 35, 36, 51, 65, and 65a (MCL 791.233, 791.233b, 791.233e, 791.234, 791.234a, 791.235, 791.236, 791.251, 791.265, and 791.265a), sections 33, 33b, 35, 51, and 65 as amended by 1994 PA 217, section 33e as added by 1992 PA 181, section 34 as amended by 1994 PA 345, section 34a as amended by 1994 PA 427, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13; and to repeal acts and parts of acts.

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

Rep. Goschka introduced

House Bill No. 5413, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 8, 9, 31, 33, and 34 of chapter IX and sections 3b and 14 of chapter XI (MCL 769.8, 769.9, 769.31, 769.33, 769.34, 771.3b, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 31, 33, and 34 of chapter IX as added and section 14 of chapter XI as amended by 1994 PA 445, and section 3b of chapter XI as amended by 1994 PA 426; and to repeal acts and parts of acts.

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

Reps. Brater, Anthony, Bodem, Bogardus, Alley, Bobier, Lowe, Callahan, LaForge and Scott introduced

House Bill No. 5414, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61506a.

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

Reps. Baird, Wallace, Schroer, Baade, Scott, Wojno, Quarles, Bogardus, Anthony, Martinez, Brater, Schauer, Leland, Hale, Vaughn, Ciaramitaro, Goschka and LaForge introduced

House Bill No. 5415, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16241a.

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

Reps. Jansen, Perricone, Goschka, Mans, Gernaat, Jelinek, Horton, Scranton, Rocca, Jellema, Sikkema, Kukuk, Dalman, McBryde, Hammerstrom, Cropsey, Geiger, Richner, Crissman, Birkholz, McNutt, Green, McManus, DeVuyt, Alley, Cassis, Voorhees and Raczkowski introduced

House Bill No. 5416, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39c.

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

Reps. Bogardus, Callahan, Brown, Schauer, Rison, Quarles, Hale, Goschka, Scott, Cherry and LaForge introduced **House Bill No. 5417, entitled**

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," (MCL 780.751 to 780.834) by adding sections 26, 53, and 85.

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

Rep. Gire moved that the House adjourn.
The motion prevailed, the time being 2:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, December 9, at 2:00 p.m.

MARY KAY SCULLION
Clerk of the House of Representatives.