

No. 97
JOURNAL OF THE HOUSE

House Chamber, Lansing, Tuesday, December 30, 1997.

11:30 a.m.

The House was called to order by the Speaker.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

Rep. Bob Brown, from the 16th District, offered the following invocation:

“I would just like to pray to the Lord and with that prayer say thank You for guiding us last year. Please give us the vision for the new year. Thank You, Lord, for that. Amen.”

Notices

December 30, 1997

In accordance with House Rule 10, I hereby designate Representative Michael Hanley, to be the Presiding Officer for all, or part of today’s session.

Sincerely,
Curtis Hertel
Speaker of the House

The Speaker called Acting Speaker Hanley to the Chair.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Monday, December 15, for his approval of the following bills:

Enrolled Senate Bill No. 6 at 2:11 p.m.

Enrolled Senate Bill No. 546 at 2:13 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members, Tuesday, December 16:

House Bill Nos.	5418	5419	5420	5421	5422	5423	5424	5425	5426	5427	5428	5429	5430	5431
	5432	5433	5434	5435	5436	5437	5438	5439						

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, December 16, for his approval of the following bills:

Enrolled House Bill No. 4091 at 4:20 p.m.
Enrolled House Bill No. 4215 at 4:22 p.m.
Enrolled House Bill No. 4619 at 4:24 p.m.
Enrolled House Bill No. 4661 at 4:26 p.m.
Enrolled House Bill No. 4811 at 4:28 p.m.
Enrolled House Bill No. 5228 at 4:30 p.m.
Enrolled House Bill No. 5229 at 4:32 p.m.
Enrolled House Bill No. 5230 at 4:34 p.m.
Enrolled House Bill No. 5232 at 4:36 p.m.
Enrolled House Bill No. 5233 at 4:38 p.m.
Enrolled House Bill No. 5234 at 4:40 p.m.
Enrolled House Bill No. 5235 at 4:42 p.m.
Enrolled House Bill No. 5259 at 4:44 p.m.
Enrolled House Bill No. 5370 at 4:46 p.m.

The Clerk announced the enrollment printing and presentation to the Governor on Friday, December 19, for his approval of the following bills:

Enrolled House Bill No. 4642 at 10:30 a.m.
Enrolled House Bill No. 4643 at 10:32 a.m.

The Clerk announced the enrollment printing and presentation to the Governor on Friday, December 19, for his approval of the following bills:

Enrolled Senate Bill No. 490 at 2:50 p.m.
Enrolled Senate Bill No. 491 at 2:52 p.m.
Enrolled Senate Bill No. 492 at 2:54 p.m.
Enrolled Senate Bill No. 503 at 2:56 p.m.
Enrolled Senate Bill No. 504 at 2:58 p.m.
Enrolled Senate Bill No. 515 at 3:00 p.m.
Enrolled Senate Bill No. 516 at 3:02 p.m.
Enrolled Senate Bill No. 517 at 3:04 p.m.
Enrolled Senate Bill No. 543 at 3:06 p.m.
Enrolled Senate Bill No. 544 at 3:08 p.m.
Enrolled Senate Bill No. 133 at 3:10 p.m.
Enrolled Senate Bill No. 252 at 3:12 p.m.
Enrolled Senate Bill No. 340 at 3:14 p.m.
Enrolled Senate Bill No. 481 at 3:16 p.m.
Enrolled Senate Bill No. 487 at 3:18 p.m.
Enrolled Senate Bill No. 520 at 3:20 p.m.
Enrolled Senate Bill No. 566 at 3:22 p.m.
Enrolled Senate Bill No. 596 at 3:24 p.m.
Enrolled Senate Bill No. 600 at 3:26 p.m.
Enrolled Senate Bill No. 664 at 3:28 p.m.
Enrolled Senate Bill No. 682 at 3:30 p.m.
Enrolled Senate Bill No. 705 at 3:32 p.m.
Enrolled Senate Bill No. 716 at 3:34 p.m.
Enrolled Senate Bill No. 721 at 3:36 p.m.
Enrolled Senate Bill No. 727 at 3:38 p.m.
Enrolled Senate Bill No. 741 at 3:40 p.m.
Enrolled Senate Bill No. 788 at 3:42 p.m.
Enrolled Senate Bill No. 812 at 3:44 p.m.

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

Enrolled Senate Bill No. 6 - Public Act No. 159
Enrolled Senate Bill No. 520 - Public Act No. 160
Enrolled Senate Bill No. 546 - Public Act No. 161
Enrolled Senate Bill No. 490 - Public Act No. 163
Enrolled Senate Bill No. 491 - Public Act No. 164

Enrolled Senate Bill No. 492 - Public Act No. 165
Enrolled Senate Bill No. 503 - Public Act No. 166
Enrolled Senate Bill No. 504 - Public Act No. 167
Enrolled Senate Bill No. 515 - Public Act No. 168
Enrolled Senate Bill No. 516 - Public Act No. 169
Enrolled Senate Bill No. 517 - Public Act No. 170
Enrolled Senate Bill No. 543 - Public Act No. 171
Enrolled Senate Bill No. 544 - Public Act No. 172

Messages from the Governor

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

Date: December 22, 1997
Time: 10:32 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5370 (Public Act No. 152, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” 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.

(Filed with the Secretary of State December 22, 1997, at 10:54 a.m.)

Date: December 22, 1997
Time: 10:34 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4149 (Public Act No. 153), being

An act to amend 1978 PA 368, entitled “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,” by amending sections 7405, 16106, 17708, 17751, and 17763 (MCL 333.7405, 333.16106, 333.17708, 333.17751, and 333.17763), section 7405 as amended by 1988 PA 30, section 17708 as amended by 1994 PA 384, and section 17763 as amended by 1993 PA 79.

(Filed with the Secretary of State December 22, 1997, at 10:56 a.m.)

Date: December 22, 1997

Time: 10:36 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4273 (Public Act No. 154, I.E.), being

An act to amend 1945 PA 200, entitled “An act to define a marketable record title to an interest in land; to require the filing of notices of claim of interest in such land in certain cases within a definite period of time and to require the recording thereof; to make invalid and of no force or effect all claims with respect to the land affected thereby where no such notices of claim of interest are filed within the required period; to provide for certain penalties for filing slanderous notices of claim of interest, and to provide certain exceptions to the applicability and operation thereof,” by amending sections 1, 2, 3, and 6 (MCL 565.101, 565.102, 565.103, and 565.106) and by adding section 1a.

(Filed with the Secretary of State December 22, 1997, at 10:58 a.m.)

Date: December 22, 1997

Time: 10:38 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4728 (Public Act No. 155, I.E.), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 263 and 264 (MCL 750.263 and 750.264); and to repeal acts and parts of acts.

(Filed with the Secretary of State December 22, 1997, at 11:00 a.m.)

Date: December 22, 1997

Time: 10:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4729 (Public Act No. 156, I.E.), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,” by amending section 4701 (MCL 600.4701), as amended by 1996 PA 327.

(Filed with the Secretary of State December 22, 1997, at 11:02 a.m.)

Date: December 22, 1997

Time: 10:42 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4768 (Public Act No. 157, I.E.), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,” (MCL 600.101 to 600.9948), by adding section 2964.

(Filed with the Secretary of State December 22, 1997, at 11:04 a.m.)

Date: December 22, 1997

Time: 10:44 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4951 (Public Act No. 158, I.E.), being

An act to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending section 677 (MCL 168.677), as amended by 1996 PA 583.

(Filed with the Secretary of State December 22, 1997, at 11:06 a.m.)

Date: December 29, 1997

Time: 12:05 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4811 (Public Act No. 162, I.E.), being

An act to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” (MCL 400.1 to 400.119b) by adding section 56i.

(Filed with the Secretary of State December 29, 1997, at 1:52 p.m.)

Communications from State Officers

The following communication from the Office of Children’s Ombudsman was received and read:

December, 1997

I am pleased to submit the 1996-1997 annual report of the Children’s Ombudsman pursuant to Public Act 204 of 1994, “The Children’s Ombudsman Act.”

Section 10(5) of the Act states: “*The Ombudsman Shall submit to the Governor, the Director of the Department, and the Legislature an annual report on the conduct of the Ombudsman, including any recommendations regarding the need for legislation or for change in rules or policies.*” Section 6(e) also states the Ombudsman may “*make recommendations to the Governor and Legislature concerning the need for protective services, adoption, or foster care legislation.*”

This report gives an accounting of the Ombudsman’s conduct from July 1, 1996 to June 30, 1997. It denies specific recommendations which are supported by investigations of complaints received during this report, in addition to building upon case experience and knowledge gained during the 1995-1996 reporting period.

Thank you for the opportunity, privilege, and challenge of serving the children of Michigan.

Respectfully Submitted,
Richard S. Bearup
Children’s Ombudsman

The communication was referred to the Clerk.

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

December 17, 1997

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

Performance Audit of the
Office of Highway Safety Planning
Michigan Department of State Police
December 1997

December 18, 1997

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

Performance Audit of the
Chippewa Correctional Institutions:
Chippewa Correctional Facility and
Chippewa Temporary Correctional Facility
Department of Corrections
December 1997

December 18, 1997

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

Performance Audit of the
Presentence Investigation Process
Department of Corrections
December 1997

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

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

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

December 19, 1997

Pursuant to Section 328 of P.A. 104 of 1997, we are enclosing a copy of the interim licensing study report completed on Park Place Residential Care Center of Kalamazoo, Michigan. This approval study was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

If you have any questions regarding this information, please feel free to contact me at 373-3892, or Don Reichle at 335-1954.

Sincerely,
Roy Murry, Director
Finance and Administrative Services

The communication was referred to the Clerk.

By unanimous consent the House returned to the order of
Messages from the Senate

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.

The Senate has nonconcurrent in the House substitute (H-2) and appointed Senators Schwarz, Shugars and Byrum as conferees.

The message was referred to the Clerk for record.

House Concurrent Resolution No. 69.

A concurrent resolution to urge the President of the United States to designate the Detroit River as an American Heritage River.

(For text of resolution, see House Journal No. 79, p. 2136.)

The Senate has adopted the concurrent resolution and named Senators Schwarz and Vaughn as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

December 30, 1997

The Honorable Curtis Hertel
Speaker of the House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Speaker:

I have the honor to inform you that the Senate has completed the business of the session and is now ready to adjourn.

Very respectfully,
Carol Morey Viventi, J.D.
Secretary of the Senate

Rep. Wojno moved that the House adjourn.
The motion prevailed, the time being 12:00 noon.

Acting Speaker Hanley declared the House adjourned without day.

MARY KAY SCULLION
Clerk of the House of Representatives.

