

No. 84
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, December 7, 1999.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present
Peters—present

Rogers—present
Schuette—present
Schwarz—present
Shugars—present
Sikkema—present
A. Smith—present
V. Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Chaplain Jay Pruim of the Michigan Army National Guard of Jenison offered the following invocation:

Almighty God, You establish the nations and set their borders. In the words of Psalm 16, we confess that our lines have fallen in pleasant places, and we have a good inheritance. We thank You for the beauty of our nation and state with their fields, farms, and wonderful woods, clean lakes and rivers and prosperous economy.

We especially want to thank You for our freedom and liberty. But on this anniversary day of the attack on Pearl Harbor, we remember those who died on that day 58 years ago when in the peace and tranquility of that morning, Pearl Harbor was viciously attacked. It truly is a day that continues to live on in infamy, and it drew us into World War II. We want to remember and honor all those brave Americans who fought and died in that war. We thank You for their sacrifice. We thank You for their blood and sweat and tears. They have paid the price for our freedom.

We pray that our nation will continue to always be willing to pay that price to defend our nation against aggressors and to preserve our freedom for generations to come. We thank You for the men and women, the citizen soldiers of the Michigan Army National Guard as they train to be prepared for any state emergency or national need.

Bless this session of the Senate. We thank You for their dedication and their desire to serve the people of this state. Give wisdom to the Senators as they make decisions that will be beneficial to our people.

Hear us as we pray. In the name of our Lord. Amen.

Motions and Communications

Senator Murphy entered the Senate Chamber.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 10:05 a.m.

10:37 a.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

During the recess, Senators Shugars, Van Regenmorter, Peters, Jaye, Bullard, Emmons and Sikkema entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 2:

House Bill Nos. 4297 4305 4475 4476

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, December 2, for his approval the following bill:

Enrolled Senate Bill No. 462 at 3:41 p.m.

The Secretary announced the printing and placement in the members' files on Thursday, December 2 of:

**Senate Bill Nos. 890 891 892 893 894 895 896 897 898 899 900 901 902 904
905**

Senate Joint Resolution O

**House Bill Nos. 5135 5136 5137 5138 5139 5140 5141 5142 5143 5144 5145 5146 5147 5148
5149 5150 5151 5152 5153 5154**

The Secretary announced the printing and placement in the members' files on Friday, December 3 of:

Senate Bill Nos. 903 906

House Bill Nos. 5155 5156 5157 5158 5159

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Jaye introduced

Senate Bill No. 907, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 371a.

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

Senators McManus and Steil introduced

Senate Bill No. 908, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 21, 22, 23, 24, 25, 27, 33, and 34 (MCL 38.21, 38.22, 38.23, 38.24, 38.25, 38.27, 38.33, and 38.34), section 22 as amended by 1987 PA 57, sections 23 and 27 as amended by 1987 PA 241, and section 25 as amended by 1986 PA 1, and by adding section 35.

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

Senator Goschka introduced

Senate Bill No. 909, entitled

A bill to provide for compulsory arbitration of labor disputes in the public schools; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority of arbitration panels; and to provide for the enforcement and review of awards of arbitration panels.

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

House Bill No. 4297, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal years ending September 30, 2000 and September 30, 2001; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4305, entitled

A bill to make, supplement, and adjust appropriations for the department of environmental quality for the fiscal year ending September 30, 2000 and other fiscal periods; to prescribe the powers and duties of certain state agencies and officials; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

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

House Bill No. 4475, entitled

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 103 and 301 (MCL 37.1103 and 37.1301), section 103 as amended by 1998 PA 20 and section 301 as amended by 1980 PA 478.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4476, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 103 and 301 (MCL 37.2103 and 37.2301), section 103 as amended by 1992 PA 124 and section 301 as amended by 1992 PA 70.

The House of Representatives has passed the bill.

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

By unanimous consent the Senate returned to the order of

General Orders

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Peters as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 746, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20101b (MCL 324.20101b), as added by 1995 PA 71.

Senate Bill No. 747, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 1993 PA 10.

Senate Bill No. 748, entitled

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 2 (MCL 447.152), as amended by 1990 PA 304.

Senate Bill No. 750, entitled

A bill to amend 1986 PA 89, entitled "Michigan BIDCO act," by amending section 717 (MCL 487.1717).

Senate Bill No. 751, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending section 102 (MCL 487.3102).

Senate Bill No. 752, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending sections 107, 700, and 800 (MCL 491.107, 491.700, and 491.800), section 107 as added and sections 700 and 800 as amended by 1987 PA 106.

Senate Bill No. 753, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 1214 (MCL 700.1214).

Senate Bill No. 876, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8801 (MCL 600.8801), as amended by 1996 PA 211.

House Bill No. 4863, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4u.

House Bill No. 4280, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503c.

House Bill No. 4281, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503b; and to repeal acts and parts of acts.

House Bill No. 4814, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 5534 (MCL 324.5534).

Senate Bill No. 882, entitled

A bill to create certain funds; to provide for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials.

House Bill No. 4709, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 15, 15a, 15b, 15c, and 15e of chapter IV (MCL 764.15, 764.15a, 764.15b, 764.15c, and 764.15e), section 15 as amended by 1996 PA 490, section 15a as amended by 1996 PA 138, sections 15b and 15c as amended by 1998 PA 475, and section 15e as added by 1993 PA 52.

House Bill No. 4710, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 6 (MCL 28.6), as amended by 1989 PA 10.

House Bill No. 4711, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411 (MCL 750.411).

House Bill No. 4712, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 916 and 2950b (MCL 600.916 and 600.2950b), section 2950b as amended by 1994 PA 403, and by adding section 2950c.

House Bill No. 4713, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 81 and 81a (MCL 750.81 and 750.81a), section 81 as amended by 1994 PA 64 and section 81a as amended by 1994 PA 65.

House Bill No. 4714, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 36 (MCL 791.236), as amended by 1998 PA 315.

House Bill No. 4715, entitled

A bill to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the department of social services," by amending the title and section 1 (MCL 400.1501).

House Bill No. 4716, entitled

A bill to amend 1961 PA 44, entitled "An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts," by amending section 2a (MCL 780.582a), as added by 1990 PA 308.

House Bill No. 4718, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1137a. The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 749, entitled

A bill to amend 1960 PA 136, entitled "Sale of checks act," by amending section 4 (MCL 487.904), as amended by 1990 PA 81.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 808, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 5400, 5402, 5800, 5901, 5905, 5911, 5913, and 5915 (MCL 500.5400, 500.5402, 500.5800, 500.5901, 500.5905, 500.5911, 500.5913, and 500.5915), section 5800 as amended by 1998 PA 457, sections 5901 and 5915 as amended by 1998 PA 121, and sections 5905, 5911, and 5913 as added by 1995 PA 215, and by adding sections 5403 and 5803 and chapter 60.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 742, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 516.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 803, entitled

A bill to amend 1970 PA 74, entitled "Corner recordation act," by amending sections 2, 3, 6, 7, 8, 10, 13, and 14 (MCL 54.202, 54.203, 54.206, 54.207, 54.208, 54.210, 54.210c, and 54.210d), sections 2, 6, 8, 13, and 14 as amended by 1988 PA 26; and to repeal acts and parts of acts.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 538, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24f (MCL 211.24f), as amended by 1994 PA 189.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

House Bill No. 5088, entitled

A bill to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 6, line 27, after "the" by striking out "attorney general" and inserting "department of treasury".

The Senate agreed to the amendments recommended by the Committee of the Whole and the bill as amended was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received:
 Department of State

Administrative Rules
 Notice of Filing

November 19, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:15 p.m. this date, administrative rule (99-11-09) for the Department of Consumer and Industry Services, Bureau of Construction Codes, entitled "*Part 8. Electrical Code,*" effective 15 days hereafter.

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

The communication was referred to the Secretary for record.

Senator Rogers moved that the rules be suspended and that the following bills, now on Committee Reports, be placed at the head of the General Orders calendar for consideration today:

House Bill No. 4424

House Bill No. 4469

House Bill No. 4587

House Bill No. 4588

House Bill No. 4737

House Bill No. 4231

House Bill No. 5054

House Bill No. 5055

House Bill No. 5056

House Bill No. 5057

House Bill No. 5059

House Bill No. 5060

House Bill No. 5061

House Bill No. 5064

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

By unanimous consent the Senate returned to the order of
General Orders

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Peters as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4587, entitled

A bill to protect against interest, fines, penalties, and other fees and finance charges by political subdivisions for billing errors caused by computer date failures; and to repeal acts and parts of acts.

House Bill No. 4599, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20115 (MCL 333.20115) and by adding section 22224.

House Bill No. 4601, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2837. The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4424, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2970; and to repeal acts and parts of acts.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 4, line 15, by striking out "DIRECTLY OR INDIRECTLY".

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4469, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by adding section 7b; and to repeal acts and parts of acts.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:

House Bill No. 4588, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of

this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 1996 PA 143, and by adding section 7a; and to repeal acts and parts of acts.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 7, line 16, by striking out "DIRECTLY OR INDIRECTLY".

The Senate agreed to the amendment recommended by the Committee of the Whole and the bill as amended was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4737, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," (MCL 600.101 to 600.9948) by amending the title and by adding section 2969; and to repeal acts and parts of acts.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4600, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2835 (MCL 333.2835).

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

House Bill No. 4708, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 2529, 2950, and 2950a (MCL 600.2529, 600.2950, and 600.2950a), section 2529 as amended by 1994 PA 403, section 2950 as amended by 1998 PA 477, and section 2950a as amended by 1998 PA 476.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 12, following line 8, following subdivision (E), by inserting:

"(F) IF THE RESPONDENT IS IDENTIFIED IN THE PLEADINGS AS BEING A PERSON WHO MAY HAVE ACCESS TO INFORMATION CONCERNING THE PETITIONER OR A CHILD OF THE PETITIONER OR RESPONDENT AND THAT INFORMATION IS CONTAINED IN FRIEND OF THE COURT RECORDS, NOTIFY THE FRIEND OF THE COURT FOR THE COUNTY IN WHICH THE INFORMATION IS LOCATED ABOUT THE EXISTENCE OF THE PERSONAL PROTECTION ORDER."

2. Amend page 21, following line 27, following subdivision (E), by inserting:

"(F) IF THE RESPONDENT IS IDENTIFIED IN THE PLEADINGS AS BEING A PERSON WHO MAY HAVE ACCESS TO INFORMATION CONCERNING THE PETITIONER OR A CHILD OF THE PETITIONER OR RESPONDENT AND THAT INFORMATION IS CONTAINED IN FRIEND OF THE COURT RECORDS, NOTIFY THE FRIEND OF THE COURT FOR THE COUNTY IN WHICH THE INFORMATION IS LOCATED ABOUT THE EXISTENCE OF THE PERSONAL PROTECTION ORDER."

3. Amend page 26, following line 17, by inserting:

"(28) A COURT SHALL NOT ISSUE A PERSONAL PROTECTION ORDER UNDER THIS SECTION IF THE PETITIONER IS A PRISONER. IF A PERSONAL PROTECTION ORDER IS ISSUED IN VIOLATION OF THIS SUBSECTION, A COURT SHALL RESCIND THE PERSONAL PROTECTION ORDER UPON NOTIFICATION AND VERIFICATION THAT THE PETITIONER IS A PRISONER." and renumbering the remaining subsection.

4. Amend page 26, following line 27, by inserting:

"(C) "PRISONER" MEANS A PERSON SUBJECT TO INCARCERATION, DETENTION, OR ADMISSION TO A PRISON WHO IS ACCUSED OF, CONVICTED OF, SENTENCED FOR, OR ADJUDICATED DELINQUENT FOR VIOLATIONS OF FEDERAL, STATE, OR LOCAL LAW OR THE TERMS AND CONDITIONS OF PAROLE, PROBATION, PRETRIAL RELEASE, OR A DIVERSIONARY PROGRAM."

The Senate agreed to the amendments recommended by the Committee of the Whole and the bill as amended was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Messages from the House

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 539, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 110b (MCL 41.110b), as added by 1989 PA 77.

Substitute (H-1).

The question being on concurring in the substitute to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 624

Yeas—37

Bennett	Gast	Leland	Shugars
Bullard	Goschka	McCotter	Sikkema
Byrum	Gougeon	McManus	Smith, A.
Cherry	Hammerstrom	Miller	Smith, V.
DeBeaussaert	Hart	Murphy	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuetz	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons			

Nays—0

Excused—0

Not Voting—1

North

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

Recess

Senator Rogers moved that the Senate recess until 3:00 p.m.

The motion prevailed, the time being 11:53 a.m.

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 3:04 p.m.

4:07 p.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

The House of Representatives requested the return of

Senate Bill No. 404, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923, 333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, and sections 20920, 20921, and 20965 as amended by 1997 PA 78.

Senator Rogers moved that the request of the House be granted.
The motion prevailed.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 4:09 p.m.

4:46 p.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

By unanimous consent the Senate returned to the order of

General Orders

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Peters as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4231, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by repealing section 49 (MCL 169.249).

House Bill No. 5055, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 558, 826, 845, and 933 (MCL 168.558, 168.826, 168.845, and 168.933), sections 558 and 933 as amended by 1997 PA 137 and section 826 as amended by 1995 PA 261.

House Bill No. 5056, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 16 and 32 (MCL 169.216 and 169.232), section 16 as amended by 1992 PA 188 and section 32 as amended by 1995 PA 264.

House Bill No. 5057, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 15, 33, 34, and 35 (MCL 169.215, 169.233, 169.234, and 169.235), section 15 as amended by 1996 PA 590, section 33 as amended by 1995 PA 264, and sections 34 and 35 as amended by 1989 PA 95.

House Bill No. 5059, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 5, 22, 24, 26, 28, 29, 41, and 42 (M.C.L. 169.205, 169.222, 169.224, 169.226, 169.228, 169.229, 169.241, and 169.242), sections 5, 26, and 29 as amended by 1995 PA 264, section 22 as amended by 1989 PA 95, and sections 24, 28, 41, and 42 as amended by 1994 PA 117, and by adding section 18; and to repeal acts and parts of acts.

House Bill No. 5064, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 552, 961a, and 963 (MCL 168.31, 168.552, 168.961a, and 168.963), section 31 as amended by 1998 PA 215, section 552 as amended by 1990 PA 7, and sections 961a and 963 as amended by 1982 PA 456.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:

House Bill No. 5054, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 42, 73, 74, 283, 284, 393, 394, 509n, 544b, 662, 686, 686a, 759a, and 879 (MCL 168.2, 168.42, 168.73, 168.74, 168.283, 168.284, 168.393, 168.394, 168.509n, 168.544b, 168.662, 168.686, 168.686a, 168.759a, and 168.879), section 284 as amended by 1990 PA 7, section 509n as added by 1994 PA 441, sections 662 and 759a as amended by 1996 PA 207, section 686a as amended by 1988 PA 116, and section 879 as amended by 1995 PA 261, and by adding section 30; and to repeal acts and parts of acts.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 7, following line 3, by inserting:

"SEC. 613C. (1) NOTWITHSTANDING ANY LAW OR CHARTER PROVISION TO THE CONTRARY, IF A NEW CITY OR VILLAGE IS ESTABLISHED DUE TO THE CONSOLIDATION OF EXISTING CITIES OR VILLAGES AND IF AN EXISTING CITY OR VILLAGE IS SCHEDULED TO CONDUCT A CITY OR VILLAGE ELECTION WITHIN 31 DAYS OF A SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION, THE LEGISLATIVE BODY OF EACH EXISTING CITY OR VILLAGE MAY BY RESOLUTION CHANGE THE DATE OF THE CITY OR VILLAGE ELECTION TO THE DATE OF THE SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION OR MAY CANCEL A SCHEDULED CITY OR VILLAGE ELECTION. IN THE YEAR 2000 ONLY, THE RESOLUTION SHALL BE ADOPTED NOT LESS THAN 40 DAYS BEFORE THE PRESIDENTIAL PRIMARY OR CITY OR VILLAGE ELECTION, WHICHEVER IS EARLIER. A RESOLUTION THAT WAS ADOPTED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND THAT SUBSTANTIALLY COMPLIES WITH THIS SUBSECTION IS VALIDATED. IN THE YEAR 2004 AND THEREAFTER, IF A CITY OR VILLAGE IS SCHEDULED TO CONDUCT A CITY OR VILLAGE ELECTION WITHIN 31 DAYS OF A SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION, THE LEGISLATIVE BODY OF THE CITY OR VILLAGE MAY BY RESOLUTION CHANGE THE DATE OF THE CITY OR VILLAGE ELECTION TO THE DATE OF THE SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION OR MAY CANCEL A SCHEDULED CITY OR VILLAGE ELECTION. THE RESOLUTION SHALL BE ADOPTED SUFFICIENTLY IN ADVANCE OF THE SCHEDULED PRESIDENTIAL PRIMARY ELECTION TO ALLOW TIMELY CERTIFICATION OF BALLOT WORDING AND CANDIDATES UNDER SECTION 646A.

(2) IF A RESOLUTION DESCRIBED IN SUBSECTION (10) IS ADOPTED, ALL OF THE FOLLOWING APPLY:

(A) THE LEGISLATIVE BODY OF THE CITY OR VILLAGE SHALL IMMEDIATELY FILE THE RESOLUTION WITH THE CITY OR VILLAGE CLERK. THE CITY OR VILLAGE CLERK SHALL IMMEDIATELY NOTIFY THE CLERK OF THE COUNTY IN WHICH THE CITY OR VILLAGE IS LOCATED OF THE ADOPTION OF THE RESOLUTION.

(B) IF THE DATE OF THE CONSOLIDATION OF EXISTING CITIES AND VILLAGES TO ESTABLISH A NEW CITY OR VILLAGE IS AFTER THE DATE OF THE SCHEDULED PRESIDENTIAL PRIMARY, THE TERMS OF CURRENTLY SERVING ELECTIVE CITY OR VILLAGE OFFICES IN EACH EXISTING CITY OR VILLAGE MAY CONTINUE UNTIL THE EFFECTIVE DATE OF THE CONSOLIDATION."

The Senate agreed to the amendment recommended by the Committee of the Whole and the bill as amended was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

House Bill No. 5060, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 53, 71, 161, 163, 191, 193, 224, 254, 281, 322, 342, 349, 391, 404, 409, 409b, 409c, 409l, 411, 413, 413a, 414, 424, 424a, 426b, 426d, 431, 433, 433a, 434, 444, 467, 467b, 467c, 467d, 467m, 544d, 624, 644f, 667, and 795 (MCL 168.53, 168.71, 168.161, 168.163, 168.191, 168.193, 168.224, 168.254, 168.281, 168.322, 168.342, 168.349, 168.391, 168.404, 168.409, 168.409b,

168.409c, 168.409l, 168.411, 168.413, 168.413a, 168.414, 168.424, 168.424a, 168.426b, 168.426d, 168.431, 168.433, 168.433a, 168.434, 168.444, 168.467, 168.467b, 168.467c, 168.467d, 168.467m, 168.544d, 168.624, 168.644f, 168.667, and 168.795), sections 53, 163, 193, 224, 254, 322, 349, 409b, 413, 426d, 433, 467b, and 624 as amended by 1996 PA 583, sections 71, 161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended by 1982 PA 505, sections 409l, 424, 424a, 444, 467c, and 467m as amended by 1990 PA 32, section 544d as amended by 1988 PA 116, section 644f as amended by 1990 PA 7, and section 795 as amended by 1998 PA 21, and by adding section 544f; and to repeal acts and parts of acts.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 34, line 1, after the first "the" by striking out "SIXTEENTH" and inserting "twelfth".
2. Amend page 35, line 16, by striking out all of section 667.

The Senate agreed to the amendments recommended by the Committee of the Whole and the bill as amended was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

House Bill No. 5061, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 471, 472a, 474a, 475, 476, 477, 544c, and 961 (MCL 168.471, 168.472a, 168.474a, 168.475, 168.476, 168.477, 168.544c, and 168.961), section 544c as amended by 1993 PA 137 and section 961 as amended by 1982 PA 456, and by adding sections 9a and 473b.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 2, line 4, after "UPON." by inserting "REFERENDUM PETITIONS UNDER SECTION 9 OF ARTICLE II OF THE STATE CONSTITUTION OF 1963 SHALL BE FILED WITH THE SECRETARY OF STATE NOT MORE THAN 90 DAYS FOLLOWING THE FINAL ADJOURNMENT OF THE LEGISLATIVE SESSION AT WHICH THE LAW THAT IS THE SUBJECT OF THE REFERENDUM WAS ENACTED."

2. Amend page 6, line 11, after the first "OF" by striking out the balance of the line through "ONCE" on line 13 and inserting "THE SECOND PARAGRAPH OF SECTION 9 OF ARTICLE II OF THE STATE CONSTITUTION OF 1963, A LAW THAT IS THE SUBJECT OF THE REFERENDUM CONTINUES TO BE EFFECTIVE UNTIL THE REFERENDUM IS PROPERLY INVOKED, WHICH OCCURS WHEN".

The Senate agreed to the amendments recommended by the Committee of the Whole and the bill as amended was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4959, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 15 and 602.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

Point of Order

During the Committee of the Whole, Senator V. Smith raised the Point of Order that the substitute (S-1) offered to House Bill No. 4959 was not germane as it changed the purpose of the bill, which was in violation of Article 4, Section 24 of the Constitution.

The Chairperson, Senator Peters, ruled that the substitute was not germane to the bill.

Senator Rogers appealed the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Committee of the Whole,

The decision of the Chair did not stand as the judgment of the Committee of the Whole, a majority of the members present not voting therefor.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

House Bill No. 4599

House Bill No. 4600

House Bill No. 4601

The motion prevailed, a majority of the members serving voting therefor.
 Senator Cherry requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 625**Yeas—27**

Bennett	Goschka	Koivisto	Schwarz
Bullard	Gougeon	McCotter	Shugars
DeGrow	Hammerstrom	McManus	Sikkema
Dingell	Hart	Miller	Steil
Dunaskiss	Hoffman	North	Stille
Emmons	Jaye	Rogers	Van Regenmorter
Gast	Johnson	Schuette	

Nays—11

Byrum	Emerson	Peters	Vaughn
Cherry	Leland	Smith, A.	Young
DeBeaussaert	Murphy	Smith, V.	

Excused—0**Not Voting—0**

In The Chair: Schwarz

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

By unanimous consent the Senate proceeded to consideration of the following bill:

House Bill No. 4599, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20115 (MCL 333.20115) and by adding section 22224.

The above bill was read a third time.

The question being on the passage of the bill,

Senator A. Smith offered the following amendments:

1. Amend page 2, line 12, after "ABORTION" by inserting "OR OTHER SURGICAL PROCEDURE".
2. Amend page 2, line 20, after "ABORTION" by inserting "OR OTHER SURGICAL PROCEDURE".
3. Amend page 3, line 3, after "ABORTION" by inserting "OR OTHER SURGICAL PROCEDURE".
4. Amend page 3, line 17, by striking out all of subsection (5) and inserting:

"(5) AS USED IN THIS SECTION:

(A) "ABORTION" MEANS THAT TERM AS DEFINED IN SECTION 17015.

(B) "SURGICAL PROCEDURE" MEANS THE TREATMENT OF A HUMAN BEING BY A HEALTH PROFESSIONAL LICENSEE OR HIS OR HER DELEGATEE IN HIS OR HER PRIVATE PRACTICE OFFICE BY THE USE OF 1 OR MORE OF THE FOLLOWING PROCEDURES:

(i) CUTTING INTO ANY PART OF THE BODY BY SURGICAL SCALPEL, ELECTRO-CAUTERY, OR OTHER MEANS FOR DIAGNOSIS OR THE REMOVAL OR REPAIR OF DISEASED OR DAMAGED TISSUE, BONE, ORGANS, TUMORS, OR FOREIGN BODIES.

- (ii) REDUCTION OF FRACTURES OR DISLOCATIONS OF A BONE, JOINT, OR BONY STRUCTURE.
- (iii) REPAIR OF MALFORMATIONS OR BODY DEFECTS RESULTING FROM INJURY, BIRTH DEFECTS, OR OTHER CAUSES THAT REQUIRE CUTTING AND MANIPULATION OR SUTURE.
- (iv) INSTRUMENTATION OF THE UTERINE CAVITY INCLUDING THE PROCEDURE COMMONLY KNOWN AS DILATATION AND CURETTAGE FOR DIAGNOSTIC OR THERAPEUTIC PURPOSES.
- (v) HUMAN STERILIZATION PROCEDURES.
- (vi) ENDOSCOPIC PROCEDURES.”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Peters offered the following amendments:

1. Amend page 1, following “THE PEOPLE OF THE STATE OF MICHIGAN ENACT:” by inserting:

“Sec. 20104. (1) “Certification” means the issuance of a document by the department to a health facility or agency attesting to the fact that the facility or agency meets both of the following:

- (a) It complies with applicable statutory and regulatory requirements and standards.
 - (b) It is eligible to participate as a provider of care and services in a specific federal or state health program.
- (2) “Clinical laboratory” means a facility patronized by, or at the direction of, a physician, health officer, or other person authorized by law to obtain information for the diagnosis, prevention, or treatment of disease or the assessment of a medical condition by the microbiological, serological, histological, hematological, immunohematological, biophysical, cytological, pathological, or biochemical examination of materials derived from the human body, except as provided in section 20507.

(3) “Consumer” means a person who is not a HEALTH PROFESSIONAL, HEALTH FACILITY OR AGENCY, OR OTHER provider of health care. ~~as defined in section 1531(3) of title 15 of the public health service act, 42 U.S.C. 300n.~~

(4) “County medical care facility” means a nursing care facility, other than a hospital long-term care unit, ~~which~~ THAT provides organized nursing care and medical treatment to 7 or more unrelated individuals who are suffering or recovering from illness, injury, or infirmity and ~~which~~ THAT is owned by a county or counties.

(5) “Freestanding surgical outpatient facility” means a facility, other than the office of a physician, dentist, podiatrist, or other private practice office, offering a surgical procedure and related care that in the opinion of the attending physician can be safely performed without requiring overnight inpatient hospital care. ~~†~~ FREESTANDING SURGICAL OUTPATIENT FACILITY does not include a surgical outpatient facility owned by and operated as part of a hospital.

(6) “FREESTANDING BIRTHING CLINIC” MEANS A FACILITY, OTHER THAN THE PRIVATE PRACTICE OFFICE OF A PHYSICIAN LICENSED UNDER ARTICLE 15 OR A REGISTERED PROFESSIONAL NURSE LICENSED UNDER ARTICLE 15 AND CERTIFIED IN THE SPECIALTY OF NURSE MIDWIFERY UNDER SECTION 17210, THAT PROVIDES FAMILY-CENTERED CARE IN A HOMELIKE ATMOSPHERE FOR HEALTHY WOMEN BEFORE, DURING, AND AFTER NORMAL PREGNANCY, LABOR, AND BIRTH, EITHER AS PART OF OR INDEPENDENT OF ANOTHER HEALTH FACILITY OR AGENCY.

Sec. 20106. (1) “Health facility or agency”, except as provided in section 20115, means:

- (a) An ambulance operation, aircraft transport operation, nontransport prehospital life support operation, or medical first response service.
- (b) A clinical laboratory.
- (c) A county medical care facility.
- (D) A FREESTANDING BIRTHING CLINIC.
- (E) ~~(d)~~ A freestanding surgical outpatient facility.
- (F) ~~(e)~~ A health maintenance organization.
- (G) ~~(f)~~ A home for the aged.
- (H) ~~(g)~~ A hospital.
- (I) ~~(h)~~ A nursing home.
- (J) ~~(i)~~ A hospice.
- (K) ~~(j)~~ A hospice residence.
- (l) ~~(k)~~ A facility or agency listed in subdivisions (a) to ~~(h)~~ (I) located in a university, college, or other educational institution.

(2) “Health maintenance organization” means a health facility or agency that does all of the following:

- (a) Delivers health maintenance services that are medically indicated to enrollees under the terms of its health maintenance contract, directly or through contracts with affiliated providers, in exchange for a fixed prepaid sum or per capita prepayment, without regard to the frequency, extent, or kind of health maintenance services.
- (b) Is responsible for the availability, accessibility, and quality of the health maintenance services provided as described in subdivision (a).

(3) “Home for the aged” means a supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility that provides room, board, and supervised personal care to 21 or more unrelated, nontransient, individuals 60 years of age or older. Home for the aged includes a supervised personal

care facility for 20 or fewer individuals 60 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

(4) "Hospice" means a health care program that provides a coordinated set of services rendered at home or in outpatient or institutional settings for individuals suffering from a disease or condition with a terminal prognosis.

(5) "Hospital" means a facility offering inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily direction or supervision of a physician. Hospital does not include a mental health hospital licensed or operated by the department of community health or a hospital operated by the department of corrections.

(6) "Hospital long-term care unit" means a nursing care facility, owned and operated by and as part of a hospital, providing organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity."

2. Amend page 3, following line 18, by inserting:

"PART 204. FREESTANDING BIRTHING CLINICS

SEC. 20401. ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 201 CONTAINS DEFINITIONS APPLICABLE TO THIS PART.

SEC. 20403. (1) A FREESTANDING BIRTHING CLINIC SHALL BE LICENSED UNDER THIS ARTICLE.

(2) "FREESTANDING BIRTHING CLINIC" OR A SIMILAR TERM OR ABBREVIATION SHALL NOT BE USED TO DESCRIBE OR REFER TO A HEALTH FACILITY OR AGENCY UNLESS IT IS LICENSED BY THE DEPARTMENT UNDER THIS ARTICLE AS A FREESTANDING BIRTHING CLINIC.

SEC. 20405. THE OWNER, OPERATOR, AND GOVERNING BODY OF A FREESTANDING BIRTHING CLINIC LICENSED UNDER THIS ARTICLE ARE SUBJECT TO ALL OF THE FOLLOWING:

(A) ARE RESPONSIBLE FOR ALL PHASES OF THE OPERATION OF THE FREESTANDING BIRTHING CLINIC, SELECTION OF HEALTH PROFESSIONAL AND OTHER STAFF, AND QUALITY OF CARE RENDERED IN THE FREESTANDING BIRTHING CLINIC.

(B) SHALL COOPERATE WITH THE DEPARTMENT IN THE ENFORCEMENT OF THIS ARTICLE AND REQUIRE THAT THE HEALTH PROFESSIONALS AND OTHER PERSONNEL WORKING IN THE FREESTANDING BIRTHING CLINIC FOR WHOM A STATE LICENSE OR REGISTRATION IS REQUIRED BE CURRENTLY LICENSED OR REGISTERED.

SEC. 20407. A FREESTANDING BIRTHING CLINIC SHALL COMPLY WITH ALL OF THE FOLLOWING:

(A) BE ORGANIZED, ADMINISTERED, STAFFED, AND EQUIPPED TO PROVIDE BIRTHING SERVICES ON A REGULAR AND SCHEDULED BASIS.

(B) HAVE THE HEALTH PROFESSIONAL, TECHNICAL, AND SUPPORTIVE PERSONNEL AND THE EQUIPMENT NECESSARY TO ASSURE THE SAFE PERFORMANCE OF BIRTHING SERVICES AND RELATED CARE UNDERTAKEN IN THE FREESTANDING BIRTHING CLINIC.

(C) HAVE A WRITTEN AGREEMENT WITH A NEARBY LICENSED HOSPITAL TO PROVIDE FOR THE EMERGENCY ADMISSION OF CLIENTS WHO FOR UNPREDICTABLE REASONS MAY REQUIRE HOSPITAL ADMISSION AND CARE.

(D) ASSURE THAT A CLINICAL RECORD IS ESTABLISHED FOR EACH CLIENT RECEIVING BIRTHING SERVICES, INCLUDING A HISTORY, PHYSICAL EXAMINATION, JUSTIFICATION FOR TREATMENT PLANNED AND RENDERED, TESTS AND EXAMINATIONS PERFORMED, OBSERVATIONS MADE, AND TREATMENT PROVIDED.

(E) THE RULES PROMULGATED BY THE DEPARTMENT UNDER SECTION 20409.

SEC. 20409. THE DEPARTMENT MAY PROMULGATE RULES ESTABLISHING STANDARDS FOR THE ESTABLISHMENT AND OPERATION OF FREESTANDING BIRTHING CLINICS LICENSED UNDER THIS ARTICLE. THE DEPARTMENT MAY INCORPORATE BY REFERENCE ALL OR PART OF THE ACCREDITATION STANDARDS OF THE NATIONAL ASSOCIATION OF CHILD BEARING CENTERS FOR PURPOSES OF THE RULES PROMULGATED UNDER THIS SECTION."

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 626

Yeas—17

Byrum
Cherry
DeBeaussaert

Gougeon
Johnson
Koivisto

Murphy
Peters
Schwarz

Smith, V.
Stille
Vaughn

Emerson
Gast

Leland

Smith, A.

Young

Nays—21Bennett
Bullard
DeGrow
Dingell
Dunaskiss
EmmonsGoschka
Hammerstrom
Hart
Hoffman
JayeMcCotter
McManus
Miller
North
RogersSchuette
Shugars
Sikkema
Steil
Van Regenmorter**Excused—0****Not Voting—0**

In The Chair: Schwarz

The question being on the passage of the bill,
The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 627**Yeas—26**Bennett
Bullard
DeGrow
Dingell
Dunaskiss
Emmons
GastGoschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
KoivistoMcCotter
McManus
Miller
North
Rogers
SchuetteSchwarz
Shugars
Sikkema
Steil
Stille
Van Regenmorter**Nays—12**Byrum
Cherry
DeBeaussaertEmerson
Johnson
LelandMurphy
Peters
Smith, A.Smith, V.
Vaughn
Young**Excused—0****Not Voting—0**

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
Pursuant to Joint Rule 20, the full title of the act shall be inserted to 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 the implementation of federal law; 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 Senate agreed to the full title.

Protests

Senators Johnson, A. Smith, Byrum and Peters, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4599.

Senators Johnson and A. Smith moved that the statements they made during the discussion of the amendments and the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Johnson’s statement, in which Senator A. Smith concurred, is as follows:

I have to admit, I hesitate to stand here today and speak on this issue, but an unusual experience happened here in committee. I would first like to thank the committee chair for her indulgence because it took me a long time to get the information I was trying to obtain through the Department of Community Health. I very seriously considered supporting this legislation, and I mean that sincerely. After listening to some of the anecdotal testimony in committee, there is reason to be very concerned about any kind of invasive surgery that is performed out of a hospital setting. As the Senator from the 14th and the 18th Districts alluded to, there are some things that truly can be life-threatening that have nothing to do with the abortion issue that are taking place in physicians’ offices; and oral surgery is just a good example of that. It can be very dangerous for an individual, for an example, who has a heart murmur.

After listening to this anecdotal information, I asked the Department of Community Health, while in committee, if they would please give me the list of complaints that have been filed with the department as specific complaints dealing with physicians’ offices. Assuming, of course, that there would be a wrath of complaints, in fact, over the last three years, there have been three such complaints—one that was rescinded within a 24-hour period. The other had to do with a physicians’ office located in Berkeley, Michigan. The other was a physician who had nothing to do with the abortion question.

So the issue is a bogus issue, and I would urge you to consider that. I would also urge you to notify those physicians and your constituents in your district that there is an easy access to complaint—it is readily available through the Department of Community Health.

Senator A. Smith’s first statement is as follows:

This amendment would actually extend the coverage of this bill to all surgical clinics or all clinics where surgical treatment is provided. I’m offering this amendment because I have been told by many people on the other side of the aisle that this legislation before us is not an attack on reproductive freedom. If that, in fact, is the case, then I think it’s important for you to look at the safety and the health issues related to the surgical treatment and outpatient clinics of anybody for any purpose. We have, as a matter of information for you, the incidence of problems or complications in abortion clinics, and that incidence is at .08 of 1 percent. Yet, we see the incidence of infections and the incidence of complications in other surgical procedures—ophthalmology, dentistry—that are certainly not addressed by the provisions of this legislation.

So if we are truly talking about medical safety, then we need to expand this bill to include all clinics and providers of all surgical procedures. My amendment does that, and it takes this issue so that it really deals with the health of the citizens of the state of Michigan and isn’t just a further restriction on a woman’s right to choice—performance of a very legal and safe procedure in clinics where, once again, you have .08 of 1 percent incidence of complication in the last year. So if this bill is simply not going to fall down and be an issue between pro-choice and right to life, I think this is an amendment that would show that you are genuinely concerned about the health care and the health of all the citizens of the state of Michigan.

I urge you to adopt the amendment.

Senator A. Smith’s second statement is as follows:

With all due respect to my colleague from the 17th District, the Senator talks about the invasiveness of procedures, and I think invasiveness, in part, is determined by outcome. With a root canal in a dental clinic, you stand a tremendous amount of opportunity for infection. The same is true with laser surgery in ophthalmology clinics. We find any number

of incidents where surgery is invasive. Surgery, by definition, is invasive. When we talk about noninvasive procedures, we aren't talking about procedures that surgically cut parts of the body and result in a hemorrhage with the result of that surgical procedure.

With the extension of this legislation to dental clinics and other clinics where surgery is performed, that is exactly what we are trying to capture. The focus is on sites where these procedures do, in fact, result in serious infection and sometimes gross complications as a result of surgeries that aren't supervised to the degree that you would supervise a procedure that has been safe, that has been deemed safe, and that the department itself indicates that they have no reports of complications and, particularly, none in the last year.

So I urge support for the expansion of this legislation to cover those facilities that, indeed, do invasive surgery. I urge your support for the amendment.

Senator Byrum's statement, in which Senator Peters concurred, is as follows:

House Bill No. 4499 was put before us as legislation being concerned about women's health. I beg to differ. I would concur with what the health care professionals are saying about this bill. Both the Michigan State Medical Society and the American College of Obstetricians and Gynecologists also oppose this legislation. Simply said, "If those who support such legislation truly want to reduce the number of abortions in Michigan, it is time they sit down with those who care about women professionally to implement the many methods that can have a major impact—through education, community support, and pregnancy planning." This bill does none of those proactive things. It has nothing to do with women's health or those who professionally care for women's health. I voted "no."

The following bill was read a third time:

House Bill No. 4600, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2835 (MCL 333.2835).

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 628

Yeas—27

Bennett	Gast	Koivisto	Schwarz
Bullard	Goschka	McCotter	Shugars
DeBeaussaert	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	Miller	Steil
Dingell	Hart	North	Stille
Dunaskiss	Hoffman	Rogers	Van Regenmorter
Emmons	Jaye	Schuette	

Nays—11

Byrum	Johnson	Peters	Vaughn
Cherry	Leland	Smith, A.	Young
Emerson	Murphy	Smith, V.	

Excused—0

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to 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 the implementation of federal law; 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 Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4601, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 2837.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 629

Yeas—26

Bennett	Gast	Koivisto	Schwarz
Bullard	Goschka	McCotter	Shugars
DeBeaussaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	North	Steil
Dingell	Hart	Rogers	Stille
Dunaskiss	Hoffman	Schuette	Van Regenmorter
Emmons	Jaye		

Nays—11

Byrum	Johnson	Peters	Vaughn
Cherry	Leland	Smith, A.	Young
Emerson	Murphy	Smith, V.	

Excused—0

Not Voting—1

McManus

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to 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 the implementation of federal law; 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 Senate agreed to the full title.

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

Senate Bill No. 550, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20126 (MCL 324.20126), as amended by 1996 PA 115.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 562, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 145d. Substitute (H-3).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 630

Yeas—37

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons			

Nays—0

Excused—0

Not Voting—1

Leland

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 463, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending the title and sections 2, 4, 7, 8, 10, and 22 (MCL 125.1502, 125.1504, 125.1507, 125.1508, 125.1510, and 125.1522), the title and section 4 as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

(For Conference Report, see Senate Journal No. 83, p. 1860.)

The House of Representatives has adopted the report of the Committee of Conference.

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

Senate Bill No. 745, entitled

A bill to revise and codify the laws relating to banks, out-of-state banks, and foreign banks; to provide for their regulation and supervision; to prescribe the powers and duties of banks; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 154, following line 22, by inserting:

"Enacting section 2. This act takes effect March 1, 2000."

The House of Representatives has passed the bill as amended by 2/3 vote and ordered that it be given immediate effect. Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 867, entitled

A bill to create certain authorities; to authorize creation of certain funds; to authorize expenditures from the funds; to finance the purchase of land and the development of certain convention facilities and of public improvements or related facilities; and to prescribe the powers and duties of certain state and local officials.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 2, after "500,000" by inserting "that contains a qualified city, and".

2. Amend page 3, line 3, after "government" by striking out the balance of the subdivision and inserting a period.

3. Amend page 4, following line 27, by inserting:

"(5) Notwithstanding a charter provision of a qualified city to the contrary, a member of the legislative body or other city official of the qualified city is eligible to serve as a member of a board established under this act."

The House of Representatives has passed the bill as amended and ordered that it be given immediate effect.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 877, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending the title and sections 5, 7, 7a, 8, 24, 25, 33, 36, 40, 41a, 42, 44, 45, 46, 47, 48, 52, 53, 55, 56, 57, 58, and 59 (MCL 24.205, 24.207, 24.207a, 24.208, 24.224, 24.225, 24.233, 24.236, 24.240, 24.241a, 24.242, 24.244, 24.245, 24.246, 24.247, 24.248, 24.252, 24.253, 24.255, 24.256, 24.257, 24.258, and 24.259), the title as amended by 1993 PA 7, sections 5, 24, 52, and 56 as amended by 1982 PA 413, section 7 as amended by 1996 PA 489, sections 7a, 40, and 53 as added by 1984 PA 273, sections 8 and 57 as amended by 1988 PA 333, sections 42, 44, 45, and 46 as amended by 1993 PA 141, sections 48, 55, and 58 as amended by 1986 PA 292, and section 59 as amended by 1995 PA 178, and by adding sections 28, 34, 39, 39a, 45a, and 54.

The House of Representatives has amended the bill as follows:

1. Amend page 14, line 14, by striking out "APPROVED BY" and inserting "SUBMITTED TO".

2. Amend page 14, line 14, after "REFORM." by inserting "ON A WEEKLY BASIS, THE OFFICE OF REGULATORY REFORM SHALL PROVIDE TO THE COMMITTEE A LISTING OF ALL REQUESTS FOR RULE-MAKING APPROVED OR DENIED DURING THE PREVIOUS WEEK."

3. Amend page 14, line 15, after "APPROVED" by striking out "REQUEST" and inserting "AND DENIED REQUESTS".

4. Amend page 29, line 2, after "CHAIR" by striking out the balance of the line through "CHAIR" on line 3 and inserting a comma and "THE ALTERNATE CHAIR, OR ANY MEMBER OF THE COMMITTEE".

5. Amend page 29, line 4, after the second "THE" by inserting "BILL OR".
6. Amend page 29, line 22, after "OF" by striking out "EITHER HOUSE" and inserting "BOTH HOUSES".
7. Amend page 30, line 3, after "OF" by striking out "EITHER HOUSE" and inserting "BOTH HOUSES".
8. Amend page 33, line 19, after "BY" by striking out "JANUARY" and inserting "APRIL".
9. Amend page 40, line 19, by striking out "January" and inserting "April".

The House of Representatives has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title. Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 878, entitled

A bill to amend 1970 PA 193, entitled "An act to provide for the compilation of the general laws of this state and the compilation and revision of state administrative rules; and to prescribe the functions of the legislative council relative thereto," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 (MCL 8.41, 8.42, 8.43, 8.44, 8.45, 8.46, 8.47, and 8.48).

The House of Representatives has amended the bill as follows:

1. Amend page 6, line 9, by striking out "January" and inserting "April".

The House of Representatives has passed the bill as amended.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 879, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending sections 201, 202, and 203 (MCL 4.1201, 4.1202, and 4.1203), section 203 as amended by 1999 PA 101.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 14, by striking out "January" and inserting "April".

The House of Representatives has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate proceeded to the order of

Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 110

Senate Resolution No. 111

Senate Resolution No. 112

Senate Resolution No. 113

Senate Resolution No. 114

The resolution consent calendar was adopted.

Senators Goschka, Bullard, Stille, Dunaskiss, McCotter, Jaye, Gougeon, Sikkema, Bennett, Shugars, Johnson, Steil, DeGrow, Gast, Rogers, Schuette, Hammerstrom, Schwarz, North, Koivisto, Vaughn, Byrum, Hart, Peters, DeBeaussaert, A. Smith, Dingell, Miller, Van Regenmorter, Leland, V. Smith, Cherry, Young, Emerson and McManus offered the following resolution:

Senate Resolution No. 110.

A resolution honoring the Saginaw High School Trojans, Michigan High School Athletic Association Division 2 State Football Champions.

Whereas, It is a distinct pleasure for the Michigan Senate to join with the families, the entire school, and all of the great city of Saginaw in celebrating the achievements of the 1999 Saginaw High School Football Team on its wonderful success this season. In a hard-fought victory at the Pontiac Silverdome against a formidable opponent from Birmingham Brother Rice, the Trojans earned the title of Michigan High School Athletic Association Division 2 State Football Champions. This represents the culmination of an outstanding season and the first state football title to be taken back to Saginaw High School; and

Whereas, Much to the delight of their loyal fans, the Trojans have earned the respect of prep sports followers throughout the state of Michigan by their talent, teamwork, and determination. Under the direction of Head Coach Donald Durrett and Assistant Coaches Brian Conover, John Engel, and James Geary, as well as the support of Trainer Rob Ueberroth, Statistician Gary Martin, Cameraperson Pamela Evans, Ball Boys Andrew Conover and Josh Washington, and Mascot Judy Smith (#62), this team honed its exceptional skills and developed the poise and character necessary to achieve this lofty goal. As opponents found throughout the season, this is a team that is positive and unified in every facet of team sports. In the face of challenge and pressure, this is a group of young people who have

maintained their focus on making their dreams come true and accepting nothing less than their very best collective effort; and

Whereas, Winning titles and having outstanding seasons is always the result of hard work. While anything can happen in a single game, all championship teams demonstrate their true abilities and commitment over the long season as well as the playoffs. What distinguishes the best, however, is the effort that is demonstrated in preparation and practice, long before the excitement of game day. We admire the efforts, team spirit, and preparation of these talented young people who proudly wear Saginaw High School's Black and Gold:

Anthony Baker	Dan Davis	Ira Jackson	Antwan Robinson
Craig Boyle	Rashad Davis	Terry Jackson	Anthony Rogers
Terry Bracken II	Cliff Davis	Jerome Jackson	Charles Rogers
Seddrick Brown	Marcel Dillard	Samuel Johnson	Ronald Stanley
Ronnie Bryant	Jamel Dillard	Roy Manning	Anthony Ware
Clifford Calhoun	Tim Gray	Jeremiah McLaurin	Otis Washington
Kirk Carruth	Moses Holmes	Michael Reedy	Andre White
DeAndre Clement	Jerrad Humes	Jason Riley	Demontrial Williamson
Aaron Cooper	Tory Humphrey	Anthony Roberson	Lamarr Woodley
Brandon Cork			

Let the Trojans and their fans enjoy the taste of this moment of celebration, for Coach Donald Durrett will most likely have next year's team in training long before the cheering ends; now, therefore, be it

Resolved by the Senate, That we extend our congratulations to the 1999 Saginaw High School Trojans, Michigan High School Athletic Association Division 2 State Football Champions; and be it further

Resolved, That a copy of this resolution be transmitted to the Saginaw High School Trojans as evidence of the high esteem in which they are held.

Senators Goschka, Bullard, Stille, Dunaskiss, Bennett, McCotter, Gougeon, Jaye, Sikkema, Gast, Johnson, Shugars, Steil, DeGrow, Rogers, Schuette, Hammerstrom, Schwarz, North, Koivisto, Byrum, Hart, Vaughn, Peters, DeBeaussaert, A. Smith, Dingell, Van Regenmorter, Leland, Miller, V. Smith, Cherry, Young, Emerson and McManus offered the following resolution:

Senate Resolution No. 111.

A resolution honoring the St. Charles High School Bulldogs, Michigan High School Athletic Association Division 6 State Football Champions.

Whereas, It is a distinct pleasure for the Michigan Senate to join with the families, the entire school, and all of the residents of the St. Charles Community School District and surrounding area in celebrating the achievements of the 1999 St. Charles High School Football Team on its wonderful undefeated season, of 14-0. In a hard-fought victory at the Pontiac Silverdome against a formidable opponent from Hopkins, the Bulldogs (Dawgs) earned the title of Michigan High School Athletic Association Division 6 State Football Champions. This represents the culmination of an outstanding season and the first state football title to be taken back to St. Charles High School since 1963; and

Whereas, Much to the delight of their loyal fans, the St. Charles "Dawgs" have earned the respect of prep sports followers throughout the state of Michigan by their talent, teamwork, and determination. Under the direction of Head Coach Robert Welzein and Assistant Coaches Jim Mroz, Pat Rusz, Larry Mishler, Roger Henninger, Roger Delemeester, Bill Wood, and Jim Swartzendruber, as well as the support of Trainer Tricia Douglas and Manager Emily Swartzendruber, this team honed its exceptional skills and developed the poise and character necessary to achieve this lofty goal. As opponents found throughout the season, this is a team that is positive and unified in every facet of team sports, including the blond hair that every member, including some coaches, "adopted" early in the year. In the face of challenge and pressure, this is a group of young people who have maintained their focus on making their dreams come true and accepting nothing less than their very best collective effort; and

Whereas, Winning titles and having outstanding seasons is always the result of hard work. While anything can happen in a single game, all championship teams demonstrate their true abilities and commitment over the long season as well as the playoffs. What distinguishes the best, however, is the effort that is demonstrated in preparation and practice, long before the excitement of game day. We admire the efforts, team spirit, and preparation of these talented young people who proudly wear St. Charles High School's Black and Red:

Ryan Griffus	Pat Mishler	Neil Turner	Kyle Marietta
Scott Wicke	Ryan Williams	Andy Bolf	Keith Dombrowski
Tom Kremer	Jason Dinninger	Nate Trier	Jared Duquette
Ed Tithof	Andy Fisk	Eric Rehmann	Rob Anthony
Seth McKillop	Brandon Revell	Brian Mead	Pat Wilding
Mike Reinke	Aaron Louchart	J.J. Goidosik	Andy Heister
Jon Unger	Jake Wood	Gavin Lynch	Sean Gustavison
Josh Hafner	Adam Turner		

Let the “Dawgs” and their loyal fans enjoy the taste of this moment of celebration, for Coach Welzein will most likely have next year’s team in training long before the cheering ends; now, therefore, be it

Resolved by the Senate, That we extend our congratulations to the 1999 St. Charles High School Bulldogs, Michigan High School Athletic Association Division 6 State Football Champions; and be it further

Resolved, That a copy of this resolution be transmitted to the St. Charles High School Bulldogs as evidence of the high esteem in which they are held.

Senators McManus, North, Gougeon, Johnson, Sikkema, McCotter, Stille, Bennett, Gast, Schwarz, Hoffman, Hammerstrom, Rogers, Dunaskiss, Jaye, Shugars, Schuette, Steil, Emmons, Koivisto, Dingell, A. Smith, DeBeaussaert, Vaughn, Byrum, Bullard, Van Regenmorter, Murphy, Hart, Cherry and V. Smith offered the following resolution:

Senate Resolution No. 112.

A resolution honoring the Traverse City St. Francis High School Football Team on its Division VII state championship title win.

Whereas, The Traverse City St. Francis High School Football Team completed its season with an outstanding record of 13-1; and

Whereas, For the second straight season, the Gladiators advanced to the state high school football finals at the Pontiac Silverdome; and

Whereas, Coach Larry Sellers lead his team through a highly successful season which culminated in a 23-6 win over the previously unbeaten Gobles Tigers at the championship game on Saturday, November 28, 1999, in Pontiac; and

Whereas, The Gladiators demonstrated a commendable degree of resiliency in their ability to bounce back from last year’s difficult loss in the state finals; and

Whereas, The team and coaching staff displayed great focus throughout the regular season and through tournament play as they set lofty goals and then achieved them; and

Whereas, The St. Francis High School Football Team boasts a cumulative grade point average of 3.26, and these student athletes serve as outstanding examples of their community through their stellar academic achievements and championship athletic abilities; and

Whereas, We honor these young men, the coaching staff, parents, faculty, band members, cheerleaders, fellow students, and community, especially:

Coaches

- Larry Sellers, Head Coach
- Jim Carroll
- Stan Pasch
- Greg Sherwin
- Josh Sellers
- Steve Curtis
- Scott Doriot
- Jason Neumann

Team Captains

- Ben Carlson
- Chris Gallagher
- Ryan McManus
- Joe Ritola
- Tim Wolf

The Gladiators

- Kyle Anderson
- Bill Baker
- Chris Biggar
- Jon Bott
- Zane Breithaupt
- B.J. Brick
- D.J. Brick

- Austin Bunek
- Elliot Bunek
- Jim Burke
- Adam Clark
- Dave Classens
- Steve Curtis
- Nick deManigold
- Steve Demny
- John Fahey
- Pat Heintz
- Jim Kirby
- Pat Lund
- John Lynch
- Chris Mills

- Jon Moquin
- Kyle Novak
- Brian Ockert
- Vince Prusick
- Colin Quinn
- Dan Redmond
- Jacob Richardson
- Jeremy Schell
- Mac Schilling
- Mike Schram
- Kirt Smith
- Matt Thornton
- Jim Urban

Managers

- Ted Martin
- Matt Pasch
- David Pasch
- Brad Martin
- Jerret Martin

Trainer

- Lynne Lombard

; now, therefore, be it

Resolved by the Senate, That the members of this legislative body express sincere appreciation for the exemplary season earned by the Traverse City St. Francis High School Football Team and salute the hard work and dedication of the team and Coach Sellers, who helped make these achievements possible; and be it further

Resolved, That a copy of this resolution be transmitted to the Traverse City St. Francis High School Football team as a token of our congratulations.

Senators North, Koivisto, Dingell, Gougeon, Van Regenmorter, McCotter, Johnson, Hammerstrom, Rogers, Schwarz, McManus, DeGrow, Steil, Hoffman, Sikkema, Stille, Schuette, Bennett, Gast, Dunaskiss, Jaye, Shugars, Emmons, Bullard, Byrum, Hart, Vaughn, Peters, DeBeaussaert, A. Smith, Young, Miller, Murphy, Leland, Emerson, V. Smith and Cherry offered the following resolution:

Senate Resolution No. 113.

A resolution honoring the St. Ignace LaSalle High School Girls Basketball Team, Class C State Champions.

Whereas, The St. Ignace LaSalle High School Girls Basketball Team is the first-ever Class C girls team from the Upper Peninsula to win the championship at the state finals. This championship team defeated a very formidable opponent, Sandusky High School, at Central Michigan University in Mt. Pleasant; and

Whereas, The team went 26-1 for the year. Their only loss was to a Class A team, which they had previously defeated earlier in the season; and

Whereas, We honor these young women and their coaching staff, who are:

<u>Head Coach</u>	<u>Assistant Coaches</u>
Dorene Ingalls	Jon Olsen Doug Ingalls
<u>Team Members</u>	
Kate Ruegg	Holly Cole
Melisa Massaway	Eryn Mercer
Randi Johnson	Meghann Savard
Adria West	Mandi Johnson
Samantha Litzner	Micaela Kelso
Karolyn Getzen	Jessica Martin
Katie Harris	Liz Elliot
Emily Evashevski	

; and

Whereas, It has been nine years since a U.P. team, boys or girls, has won a state championship. In addition to a fantastic season, the senior guard, Randi Johnson, was named U.P. Player of the Year; now, therefore, be it

Resolved by the Senate, That the members of this legislative body express their congratulations and sincere gratitude for the St. Ignace "Lady Saints," as they are nicknamed, on winning the Class C State Championship; and be it further

Resolved, That a copy of this resolution be transmitted to the St. Ignace LaSalle High School Girls Basketball Team, 1999 Class C State Champions.

Senators Shugars, Gast, Schwarz, Van Regenmorter and Rogers offered the following resolution:

Senate Resolution No. 114.

A resolution honoring the 1999 Mendon High School Football Team.

Whereas, It is with great pleasure and privilege that we acknowledge the accomplishments of the Mendon High School Football Team. This team has had an exemplary 1999 season, culminating in winning the 1999 Division VIII State Football Championship. With an overall record of 12 wins and 2 losses, the team has much to be proud of. Their talent, teamwork, and determination have earned the respect of fans at home and across the state; and

Whereas, This team is made up of very intelligent, hard working, and unselfish individuals, and it is imperative that we honor each one. The team includes:

Eric Ettinger	Joe Monroe	Jordan Wenzel	Mike Goodman
Jared Batten	Jared Dell	Mike McCuaig	Dustin Paustian
Justin Ettinger	Anthony Davis	Adam LaRoy	Garrett Batten
Daniel Speelman	Kyle Rice	Ryan Ford	Matt Even
Norm Cupp	Mike Hempel	Billy Coomer	Ryan Thompson
Travis Thompson	Kevin Eickhoff	Steve Rice	T.J. Crouch
Lincoln Klingler	Calvin Ray	Josh Madden	Dan Motz
Kyle Ray	Josh Outman	Nick McClain	David Stump
Chris Sheftic	Scott Shimel	Adam Harrison	Rob Weaver
Zac Crouch	Bradley Cross	Joe Sacksteder	

; and

Whereas, The Mendon Hornets had outstanding guidance and leadership throughout this season; therefore, we also recognize the coaches:

<u>Coaches</u>	<u>Managers</u>
John Schwarts, Head Coach	Ryan Ettinger
Bob Critz	Chad Kline
Mitch Ulrich	Bobby Kretschman
Glen Samson	John McGlothlen
Tom Crouch	Eric Ray
Brandon Wenzel	Mike Slager
Tom Wenzel	Joe Smith
Rick Batten	

; now, therefore, be it

Resolved by the Senate, That our best wishes be extended to the 1999 Mendon High School Football Team for its continued success in subsequent seasons; and be it further

Resolved, That unanimous accolade of praise and tribute be hereby accorded to the 1999 Mendon High School Football Team in recognition of its outstanding season and 1999 Division VIII State Football Championship; and be it further

Resolved, That a copy of this resolution be transmitted to the 1999 Mendon High School Football Team as evidence of our admiration and esteem with our warmest wishes for continued success.

Senator Rogers moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

By unanimous consent the Senate returned to the order of

Conference Reports

House Bill No. 4485, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402c.

The House of Representatives has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4485, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402c.

Recommends:

First: That the House recede from its amendment numbered 1, which reads as follows:

1. Amend page 2, following line 18, by inserting:

"(D) IF A MEMBER IS DIAGNOSED WITH CANCER PRIOR TO A PHYSICIAN'S TERMINATION OR KNOWLEDGE OF THE TERMINATION AND THE PHYSICIAN WAS TREATING THE CANCER BEFORE THE DATE OF TERMINATION OR KNOWLEDGE OF THE TERMINATION, FOR THE REMAINDER OF THE MEMBER'S LIFE FOR CARE DIRECTLY RELATED TO THE TREATMENT OF THAT CANCER.

(E) IF A MEMBER IS 65 YEARS OLD OR OLDER, FOR THE REMAINDER OF THE MEMBER'S LIFE."

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1980 PA 350, entitled "An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts," (MCL 550.1101 to 550.1704) by adding section 402c.

Gerald Law
Paul DeWeese
Conferees for the House

Dale Shugars
John J.H. Schwarz
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,
Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 631

Yeas—34

Bennett	Goschka	McManus	Shugars
Bullard	Gougeon	Miller	Sikkema
Byrum	Hammerstrom	Murphy	Smith, A.
Cherry	Hart	North	Smith, V.
DeBeaussaert	Hoffman	Peters	Stille
DeGrow	Jaye	Rogers	Van Regenmorter
Dingell	Johnson	Schuette	Vaughn
Dunaskiss	Koivisto	Schwarz	Young
Emmons	McCotter		

Nays—0

Excused—0

Not Voting—4

Emerson	Gast	Leland	Steil
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In The Chair: Schwarz

Senator Rogers moved that Senators Gast and Steil be temporarily excused from the balance of today's session.
The motion prevailed.

House Bill No. 4486, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21052b.
The House of Representatives has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4486, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21052b.
Recommends:

First: That the House recede from its amendments numbered 1 to 3, which read as follows:

1. Amend page 2, line 10, after "IS" by striking out the balance of the line through "PREGNANCY" on line 11 and inserting "PREGNANT".

2. Amend page 2, following line 18, by inserting:

"(D) IF AN ENROLLEE IS DIAGNOSED WITH CANCER PRIOR TO A PHYSICIAN'S TERMINATION OR KNOWLEDGE OF THE TERMINATION AND THE PHYSICIAN WAS TREATING THE CANCER BEFORE THE

DATE OF TERMINATION OR KNOWLEDGE OF THE TERMINATION, FOR THE REMAINDER OF THE ENROLLEE’S LIFE FOR CARE DIRECTLY RELATED TO THE TREATMENT OF THAT CANCER.

(E) IF AN ENROLLEE IS 65 YEARS OLD OR OLDER, FOR THE REMAINDER OF THE ENROLLEE’S LIFE.”.

3. Amend page 3, line 22, after “PHYSICIAN” by inserting “OR A MENTAL HEALTH PROFESSIONAL”.

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill 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 the implementation of federal law; 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,” (MCL 333.1101 to 333.25211) by adding section 21052b.

Gerald Law
Paul DeWeese
Conferees for the House

Dale Shugars
John J.H. Schwarz
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,
Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 632

Yeas—35

Bennett	Goschka	McCotter	Shugars
Bullard	Gougeon	McManus	Sikkema
Byrum	Hammerstrom	Miller	Smith, A.
Cherry	Hart	Murphy	Smith, V.
DeBeaussaert	Hoffman	North	Stille
DeGrow	Jaye	Peters	Van Regenmorter
Dingell	Johnson	Rogers	Vaughn
Dunaskiss	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—2

Gast

Steil

Not Voting—1

Emerson

In The Chair: Schwarz

Senator V. Smith moved that Senator Emerson be excused from the balance of today's session.
The motion prevailed.

House Bill No. 4487, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2212b.

The House of Representatives has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4487, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2212b.

Recommends:

First: That the House recede from its amendment numbered 1, which reads as follows:

1. Amend page 2, following line 18, by inserting:

"(D) IF AN INSURED IS DIAGNOSED WITH CANCER PRIOR TO A PHYSICIAN'S TERMINATION OR KNOWLEDGE OF THE TERMINATION AND THE PHYSICIAN WAS TREATING THE CANCER BEFORE THE DATE OF TERMINATION OR KNOWLEDGE OF THE TERMINATION, FOR THE REMAINDER OF THE INSURED'S LIFE FOR CARE DIRECTLY RELATED TO THE TREATMENT OF THAT CANCER.

(E) IF AN INSURED IS 65 YEARS OLD OR OLDER, FOR THE REMAINDER OF THE INSURED'S LIFE."

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an

automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” (MCL 500.100 to 500.8302) by adding section 2212b.

Gerald Law
Paul DeWeese
Conferees for the House

Dale Shugars
John J.H. Schwarz
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,
Senator Rogers moved that the rule be suspended.
The motion prevailed.
The question being on the adoption of the conference report,

Senators Steil and Gast entered the Senate Chamber.

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 633

Yeas—37

Bennett	Goschka	McCotter	Shugars
Bullard	Gougeon	McManus	Sikkema
Byrum	Hammerstrom	Miller	Smith, A.
Cherry	Hart	Murphy	Smith, V.
DeBeaussaert	Hoffman	North	Steil
DeGrow	Jaye	Peters	Stille
Dingell	Johnson	Rogers	Van Regenmorter
Dunaskiss	Koivisto	Schuette	Vaughn
Emmons	Leland	Schwarz	Young
Gast			

Nays—0

Excused—1

Emerson

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 198, entitled

A bill to prohibit governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion.

The House of Representatives has appointed Reps. Perricone, Gosselin and Kilpatrick as conferees to join with Senators DeGrow, Bennett and V. Smith.

The bill was referred to the Conference Committee.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Jaye and Goschka asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Jaye's statement is as follows:

Mr. President and Senate colleagues, we're voting on some important campaign finance reform legislation and also some election reform legislation, and I'm going to be voting for those bills. However, we've lost a great opportunity to restore the balance of political power to those whom it emanates from and where it should reside, and that's the people.

All the power in the state of Michigan, in fact, in America, resides with the people. The First Amendment of the United States Constitution, the first point of our Bill of Rights, says that no law shall be passed that denies the people the right to petition their government for redress of their grievances. In the state of Michigan, we have laws that diminish, that block, that cripple, and that are diminishing the right of people to be able to petition their government for the redress of their grievances when we only allow citizens 180 days to collect signatures to place issues before the Legislature—issues, be they conservative or liberal, be they right wing, left wing, or Libertarian, be they progressive, or be they whatever. We have a concentration of power at the State Capitol that blocks, even record roll call votes on issues that are supported by 70 percent of the state residents—the death penalty comes to mind. But because the petition signature requirements are so high, you need to have 302,700 signatures for a constitutional petition initiative or 242,169 for a statutory initiative. It is almost impossible for any citizens' group to be able to collect enough signatures to present an issue in front of their neighbors or to act on public policy issues the Legislature refuses to vote on, the special interest blocked, and for which we have not had a public debate in the democratic tradition.

What are the ballot proposals that go before the voters? It's those that are funded by the very influential economic interests—the Michigan Trial Attorneys Association on the left and the big insurance companies and the big banks on the right. I think with the sole exception of Michigan Right to Life with their network of churches, no citizen-backed petition drive has been successful in Michigan in the last three or four decades, except with paid circulators. Circulators are literally getting a dollar a signature in exchange for them collecting signatures to place an issue on the ballot. Well, with these two-working households, single-family-headed households, and a work week that extends beyond the traditional 40 hours to 50 or 60 hours, working men and women don't have time to be able to stand out in front of the grocery store or in front of the library or go door-to-door.

I had an amendment which would have extended from 180 to 270 days the time for citizens to circulate petitions, particularly in the state of Michigan with our climate, with all the cold weather, with the fact that we run out of sunlight around 5 o'clock in the wintertime, and with the rain. One hundred eighty days' limitation is a cruel hoax that takes away the opportunity for the regular citizen to petition their government to get issues in front of the ballot.

Put this in comparison—how many signatures does a Republican candidate need to place their name before the electorate to become Governor? Only 20,555 for a Republican candidate for Governor or Senator. For a Democrat, they only need 9,386 signatures to run for U.S. Senate or Governor. That shows how the politicians have stacked the deck against the rank and file, against the working men and women, against the consumers, and the taxpayers of the state of Michigan.

I'm hoping that a future Legislature at a future time will expand the number of days that citizens can collect signatures because it is a constitutional requirement. That means a two-thirds vote of the Senate or another petition drive to lower the number of signatures. So a government that responds to an electorate, an informed democracy, and an active democracy is a government that governs best. I would hope that my colleagues would take a second look at increasing the number of days to collect signatures in order to empower the taxpayers, the people who pay our salaries, who send us to office, and to whose benefit we are supposed to be watching over.

Senator Goschka's statement is as follows:

Earlier today, we were reminded by Pastor Pruijm, the Chaplain of the Michigan National Guard and a guest of both Senator Rogers and Senator Van Regenmorter, that 58 years ago today was the savage attack on Pearl Harbor. As we have been here today, I hope that all of us as Americans have thought about the supreme sacrifice that 2,402 Americans made on December 7, 1941.

May we always remember our war dead, whether it be Memorial Day, December 7, or any other day of the year. Our veterans are our treasure, and those who paid the supreme sacrifice must always be remembered for what they did. The *Arizona* went down, 2,402 Americans were killed, and we were launched into a war. Let us always remember the honor with which those who paid the supreme sacrifice served. Together, I believe that we all thank God for the victory that He gave the United States in World War II.

Committee Reports

The Committee on Technology and Energy reported

House Bill No. 4424, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2970; and to repeal acts and parts of acts.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 3, line 19, after "ENTITY" by inserting a comma and "EXCEPT A FINANCIAL INSTITUTION AS DEFINED IN SECTION 2969".

The committee further recommends that the bill be given immediate effect.

Mat Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Schuette, Byrum and Dingell

Nays: None

The bill and the amendment recommended by the committee were referred to the Committee of the Whole.

The Committee on Technology and Energy reported

House Bill No. 4469, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by adding section 7b; and to repeal acts and parts of acts.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 3, line 20, by striking out "DIRECTLY OR INDIRECTLY".

The committee further recommends that the bill be given immediate effect.

Mat Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Schuette, Rogers, Byrum, Leland and Dingell

Nays: None

The bill and the amendment recommended by the committee were referred to the Committee of the Whole.

The Committee on Technology and Energy reported

House Bill No. 4587, entitled

A bill to protect against interest, fines, penalties, and other fees and finance charges by political subdivisions for billing errors caused by computer date failures; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Mat Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Byrum and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

House Bill No. 4588, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for

injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,” by amending section 7 (MCL 691.1407), as amended by 1996 PA 143, and by adding section 7a; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Mat Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Byrum and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

House Bill No. 4737, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by amending the title and by adding section 2969; and to repeal acts and parts of acts.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 4, line 5, by striking out “AND”.
2. Amend page 4, line 6, after “INSTITUTION” by inserting a comma and “OR A SERVICER”.
3. Amend page 5, line 20, by striking out “DIRECTLY OR INDIRECTLY”.

The committee further recommends that the bill be given immediate effect.

Mat Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Schuette, Rogers, Byrum and Dingell

Nays: None

The bill and the amendments recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:

Meeting held on Wednesday, December 1, 1999, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Dunaskiss (C), Sikkema, Schuette, Rogers, Byrum, Leland and Dingell

The Committee on Judiciary reported

House Bill No. 4187, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5805 (MCL 600.5805), as amended by 1988 PA 115.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4524, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5805 (MCL 600.5805), as amended by 1988 PA 115.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5008, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending sections 1, 4, and 5 (MCL 41.181, 41.184, and 41.185), section 1 as amended by 1994 PA 315, section 4 as amended by 1994 PA 14, and section 5 as added by 1989 PA 78.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5009, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 23 (MCL 78.23), as amended by 1982 PA 373.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5010, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 4 of chapter VI (MCL 66.4), as amended by 1998 PA 255.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5016, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 3 (MCL 117.3), as amended by 1993 PA 207.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Appropriations reported

House Concurrent Resolution No. 53.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Michigan State Police Crime Lab.

(For text of resolution, see Senate Journal No. 82, p. 1819.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 54.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Baraga Maximum Correctional Facility Additional Housing Units.

(For text of resolution, see Senate Journal No. 82, p. 1820.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 55.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Camp Ojibway Additional Housing Units.

(For text of resolution, see Senate Journal No. 82, p. 1821.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 56.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Camp Pugsley Additional Housing Units.

(For text of resolution, see Senate Journal No. 82, p. 1822.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 57.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Florence Crane Women's Facility Additional Housing Units.

(For text of resolution, see Senate Journal No. 82, p. 1823.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 58.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Macomb Correctional Facility Additional Housing Units.

(For text of resolution, see Senate Journal No. 82, p. 1824.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 59.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Saginaw Correctional Facility Additional Housing Units.

(For text of resolution, see Senate Journal No. 82, p. 1825.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 60.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Secure Level I Correctional Facility at St. Louis.

(For text of resolution, see Senate Journal No. 82, p.1826.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 61.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Thumb Correctional Facility Additional Housing Units.

(For text of resolution, see Senate Journal No. 82, p. 1827.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 65.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Eastern Michigan University relative to the Eastern Michigan University Health and Human Services Building.

(For text of resolution, see Senate Journal No. 82, p. 1827.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 66.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Northern Michigan University relative to the Northern Michigan University West Science Building Remodeling (Phase I).

(For text of resolution, see Senate Journal No. 82, p. 1828.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 67.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Ferris State University relative to the Ferris State University Library Addition and Renovation (Phase I).

(For text of resolution, see Senate Journal No. 82, p. 1829.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 70.

A concurrent resolution to change the scope of the Multipurpose Educational Facility and General Campus Renovations project at North Central Michigan College.

(For text of resolution, see Senate Journal No. 82, p. 1831.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Gaming and Casino Oversight reported

House Bill No. 4259, entitled

A bill to amend 1975 PA 169, entitled "Charitable organizations and solicitations act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 20, 21, and 23 (MCL 400.272, 400.273, 400.274, 400.275, 400.276, 400.277, 400.278, 400.279, 400.280, 400.281, 400.282, 400.283, 400.286, 400.287, 400.288, 400.290, 400.291, and 400.293), section 13 as amended by 1992 PA 299, and by adding sections 3a, 19, 19a, 19b, 19c, 19d, 22a, 23a, 23b, and 23c; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Glenn Steil
Chairperson

To Report Out:

Yeas: Senators Steil, Shugars and Koivisto

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Gaming and Casino Oversight submits the following:

Meeting held on Wednesday, December 1, 1999, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Steil (C), Shugars and Koivisto

Excused: Senators Rogers and V. Smith

The Committee on Government Operations reported

House Bill No. 4231, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by repealing section 49 (MCL 169.249).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom, Sikkema and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 4523, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 35 (MCL 169.235), as amended by 1989 PA 95.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom, Sikkema, V. Smith and Hammerstrom

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 5054, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 42, 73, 74, 283, 284, 393, 394, 509n, 544b, 662, 686, 686a, 759a, and 879 (MCL 168.2, 168.42, 168.73, 168.74, 168.283, 168.284, 168.393, 168.394, 168.509n, 168.544b, 168.662, 168.686, 168.686a, 168.759a, and 168.879), section 284 as amended by 1990 PA 7, section 509n as added by 1994 PA 441, sections 662 and 759a as amended by 1996 PA 207, section 686a as amended by 1988 PA 116, and section 879 as amended by 1995 PA 261, and by adding section 30; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom, Sikkema, Miller and V. Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 5055, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 558, 826, 845, and 933 (MCL 168.558, 168.826, 168.845, and 168.933), sections 558 and 933 as amended by 1997 PA 137 and section 826 as amended by 1995 PA 261.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom, Sikkema, Miller and V. Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 5056, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 16 and 32 (MCL 169.216 and 169.232), section 16 as amended by 1992 PA 188 and section 32 as amended by 1995 PA 264.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: Senators V. Smith and Miller

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 5057, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 15, 33, 34, and 35 (MCL 169.215, 169.233, 169.234, and 169.235), section 15 as amended by 1996 PA 590, section 33 as amended by 1995 PA 264, and sections 34 and 35 as amended by 1989 PA 95.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom, Sikkema, V. Smith and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 5058, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 15 (MCL 169.215), as amended by 1996 PA 590.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom, Sikkema, V. Smith and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 5059, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 5, 22, 24, 26, 28, 29, 41, and 42 (MCL 169.205, 169.222, 169.224, 169.226, 169.228, 169.229, 169.241, and 169.242), sections 5, 26, and 29 as amended by 1995 PA 264, section 22 as amended by 1989 PA 95, and sections 24, 28, 41, and 42 as amended by 1994 PA 117, and by adding section 18; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: Senators V. Smith and Miller

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 5060, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 53, 71, 161, 163, 191, 193, 224, 254, 281, 322, 342, 349, 391, 404, 409, 409b, 409c, 409l, 411, 413, 413a, 414, 424, 424a, 426b, 426d, 431, 433, 433a, 434, 444, 467, 467b, 467c, 467d, 467m, 544d, 624, 644f, 667, and 795 (MCL 168.53, 168.71, 168.161, 168.163, 168.191, 168.193, 168.224, 168.254, 168.281, 168.322, 168.342, 168.349, 168.391, 168.404, 168.409, 168.409b, 168.409c, 168.409l, 168.411, 168.413, 168.413a, 168.414, 168.424, 168.424a, 168.426b, 168.426d, 168.431, 168.433, 168.433a, 168.434, 168.444, 168.467, 168.467b, 168.467c, 168.467d, 168.467m, 168.544d, 168.624, 168.644f, 168.667, and 168.795), sections 53, 163, 193, 224, 254, 322, 349, 409b, 413, 426d, 433, 467b, and 624 as amended by 1996 PA 583, sections 71, 161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended by 1982 PA 505, sections 409l, 424, 424a, 444, 467c, and 467m as amended by 1990 PA 32, section 544d as amended by 1988 PA 116, section 644f as amended by 1990 PA 7, and section 795 as amended by 1998 PA 21, and by adding section 544f; and to repeal acts and parts of acts.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 34, line 1, after the first "the" by striking out "SIXTEENTH" and inserting "twelfth".
2. Amend page 35, line 16, by striking out all of section 667.

The committee further recommends that the bill be given immediate effect.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom, Sikkema, V. Smith and Miller

Nays: None

The bill and the amendments recommended by the committee were referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 5061, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 471, 472a, 474a, 475, 476, 477, 544c, and 961 (MCL 168.471, 168.472a, 168.474a, 168.475, 168.476, 168.477, 168.544c, and 168.961), section 544c as amended by 1993 PA 137 and section 961 as amended by 1982 PA 456, and by adding sections 9a and 473b.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: Senators V. Smith and Miller

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 5064, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 552, 961a, and 963 (MCL 168.31, 168.552, 168.961a, and 168.963), section 31 as amended by 1998 PA 215, section 552 as amended by 1990 PA 7, and sections 961a and 963 as amended by 1982 PA 456.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: Senators V. Smith and Miller

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Wednesday, December 2, 1999, at 1:00 p.m., Room 405, Capitol Building

Present: Senators McCotter (C), Hammerstrom, Sikkema, V. Smith and Miller

Scheduled Meetings

Conference Committee on SB 198 - Wednesday, December 8, at 12:00 Noon, Room 405, Capitol Building (3-7708).

State Police and Military Affairs Appropriations Subcommittee - Wednesday, December 8, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-2426).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 6:29 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, December 8, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

