

No. 74
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, December 5, 2000.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not 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—excused
Johnson—present
Koivisto—present
Leland—excused
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—excused
Young—present

Senator George A. McManus, Jr., of the 36th District offered the following invocation:

As we wind down the last few days of a two-year session, let our prayer of thanksgiving this morning be that we thank the good Lord for the successes of the past two years and for the guidance that has been given from above in terms of the proper things we have done. Let our prayer of petition this morning be that we continue to have help from that source for the balance of this session and on into the years ahead. And our penitential prayer this morning would be to ask forgiveness for any harm that we have done during the process—anyone who has been harmed in the process.

As we look ahead toward the birth of Christ and the Christmas season, we want to thank You for all blessings You have bestowed upon this earth, O Lord, and ask for Your help in the future. Amen.

Senators Hart, Young, A. Smith and Byrum 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.

11:18 a.m.

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

During the recess, Senators Hoffman, DeBeaussaert, Schuette, Murphy, Stille, McCotter, Shugars, V. Smith, Peters, Johnson, Emmons, Sikkema, Steil, DeGrow, Gougeon, Bennett, Hammerstrom, North, Gast and Van Regenmorter entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Rogers moved that Senator Jaye be excused from today's session.
The motion prevailed.

Senator V. Smith moved that Senators Leland and Vaughn be excused from today's session.
The motion prevailed.

The following communication was received:
Department of State

Administrative Rules
Notice of Filing

November 14, 2000

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 2:55 p.m. this date, administrative rule (00-11-03) for the Department of Environmental Quality, Air Quality Division, entitled "*Volatile Organic Compound*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

December 1, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit, Including the Provisions of the Single Audit Act, of the Department of Environmental Quality October 1, 1997, through September 30, 1999.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, November 30:

House Bill Nos. 5333 5334 5336 5343 5869 6016 6017 6115

The Secretary announced that the following House bills were received in the Senate and filed on Friday, December 1:

House Bill Nos. 4332 4373 4766 5332 5684 5685 5763 5812 5818 5962 6094 6095

The Secretary announced the printing and placement in the members' files on Thursday, November 30, of:

House Bill Nos. 6170 6171

The Secretary announced the printing and placement in the members' files on Friday, December 1, of:

House Bill Nos. 6172 6173 6174 6175 6176 6177

Messages from the Governor

The following messages from the Governor were received:

Date: December 4, 2000

Time: 11:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1141 (Public Act No. 324), being

An act to repeal 1913 PA 334, entitled "An act to provide for the establishment, survey, improvement and maintenance of state reward trunk line highways, to provide for the payment of triple state reward thereon, to define the duties of state, county, good roads district and township officers in regard thereto, and to appropriate funds to carry out the provisions thereof," (MCL 250.2 to 250.9).

(Filed with the Secretary of State on December 4, 2000, at 12:30 p.m.)

Date: December 4, 2000

Time: 11:22 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1142 (Public Act No. 325), being

An act to repeal 1919 (Ex Sess) PA 19, entitled "An act to provide for the laying out and establishing of additional trunk line mileage, the same to be added to and connected with the state trunk line highways heretofore established, under the provisions of Act No. 334 of the Public Acts of 1913, as amended," (MCL 250.101).

(Filed with the Secretary of State on December 4, 2000, at 12:32 p.m.)

Date: December 4, 2000

Time: 11:24 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1145 (Public Act No. 326), being

An act to repeal 1929 PA 7, entitled "An act to provide for the laying out and establishing of additional trunk line mileage," (MCL 250.131).

(Filed with the Secretary of State on December 4, 2000, at 12:34 p.m.)

Date: December 4, 2000

Time: 11:26 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1146 (Public Act No. 327), being

An act to repeal 1934 (1st Ex Sess) PA 27, entitled "An act to provide for the laying out and establishing of additional trunk line mileage," (MCL 250.142).

(Filed with the Secretary of State on December 4, 2000, at 12:36 p.m.)

Date: December 4, 2000
Time: 11:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 734 (Public Act No. 328), being

An act to amend 1937 PA 94, entitled “An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 4d (MCL 205.94d), as amended by 1992 PA 267.

(Filed with the Secretary of State on December 4, 2000, at 12:52 p.m.)

Date: December 4, 2000
Time: 11:32 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 773 (Public Act No. 329), being

An act to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 4g (MCL 205.54g), as amended by 1999 PA 116.

(Filed with the Secretary of State on December 4, 2000, at 12:54 p.m.)

Respectfully,
John Engler
Governor

Messages from the House

Senate Bill No. 612, entitled

A bill to amend 1978 PA 59, entitled “Condominium act,” by amending sections 3, 6, 10, 45, 47a, 52, 58, 67, 73, 90, 108, 111, 112, 113, 132, and 135 (MCL 559.103, 559.106, 559.110, 559.145, 559.147a, 559.152, 559.158, 559.167, 559.173, 559.190, 559.208, 559.211, 559.212, 559.213, 559.232, and 559.235), sections 3, 10, 52, 67, 73, 112, and 135 as amended by 1982 PA 538, section 6 as amended by 1983 PA 113, section 47a as amended by 1998 PA 36, and section 90 as amended by 1988 PA 147, and by adding sections 72b, 90a, and 176.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 59, entitled “An act relative to condominiums and condominium projects; to prescribe powers and duties of the administrator; to provide certain protections for certain tenants, senior citizens, and persons with disabilities relating to conversion condominium projects; to provide for escrow arrangements; to provide an exemption from certain property tax increases; to impose duties on certain state departments; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending sections 3, 6, 10, 40, 45, 47a, 52, 58, 67, 69, 73, 90, 106, 108, 111, 112, 113, 132, and 135 (MCL 559.103, 559.106, 559.110, 559.140, 559.145, 559.147a, 559.152, 559.158, 559.167, 559.169, 559.173, 559.190, 559.206, 559.208, 559.211, 559.212, 559.213, 559.232, and 559.235), sections 3, 10, 52, 67, 73, 112, and 135 as amended by 1982 PA 538, section 6 as amended by 1983 PA 113, section 47a as amended by 1998 PA 36, and section 90 as amended by 1988 PA 147, and by adding sections 72b, 90a, and 176.

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

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.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect 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. 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.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) by 2/3 vote, ordered that it be given immediate effect 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. 1057, entitled

A bill to repeal 1863 PA 211, entitled "An act to establish a military school in connection with the agricultural college," (MCL 390.171 to 390.173).

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

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.

Senate Bill No. 1124, entitled

A bill to repeal 1887 PA 229, entitled "An act establishing a lien for labor and services upon lumber, shingles, logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle-bolts, stave-bolts, staves, cord-wood, pulp-wood, hop-poles, hoop-poles, veneering wood and all other forest products, and to repeal Act No. 145 of the Session Laws of 1881, entitled "An act establishing a lien for labor and services upon logs, timber, cedar posts, telegraph poles, railroad ties, tanbark, shingle-bolts and staves, and to repeal Act No. 185 of the Session Laws of 1873, entitled 'An act establishing a lien for labor and services upon logs and timber, as amended by Act No. 253 of the Public Acts of 1879'";" (MCL 426.1 to 426.15).

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

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.

House Bill No. 5681, entitled

A bill to amend 1905 PA 282, entitled "An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," (MCL 207.1 to 207.21) by adding section 13a.

(For text of amendments, see Senate Journal No. 73, p. 1928.)

The question being on concurring in the House amendments made to the Senate substitute,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 731

Yeas—35

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

Nays—0

Excused—3

Jaye

Leland

Vaughn

Not Voting—0

In The Chair: Schwarz

Senate Bill No. 260, 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 416b.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Rogers moved that the rule be suspended.

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

The Assistant President pro tempore, Senator Hoffman, assumed the Chair.

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 732**Yeas—0****Nays—35**

Bennett

Emmons

McCotter

Shugars

Bullard

Gast

McManus

Sikkema

Byrum

Goschka

Miller

Smith, A.

Cherry

Gougeon

Murphy

Smith, V.

DeBeaussaert

Hammerstrom

North

Steil

DeGrow

Hart

Peters

Stille

Dingell

Hoffman

Rogers

Van Regenmorter

Dunaskiss

Johnson

Schuette

Young

Emerson

Koivisto

Schwarz

Excused—3

Jaye

Leland

Vaughn

Not Voting—0

In The Chair: Hoffman

The President pro tempore, Senator Schwarz, resumed the Chair.

Senate Bill No. 261, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3406n.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title 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 3406p.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Rogers moved that the rule be suspended.

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

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 733

Yeas—0

Nays—35

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

Excused—3

Jaye	Leland	Vaughn
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Not Voting—0

In The Chair: Schwarz

Senate Bill No. 1243, entitled

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds and grant programs; to provide for the appropriation of money for certain grant programs; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 217, 222, and 251 (MCL 257.217, 257.222, and 257.251), section 217 as amended by 1998 PA 247, section 222 as amended by 1999 PA 267, and section 251 as amended by 1998 PA 455.

The House of Representatives has concurred in the Senate amendments to the House amendments.

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.

Senate Bill No. 1262, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1274b.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4335, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 411 (MCL 32.811), as amended by 1996 PA 497.

The House of Representatives has appointed Rep. Bovin to replace Rep. Schermesser as conferee.

The message was referred to the Secretary for record.

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:

Senate Bill No. 1424, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38c (MCL 208.38c), as amended by 1997 PA 190.

The above bill was read a third time.

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. 734**Yeas—35**

Bennett
Bullard
Byrum
Cherry

Emmons
Gast
Goschka
Gougeon

McCotter
McManus
Miller
Murphy

Shugars
Sikkema
Smith, A.
Smith, V.

DeBeaussaert	Hammerstrom	North	Steil
DeGrow	Hart	Peters	Stille
Dingell	Hoffman	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuetz	Young
Emerson	Koivisto	Schwarz	

Nays—0

Excused—3

Jaye	Leland	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Shugars moved that he be named co-sponsor of the following bill:

Senate Bill No. 1424

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 271, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 1994 PA 317.

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. 735

Yeas—35

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

Nays—0

Excused—3

Jaye	Leland	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5509, entitled

A bill to amend 1966 PA 225, entitled “Carnival-amusement safety act of 1966,” by amending section 2 (MCL 408.652), as amended by 1998 PA 507, and by adding sections 18, 19, and 20.

The question being on the passage of the bill,

Senator Schuette offered the following amendments:

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

“Sec. 17. (1) A temporary cessation of operations of a carnival-amusement ride may be ordered by the director when the inspection of the ride has been impeded, obstructed or interfered with. The order to cease operations shall remain in effect until an inspection has been made and the ride has been found safe for use.

(2) Except for the late payment of fees as provided in section 8(2) AND EXCEPT AS PROVIDED IN SUBSECTION (3), a person who violates this act is guilty of a misdemeanor. Each day a violation occurs is a separate offense.

(3) THE PENALTY PROVIDED IN SUBSECTION (2) DOES NOT APPLY TO THE VIOLATION OF THIS ACT BY A RIDER.”.

2. Amend page 6, line 19, after “PREMISES.” by striking out the balance of the line through “LAW.”.

The question being on the adoption of the amendments,

Senator Schuette moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

House Bill No. 6027, entitled

A bill to amend 1941 PA 207, entitled “Fire prevention code,” by amending section 6 (MCL 29.6).

The question being on the passage of the bill,

Senator Goschka offered the following substitute:

Substitute (S-1).

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

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. 736**Yeas—34**

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

Nays—0**Excused—3**

Jaye

Leland

Vaughn

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 provide for the prevention of fires and the protection of persons and property from exposure to the dangers of fire or explosion; to authorize the investigation of fires and the discovery of crime or other offenses in relation thereto; to require the razing, repair, or alteration of buildings, and the clearing and improvement of premises which constitute a fire hazard or a menace to the peace, security, or safety of persons or property; to control the construction, use, and occupancy of those buildings and premises for fire safety purposes; to provide for the certification of fire inspectors and the delegation of certain powers to those certified fire inspectors; to provide for the regulation of the storage and transportation of hazardous material; to provide for the issuance of certificates; to prohibit the use of certain fire extinguishers and fire extinguishing agents; to provide immunity from liability for certain persons; to provide for the administration of this act and prescribe procedure for the enforcement of its provisions; to fix penalties for violation of this act; to provide for the promulgation of rules; to provide for the assessment of fees; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5228, entitled

A bill to amend 1962 PA 174, entitled “Uniform commercial code,” by amending sections 1105, 1201, 2103, 2210, 2326, 2502, 2716, 2A103, 2A303, 2A307, 2A309, 4210, 7503, 8103, 8106, 8110, 8301, 8302, 8510, 9102, 9103, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9201, 9202, 9203, 9204, 9205, 9206, 9207, 9208, 9301, 9302, 9303, 9304, 9305, 9306, 9307, 9308, 9309, 9310, 9311, 9312, 9313, 9314, 9315, 9316, 9317, 9318, 9401, 9402, 9403, 9404, 9405, 9406, 9407, 9408, 9409, 9501, 9502, 9503, 9504, 9505, 9506, and 9507 (MCL 440.1105, 440.1201, 440.2103, 440.2210, 440.2326, 440.2502, 440.2716, 440.2803, 440.2903, 440.2907, 440.2909, 440.4210, 440.7503, 440.8103, 440.8106, 440.8110, 440.8301, 440.8302, 440.8510, 440.9102, 440.9103, 440.9104, 440.9105, 440.9106, 440.9107, 440.9108, 440.9109, 440.9110, 440.9201, 440.9202, 440.9203, 440.9204, 440.9205, 440.9206, 440.9207, 440.9208, 440.9301, 440.9302, 440.9303, 440.9304, 440.9305, 440.9306, 440.9307, 440.9308, 440.9309, 440.9310, 440.9311, 440.9312, 440.9313, 440.9314, 440.9315, 440.9316, 440.9317, 440.9318, 440.9401, 440.9402, 440.9403, 440.9404, 440.9405, 440.9406, 440.9407, 440.9408, 440.9409, 440.9501, 440.9502, 440.9503, 440.9504, 440.9505, 440.9506, and 440.9507), sections 1105, 9203, and 9402 as amended by 1998 PA 489, section 1201 as amended and sections 2A103, 2A303, 2A307, and 2A309 as added by 1992 PA 101, section 2326 as amended by 1982 PA 397, section 4210 as amended by 1993 PA 130, sections 8103, 8106, 8301, 8302, 9301, 9302, 9303, 9306, 9309, and 9312 as amended and sections 8110 and 8510 as added by 1998 PA 278, sections 9103, 9104, 9105, 9106, 9304, and 9305 as amended by 1998 PA 488, section 9307 as amended by 1985 PA 199, section 9313 as amended by 1980 PA 53, section 9401 as amended by 1990 PA 288, sections 9403 and 9404 as amended by 1992 PA 186, sections 9405 and 9407 as amended by 1988 PA 130, and section 9406 as amended by 1989 PA 216, and by adding sections 5118, 9209, 9210, 9319, 9320, 9321, 9322, 9323, 9324, 9325, 9326, 9327, 9328, 9329, 9330, 9331, 9332, 9333, 9334, 9335, 9336, 9337, 9338, 9339, 9340, 9341, 9342, 9508, 9509, 9510, 9511, 9512, 9513, 9514, 9515, 9516, 9517, 9518, 9519, 9520, 9521, 9522, 9523, 9524, 9525, 9526, 9527, 9601, 9602, 9603, 9604, 9605, 9606, 9607, 9608, 9609, 9610, 9611, 9612, 9613, 9614, 9615, 9616, 9617, 9618, 9619, 9620, 9621, 9622, 9623, 9624, 9625, 9626, 9627, 9628, 9701, 9702, 9703, 9704, 9705, 9706, 9707, 9708, and 9709; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Stille offered the following amendment:

1. Amend page 305, line 20, by striking out all of enacting section 3.

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

Senator Bullard offered the following amendment:

1. Amend page 36, following line 25, by inserting:

“Sec. 2A525. (1) If a lessor discovers the lessee to be insolvent, the lessor may refuse to deliver the goods.

(2) After a default by the lessee under the lease contract of the type described in section 2A523(1) or 2A523(3)(a)

or, if agreed, after other default by the lessee, the ~~lessee~~ LESSOR has the right to take possession of the goods. If the lease contract so provides, the lessor may require the lessee to assemble the goods and make them available to the lessor at a place to be designated by the lessor which is reasonably convenient to both parties. Without removal, the lessor may render unusable any goods employed in trade or business, and may dispose of goods on the lessee's premises (section 2A527).

(3) The lessor may proceed under subsection (2) without judicial process if that can be done without breach of the peace or the lessor may proceed by action.”.

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

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. 737

Yeas—35

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

Nays—0

Excused—3

Jaye	Leland	Vaughn
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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.

Senator Bullard offered to amend the title to read as follows:

A bill to amend 1962 PA 174, entitled “An act to enact the uniform commercial code, relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, leases, and secured transactions, including certain sales of accounts, chattel paper and contract rights; to provide for public notice to third parties in certain circumstances; to regulate procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; to make an appropriation; to provide penalties; and to repeal certain acts and parts of acts,” by amending sections 1105, 1201, 2103, 2210, 2326, 2502, 2716, 2A103, 2A303, 2A307, 2A309, 2A525, 4210, 7503, 8103, 8106, 8110, 8301, 8302, 8510, 9102, 9103, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9201, 9202, 9203, 9204, 9205, 9206, 9207, 9208, 9301, 9302, 9303, 9304, 9305, 9306, 9307, 9308, 9309, 9310, 9311, 9312, 9313, 9314, 9315, 9316, 9317, 9318, 9401, 9402, 9403, 9404, 9405, 9406, 9407, 9408, 9409, 9501, 9502, 9503, 9504, 9505, 9506, and 9507 (MCL 440.1105, 440.1201, 440.2103, 440.2210, 440.2326, 440.2502, 440.2716, 440.2803, 440.2903, 440.2907, 440.2909, 440.2975, 440.4210, 440.7503, 440.8103, 440.8106, 440.8110, 440.8301, 440.8302, 440.8510, 440.9102, 440.9103, 440.9104, 440.9105, 440.9106, 440.9107, 440.9108, 440.9109, 440.9110, 440.9201, 440.9202, 440.9203, 440.9204, 440.9205, 440.9206, 440.9207, 440.9208, 440.9301, 440.9302, 440.9303, 440.9304, 440.9305,

440.9306, 440.9307, 440.9308, 440.9309, 440.9310, 440.9311, 440.9312, 440.9313, 440.9314, 440.9315, 440.9316, 440.9317, 440.9318, 440.9401, 440.9402, 440.9403, 440.9404, 440.9405, 440.9406, 440.9407, 440.9408, 440.9409, 440.9501, 440.9502, 440.9503, 440.9504, 440.9505, 440.9506, and 440.9507), sections 1105, 9203, and 9402 as amended by 1998 PA 489, section 1201 as amended and sections 2A103, 2A303, 2A307, 2A309, and 2A525 as added by 1992 PA 101, section 2326 as amended by 1982 PA 397, section 4210 as amended by 1993 PA 130, sections 8103, 8106, 8301, 8302, 9301, 9302, 9303, 9306, 9309, and 9312 as amended and sections 8110 and 8510 as added by 1998 PA 278, sections 9103, 9104, 9105, 9106, 9304, and 9305 as amended by 1998 PA 488, section 9307 as amended by 1985 PA 199, section 9313 as amended by 1980 PA 53, section 9401 as amended by 1990 PA 288, sections 9403 and 9404 as amended by 1992 PA 186, sections 9405 and 9407 as amended by 1988 PA 130, and section 9406 as amended by 1989 PA 216, and by adding sections 5118, 9209, 9210, 9319, 9320, 9321, 9322, 9323, 9324, 9325, 9326, 9327, 9328, 9329, 9330, 9331, 9332, 9333, 9334, 9335, 9336, 9337, 9338, 9339, 9340, 9341, 9342, 9508, 9509, 9510, 9511, 9512, 9513, 9514, 9515, 9516, 9517, 9518, 9519, 9520, 9521, 9522, 9523, 9524, 9525, 9526, 9527, 9601, 9602, 9603, 9604, 9605, 9606, 9607, 9608, 9609, 9610, 9611, 9612, 9613, 9614, 9615, 9616, 9617, 9618, 9619, 9620, 9621, 9622, 9623, 9624, 9625, 9626, 9627, 9628, 9701, 9702, 9703, 9704, 9705, 9706, 9707, 9708, and 9709; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

House Bill No. 5402, entitled

A bill to amend 1974 PA 370, entitled “Vietnam veteran era bonus act,” by amending section 17 (MCL 35.1037).

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. 738

Yeas—34

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

Nays—0

Excused—3

Jaye	Leland	Vaughn
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Not Voting—1

Emerson

In The Chair: Schwarz

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

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 provide for payments to certain persons who served in the armed forces of the United States, and to beneficiaries of those persons; to prescribe the powers and duties of the adjutant general and other state offices with respect thereto; to provide for the court of claims; to adjudicate appeals; to provide for acceptance of financial and other assistance from the federal government; to create a veterans’ military pay fund in the state treasury; to make appropriations; to prescribe penalties for violations of the provisions of this act; to authorize the issuance of general obligation bonds of the state and to pledge the full faith and credit of the state for the payment of principal and interest thereon; to provide for other matters relating to the bonds and the use of the proceeds of sale of the bonds,”.

The Senate agreed to the full title.

Senator Emerson entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5403, entitled

A bill to amend 1933 PA 94, entitled “The revenue bond act of 1933,” by amending section 14 (MCL 141.114).

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. 739

Yeas—35

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

Nays—0

Excused—3

Jaye	Leland	Vaughn
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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 authorize public corporations to purchase, acquire, construct, improve, enlarge, extend, or repair public improvements within or without their corporate limits, and to own, operate, and maintain the same; to authorize the condemnation of property for such public improvements; to provide for the imposition and collection of charges, fees, rentals, or rates for the services, facilities, and commodities furnished by such public improvements; to provide for the issuance of bonds and refunding bonds payable from the revenues of public improvements; to provide for a pledge by

public corporations of their full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary for the payment of the bonds, or for advancing money from general funds for payment of bonds; to provide for payment, retirement, and security of such bonds; to provide for the imposition of special assessment bonds for the purpose of refunding outstanding revenue bonds; to prescribe the powers and duties of the department of treasury and of the municipal finance commission or its successor agency relative to such bonds and relative to private activity bonds issued by a state or local governmental entity; to provide for other matters in respect to such public improvements and bonds and to validate action taken and bonds issued; and to prescribe penalties and provide remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5404, entitled

A bill to amend 1983 PA 102, entitled “Uniform federal lien registration act,” by amending section 5 (MCL 211.665), as amended by 1991 PA 132.

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. 740

Yeas—35

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

Nays—0

Excused—3

Jaye	Leland	Vaughn
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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 provide for the recording and filing of notices of federal liens and discharges of federal liens; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5405, entitled

A bill to amend 1968 PA 203, entitled “State tax lien registration act,” by amending section 4 (MCL 211.684), as amended by 1989 PA 47.

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. 741**Yeas—35**

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

Nays—0**Excused—3**

Jaye	Leland	Vaughn
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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 provide for the recording and filing of notices of state tax liens and discharges of tax liens,". The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5406, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 58b (MCL 257.58b).

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. 742**Yeas—35**

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

Nays—0**Excused—3**

Jaye	Leland	Vaughn
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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 provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds and grant programs; to provide for the appropriation of money for certain grant programs; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5407, entitled

A bill to amend 1978 PA 387, entitled “An act to make appropriations to the department of state; to prescribe the powers and duties of the department of state and the state treasurer; to provide for loans to persons who own certain vehicles for the cost of their alteration or replacement; and to provide an interest rate for repayment of those loans,” by amending section 4 (MCL 257.934).

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. 743

Yeas—35

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

Nays—0

Excused—3

Jaye	Leland	Vaughn
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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.
The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5408, entitled

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amending section 7a (MCL 285.67a), as amended by 1998 PA 388.

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. 744

Yeas—35

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

Nays—0

Excused—3

Jaye	Leland	Vaughn
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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 permit the director of the department of agriculture of this state to regulate the storage, warehousing, buying, and selling of farm produce within this state; to provide for the licensing, regulation, and bonding of grain dealers; to provide for warehouse receipts and price later agreements and their priority; to provide for the creation of security interests; to provide for the establishment of an inspection service and personnel for licensed grain dealers; and to provide penalties for the violation of this act,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5409, entitled

A bill to amend 1969 PA 295, entitled "Higher education facilities authority act," by amending section 11 (MCL 390.931).

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. 745**Yeas—35**

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

Nays—0**Excused—3**

Jaye	Leland	Vaughn
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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 establish the Michigan higher education facilities authority; to prescribe its powers and duties; to authorize the authority to borrow money and issue bonds for educational facilities; to exempt the bonds from taxation; and to authorize the authority to lend money to nonprofit educational institutions in this state to finance or refinance capital improvements.”.

The Senate agreed to the full title.

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

House Bill No. 5411, entitled

A bill to amend 1984 PA 341, entitled “Farm and utility equipment act,” by amending section 9 (MCL 445.1459), as amended by 1995 PA 86.

The above bill was read a third time.

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. 746**Yeas—35**

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

Nays—0

Excused—3

Jaye

Leland

Vaughn

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 provide for the compensation for or repurchase of certain farm tractors, attachments, equipment, and utility tractors and equipment subject to certain dealer, wholesaler, or distributor agreements; to provide for the repurchase of certain repair parts; to impose certain duties and responsibilities on certain persons; and to provide certain remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5412, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 471 (MCL 450.1471).

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. 747

Yeas—33

Bennett

Emmons

Koivisto

Schuette

Bullard

Gast

McCotter

Schwarz

Byrum

Goschka

McManus

Shugars

Cherry

Gougeon

Miller

Sikkema

DeBeaussaert

Hammerstrom

Murphy

Smith, A.

DeGrow

Hart

North

Stille

Dingell

Hoffman

Peters

Van Regenmorter

Dunaskiss

Johnson

Rogers

Young

Emerson

Nays—0

Excused—3

Jaye

Leland

Vaughn

Not Voting—2

Smith, V.

Steil

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 provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5413, entitled

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” by amending section 471 (MCL 450.2471).

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. 748

Yeas—34

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

Nays—0

Excused—3

Jaye	Leland	Vaughn
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Not Voting—1

Smith, V.

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 revise, consolidate, and classify the laws relating to the organization and regulation of certain nonprofit corporations; to prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of foreign nonprofit corporations within this state; to impose certain duties on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

Senator A. Smith moved that Senator V. Smith be temporarily excused from the balance of today’s session. The motion prevailed.

Senator V. Smith entered the Senate Chamber.

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

House Bill No. 5415, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 420 (MCL 491.420).

The above bill was read a third time.

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. 749

Yeas—34

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

Nays—0

Excused—3

Jaye	Leland	Vaughn
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Not Voting—1

Miller

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 revise and codify the laws relating to savings and loan associations; to provide for the incorporation, regulation, supervision, and internal administration of associations; to prescribe the rights, powers, and immunities of associations; to provide for voluntary and involuntary changes in the corporate structure of associations; to prescribe the powers, rights, and duties of certain state agencies in relation to associations; to require certain reports and examinations of associations; to prescribe remedies and penalties for violations of this act; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5416, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 14 (MCL 492.114).

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. 750**Yeas—34**

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

Nays—0**Excused—3**

Jaye	Leland	Vaughn
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Not Voting—1

DeGrow

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 defining and regulating certain installment sales of motor vehicles; prescribing the conditions under which such sales may be made and regulating the financing thereof; regulating and licensing persons engaged in the business of making or financing such sales; prescribing the form, contents and effect of instruments used in connection with such sales and the financing thereof; prescribing certain rights and obligations of buyers, sellers, persons financing such sales and others; limiting charges in connection with such instruments and fixing maximum interest rates for delinquencies, extensions and loans; regulating insurance in connection with such sales; regulating repossessions, redemptions, resales and deficiency judgments and the rights of parties with respect thereto; authorizing extensions, loans and forbearances related to such sales; authorizing investigations and examinations of persons engaged in the business of making or financing such sales; transferring certain powers and duties with respect to finance companies to the commissioner of the financial institutions bureau; and prescribing penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5417, entitled

A bill to amend 1998 PA 434, entitled “Uniform fraudulent transfer act,” by amending section 8 (MCL 566.38).

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. 751**Yeas—34**

Bennett	Emmons	McCotter	Schwarz
Bullard	Gast	McManus	Shugars
Byrum	Goschka	Miller	Sikkema
Cherry	Gougeon	Murphy	Smith, V.

DeBeaussaert	Hammerstrom	North	Steil
DeGrow	Hart	Peters	Stille
Dingell	Hoffman	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Young
Emerson	Koivisto		

Nays—0

Excused—3

Jaye	Leland	Vaughn
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Not Voting—1

Smith, A.

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 define and regulate fraudulent transfers and conveyances; to set aside and modify certain transfers and conveyances; to make uniform the law of fraudulent transfers,”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5758, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14 of chapter XVII (MCL 777.14), as amended by 2000 PA 279.

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. 752

Yeas—34

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

Nays—0

Excused—3

Jaye	Leland	Vaughn
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Not Voting—1

Emerson

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 revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4474, entitled

A bill to amend 1977 PA 89, entitled “State aid to public libraries act,” by amending section 5 (MCL 397.555).

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. 753

Yeas—35

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

Nays—0

Excused—3

Jaye

Leland

Vaughn

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 provide for the establishment of cooperative libraries; to prescribe the powers and duties of the legislative council; to provide state aid for public libraries participating in cooperative libraries; to prescribe the powers and duties of cooperative library boards; to provide an appropriation; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5821, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

The question being on the passage of the bill,

Senator Bullard offered the following amendments:

1. Amend page 2, following line 13, subdivision (E), after the first “MUSEUM,” by striking out “OR A HISTORICAL SOCIETY THAT ACCEPTS CHARITABLE CONTRIBUTIONS”.

2. Amend page 2, following line 13, following subdivision (E), by inserting:

“(F) A HISTORICAL SOCIETY ACTING AS THE GOVERNING AUTHORITY OF A HISTORICAL MUSEUM, OF MONEY OR A HISTORICAL ARTIFACT SOLELY FOR THE PURPOSE OF BENEFITTING A HISTORICAL MUSEUM, ONLY IF THE HISTORICAL SOCIETY IS A NONPROFIT CORPORATION EXEMPT UNDER SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE.” and relettering the remaining subdivisions.

3. Amend page 4, following line 23, by striking out all of subdivision (E), and inserting:

“(E) “HISTORICAL MUSEUM” MEANS A PERMANENT, NONPROFIT INSTITUTION THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(i) IS OPEN TO THE PUBLIC AND ADMINISTERED IN THE PUBLIC INTEREST.

(ii) COLLECTS, CONSERVES, PRESERVES, RESEARCHES, AND INTERPRETS FOR PURPOSES OF STUDY, EDUCATION, AND ENJOYMENT MATERIAL EVIDENCE OF HISTORY.”

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

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. 754**Yeas—34**

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

Nays—0**Excused—3**

Jaye

Leland

Vaughn

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 meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

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

House Bill No. 5509, entitled

A bill to amend 1966 PA 225, entitled “Carnival-amusement safety act of 1966,” by amending section 2 (MCL 408.652), as amended by 1998 PA 507, and by adding sections 18, 19, and 20.

(The above bill was read a third time earlier today, amendments offered and consideration postponed. See p. 1944.)

The question being on the adoption of the amendments offered by Senator Schuette, Senator Schuette withdrew the amendments.

Senator Schuette offered the following amendments:

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

“Sec. 17. (1) A temporary cessation of operations of a carnival-amusement ride may be ordered by the director when the inspection of the ride has been impeded, obstructed or interfered with. The order to cease operations shall remain in effect until an inspection has been made and the ride has been found safe for use.

(2) Except for the late payment of fees as provided in section 8(2) AND EXCEPT AS PROVIDED IN SUBSECTION (3), a person who violates this act is guilty of a misdemeanor. Each day a violation occurs is a separate offense.

(3) THE PENALTY PROVIDED IN SUBSECTION (2) DOES NOT APPLY TO THE VIOLATION OF THIS ACT BY A RIDER OR THE RIDER’S PARENT OR GUARDIAN.”.

2. Amend page 6, line 19, after “PREMISES.” by striking out the balance of the line through “LAW.” on line 20.

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

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. 755

Yeas—35

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

Nays—0

Excused—3

Jaye

Leland

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Schuette offered to amend the title to read as follows:

A bill to amend 1966 PA 225, entitled “An act to provide for the inspection, licensing, and regulation of carnival and amusement rides; to provide for the safety of the public using carnival and amusement rides; to create a carnival-amusement safety board in the department of licensing and regulation; to provide for the disposition of revenues; to make an appropriation; and to provide penalties for violations,” by amending section 2 (MCL 408.652), as amended by 1998 PA 507, and by adding sections 18, 19, and 20.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate proceeded 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 Byrum 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. 5839, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5527 (MCL 324.5527).

House Bill No. 6013, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 360.

House Bill No. 5028, entitled

A bill to designate the part of highway I-75 located in Monroe county as the “Medal of Honor Recipient and American Legion Memorial Highway”; and to prescribe certain duties of the state transportation department.

House Bill No. 5940, entitled

A bill to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 18 (MCL 224.18), as amended by 1996 PA 218.

House Bill No. 5996, entitled

A bill to name a certain portion of highway M-59 and a certain portion of highway M-36 the “Korean War 50th Anniversary Memorial Highway”; and to prescribe certain duties of the state transportation department.

House Bill No. 6031, entitled

A bill to designate highway M-109 located in Leelanau county as the “D.H. Day Highway”; and to prescribe the duties of the state transportation department.

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. 1349, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 1999 PA 91.

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. 4388, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1606 (MCL 324.1606), as added by 1995 PA 60; and to repeal acts and parts of acts.

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.

By unanimous consent the Senate returned to the order of
Conference Reports

Senator Shugars submitted the following:

SECOND CONFERENCE REPORT

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

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House, amended to read as follows:

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, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, sections 20920 and 20921 as amended by 1997 PA 78, section 20954 as amended by 2000 PA 314, and section 20965 as amended by 1999 PA 199.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 20902. (1) "Advanced life support" means patient care that may include any care a paramedic is qualified to provide by paramedic education that meets the educational requirements established by the department under section 20912 or is authorized to provide by the protocols established by the local medical control authority under section 20919 for a paramedic.

(2) "Aircraft transport operation" means a person licensed under this part to provide patient transport, for profit or otherwise, between health facilities using an aircraft transport vehicle.

(3) "Aircraft transport vehicle" means an aircraft that is primarily used or designated as available to provide patient transportation between health facilities and that is capable of providing patient care according to orders issued by the patient's physician.

(4) "Ambulance" means a motor vehicle or rotary aircraft that is primarily used or designated as available to provide transportation and basic life support, limited advanced life support, or advanced life support.

(5) "Ambulance operation" means a person licensed under this part to provide emergency medical services and patient transport, for profit or otherwise.

(6) “Basic life support” means patient care that may include any care an emergency medical technician is qualified to provide by emergency medical technician education that meets the educational requirements established by the department under section 20912 or is authorized to provide by the protocols established by the local medical control authority under section 20919 for an emergency medical technician.

(7) “CLINICAL PRECEPTOR” MEANS AN INDIVIDUAL WHO IS DESIGNATED BY OR UNDER CONTRACT WITH AN EDUCATION PROGRAM SPONSOR FOR PURPOSES OF OVERSEEING THE STUDENTS OF AN EDUCATION PROGRAM SPONSOR DURING THE PARTICIPATION OF THE STUDENTS IN CLINICAL TRAINING.

(8) ~~(7)~~ “Disaster” means an occurrence of imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or man-made cause, including but not limited to, fire, flood, snow, ice, windstorm, wave action, oil spill, water contamination requiring emergency action to avert danger or damage, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials accident, epidemic, air contamination, drought, infestation, or explosion. Disaster does not include a riot or other civil disorder unless it directly results from and is an aggravating element of the disaster.

Sec. 20904. (1) “EDUCATION PROGRAM SPONSOR” MEANS A PERSON, OTHER THAN AN INDIVIDUAL, THAT MEETS THE STANDARDS OF THE DEPARTMENT TO CONDUCT TRAINING AT THE FOLLOWING LEVELS:

- (A) MEDICAL FIRST RESPONDER.
- (B) EMERGENCY MEDICAL TECHNICIAN.
- (C) EMERGENCY MEDICAL TECHNICIAN SPECIALIST.
- (D) PARAMEDIC.
- (E) EMERGENCY MEDICAL SERVICES INSTRUCTOR-COORDINATOR.

(2) ~~(1)~~ “Emergency” means a condition or situation in which an individual declares a need for immediate medical attention for any individual, or where that need is declared by emergency medical services personnel or a public safety official.

(3) ~~(2)~~ “Emergency medical services instructor-coordinator” means an individual licensed under this part to conduct and instruct emergency medical services education programs.

(4) ~~(3)~~ “Emergency medical services” means the emergency medical services personnel, ambulances, nontransport prehospital life support vehicles, aircraft transport vehicles, medical first response vehicles, and equipment required for transport or treatment of an individual requiring medical first response life support, basic life support, limited advanced life support, or advanced life support.

(5) ~~(4)~~ “Emergency medical services personnel” means a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, or emergency medical services instructor-coordinator.

(6) ~~(5)~~ “Emergency medical services system” means a comprehensive and integrated arrangement of the personnel, facilities, equipment, services, communications, MEDICAL CONTROL, and organizations necessary to provide emergency medical services AND TRAUMA CARE within a particular geographic region.

(7) ~~(6)~~ “Emergency medical technician” means an individual who is licensed by the department to provide basic life support.

(8) ~~(7)~~ “Emergency medical technician specialist” means an individual who is licensed by the department to provide limited advanced life support.

(9) ~~(8)~~ “Emergency patient” means an individual ~~whose~~ WITH A physical or mental condition ~~is such that the individual is, or may reasonably be suspected or known to be, in imminent danger of loss of life or of significant health impairment.~~ THAT MANIFESTS ITSELF BY ACUTE SYMPTOMS OF SUFFICIENT SEVERITY, INCLUDING, BUT NOT LIMITED TO, PAIN SUCH THAT A PRUDENT LAYPERSON, POSSESSING AVERAGE KNOWLEDGE OF HEALTH AND MEDICINE, COULD REASONABLY EXPECT TO RESULT IN 1 OR ALL OF THE FOLLOWING:

(A) PLACING THE HEALTH OF THE INDIVIDUAL OR, IN THE CASE OF A PREGNANT WOMAN, THE HEALTH OF THE PATIENT OR THE UNBORN CHILD, OR BOTH, IN SERIOUS JEOPARDY.

- (B) SERIOUS IMPAIRMENT OF BODILY FUNCTION.
- (C) SERIOUS DYSFUNCTION OF A BODY ORGAN OR PART.

(10) “EXAMINATION” MEANS A WRITTEN AND PRACTICAL EVALUATION APPROVED OR DEVELOPED BY THE NATIONAL REGISTRY OF EMERGENCY MEDICAL TECHNICIANS OR OTHER ORGANIZATION WITH EQUIVALENT NATIONAL RECOGNITION AND EXPERTISE IN EMERGENCY MEDICAL SERVICES PERSONNEL TESTING AND APPROVED BY THE DEPARTMENT.

Sec. 20906. (1) “Life support agency” means an ambulance operation, nontransport prehospital life support operation, aircraft transport operation, or medical first response service.

(2) “Limited advanced life support” means patient care that may include any care an emergency medical technician specialist is qualified to provide by emergency medical technician specialist education that meets the educational requirements established by the department under section 20912 or is authorized to provide by the protocols established by the local medical control authority under section 20919 for an emergency medical technician specialist.

(3) "Local governmental unit" means a county, city, village, charter township, or township.

(4) "Medical control" means supervising AND COORDINATING emergency medical services through a medical control authority, AS PRESCRIBED, ADOPTED, AND ENFORCED THROUGH DEPARTMENT-APPROVED PROTOCOLS, within an emergency medical services system.

(5) "Medical control authority" means an organization designated by the department under section ~~20910(1)(k)~~ 20910(1)(G) to provide medical control.

(6) "Medical director" means a physician who is appointed to that position by a medical control authority under section 20918.

(7) "Medical first responder" means an individual who has met the educational requirements of a department approved medical first responder course and who is licensed to provide medical first response life support as part of a medical first response service or as a driver of an ambulance that provides basic life support services only.

(8) "Medical first response life support" means patient care that may include any care a medical first responder is qualified to provide by medical first responder education that meets the educational requirements established by the department under section 20912 or is authorized to provide by the protocols established by the local medical control authority under section 20919 for a medical first responder.

(9) "Medical first response service" means a person licensed by the department to respond under medical control to an emergency scene with a medical first responder and equipment required by the department ~~prior to~~ BEFORE the arrival of an ambulance, and includes a fire suppression agency only ~~when~~ IF it is dispatched for medical first response life support. Medical first response service does not include a law enforcement agency, as defined in section 8 of ~~Act No. 319 of the Public Acts of 1968, being section 28.258 of the Michigan Compiled Laws 1968 PA 319, MCL 28.258,~~ unless the law enforcement agency holds itself out as a medical first response service and the unit responding was dispatched to provide medical first response life support.

(10) "Medical first response vehicle" means a motor vehicle staffed by at least 1 medical first responder and meeting equipment requirements of the department.

Sec. 20908. (1) "Nonemergency patient" means an individual who is transported by stretcher, isolette, cot, or litter but whose physical or mental condition is such that the individual may reasonably be suspected of not being in imminent danger of loss of life or of significant health impairment.

(2) "Nontransport prehospital life support operation" means a person licensed under this part to provide, for profit or otherwise, basic life support, limited advanced life support, or advanced life support at the scene of an emergency.

(3) "Nontransport prehospital life support vehicle" means a motor vehicle that is used to provide basic life support, limited advanced life support, or advanced life support, and is not intended to transport patients.

(4) "ONGOING EDUCATION PROGRAM SPONSOR" MEANS AN EDUCATION PROGRAM SPONSOR THAT PROVIDES CONTINUING EDUCATION FOR EMERGENCY MEDICAL SERVICES PERSONNEL.

(5) ~~(4)~~ "Paramedic" means an individual licensed under this part to provide advanced life support.

(6) ~~(5)~~ "Patient" means an emergency patient or a nonemergency patient.

(7) ~~(6)~~ "Person" means a person as defined in section 1106 or a governmental entity other than an agency of the United States.

(8) "PROFESSIONAL STANDARDS REVIEW ORGANIZATION" MEANS A COMMITTEE ESTABLISHED BY A LIFE SUPPORT AGENCY OR A MEDICAL CONTROL AUTHORITY FOR THE PURPOSE OF IMPROVING THE QUALITY OF MEDICAL CARE.

(9) ~~(7)~~ "Protocol" means a patient care standard, standing orders, policy, or procedure for providing emergency medical services that is established by a medical control authority and approved by the department under section 20919.

~~(8) "State health plan" means the health plan prepared by the state health planning council pursuant to the Michigan health planning and health policy development act, Act No. 323 of the Public Acts of 1978, being sections 325.2001 to 325.2031 of the Michigan Compiled Laws.~~

(10) ~~(9)~~ "Statewide emergency medical services communications system" means a system that integrates each emergency medical services system with a centrally coordinated dispatch and resource coordination facility utilizing the universal emergency telephone number, 9-1-1, when that number is appropriate, or any other designated emergency telephone number, a statewide emergency medical 2-way radio communications network, and linkages with the statewide emergency preparedness communications system.

(11) ~~(10)~~ "Volunteer" means an individual who provides services regulated under this part without expecting or receiving money, goods, or services in return for providing those services, except for reimbursement for expenses necessarily incurred in providing those services.

Sec. 20910. (1) The department shall do all of the following:

(a) Be responsible for the development, coordination, and administration of a statewide emergency medical services system.

(b) Facilitate and promote programs of public information and education concerning emergency medical services.

(c) In case of actual disasters and disaster training drills and exercises, provide emergency medical services resources pursuant to applicable provisions of the Michigan emergency preparedness plan, or as prescribed by the director of emergency services pursuant to the emergency preparedness MANAGEMENT act, Act No. 390 of the Public Acts of 1976, being sections 30.401 to 30.420 of the Michigan Compiled Laws 1976 PA 390, MCL 30.401 TO 30.420.

(d) Consistent with the rules of the federal communications commission, plan, develop, coordinate, and administer a statewide emergency medical services communications system.

~~(e) Develop a program of hospital inventory that identifies hospitals as follows:~~

~~(i) Hospitals licensed under part 215 that have established specialty care capabilities.~~

~~(ii) Hospitals licensed under part 215 that meet applicable federal or state standards for the operation of a trauma center.~~

~~(f) Develop criteria for and a program of triennial categorization of emergency department capabilities of hospitals licensed under part 215.~~

~~(g) Assist in the development of the emergency medical services portions of the state health plan and statewide health priorities.~~

(E) ~~(h)~~ Develop and maintain standards of emergency medical services and personnel as follows:

(i) License emergency medical services personnel in accordance with this part.

(ii) License ambulance operations, nontransport prehospital life support operations, and medical first response services in accordance with this part.

(iii) At least annually, inspect or provide for the inspection of ~~ambulance operations and nontransport prehospital life support operations in accordance with this part~~ EACH LIFE SUPPORT AGENCY, EXCEPT MEDICAL FIRST RESPONSE SERVICES. AS PART OF THAT INSPECTION, THE DEPARTMENT SHALL CONDUCT RANDOM INSPECTIONS OF LIFE SUPPORT VEHICLES. IF A LIFE SUPPORT VEHICLE IS DETERMINED BY THE DEPARTMENT TO BE OUT OF COMPLIANCE, THE DEPARTMENT SHALL GIVE THE LIFE SUPPORT AGENCY 24 HOURS TO BRING THE LIFE SUPPORT VEHICLE INTO COMPLIANCE. IF THE LIFE SUPPORT VEHICLE IS NOT BROUGHT INTO COMPLIANCE IN THAT TIME PERIOD, THE DEPARTMENT SHALL ORDER THE LIFE SUPPORT VEHICLE TAKEN OUT OF SERVICE UNTIL THE LIFE SUPPORT AGENCY DEMONSTRATES TO THE DEPARTMENT, IN WRITING, THAT THE LIFE SUPPORT VEHICLE HAS BEEN BROUGHT INTO COMPLIANCE.

(iv) Promulgate rules to establish ~~and maintain minimum requirements for patient care equipment and safety equipment for ambulances, aircraft transport vehicles, nontransport prehospital life support vehicles, and medical first response vehicles under this part and publish lists of the minimum required equipment. The department shall submit proposed changes in these requirements to the state emergency medical services coordination committee and provide a reasonable time for the committee's review and comment before beginning the rule-making process~~ THE REQUIREMENTS FOR LICENSURE OF LIFE SUPPORT AGENCIES, VEHICLES, AND INDIVIDUALS LICENSED UNDER THIS PART TO PROVIDE EMERGENCY MEDICAL SERVICES AND OTHER RULES NECESSARY TO IMPLEMENT THIS PART. THE DEPARTMENT SHALL SUBMIT ALL PROPOSED RULES AND CHANGES TO THE STATE EMERGENCY MEDICAL SERVICES COORDINATION COMMITTEE AND PROVIDE A REASONABLE TIME FOR THE COMMITTEE'S REVIEW AND RECOMMENDATIONS BEFORE SUBMITTING THE RULES FOR PUBLIC HEARING UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969.

~~(i) Promulgate rules to establish and maintain vehicle standards for ambulances. The department shall submit the proposed standards and proposed changes to the state emergency medical services coordination committee and provide a reasonable time for the committee's review and comment before beginning the rule-making process.~~

(F) ~~(j)~~ Promulgate rules to establish and maintain standards for and regulate the use of descriptive words, phrases, symbols, or emblems that represent or denote that an ambulance operation, nontransport prehospital life support operation, or medical first response service is or may be provided. The department's authority to regulate use of the descriptive devices includes use for the purposes of advertising, promoting, or selling the services rendered by an ambulance operation, nontransport prehospital life support operation, or medical first response service, or by emergency medical services personnel.

(G) ~~(k)~~ Designate a medical control authority as the medical control for emergency medical services for a particular geographic region as provided for under this part.

(H) ~~(l)~~ Develop and implement field studies involving the use of skills, techniques, procedures, or equipment that are not included as part of the standard education for medical first responders, emergency medical technicians, emergency medical technician specialists, or paramedics, if all of the following conditions are met:

(i) The state emergency medical services coordination committee reviews the field study prior to implementation.

(ii) The field study is conducted in an area for which a medical control authority has been approved pursuant to subdivision ~~(k)~~ (G).

(iii) The medical first responders, emergency medical technicians, emergency medical technician specialists, and paramedics participating in the field study receive training for the new skill, technique, procedure, or equipment.

(I) ~~(m)~~ Collect data as necessary to assess the need for and quality of emergency medical services throughout the state PURSUANT TO 1967 PA 270, MCL 331.531 TO 331.533.

(J) ~~(n)~~ Conduct an in-depth assessment of the unique needs of rural communities and rural health care agencies concerning the provision of emergency medical services. At a minimum, the assessment shall include an analysis of training programs, medical procedures, recruitment and utilization of volunteers, vehicle and equipment needs, and systems coordination. In conducting the assessment, the department shall solicit and obtain active participation and input from rural communities and rural emergency medical services providers. No later than 18 months after the effective date of this part, the department shall submit a written report detailing its findings and recommendations to the standing committees of the senate and the house of representatives having jurisdiction over public health matters. DEVELOP, WITH THE ADVICE OF THE EMERGENCY MEDICAL SERVICES COORDINATION COMMITTEE, AN EMERGENCY MEDICAL SERVICES PLAN THAT INCLUDES RURAL ISSUES.

(K) ~~(o)~~ Develop recommendations for territorial boundaries of medical control authorities that are designed to assure that there exists reasonable emergency medical services capacity within the boundaries for the estimated demand for emergency medical services.

(L) ~~(p)~~ Promulgate other rules to implement this part.

(M) ~~(q)~~ Perform other duties as set forth in this part.

(2) The department may do all of the following:

(a) ~~Promulgate~~ IN CONSULTATION WITH THE EMERGENCY MEDICAL SERVICES COORDINATION COMMITTEE, PROMULGATE rules to require an ambulance operation, nontransport prehospital life support operation, or medical first response service to periodically submit designated records and data for evaluation by the department.

(b) Establish a grant program or contract with a public or private agency, emergency medical services professional association, or emergency medical services coalition to provide training, public information, and assistance to medical control authorities and emergency medical services systems or to conduct other activities as specified in this part.

Sec. 20912. (1) The department shall perform all of the following with regard to educational programs and services:

(a) Review and approve education ~~programs~~ PROGRAM SPONSORS, ONGOING EDUCATION PROGRAM SPONSORS, and curricula for emergency medical services personnel. Approved EDUCATION programs ~~shall have provisions for written and practical examinations~~ and REFRESHER PROGRAMS SHALL BE COORDINATED BY A LICENSED EMERGENCY MEDICAL SERVICES INSTRUCTOR-COORDINATOR COMMENSURATE WITH LEVEL OF LICENSURE. APPROVED PROGRAMS CONDUCTED BY ONGOING EDUCATION PROGRAM SPONSORS shall be coordinated by a licensed emergency medical services instructor-coordinator.

~~(b) Review and approve all ongoing education programs for relicensure of emergency medical services personnel.~~

(B) ~~(e)~~ Maintain a listing of approved ~~emergency medical education programs~~ EDUCATION PROGRAM SPONSORS and licensed emergency medical services instructor-coordinators.

(C) DEVELOP AND IMPLEMENT STANDARDS FOR ALL EDUCATION PROGRAM SPONSORS AND ONGOING EDUCATION PROGRAM SPONSORS BASED UPON CRITERIA RECOMMENDED BY THE EMERGENCY MEDICAL SERVICES COORDINATION COMMITTEE AND DEVELOPED BY THE DEPARTMENT.

(2) AN EDUCATION PROGRAM SPONSOR THAT CONDUCTS EDUCATION PROGRAMS FOR PARAMEDICS AND THAT RECEIVES ACCREDITATION FROM THE JOINT REVIEW COMMITTEE ON EDUCATIONAL PROGRAMS FOR THE EMT-PARAMEDIC OR OTHER ORGANIZATION APPROVED BY THE DEPARTMENT AS HAVING EQUIVALENT EXPERTISE AND COMPETENCY IN THE ACCREDITATION OF PARAMEDIC EDUCATION PROGRAMS IS CONSIDERED APPROVED BY THE DEPARTMENT UNDER SUBSECTION (1)(A) IF THE EDUCATION PROGRAM SPONSOR MEETS BOTH OF THE FOLLOWING REQUIREMENTS:

(A) SUBMITS AN APPLICATION TO THE DEPARTMENT THAT INCLUDES VERIFICATION OF ACCREDITATION DESCRIBED IN THIS SUBSECTION.

(B) MAINTAINS ACCREDITATION AS DESCRIBED IN THIS SUBSECTION.

Sec. 20915. (1) The state emergency medical services coordination committee is created in the department. ~~The~~ SUBJECT TO SUBSECTIONS (3) AND (5), THE director shall appoint the voting members of the committee as follows:

(a) Four representatives from the Michigan HEALTH AND hospital association OR ITS SUCCESSOR ORGANIZATION, at least 1 of whom is from a hospital located in a county with a population of not more than 100,000.

(b) Four representatives from the Michigan chapter of the American college of emergency physicians OR ITS SUCCESSOR ORGANIZATION, at least 1 of whom practices medicine in a county with a population of not more than 100,000.

(c) Three representatives from the Michigan association of ambulance services OR ITS SUCCESSOR ORGANIZATION, at least 1 of whom operates an ambulance service in a county with a population of not more than 100,000.

(d) Three representatives from the Michigan fire chiefs association OR ITS SUCCESSOR ORGANIZATION, at least 1 of whom is from a fire department located in a county with a population of not more than 100,000.

(e) Two representatives from the society of Michigan emergency medical services technician instructor-coordinators OR ITS SUCCESSOR ORGANIZATION, at least 1 of whom works in a county with a population of not more than 100,000.

(f) Two representatives from the Michigan association of emergency medical technicians OR ITS SUCCESSOR ORGANIZATION, at least 1 of whom practices in a county with a population of not more than 100,000.

(g) One representative from the Michigan association of air medical services OR ITS SUCCESSOR ORGANIZATION.

(h) One representative from the Michigan association of emergency medical services systems OR ITS SUCCESSOR ORGANIZATION.

(i) Three representatives from a statewide organization representing labor that deals with emergency medical services, at least 1 of whom represents emergency medical services personnel in a county with a population of not more than 100,000 AND AT LEAST 1 OF WHOM IS A MEMBER OF THE MICHIGAN PROFESSIONAL FIRE FIGHTERS UNION OR ITS SUCCESSOR ORGANIZATION.

(j) ~~Two consumers, at least 1 of whom resides in a county with a population of not more than 100,000~~ ONE CONSUMER.

(K) ONE INDIVIDUAL WHO IS AN ELECTED OFFICIAL OF A CITY, VILLAGE, OR TOWNSHIP LOCATED IN A COUNTY WITH A POPULATION OF NOT MORE THAN 100,000.

(2) In addition to the voting members appointed under subsection (1), the following shall serve as ex officio members of the committee without the right to vote:

(a) One representative of the office of health and medical affairs of the department of management and budget, appointed by the ~~department~~ DIRECTOR.

(b) One representative of the department OF CONSUMER AND INDUSTRY SERVICES, APPOINTED BY THE DIRECTOR.

(c) One member of the house of representatives, appointed by the speaker of the house of representatives.

(d) One member of the senate, appointed by the senate majority leader.

(3) The representatives of the organizations described in subsection (1) shall be appointed from among nominations made by each of those organizations.

(4) The voting members shall serve for a term of 3 years. ~~except that of the voting members who are initially appointed to the committee, the director shall designate 6 members to serve 4 year terms, 12 members to serve 3 year terms, and 6 members to serve 2 year terms.~~ A member who is unable to complete a term shall be replaced for the balance of the unexpired term.

(5) At least 1 voting member shall be from a county with a population of not more than 35,000 and at least 1 voting member shall be from a city with a population of not less than 900,000.

(6) The committee shall annually select a voting member to serve as chairperson.

(7) Meetings of the committee are subject to the open meetings act, ~~Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws~~ 1976 PA 267, MCL 15.261 TO 15.275. Thirteen voting members constitute a quorum for the transaction of business.

(8) The per diem compensation for the voting members and a schedule for reimbursement of expenses shall be as established by the legislature.

Sec. 20916. The state emergency medical services coordination committee CREATED IN SECTION 20915 shall do all of the following:

(a) Meet not less than twice annually at the call of the chairperson or the director.

~~(b) Serve as task force 2 pursuant to section 20126.~~

(B) ~~(e)~~ Provide for the coordination and exchange of information on emergency medical services programs and services.

(C) ~~(d)~~ Act as liaison between organizations and individuals involved in the emergency medical services system.

(D) ~~(e)~~ Make recommendations to the department in the development of a comprehensive statewide emergency medical services program.

(E) ~~(f)~~ Advise the legislature and the department on matters concerning emergency medical services throughout the state.

(F) ~~(g) Provide the department with advisory recommendations on appeals of local medical control decisions~~ ISSUE OPINIONS ON APPEALS OF MEDICAL CONTROL AUTHORITY DECISIONS under section 20919 AND MAKE RECOMMENDATIONS BASED ON THOSE OPINIONS TO THE DEPARTMENT FOR THE RESOLUTION OF THOSE APPEALS.

(G) ~~(h)~~ Participate in educational activities, special studies, and the evaluation of emergency medical services as requested by the director.

(H) ~~(i)~~ Advise the department concerning vehicle standards for ambulances. ~~under section 20910(1)(i).~~

(I) ~~(j)~~ Advise the department concerning minimum patient care equipment lists. ~~as required under section 20910(1)(h).~~

(J) ~~(k)~~ Advise the department on the standards required under section ~~20910(1)(j)~~ 20910(1)(F).

(K) ~~(H)~~ Appoint, with the advice and consent of the department, a statewide quality assurance task force to review and make recommendations to the department concerning approval of medical control authority applications and revisions concerning protocols under section 20919 and field studies under section ~~20910(1)(H)~~ 20910(1)(H), and conduct other quality assurance activities as requested by the director. A majority of the members of the task force shall be individuals who are not currently serving on the committee. The task force shall report its decisions, findings, and recommendations to the committee and the department.

(I) ADVISE THE DEPARTMENT CONCERNING REQUIREMENTS FOR CURRICULUM CHANGES FOR EMERGENCY MEDICAL SERVICES EDUCATIONAL PROGRAMS.

(M) ADVISE THE DEPARTMENT ON MINIMUM STANDARDS THAT EACH LIFE SUPPORT AGENCY MUST MEET FOR LICENSURE UNDER THIS PART.

Sec. 20918. (1) Each hospital licensed under part 215 AND EACH FREESTANDING SURGICAL OUTPATIENT FACILITY LICENSED UNDER PART 208 that operates a service for ~~admitting and~~ treating emergency patients 24 HOURS A DAY, 7 DAYS A WEEK AND MEETS STANDARDS ESTABLISHED BY MEDICAL CONTROL AUTHORITY PROTOCOLS shall be given the opportunity to participate in the ongoing planning and development activities of the local medical control authority designated by the department and shall adhere to protocols for providing services to a patient before care of the patient is transferred to hospital personnel, to the extent that those protocols apply to a hospital OR FREESTANDING SURGICAL OUTPATIENT FACILITY. ~~The department shall complete designation of local medical control authorities not later than December 31, 1991.~~ The department shall designate a medical control authority for each Michigan county or part of a county, except that the department may designate a medical control authority to cover 2 or more counties if the department ~~determines~~ AND AFFECTED MEDICAL CONTROL AUTHORITIES DETERMINE that the available resources would be better utilized with a multiple county medical control authority. In designating a medical control authority, the department shall assure that there is a reasonable relationship between the existing emergency medical services capacity in the geographical area to be served by the medical control authority and the estimated demand for emergency medical services in that area.

(2) A medical control authority shall be administered by the participating hospitals. A MEDICAL CONTROL AUTHORITY SHALL ACCEPT PARTICIPATION IN ITS ADMINISTRATION BY A FREESTANDING SURGICAL OUTPATIENT FACILITY LICENSED UNDER PART 208 IF THE FREESTANDING SURGICAL OUTPATIENT FACILITY OPERATES A SERVICE FOR TREATING EMERGENCY PATIENTS 24 HOURS A DAY, 7 DAYS A WEEK DETERMINED BY THE MEDICAL CONTROL AUTHORITY TO MEET THE APPLICABLE STANDARDS ESTABLISHED BY MEDICAL CONTROL AUTHORITY PROTOCOLS. Subject to subsection (4), the participating hospitals shall appoint an advisory body for the medical control authority that shall include, at a minimum, a representative of each type of ~~emergency medical services provider~~ LIFE SUPPORT AGENCY and each type of emergency medical services personnel functioning within the medical control authority's boundaries.

(3) With the advice of the advisory body of the medical control authority APPOINTED UNDER SUBSECTION (2), ~~the participating hospitals within~~ a medical control authority shall appoint a medical director of the medical control authority. The medical director shall be a physician who is board certified in emergency medicine BY A NATIONAL ORGANIZATION APPROVED BY THE DEPARTMENT, or who practices emergency medicine and is certified in both advanced cardiac life support and advanced trauma life support by a national organization approved by the department, and who meets other standards set forth in department rules. THE MEDICAL DIRECTOR IS RESPONSIBLE FOR MEDICAL CONTROL FOR THE EMERGENCY MEDICAL SERVICES SYSTEM SERVED BY THE MEDICAL CONTROL AUTHORITY.

(4) No more than 10% of the membership of the advisory body of a medical control authority shall be employees of the medical director or of an entity substantially owned or controlled by the medical director.

(5) A designated medical control authority shall operate in accordance with the terms of its designation.

(6) Each life support agency and individual licensed under this part is accountable to the medical control authority in the provision of emergency medical services, AS DEFINED IN PROTOCOLS DEVELOPED BY THE MEDICAL CONTROL AUTHORITY AND APPROVED BY THE DEPARTMENT UNDER THIS PART.

Sec. 20919. (1) A local medical control authority shall establish written protocols for the practice of life support agencies and licensed emergency medical services personnel within its region. The protocols shall be developed and adopted in accordance with procedures established by the department and shall include all of the following:

(a) The acts, tasks, or functions that may be performed by each type of emergency medical services personnel licensed under this part.

(b) Medical protocols to ensure the appropriate dispatching of a life support agency based upon medical need and the capability of the emergency medical services system.

(c) Protocols for complying with the Michigan do-not-resuscitate procedure act, 1996 PA 193, MCL 333.1051 TO 333.1067.

(D) PROTOCOLS DEFINING THE PROCESS, ACTIONS, AND SANCTIONS A MEDICAL CONTROL AUTHORITY MAY USE IN HOLDING A LIFE SUPPORT AGENCY OR PERSONNEL ACCOUNTABLE.

(E) PROTOCOLS TO ENSURE THAT IF THE MEDICAL CONTROL AUTHORITY DETERMINES THAT AN IMMEDIATE THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE EXISTS, APPROPRIATE ACTION TO REMOVE MEDICAL CONTROL CAN IMMEDIATELY BE TAKEN UNTIL THE MEDICAL CONTROL AUTHORITY HAS HAD THE OPPORTUNITY TO REVIEW THE MATTER AT A MEDICAL CONTROL AUTHORITY HEARING. THE PROTOCOLS SHALL REQUIRE THAT THE HEARING IS HELD WITHIN 3 BUSINESS DAYS AFTER THE MEDICAL CONTROL AUTHORITY'S DETERMINATION.

(F) PROTOCOLS TO ENSURE THAT IF MEDICAL CONTROL HAS BEEN REMOVED FROM A PARTICIPANT IN AN EMERGENCY MEDICAL SERVICES SYSTEM, THE PARTICIPANT DOES NOT PROVIDE PREHOSPITAL CARE UNTIL MEDICAL CONTROL IS REINSTATED, AND THAT THE MEDICAL CONTROL AUTHORITY THAT REMOVED THE MEDICAL CONTROL NOTIFIES THE DEPARTMENT WITHIN 1 BUSINESS DAY OF THE REMOVAL.

(G) PROTOCOLS THAT ENSURE A QUALITY IMPROVEMENT PROGRAM IS IN PLACE WITHIN A MEDICAL CONTROL AUTHORITY AND PROVIDES DATA PROTECTION AS PROVIDED IN 1967 PA 270, MCL 331.531 TO 331.533.

(H) PROTOCOLS TO ENSURE THAT AN APPROPRIATE APPEALS PROCESS IS IN PLACE.

(2) A protocol established under this section shall not conflict with the Michigan do-not-resuscitate procedure act, 1996 PA 193, MCL 333.1051 TO 333.1067.

(3) The procedures established by the department for development and adoption of written protocols under this section shall comply with at least all of the following requirements:

(a) At least 60 days before adoption of a protocol, the medical control authority shall circulate a written draft of the proposed protocol to all significantly affected persons within the emergency medical services system served by the medical control authority and submit the written draft to the department for approval.

(b) The department shall review a proposed protocol for consistency with other protocols concerning similar subject matter that have already been established in this state and shall consider any written comments received from interested persons in its review.

(c) Not later than 60 days after receiving a written draft of a proposed protocol from a medical control authority, the department shall provide a written recommendation to the medical control authority with any comments or suggested changes on the proposed protocol. If the department does not respond within 60 days after receiving the written draft, the proposed protocol shall be considered to be approved by the department.

(d) After department approval of a proposed protocol, the medical control authority may formally adopt and implement the protocol.

(e) A medical control authority may establish an emergency protocol necessary to preserve the health or safety of individuals within its jurisdiction in response to a present medical emergency or disaster without following the procedures established by the department under this section for an ordinary protocol. An emergency protocol established under this subdivision ~~shall be~~ IS effective only for a limited time period and ~~shall~~ DOES not take permanent effect unless it is approved according to this subsection.

(4) ~~A medical control authority shall provide an opportunity for an affected person to appeal decisions made by the medical control authority. After appeals to a medical control authority have been exhausted, an affected person may apply to the department for a variance from the medical control authority's decision. The department may grant the variance if it determines that the action is appropriate to protect the public health, safety, and welfare. The department shall impose a time limitation and may impose other conditions for the variance.~~ A MEDICAL CONTROL AUTHORITY SHALL PROVIDE AN OPPORTUNITY FOR AN AFFECTED PARTICIPANT IN AN EMERGENCY MEDICAL SERVICES SYSTEM TO APPEAL A DECISION OF THE MEDICAL CONTROL AUTHORITY. FOLLOWING APPEAL, THE MEDICAL CONTROL AUTHORITY MAY AFFIRM, SUSPEND, OR REVOKE ITS ORIGINAL DECISION. AFTER APPEALS TO THE MEDICAL CONTROL AUTHORITY HAVE BEEN EXHAUSTED, THE AFFECTED PARTICIPANT IN AN EMERGENCY MEDICAL SERVICES SYSTEM MAY APPEAL THE MEDICAL CONTROL AUTHORITY'S DECISION TO THE STATEWIDE EMERGENCY MEDICAL SERVICES COORDINATION COMMITTEE. THE STATEWIDE EMERGENCY MEDICAL SERVICES COORDINATION COMMITTEE SHALL ISSUE AN OPINION ON WHETHER THE ACTIONS OR DECISIONS OF THE MEDICAL CONTROL AUTHORITY ARE IN ACCORDANCE WITH THE DEPARTMENT-APPROVED PROTOCOLS OF THE MEDICAL CONTROL AUTHORITY AND STATE LAW. IF THE STATEWIDE EMERGENCY MEDICAL SERVICES COORDINATION COMMITTEE DETERMINES IN ITS OPINION THAT THE ACTIONS OR DECISIONS OF THE MEDICAL CONTROL AUTHORITY ARE NOT IN ACCORDANCE WITH THE MEDICAL CONTROL AUTHORITY'S DEPARTMENT-APPROVED PROTOCOLS OR WITH STATE LAW, THE EMERGENCY MEDICAL SERVICES COORDINATION COMMITTEE SHALL RECOMMEND THAT THE DEPARTMENT TAKE ANY ENFORCEMENT ACTION AUTHORIZED UNDER THIS CODE.

(5) If adopted in protocols approved by the department, a medical control authority may require life support agencies within its region to meet reasonable additional standards for equipment and personnel, other than medical first responders, that may be more stringent than are otherwise required under this part. If a medical control authority

establishes additional standards for equipment and personnel, the medical control authority and the department shall consider the medical and economic impact on the local community, the need for communities to do long-term planning, and the availability of personnel. If either the medical control authority or the department determines that negative medical or economic impacts outweigh the benefits of those additional standards as they affect public health, safety, and welfare, protocols containing those additional standards shall not be adopted.

(6) If a decision of the medical control authority UNDER SUBSECTION (5) is appealed by an affected person, the medical control authority shall make available, in writing, the medical and economic information it considered in making its decision. On appeal, the ~~department~~ STATEWIDE EMERGENCY MEDICAL SERVICES COORDINATION COMMITTEE shall review this information UNDER SUBSECTION (4) and shall issue its findings in writing.

Sec. 20920. (1) A person shall not establish, operate, or cause to be operated an ambulance operation unless the ambulance operation is licensed under this section.

(2) Upon proper application and payment of a \$100.00 fee, the department shall issue a license as an ambulance operation to a person who meets the requirements of this part and the rules promulgated under this part.

(3) An applicant shall specify in the application each ambulance to be operated.

(4) An ambulance operation license shall specify the ambulances licensed to be operated.

(5) An ambulance operation license shall state the level of life support the ambulance operation is licensed to provide. An ambulance operation shall operate in accordance with this part, rules promulgated under this part, and approved ~~local~~ medical control authority protocols and shall not provide life support at a level that exceeds its license or violates approved ~~local~~ medical control authority protocols.

(6) An ambulance operation license may be renewed annually upon application to the department and payment of a \$100.00 renewal fee. Before issuing a renewal license, the department shall determine that the ambulance operation is in compliance with this part, the rules promulgated under this part, and ~~local~~ medical control authority protocols.

(7) Beginning on ~~the effective date of the amendatory act that added this subsection~~ JULY 22, 1997, an ambulance operation that meets all of the following requirements may apply for an ambulance operation upgrade license under subsection (8):

(a) On or before ~~the effective date of the amendatory act that added this subsection~~ JULY 22, 1997, holds an ambulance operation license that designates the ambulance operation either as a transporting basic life support service or as a transporting limited advanced life support service.

(b) Is a transporting basic life support service, that is able to staff and equip 1 or more ambulances for the transport of emergency patients at a life support level higher than basic life support, or is a transporting limited advanced life support service, that is able to staff and equip 1 or more ambulances for the transport of emergency patients at the life support level of advanced life support.

(c) Is owned or operated by or under contract to a local unit of government and providing first-line emergency medical response to that local unit of government on or before ~~the effective date of the amendatory act that added this subsection~~ JULY 22, 1997.

(d) Will provide the services described in subdivision (b) only to the local unit of government described in subdivision (c), and only in response to a 911 call or other call for emergency transport.

(8) An ambulance operation meeting the requirements of subsection (7) that applies for an ambulance operation upgrade license shall include all of the following information in the application provided by the department:

(a) Verification of all of the requirements of subsection (7) including, but not limited to, a description of the staffing and equipment to be used in providing the higher level of life support services.

(b) If the applicant is a transporting basic life support service, a plan of action to upgrade from providing basic life support to providing limited advanced life support or advanced life support to take place over a period of not more than 2 years. If the applicant is a transporting limited advanced life support service, a plan of action to upgrade from providing limited advanced life support to providing advanced life support to take place over a period of not more than 2 years.

(c) The medical control authority protocols for the ambulance operation upgrade license, along with a recommendation from the medical control authority under which the ambulance operation operates that the ambulance operation upgrade license be issued by the department.

(d) Other information required by the department.

(9) The statewide emergency medical services ~~coordinating~~ COORDINATION committee shall review the information described in subsection (8)(c) and make a recommendation to the department as to whether or not an ambulance operation upgrade license should be granted to the applicant.

(10) Upon receipt of a completed application as required under subsection (8), a positive recommendation under subsection (9), and payment of a \$100.00 fee, the department shall issue to the applicant an ambulance operation upgrade license. Subject to subsection (12), the license is valid for 2 years from the date of issuance and is renewable for 1 additional 2-year period. An application for renewal of an ambulance operation upgrade license shall contain documentation of the progress made on the plan of action described in subsection (8)(b). In addition, the medical control authority under which the ambulance operation operates shall annually file with the statewide emergency

medical services ~~coordinating~~ COORDINATION committee a written report on the progress made by the ambulance operation on the plan of action described in subsection (8)(b), including, but not limited to, information on training, equipment, and personnel.

(11) If an ambulance operation is designated by its regular license as providing basic life support services, then an ambulance operation upgrade license issued under this section allows the ambulance operation to provide limited advanced life support services or advanced life support services when the ambulance operation is able to staff and equip 1 or more ambulances to provide services at the higher levels. If an ambulance operation is designated by its regular license as providing limited advanced life support services, then an ambulance operation upgrade license issued under this section allows the ambulance operation to provide advanced life support services when the ambulance operation is able to staff and equip 1 or more ambulances to provide services at the higher level. An ambulance operation shall not provide services under an ambulance operation upgrade license unless the medical control authority under which the ambulance operation operates has adopted protocols for the ambulance operation upgrade license regarding quality monitoring procedures, use and protection of equipment, and patient care.

(12) The department may revoke or fail to renew an ambulance operation upgrade license for a violation of this part or a rule promulgated under this part or for failure to comply with the plan of action filed under subsection (8)(b). An ambulance operation that obtains an ambulance operation upgrade license must annually renew its regular license under subsections (2) to (6). An ambulance operation's regular license is not affected by the following:

(a) The fact that the ambulance operation has obtained or renewed an ambulance operation upgrade license.

(b) The fact that an ambulance operation's ambulance operation upgrade license is revoked or is not renewed under this subsection.

(c) The fact that the ambulance operation's ambulance operation upgrade license expires at the end of the second 2-year period prescribed by subsection (10).

(13) ~~Within 3 years after the effective date of the amendatory act that added this subsection~~ BY JULY 22, 2000, the department shall file a written report to the legislature. The department shall include all of the following information in the report:

(a) The number of ambulance operations that were qualified under subsection (7) to apply for an ambulance operation upgrade license under subsection (8) during the 3-year period.

(b) The number of ambulance operations that in fact applied for an ambulance operation upgrade license during the 3-year period.

(c) The number of ambulance operations that successfully upgraded from being a transporting basic life support service to a transporting limited advanced service or a transporting advanced life support service or that successfully upgraded from being a transporting limited advanced life support service to a transporting advanced life support service under an ambulance operation upgrade license.

(d) The number of ambulance operations that failed to successfully upgrade, as described in subdivision (c), under an ambulance operation upgrade license, but that improved their services during the 3-year period.

(e) The number of ambulance operations that failed to successfully upgrade, as described in subdivision (c), under an ambulance operation upgrade license, and that showed no improvement or a decline in their services.

(f) The effect of the amendatory act that added this subsection on the delivery of emergency medical services in this state.

Sec. 20921. (1) An ambulance operation shall do all of the following:

(a) Provide at least 1 ambulance available for response to requests for emergency assistance on a 24-hour-a-day, 7-day-a-week basis in accordance with local medical control authority protocols.

(b) Respond or ensure that a response is provided to each request for emergency assistance originating from within the bounds of its service area.

(c) ~~If the ambulance operation operates under a medical control authority, operate only~~ OPERATE under the direction of ~~that~~ A medical control authority OR THE MEDICAL CONTROL AUTHORITIES WITH JURISDICTION OVER THE AMBULANCE OPERATION.

(d) Notify the department immediately of a change that would alter the information contained on its application for an ambulance operation license or renewal.

(e) Subject to section 20920(7) to (12), provide life support consistent with its license and approved local medical control authority protocols to each emergency patient without prior inquiry into ability to pay or source of payment.

(2) An ambulance operation shall not do 1 or more of the following:

(a) Knowingly provide a person with false or misleading information concerning the time at which an emergency response will be initiated or the location from which the response is being initiated.

(b) Induce or seek to induce any person engaging an ambulance to patronize a long-term care facility, mortuary, or hospital.

(c) Advertise, or permit advertising of, within or on the premises of the ambulance operation or within or on an ambulance, the name or the services of an attorney, accident investigator, nurse, physician, long-term care facility, mortuary, or hospital. If 1 of those persons or facilities owns or operates an ambulance operation, the person or facility

may use its business name in the name of the ambulance operation and may display the name of the ambulance operation within or on the premises of the ambulance operation or within or on an ambulance.

(d) Advertise or disseminate information for the purpose of obtaining contracts under a name other than the name of the person holding an ambulance operation license or the trade or assumed name of the ambulance operation.

(e) If the ambulance operation is operating under an ambulance operation upgrade license issued under section 20920(7) to (12), advertise or otherwise hold itself out as a full-time transporting limited advanced life support service or a full-time transporting advanced life support service unless the ambulance operation actually provides those services on a 24-hour-per-day, 7-day-a-week basis.

(3) An ambulance operation shall not operate, attend, or permit an ambulance to be operated while transporting a patient unless the ambulance is, at a minimum, staffed as follows:

(a) If designated as providing basic life support, with at least 1 emergency medical technician and 1 medical first responder.

(b) If designated as providing limited advanced life support, with at least 1 emergency medical technician specialist and 1 emergency medical technician.

(c) If designated as providing advanced life support, with at least 1 paramedic and 1 emergency medical technician.

(4) Except as provided in subsection (5), an ambulance operation shall ensure that an emergency medical technician, an emergency medical technician specialist, or a paramedic is in the patient compartment of an ambulance while transporting an emergency patient.

(5) Subsection (4) does not apply to the transportation of a patient by an ambulance if the patient is accompanied in the patient compartment of the ambulance by an appropriate licensed health professional designated by a physician and after a physician-patient relationship has been established as prescribed in this part or the rules promulgated by the department under this part.

Sec. 20923. (1) Except as provided in section 20924(2), a person shall not operate an ambulance unless the ambulance is licensed under this section and is operated as part of a licensed ambulance operation.

(2) ~~Upon proper application and payment of a \$25.00 fee, the department shall issue an ambulance license or annual renewal for an ambulance that meets the requirements of this part and rules promulgated under this part.~~ UPON PROPER APPLICATION AND PAYMENT OF A \$25.00 FEE, THE DEPARTMENT SHALL ISSUE AN AMBULANCE LICENSE, OR ANNUAL RENEWAL OF AN AMBULANCE LICENSE, TO THE AMBULANCE OPERATION. RECEIPT OF THE APPLICATION BY THE DEPARTMENT SERVES AS ATTESTATION TO THE DEPARTMENT BY THE AMBULANCE OPERATION THAT THE AMBULANCE BEING LICENSED OR RENEWED IS IN COMPLIANCE WITH THE MINIMUM STANDARDS REQUIRED BY THE DEPARTMENT. THE INSPECTION OF AN AMBULANCE BY THE DEPARTMENT IS NOT REQUIRED AS A BASIS FOR LICENSURE RENEWAL, UNLESS OTHERWISE DETERMINED BY THE DEPARTMENT.

(3) An ambulance operation shall submit an application and fee to the department for each ambulance in service. Each application shall include a certificate of insurance for the ambulance in the amount and coverage required by the department.

(4) Upon purchase BY AN AMBULANCE OPERATION, an ambulance shall meet all vehicle standards established by the department under section ~~20910(1)(i)~~ 20910(E)(iv).

(5) Once licensed for service, an ambulance is not required to meet subsequently modified state vehicle standards during its use by the ambulance operation that obtained the license.

(6) Patient care equipment and safety equipment carried on an ambulance shall meet the minimum requirements prescribed by the department and the approved local medical control authority protocols.

(7) An ambulance shall be equipped with a communications system utilizing frequencies and procedures consistent with the statewide emergency medical services communications system developed by the department.

(8) An ambulance license is not transferable to another ambulance operation.

Sec. 20929. (1) A person shall not operate a nontransport prehospital life support vehicle unless the vehicle is licensed by the department under this section and is operated as part of a licensed nontransport prehospital life support operation.

(2) ~~Upon proper application and payment of a \$25.00 fee, the department shall issue a license or annual renewal for a nontransport prehospital life support vehicle if it meets the requirements of this part and rules promulgated under this part.~~ UPON PROPER APPLICATION AND PAYMENT OF A \$25.00 FEE, THE DEPARTMENT SHALL ISSUE A NONTRANSPORT PREHOSPITAL LIFE SUPPORT VEHICLE LICENSE OR ANNUAL RENEWAL TO THE APPLICANT NONTRANSPORT PREHOSPITAL LIFE SUPPORT OPERATION. RECEIPT OF THE APPLICATION BY THE DEPARTMENT SERVES AS ATTESTATION TO THE DEPARTMENT BY THE NONTRANSPORT PREHOSPITAL LIFE SUPPORT OPERATION THAT THE VEHICLE BEING LICENSED OR RENEWED IS IN COMPLIANCE WITH THE MINIMUM STANDARDS REQUIRED BY THE DEPARTMENT. THE INSPECTION OF A NONTRANSPORT PREHOSPITAL LIFE SUPPORT VEHICLE BY THE DEPARTMENT IS NOT REQUIRED AS A BASIS FOR ISSUING A LICENSURE RENEWAL, UNLESS OTHERWISE DETERMINED BY THE DEPARTMENT.

(3) A nontransport prehospital life support operation shall submit an application and required fee to the department for each vehicle in service. Each application shall include a certificate of insurance for the vehicle in the amount and coverage required by the department.

(4) A nontransport prehospital life support vehicle shall be equipped with a communications system utilizing frequencies and procedures consistent with the statewide emergency medical services communications system developed by the department.

(5) A nontransport prehospital life support vehicle shall be equipped according to the department's minimum equipment list and approved ~~local~~ medical control authority protocols based upon the level of life support the vehicle and personnel are licensed to provide.

Sec. 20934. (1) A person shall not operate an aircraft transport vehicle unless the vehicle is licensed by the department under this section and is operated as part of a licensed aircraft transport operation.

(2) ~~Upon proper application and payment of a \$100.00 fee, the department shall issue a license or annual renewal for an aircraft transport vehicle if it meets the requirements of this part and rules promulgated under this part.~~ UPON PROPER APPLICATION AND PAYMENT OF A \$100.00 FEE, THE DEPARTMENT SHALL ISSUE AN AIRCRAFT TRANSPORT VEHICLE LICENSE OR ANNUAL RENEWAL TO THE APPLICANT AIRCRAFT TRANSPORT OPERATION. RECEIPT OF THE APPLICATION BY THE DEPARTMENT SERVES AS ATTESTATION TO THE DEPARTMENT BY THE AIRCRAFT TRANSPORT OPERATION THAT THE VEHICLE IS IN COMPLIANCE WITH THE MINIMUM STANDARDS REQUIRED BY THE DEPARTMENT. THE INSPECTION OF AN AIRCRAFT TRANSPORT VEHICLE BY THE DEPARTMENT IS NOT REQUIRED AS A BASIS FOR LICENSURE RENEWAL, UNLESS OTHERWISE DETERMINED BY THE DEPARTMENT.

(3) An aircraft transport operation shall submit an application and required fee to the department for each vehicle in service. Each application shall include a certificate of insurance for the vehicle in the amount and coverage required by the department.

(4) An aircraft transport vehicle shall be equipped with a communications system utilizing frequencies and procedures consistent with the statewide emergency medical services communications system developed by the department.

(5) An aircraft transport vehicle shall be equipped according to the department's minimum equipment list based upon the level of life support the vehicle and personnel are licensed to provide.

Sec. 20950. (1) An individual shall not practice or advertise to practice as a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, or emergency medical services instructor-coordinator unless licensed to do so by the department.

(2) ~~Except as provided in subsection (4), the~~ THE department shall issue a license under this section only to an individual who meets all of the following requirements:

(a) Is 18 years of age or older.

(b) Has successfully completed the appropriate education program approved under section 20912.

(c) ~~Has~~ SUBJECT TO SUBSECTION (3), HAS attained a passing score on the appropriate department prescribed ~~written and practical examinations.~~ EXAMINATION, AS FOLLOWS:

(i) WITHIN 3 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH, A MEDICAL FIRST RESPONDER SHALL PASS THE WRITTEN EXAMINATION PROCTORED BY THE DEPARTMENT OR THE DEPARTMENT'S DESIGNEE AND A PRACTICAL EXAMINATION APPROVED BY THE DEPARTMENT. THE PRACTICAL EXAMINATION SHALL BE ADMINISTERED BY THE INSTRUCTORS OF THE MEDICAL FIRST RESPONDER COURSE. THE DEPARTMENT OR THE DEPARTMENT'S DESIGNEE MAY ALSO PROCTOR THE PRACTICAL EXAMINATION.

(ii) AN EMERGENCY MEDICAL TECHNICIAN, EMERGENCY MEDICAL TECHNICIAN SPECIALIST, AND A PARAMEDIC SHALL PASS THE WRITTEN EXAMINATION PROCTORED BY THE DEPARTMENT OR THE DEPARTMENT'S DESIGNEE AND A PRACTICAL EXAMINATION PROCTORED BY THE DEPARTMENT OR THE DEPARTMENT'S DESIGNEE.

(iii) THE FEE FOR THE WRITTEN EXAMINATIONS REQUIRED UNDER SUBPARAGRAPHS (i) AND (ii) SHALL BE PAID DIRECTLY TO THE NATIONAL REGISTRY OF EMERGENCY MEDICAL TECHNICIANS OR OTHER ORGANIZATION APPROVED BY THE DEPARTMENT.

(d) Meets other requirements of this part.

(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(C)(i), NOT MORE THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT SHALL REQUIRE FOR PURPOSES OF COMPLIANCE WITH SUBSECTION (2)(C) SUCCESSFUL PASSAGE BY EACH FIRST-TIME APPLICANT OF AN EXAMINATION AS THAT TERM IS DEFINED IN SECTION 20904(10).

(4) ~~(3)~~ The department shall issue a license as an emergency medical services instructor-coordinator only to an individual who meets the requirements of subsection (2) for an emergency medical services instructor-coordinator and at the time of application is currently licensed as an emergency medical technician, emergency medical technician specialist, or paramedic and has at least 3 years' field experience as an emergency medical technician. THE DEPARTMENT SHALL PROVIDE FOR THE DEVELOPMENT AND ADMINISTRATION OF AN EXAMINATION FOR EMERGENCY MEDICAL SERVICES INSTRUCTOR-COORDINATORS.

~~(4) Until December 31, 1992, the department shall issue a medical first responder license to an individual who does not meet the requirement of subsection (2)(b) if the department determines that the individual is performing the functions of a medical first responder on the effective date of this part and meets the other requirements of subsection (2). Beginning on January 1, 1993, the department shall issue a medical first responder license only to an individual who meets all of the requirements of subsection (2).~~

(5) Except as provided by section 20952, a license under this section is effective for 3 years from THE date of ~~issue~~ ISSUANCE unless revoked or suspended by the department.

(6) Except as otherwise provided in subsection ~~(8)~~ (7), an applicant for licensure under this section shall pay ~~a fee for examination or reexamination as follows~~ THE FOLLOWING TRIENNIAL LICENSURE FEES:

- (a) Medical first responder - no fee.
- (b) Emergency medical technician - \$40.00.
- (c) Emergency medical technician specialist - \$60.00.
- (d) Paramedic - \$80.00.
- (e) Emergency medical services instructor-coordinator - \$100.00.

~~(7) The fee under subsection (6) for examination or reexamination shall include initial licensure if the applicant passes the examination or reexamination.~~

(7) ~~(8)~~ If a life support agency certifies to the department that an applicant for licensure under this section will act as a volunteer and if the life support agency does not charge for its services, the department shall not require the applicant to pay the fee required under subsection (6). If the applicant ceases to meet the definition of a volunteer under this part at any time during the effective period of his or her license and is employed as a licensee under this part, the applicant shall at that time pay the fee required under subsection (6).

Sec. 20954. (1) Upon proper application to the department and payment of the renewal fee under subsection (2), the department may renew ~~a license for a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, or emergency medical services instructor-coordinator who meets the requirements of this part and completes required ongoing educational programs approved or developed by the department~~ AN EMERGENCY MEDICAL SERVICES PERSONNEL LICENSE IF THE APPLICANT MEETS THE REQUIREMENTS OF THIS PART AND PROVIDES, UPON REQUEST OF THE DEPARTMENT, VERIFICATION OF HAVING MET ONGOING EDUCATION REQUIREMENTS ESTABLISHED BY THE DEPARTMENT. IF AN APPLICANT FOR RENEWAL FAILS TO PROVIDE THE DEPARTMENT WITH A CHANGE OF ADDRESS, THE APPLICANT SHALL PAY A \$20.00 FEE IN ADDITION TO THE RENEWAL AND LATE FEES REQUIRED UNDER SUBSECTIONS (2) AND (3).

(2) Except as otherwise provided in subsection (5), an applicant for renewal of a license under section 20950 shall pay a renewal fee as follows:

- (a) Medical first responder - no fee.
- (b) Emergency medical technician - \$25.00.
- (c) Emergency medical technician specialist - \$25.00.
- (d) Paramedic - \$25.00.
- (e) Emergency medical services instructor-coordinator - ~~\$50.00~~ \$25.00.

(3) Except as otherwise provided in subsection (5), if an application for renewal under subsection (1) is ~~received by the department~~ POSTMARKED after the date the license expires, the applicant shall pay a late fee in addition to the renewal fee under subsection (2) as follows:

- (A) MEDICAL FIRST RESPONDER - \$50.00.
- (B) ~~(a)~~ Emergency medical technician - \$50.00.
- (C) ~~(b)~~ Emergency medical technician specialist - \$50.00.
- (D) ~~(c)~~ Paramedic - \$50.00.
- (E) ~~(d)~~ Emergency medical services instructor-coordinator - ~~\$100.00~~ \$50.00.

(4) A license or registration shall be renewed by the licensee on or before the expiration date as prescribed by rule. The department shall mail a notice to the licensee at the last known address on file with the department advising of the time, procedure, and fee for renewal. Failure of the licensee to receive notice under this subsection does not relieve the licensee of the responsibility for renewing his or her license. A license not renewed by the expiration date may be renewed within 60 days of the expiration date upon application, payment of renewal and late renewal fees, and fulfillment of any continued continuing education requirements set forth in rules promulgated under this article. The licensee may continue to practice and use the title during the 60-day period. If a license is not so renewed within 60 days of the expiration date, the license is void. The licensee shall not practice or use the title. An individual may be relicensed within 3 years of the expiration date upon application, payment of the application processing, renewal, and late renewal fees, and fulfillment of any continuing education requirements in effect at the time of the expiration date, or that would have been required had the individual renewed his or her license pursuant to subsection (1). An individual may be relicensed more than 3 years after the expiration date upon application as a new applicant, meeting all licensure requirements in effect at the time of application, taking or retaking and passing any examinations required for initial licensure, and payment of fees required of new applicants.

(5) If a life support agency certifies to the department that an applicant for renewal under this section is a volunteer and if the life support agency does not charge for its services, the department shall not require the applicant to pay the fee required under subsection (2) or a late fee under subsection (3). If the applicant for renewal ceases to meet the definition of a volunteer under this part at any time during the effective period of his or her license renewal and is employed as a licensee under this part, the applicant for renewal shall at that time pay the fee required under subsection (2).

(6) AN INDIVIDUAL SEEKING RENEWAL UNDER THIS SECTION IS NOT REQUIRED TO MAINTAIN NATIONAL REGISTRY STATUS AS A CONDITION OF LICENSE RENEWAL.

Sec. 20956. (1) A medical first responder, an emergency medical technician, an emergency medical technician specialist, or a paramedic shall not provide life support at a level that is inconsistent with his or her education, licensure, ~~or~~ AND approved ~~local~~ medical control authority protocols.

(2) A medical first responder, emergency medical technician, emergency medical technician specialist, or paramedic may perform techniques required in implementing a field study authorized under section ~~20910(1)(D)~~ 20910(1)(H) if he or she receives training for the skill, technique, procedure, or equipment involved in the field study.

Sec. 20958. (1) The department may deny, revoke, or suspend an emergency medical services personnel license upon finding that an applicant or licensee meets 1 or more of the following:

- (a) Is guilty of fraud or deceit in procuring or attempting to procure licensure.
- (b) Has illegally obtained, possessed, used, or distributed drugs.
- (c) Has practiced after his or her license has expired or has been suspended.
- (d) Has knowingly violated, or aided or abetted others in the violation of, this part or rules promulgated under this part.
- (e) Is not performing in a manner consistent with his or her education, ~~or~~ licensure, OR APPROVED MEDICAL CONTROL AUTHORITY PROTOCOLS.
- (f) Is physically or mentally incapable of performing his or her prescribed duties.

(g) Has been convicted of a criminal offense under sections 520a to 520l of the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931, being sections 750.520a to 750.520l of the Michigan Compiled Laws 1931 PA 328, MCL 750.520A TO 750.520L~~. A certified copy of the court record is conclusive evidence of the conviction.

(h) Has been convicted of a misdemeanor or felony reasonably related to and adversely affecting the ability to practice in a safe and competent manner. A certified copy of the court record is conclusive evidence ~~as to~~ OF the conviction.

(2) The department shall provide notice of intent to deny, revoke, or suspend an emergency services personnel license and opportunity for a hearing according to ~~the provisions of~~ section 20166.

Sec. 20965. (1) Unless an act or omission is the result of gross negligence or willful misconduct, the acts or omissions of a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, ~~or~~ medical director of a medical control authority or his or her designee, OR, SUBJECT TO SUBSECTION (5), AN INDIVIDUAL ACTING AS A CLINICAL PRECEPTOR OF A DEPARTMENT-APPROVED EDUCATION PROGRAM SPONSOR while providing services to a patient outside a hospital, ~~or~~ in a hospital before transferring patient care to hospital personnel, OR IN A CLINICAL SETTING that are consistent with the individual's licensure or additional training required by the ~~local~~ medical control authority INCLUDING, BUT NOT LIMITED TO, SERVICES DESCRIBED IN SUBSECTION (2), OR CONSISTENT WITH AN APPROVED PROCEDURE FOR THAT PARTICULAR EDUCATION PROGRAM do not impose liability in the treatment of a patient on those individuals or any of the following persons:

- (a) The authorizing physician or physician's designee.
- (b) The medical director and individuals serving on the GOVERNING BOARD, advisory body, OR COMMITTEE of the medical control authority AND AN EMPLOYEE OF THE MEDICAL CONTROL AUTHORITY.
- (c) The person providing communications services or lawfully operating or utilizing supportive electronic communications devices.
- (d) The life support agency or an officer, member of the staff, or other employee of the life support agency.
- (e) The hospital or an officer, member of the staff, nurse, or other employee of the hospital.
- (f) The authoritative governmental unit or units.
- (g) Emergency personnel from outside the state.
- (H) THE EDUCATION PROGRAM MEDICAL DIRECTOR.
- (I) THE EDUCATION PROGRAM INSTRUCTOR-COORDINATOR.
- (J) THE EDUCATION PROGRAM SPONSOR AND EDUCATION PROGRAM SPONSOR ADVISORY COMMITTEE.

(K) THE STUDENT OF A DEPARTMENT-APPROVED EDUCATION PROGRAM WHO IS PARTICIPATING IN AN EDUCATION PROGRAM-APPROVED CLINICAL SETTING.

(l) AN INSTRUCTOR OR OTHER STAFF EMPLOYED BY OR UNDER CONTRACT TO A DEPARTMENT-APPROVED EDUCATION PROGRAM FOR THE PURPOSE OF PROVIDING TRAINING OR INSTRUCTION FOR THE DEPARTMENT-APPROVED EDUCATION PROGRAM.

(M) THE LIFE SUPPORT AGENCY OR AN OFFICER, MEMBER OF THE STAFF, OR OTHER EMPLOYEE OF THE LIFE SUPPORT AGENCY PROVIDING THE CLINICAL SETTING DESCRIBED IN SUBDIVISION (K).

(N) THE HOSPITAL OR AN OFFICER, MEMBER OF THE MEDICAL STAFF, OR OTHER EMPLOYEE OF THE HOSPITAL PROVIDING THE CLINICAL SETTING DESCRIBED IN SUBDIVISION (K).

(2) SUBSECTION (1) APPLIES TO SERVICES CONSISTING OF THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR ON AN INDIVIDUAL WHO IS IN OR IS EXHIBITING SYMPTOMS OF CARDIAC DISTRESS.

(3) UNLESS AN ACT OR OMISSION IS THE RESULT OF GROSS NEGLIGENCE OR WILLFUL MISCONDUCT, THE ACTS OR OMISSIONS OF ANY OF THE PERSONS NAMED BELOW, WHILE PARTICIPATING IN THE DEVELOPMENT OF PROTOCOLS UNDER THIS PART, IMPLEMENTATION OF PROTOCOLS UNDER THIS PART, OR HOLDING A PARTICIPANT IN THE EMERGENCY MEDICAL SERVICES SYSTEM ACCOUNTABLE FOR DEPARTMENT-APPROVED PROTOCOLS UNDER THIS PART, DOES NOT IMPOSE LIABILITY IN THE PERFORMANCE OF THOSE FUNCTIONS:

(A) THE MEDICAL DIRECTOR AND INDIVIDUALS SERVING ON THE GOVERNING BOARD, ADVISORY BODY, OR COMMITTEES OF THE MEDICAL CONTROL AUTHORITY OR EMPLOYEES OF THE MEDICAL CONTROL AUTHORITY.

(B) A PARTICIPATING HOSPITAL OR FREESTANDING SURGICAL OUTPATIENT FACILITY IN THE MEDICAL CONTROL AUTHORITY OR AN OFFICER, MEMBER OF THE MEDICAL STAFF, OR OTHER EMPLOYEE OF THE HOSPITAL OR FREESTANDING SURGICAL OUTPATIENT FACILITY.

(C) A PARTICIPATING AGENCY IN THE MEDICAL CONTROL AUTHORITY OR AN OFFICER, MEMBER OF THE MEDICAL STAFF, OR OTHER EMPLOYEE OF THE PARTICIPATING AGENCY.

(D) A NONPROFIT CORPORATION THAT PERFORMS THE FUNCTIONS OF A MEDICAL CONTROL AUTHORITY.

(4) ~~(2) Subsection (1) does~~ SUBSECTIONS (1) AND (3) DO NOT limit immunity from liability otherwise provided by law for any of the persons listed in ~~subsection~~ SUBSECTIONS (1) AND (3).

(5) THE LIMITATION ON LIABILITY GRANTED TO A CLINICAL PRECEPTOR UNDER SUBSECTION (1) APPLIES ONLY TO AN ACT OR OMISSION OF THE CLINICAL PRECEPTOR RELATING DIRECTLY TO A STUDENT'S CLINICAL TRAINING ACTIVITY OR RESPONSIBILITY WHILE THE CLINICAL PRECEPTOR IS PHYSICALLY PRESENT WITH THE STUDENT DURING THE CLINICAL TRAINING ACTIVITY, AND DOES NOT APPLY TO AN ACT OR OMISSION OF THE CLINICAL PRECEPTOR DURING THAT TIME THAT INDIRECTLY RELATES OR DOES NOT RELATE TO THE STUDENT'S CLINICAL TRAINING ACTIVITY OR RESPONSIBILITY.

Sec. 20975. The department ~~shall~~ MAY promulgate rules to implement this part.

Sec. 20977. (1) ~~Rules~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), RULES promulgated to implement former parts 32, 203, or 207 of this act and in effect on ~~the effective date of this section shall~~ JULY 22, 1990 DO NOT continue, ~~to the extent that they do not conflict with this part, and shall be considered as rules promulgated under this part~~ AND ARE CONSIDERED AS RESCINDED.

(2) SUBSECTION (1) DOES NOT APPLY TO RULES THAT HAVE BEEN IDENTIFIED AS BEING APPLICABLE WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, AS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE STATEWIDE EMERGENCY MEDICAL SERVICES COORDINATION COMMITTEE.

Second: That the Senate and House 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," 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, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, sections 20920 and 20921 as amended by 1997 PA 78, section 20954 as amended by 2000 PA 314, and section 20965 as amended by 1999 PA 199.

Dale Shugars
John J.H. Schwarz
Raymond M. Murphy
Conferees for the Senate

Gerald Law
Paul DeWeese
Mark Schauer
Conferees for the House

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

Roll Call No. 756

Yeas—30

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

Nays—2

DeBeaussaert Miller

Excused—3

Jaye Leland Vaughn

Not Voting—3

Hart Smith, A. Young

In The Chair: Schwarz

Protests

Senators Miller and DeBeaussaert, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the second conference report on Senate Bill No. 404.

Senator Miller's statement is as follows:

I voted "no" on Senate Bill No. 404 because my local men and women who battle those fires and rescue units every day—locally in my area, in my Senatorial district—did not feel that this bill went far enough to give them protection and benefits in their profession. So I listened to my local firemen and women and voted "no" on this bill, Mr. President.

Senator DeBeaussaert moved that the statement he made during the discussion of the conference report be printed as his reasons for voting "no."

The motion prevailed.

Senator DeBeaussaert’s statement is as follows:

This bill has been before us on numerous occasions, and I won’t belabor the points that I’ve made previously. There have been, as the chairman of the committee indicated, changes made to the bill since it was last before us. But the issue that brought about my objection in the last round is that the cost of the training provisions on local units of government haven’t been addressed. So I will not be supporting the bill, even though I do recognize that the chair has taken care of some of the other concerns that have been raised. But our local fire chiefs and officials have expressed their concerns and opposition, so I will be voting “no.”

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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 1349

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

The following communications were received and read:
Office of the Senate Majority Leader

December 5, 2000

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the conference committee on House Bill 4335.
Senator Gougeon
Senator McManus
Senator DeBeaussaert

December 5, 2000

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the following conference committees:

Senate Bill 260 Senator DeGrow (Chair)
 Senator Schwarz
 Senator Byrum

Senate Bill 261 Senator DeGrow (Chair)
 Senator Shugars
 Senator Byrum

Sincerely,
Dan L. DeGrow
Senator Majority Leader

The communications were referred to the Secretary for record.

Senator Rogers moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 4711

The motion prevailed.

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

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

House Bill No. 5509, entitled

A bill to amend 1966 PA 225, entitled “Carnival-amusement safety act of 1966,” by amending section 2 (MCL 408.652), as amended by 1998 PA 507, and by adding sections 18, 19, and 20.

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 following bill was read a third time:

Senate Bill No. 1349, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 1999 PA 91.

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. 757

Yeas—25

Bennett	Gougeon	McManus	Schuette
Bullard	Hammerstrom	Miller	Schwarz
Cherry	Hart	Murphy	Smith, A.
DeBeaussaert	Johnson	North	Smith, V.
Dingell	Koivisto	Peters	Steil
Emerson	McCotter	Rogers	Stille
Emmons			

Nays—8

DeGrow	Gast	Hoffman	Sikkema
Dunaskiss	Goschka	Shugars	Van Regenmorter

Excused—3

Jaye	Leland	Vaughn
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Not Voting—2

Byrum	Young
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In The Chair: Schwarz

The Senate agreed to the title of the bill.

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 Byrum 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 with a substitute therefor, the following bill:

House Bill No. 5669, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2000 PA 82.

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. 5951, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 5 (MCL 38.1305), as amended by 2000 PA 150.

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

1. Amend page 3, following line 25, by inserting:

"(6) FOR PURPOSES OF SECTION 61(1), "NOT EMPLOYED BY A REPORTING UNIT" INCLUDES A RETIRANT WHO STARTING OCTOBER 20, 1996 WHO RETIRED ON OCTOBER 4, 1988 IF BOTH OF THE FOLLOWING APPLY:

(A) BEGINNING ON OCTOBER 21, 1996, THE RETIRANT WORKED IN A REPORTING UNIT AS AN EMPLOYEE OF AN INDEPENDENT CORPORATION THAT PAID THE RETIRANT.

(B) THE REPORTING UNIT THAT THE RETIRANT WORKED IN CONTRACTED WITH THE INDEPENDENT CORPORATION FOR SERVICES THAT DO NOT EXCEED 5 CONSECUTIVE YEARS OF WORK IN THE SAME REPORTING UNIT, WHICH SERVICES THE RETIRANT IS TO PROVIDE."

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. 4803, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending sections 1, 2, 3, 6, 8, 10, 12, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 51, 52, 53, 54, 101, 102, 103, 104, 105, 106, 151, 152, 153, 154, 155, 156, 157, 158, 161, 191, 192, 199, 200, 221, 222, 223, 241, 242, 243, 244, 245, 247, 261, 262, 263, 265, 266, 267, 269, 270, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 301, 302, 303, 304, 306, 307, 322, 322b, 323, 324, 326, 327, 328, 391, 392, 393, 395, 421, 422, 423, 425, 429, 430, 431, 433, 463, 464, 465, 466, 467, 468, 469, 472, 473, 474, 476, 478, 483, 490, 491, 499, 513, 515, 517, 518, 519, 520, 521, 524, 525, 532, 540, 541, 622, 626, and 627 (MCL 280.1, 280.2, 280.3, 280.6, 280.8, 280.10, 280.12, 280.21, 280.23, 280.24, 280.25, 280.26, 280.27, 280.28, 280.29, 280.30, 280.31, 280.32, 280.33, 280.51, 280.52, 280.53, 280.54, 280.101, 280.102, 280.103, 280.104, 280.105, 280.106, 280.151, 280.152, 280.153, 280.154, 280.155, 280.156, 280.157, 280.158, 280.161, 280.191, 280.192, 280.199, 280.200, 280.221, 280.222, 280.223, 280.241, 280.242, 280.243, 280.244, 280.245, 280.247, 280.261, 280.262, 280.263, 280.265, 280.266, 280.267, 280.269, 280.270, 280.273, 280.274, 280.275, 280.276, 280.277, 280.278, 280.279, 280.280, 280.282, 280.283, 280.301, 280.302, 280.303, 280.304, 280.306, 280.307, 280.322, 280.322b, 280.323, 280.324, 280.326, 280.327, 280.328, 280.391, 280.392, 280.393, 280.395, 280.421, 280.422, 280.423, 280.425, 280.429, 280.430, 280.431, 280.433, 280.463, 280.464, 280.465, 280.466, 280.467, 280.468, 280.469, 280.472, 280.473, 280.474, 280.476, 280.478, 280.483, 280.490, 280.491, 280.499, 280.513, 280.515, 280.517, 280.518, 280.519, 280.520, 280.521, 280.524, 280.525, 280.532, 280.540, 280.541, 280.622, 280.626, and 280.627), sections 21 and 464 as amended by 1989 PA 134, section 33 as amended by 1982 PA 356, section 223 as amended by 1989 PA 61, section 280 as amended by 1983 PA 176, section 282 as amended by 1984 PA 80, sections 283 and 499 as amended by 1989 PA 149, section 423 as amended by 1996 PA 552, and section 433 as amended by 1982 PA 449, and by adding sections 7, 7a, 7b, 7c, 13, 14, 34, 35, 36, 53a, 55, 56, 57, 58, 59, 60, 61, 62, 63, 103a, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201, 275a, 277a, 329, 330, 467a, 467b, 474a, 500, 519a, 615, 616, and 617; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 6, line 22, after "SECTION" by striking out "115" and inserting "116".

2. Amend page 11, line 23, after "OBTAIN" by striking out "ANY PERMITS REQUIRED" and inserting "PERMITS REQUIRED, IF ANY,".

3. Amend page 11, following line 25, by inserting:

"(3) BEFORE UNDERTAKING A PROJECT THAT MAY SIGNIFICANTLY AFFECT A NATIONAL PARK, NATIONAL FOREST, NATIONAL WILDLIFE REFUGE, STATE PARK, STATE FOREST, STATE GAME AREA, A STATE-DESIGNATED NATURAL RIVER, OR A STATE-DEDICATED WILDERNESS AREA, WILD AREA, OR NATURAL AREA, A DRAIN COMMISSIONER OR DRAINAGE BOARD SHALL CONSULT WITH THE AGENCY RESPONSIBLE FOR MANAGING THAT AREA AND CONSIDER MEASURES SUGGESTED BY THE AGENCY TO MINIMIZE OR MITIGATE THE PROJECT'S ADVERSE EFFECTS ON THE AREA." and renumbering the remaining subsections.

4. Amend page 12, line 13, after "WATERS" by inserting "OR UNDER FEDERAL ACTS THAT AMEND OR SUPPLEMENT THE FEDERAL WATER POLLUTION CONTROL ACT THAT HAVE BEEN CODIFIED AT 33 UNITED STATES CODE 1252a, 1254a, 1257a, 1263a, 1271, 1272, 1281a, 1281b, 1293a, AND 1313a THAT ARE APPLICABLE TO SUCH WATERS".

5. Amend page 12, line 19, by striking out all of subsection (5).
6. Amend page 17, line 24, after "CORPORATION." by inserting "IF A STATE DEPARTMENT MAY BE SUBJECT TO AN ASSESSMENT FOR THE DRAIN, NOTICE SHALL BE PERSONALLY DELIVERED OR SENT BY FIRST-CLASS MAIL TO THE HEAD OF THE STATE DEPARTMENT. HOWEVER, IF THE HEAD OF THE STATE DEPARTMENT IS A COMMISSION, NOTICE SHALL BE PERSONALLY DELIVERED OR SENT BY FIRST-CLASS MAIL TO THE PRINCIPAL EXECUTIVE OFFICER OF THE STATE DEPARTMENT."
7. Amend page 20, line 15, after "BE" by striking out the balance of the subsection and inserting "GIVEN PURSUANT TO THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275."
8. Amend page 24, line 22, after the second "county" by striking out the balance of the line through "12,000" on line 23.
9. Amend page 29, line 4, after "malfeasance" by striking out "or misfeasance".
10. Amend page 41, line 18, after "BY" by striking out the balance of the line through "THE" on line 22 and inserting "LANDOWNERS REPRESENTING 50% OF THE PRIVATELY OWNED".
11. Amend page 44, line 15, after "(7)" by inserting "COSTS INCURRED BY THE OFFICE OF DRAIN COMMISSIONER IN PROCEEDINGS UNDER THIS CHAPTER TO EVALUATE IMPACTS OF A PROJECT ON NATURAL RESOURCES OR IDENTIFY PRACTICAL MEASURES TO MINIMIZE ADVERSE IMPACTS SHALL BE PAID BY THE OFFICE OF THE DRAIN COMMISSIONER. OTHER".
12. Amend page 47, line 26, after "SECTION" by striking out "51" and inserting "52(2)".
13. Amend page 47, line 27, after "PETITION" by striking out the balance of the subsection and inserting "SHALL NOTIFY THE COUNTY BOARD OF COMMISSIONERS BY FIRST-CLASS MAIL OF THE FILING OF THE PRELIMINARY ANALYSIS. AS SOON AS PRACTICABLE AFTER RECEIPT OF THE NOTICE, THE COUNTY BOARD OF COMMISSIONERS, OR A DISINTERESTED INDIVIDUAL DESIGNATED BY THE COUNTY BOARD OF COMMISSIONERS, SHALL APPOINT A BOARD OF DETERMINATION COMPOSED OF 3 DISINTERESTED MEMBERS AND A DISINTERESTED ALTERNATE MEMBER. THE COUNTY CLERK SHALL PROMPTLY NOTIFY THE DRAIN COMMISSIONER BY FIRST-CLASS MAIL OF THE NAMES AND ADDRESSES OF THE INDIVIDUALS APPOINTED."
14. Amend page 55, line 24, after "MORE" by striking out "CITIES, VILLAGES, OR TOWNSHIPS" and inserting "MUNICIPALITIES".
15. Amend page 55, line 25, after "THOSE" by striking out "CITIES, VILLAGES, AND TOWNSHIPS" and inserting "MUNICIPALITIES".
16. Amend page 57, line 1, after "EACH" by striking out "CITY, VILLAGE, OR TOWNSHIP" and inserting "MUNICIPALITY".
17. Amend page 57, line 5, after the second "THE" by striking out the balance of the line through "TOWNSHIP" on line 6 and inserting "MUNICIPALITY".
18. Amend page 57, line 11, after "THE" by striking out "CITY, VILLAGE, OR TOWNSHIP" and inserting "MUNICIPALITY".
19. Amend page 63, following line 12, by inserting:

"SEC. 63. AFTER THE HEARING ON THE ENGINEERING ANALYSIS UNDER SECTION 62, A PUBLIC CORPORATION OR OTHER PERSON AGGRIEVED MAY INSTITUTE AN ACTION IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE DRAINAGE DISTRICT IS LOCATED FOR A REVIEW OF THE PROPOSED PROJECT. THE ACTION SHALL BE FILED WITHIN 14 DAYS AFTER THE HEARING ON THE ENGINEERING ANALYSIS. THE CIRCUIT COURT SHALL DETERMINE WHETHER THE SCOPE OF THE PROJECT AS DESCRIBED IN THE ENGINEERING ANALYSIS IS JUSTIFIED BASED ON THE RECORD OF THE HEARING OF THE BOARD OF DETERMINATION UNDER SECTION 53 AND, IF APPLICABLE, SECTION 53A. AFTER THE REVIEW, THE COURT MAY REMAND THE MATTER TO THE DRAIN COMMISSIONER AND ORDER THE COMMISSIONER TO AMEND THE FINAL ENGINEERING PLANS." and renumbering the remaining section of the chapter.
20. Amend page 64, line 18, after "BY" by striking out the balance of the line through "THE" on line 22 and inserting "LANDOWNERS REPRESENTING 50% OF THE PRIVATELY OWNED".
21. Amend page 71, line 23, after "FOR" by inserting "CERTAIN".
22. Amend page 73, line 19, after "SHALL" by striking out the balance of the subsection and inserting "PROCEED AS PROVIDED IN SECTION 107."
23. Amend page 75, line 3, after "MORE" by striking out "CITIES, VILLAGES, OR TOWNSHIPS" and inserting "MUNICIPALITIES".
24. Amend page 75, line 4, after "THOSE" by striking out "CITIES, VILLAGES, AND TOWNSHIPS" and inserting "MUNICIPALITIES".
25. Amend page 79, line 24, by striking out "CITY, VILLAGE, OR TOWNSHIP" and inserting "MUNICIPALITY".
26. Amend page 80, line 1, after the second, "THE" by striking out the balance of the line through "TOWNSHIP" on line 2 and inserting "MUNICIPALITY".

27. Amend page 80, line 7, after "THE" by striking out "CITY, VILLAGE, OR TOWNSHIP" and inserting "MUNICIPALITY".

28. Amend page 80, line 15, after "CONSTRUCTED." by inserting "HOWEVER, COSTS INCURRED TO EVALUATE THE IMPACTS OF A PROJECT ON NATURAL RESOURCES SHALL BE APPORTIONED TO THE COUNTIES AND PAID BY THE OFFICE OF THE DRAIN COMMISSIONER OF EACH RESPECTIVE COUNTY".

29. Amend page 86, line 5, after "PROFESSIONAL." by inserting "COSTS INCURRED UNDER THIS SUBDIVISION SHALL BE PAID BY THE OFFICE OF THE DRAIN COMMISSIONER."

30. Amend page 88, following line 21, by inserting:

"SEC. 113. AFTER THE HEARING ON THE ENGINEERING ANALYSIS UNDER SECTION 112, A PUBLIC CORPORATION OR OTHER PERSON AGGRIEVED MAY INSTITUTE AN ACTION IN THE CIRCUIT COURT OF A COUNTY IN WHICH A PART OF THE DRAINAGE DISTRICT IS LOCATED FOR A REVIEW OF THE PROPOSED PROJECT. THE ACTION SHALL BE FILED WITHIN 14 DAYS AFTER THE HEARING ON THE ENGINEERING ANALYSIS. THE CIRCUIT COURT SHALL DETERMINE WHETHER THE SCOPE OF THE PROJECT AS DESCRIBED IN THE ENGINEERING ANALYSIS IS JUSTIFIED BASED ON THE RECORD OF THE HEARING OF THE DRAINAGE BOARD UNDER SECTION 103 AND, IF APPLICABLE, SECTION 103A. AFTER THE REVIEW, THE COURT MAY REMAND THE MATTER TO THE DRAINAGE BOARD AND ORDER THE DRAINAGE BOARD TO AMEND THE FINAL ENGINEERING PLANS." and renumbering the remaining sections of the chapter.

31. Amend page 92, line 25, after "ANY" by striking out "CITY, VILLAGE, OR TOWNSHIP" and inserting "MUNICIPALITY".

32. Amend page 93, line 18, by striking out "CITY, VILLAGE, OR TOWNSHIP" and inserting "MUNICIPALITY".

33. Amend page 93, line 19, after "HOWEVER," by striking out the balance of the line through "CORPORATION" on line 25 and inserting "LAND OWNED BY A PUBLIC CORPORATION OTHER THAN A COLLEGE OR UNIVERSITY DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, ANOTHER STATE DEPARTMENT OR AGENCY, OR A JUNIOR COLLEGE OR COMMUNITY COLLEGE ESTABLISHED PURSUANT TO SECTION 7 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963".

34. Amend page 95, line 23, after "AGRICULTURE." by striking out "FIFTY PERCENT OF" and inserting "SHALL NOT EXCEED 50%".

35. Amend page 95, line 26, after "FUNDS" by inserting "SHALL NOT EXCEED 50%".

36. Amend page 100, line 26, after "THE" by inserting "STATE TRANSPORTATION DEPARTMENT".

37. Amend page 112, line 22, after the second "IN" by striking out "SECTIONS 52 TO 57" and inserting "CHAPTER 3".

38. Amend page 116, line 20, after the second "IN" by striking out "SECTIONS 102 TO 113" and inserting "CHAPTER 5".

39. Amend page 117, line 20, after "DEPTH" by inserting a comma.

40. Amend page 118, line 18, after "(5)" by inserting "IF AT ANY TIME THE DRAIN FUND OF A DRAINAGE DISTRICT CONTAINS LESS THAN \$2,500.00 PER MILE OR FRACTION OF A MILE OF A DRAIN, THE DRAIN COMMISSIONER OR DRAINAGE BOARD MAY ASSESS THE DRAINAGE DISTRICT FOR AN AMOUNT NOT TO EXCEED \$1,250.00 PER MILE OR FRACTION OF A MILE IN ANY 1 YEAR BASED ON APPORTIONMENTS AS DESCRIBED IN SECTION 201. HOWEVER, THE COUNTY BOARD OF COMMISSIONERS MAY ADOPT A RESOLUTION PROVIDING THAT".

41. Amend page 119, line 3, after "YEAR" by striking out "\$5,000.00" and inserting "\$2,500.00".

42. Amend page 119, line 4, after "DRAIN." by inserting "HOWEVER, THE COUNTY BOARD OF COMMISSIONERS MAY ADOPT A RESOLUTION PROVIDING THAT THE DRAIN COMMISSIONER FOR A COUNTY DRAIN, OR THE DRAINAGE BOARD FOR AN INTERCOUNTY DRAIN, MAY WITHOUT PETITION EXPEND AN AMOUNT NOT TO EXCEED IN ANY 1 YEAR \$5,000.00 PER MILE OR FRACTION OF A MILE FOR MAINTENANCE OR REPAIR OF A DRAIN."

43. Amend page 121, line 2, after "EXCEED" by striking out "\$5,000.00" and inserting "\$2,500.00".

44. Amend page 121, line 7, after "CIRCULATION." by inserting "HOWEVER, IF THE COUNTY BOARD OF COMMISSIONERS HAS ADOPTED A RESOLUTION UNDER SUBSECTION (6), SUCH NOTICE NEED ONLY BE GIVEN IF THE TOTAL ESTIMATED EXPENDITURE WILL EXCEED \$5,000.00 PER MILE OR A FRACTION OF A MILE."

45. Amend page 135, line 20, after "official" by striking out "or".

46. Amend page 195, line 6, after "section" by striking out "104" and inserting "105".

47. Amend page 195, line 8, after "section" by striking out "54" and inserting "55".

48. Amend page 199, following line 5, by inserting:

"SEC. 424A. IF THE DEPARTMENT OF ENVIRONMENTAL QUALITY DETERMINES THAT A CONDITION EXISTS OR IS LIKELY TO OCCUR THAT ENDANGERS AN EXISTING DAM OR STRUCTURE OWNED, OPERATED, AND MAINTAINED BY A DRAINAGE DISTRICT OR POSES A SIGNIFICANT THREAT TO PUBLIC HEALTH SAFETY, OR PROPERTY, THE DEPARTMENT OF ENVIRONMENTAL QUALITY MAY

ISSUE AN ORDER TO THE DRAIN COMMISSIONER FOR A COUNTY DRAIN, OR DRAINAGE BOARD FOR AN INTER-COUNTY DRAIN, FOR THE REMOVAL OF THE DAM OR STRUCTURE OR FOR ANY REPAIRS OR OTHER ACTIONS NECESSARY TO MITIGATE OR ELIMINATE THE CONDITION. THE ORDER CONSTITUTES A PETITION FOR THE REMOVAL OF THE DAM OR STRUCTURE OR ANY REPAIRS OR OTHER ACTIONS NECESSARY TO MITIGATE OR ELIMINATE THE CONDITION. THE ORDER IS IN LIEU OF THE ORDER OF NECESSITY BY A DRAINAGE BOARD UNDER CHAPTER 20 OR 21 OR SECTION 105 OR 192 OR AN ORDER OF NECESSITY BY A BOARD OF DETERMINATION UNDER SECTION 55 OR 191, WHICHEVER IS APPLICABLE. A COPY OF THE FINDINGS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL BE ATTACHED TO THE ORDER. THE ORDER SHALL BE SIGNED BY THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY ONLY.

(2) BEFORE FINALIZING AN ORDER UNDER THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE DRAIN COMMISSIONER OR DRAINAGE BOARD AN OPPORTUNITY FOR A HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

(3) THE POWERS AND DUTIES OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY UNDER THIS SECTION ARE IN ADDITION TO THE POWERS AND DUTIES OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY UNDER PART 315 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.31501 TO 324.31529.”.

49. Amend page 201, line 12, by striking out all of section 428.

50. Amend page 220, line 13, after “IMPACTS” by striking out “AND” and inserting “SHALL BE THE RESPONSIBILITY OF THE OFFICE OF THE DRAIN COMMISSIONER. ALL COSTS ASSOCIATED WITH”.

51. Amend page 221, line 26, after “AGRICULTURE.” by striking out “FIFTY PERCENT OF” and inserting “SHALL NOT EXCEED 50%”.

52. Amend page 222, line 2, after “FUNDS” by inserting “SHALL NOT EXCEED 50%”.

53. Amend page 249, line 10, after “AGRICULTURE.” by striking out “FIFTY PERCENT OF” and inserting “SHALL NOT EXCEED 50%”.

54. Amend page 249, line 13, after “FUNDS” by inserting “SHALL NOT EXCEED 50%”.

55. Amend page 261, line 19, after “426” by striking out the comma and “427” and inserting “to 428”.

56. Amend page 261, line 25, after “280.426” by striking out the comma and “280.427” and inserting “to 280.428”.

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.

Resolutions

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

Senate Resolution No. 223

Senate Resolution No. 224

The resolution consent calendar was adopted.

Senator Schwarz offered the following resolution:

Senate Resolution No. 223.

A resolution of tribute for the Grand Ledge High School Comets Football Team, Michigan High School Athletic Association’s Division 1 State Champions.

Whereas, The members of the Michigan Senate offer recognition for the triumph of the Grand Ledge High School Comets football team in capturing the Division 1 state championship title; and

Whereas, With a spectacular 45-yard touchdown pass with 22 seconds to go, the Comets defeated Utica Eisenhower 19-14 at the Pontiac Silverdome; and

Whereas, Under the direction of head coach Patrick O’Keefe, the blue and gold Comets, after a defeat in the season opener, mobilized to defeat each and every other opposing team to finish regional play with an 11-1 season standing in the Capital Area Conference; and

Whereas, Having realized the outcome of hard work, dedication, and teamwork, the individual members of the Comets football team are richer for the experience and will be able to apply these principles often as they move forward to lead satisfying and productive lives; and

Whereas, The mutual support and pride generated between the Comets and the greater Grand Ledge community is evident. We extend our commendations to the Grand Ledge Public Schools administration, assistants, coaches, statisticians, band members, boosters, students, parents, and community supporters; and

Whereas, The pinnacle achieved by the following team members will serve to inspire future teams and coaches to aspire to greatness, while developing valuable life skills in preparation, practice, dedication, integrity, and teamwork:

Team Captains

Matt Bohnet (#01)
 Chad Esper (#10)
 Vic Preston (#50)
 Joe Wohlscheid (#80)
 Ryan Mitchell (#82)

Bobby Adcock (#08)
 Dan Barnes (#86)
 Patrick Bartlett (#47)
 Dave Blandford (#52)
 Ken Bohnet (#04)
 Brandon Caswell (#58)
 Brian Christiansen (#75)
 Ben Coleman (#03)
 Matt Cook (#12)
 Clint Deatsman (#68)
 Mike Deyo (#40)
 Steve Dick (#35)
 Chris Gentry (#61)

Tim George (#05)
 Derick Hall (#43)
 Jon Hawkins (#25)
 Michael Holben (#24)
 Aaron Hubbard (#37)
 Nick Jensen (#64)
 Patrick Kleinfelt (#16)
 Brad Krause (#42)
 Mike Lasher (#65)
 Dan Maurer (#09)
 Matt McKenzie (#76)
 Joe McLean (#15)
 Chuck McLean (#02)

Jay Miller (#62)
 Drew Mooney (#45)
 Luke Mullins (#55)
 Bryan O'Donnell (#99)
 Collin O'Keefe (#07)
 Vince Riggs (#78)
 Kyle Robinson (#54)
 Nick Sandy (#17)
 Dan Sawdy (#30)
 Andy Shults (#60)
 Mike Wohlscheid (#44)

; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest congratulations to the Grand Ledge High School Comets Football Team, Division 1 State Champions; and be it further

Resolved, That a copy of this resolution be transmitted to head coach Patrick O'Keefe and all team members of the Division 1 State Champion Grand Ledge Comets.

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.

Senators Hoffman, North, Murphy, Van Regenmorter and Rogers offered the following resolution:

Senate Resolution No. 224.

A resolution to recognize Colonel Michael D. Robinson for his achievements as President of the International Association of the Chiefs of Police.

Whereas, As a native of Grand Rapids, Colonel Robinson began his career with the Michigan State Police in 1968. He was appointed to the cabinet position of director by Governor John Engler on January 25, 1991; and

Whereas, On November 3, 1999, Colonel Robinson was installed as President of the International Association of Chiefs of Police (IACP). IACP is the world's oldest and largest nonprofit membership organization of police executives, with approximately 18,000 members in 96 countries; and

Whereas, Founded in 1893, the association's goals, as stated in its constitution, are to advance the science and art of police services; to develop and disseminate improved administrative, technical, and operational practices and promote their use in police work; to foster police cooperation and the exchange of information and experience among police administrators throughout the world; to bring about recruitment and training in the police profession of qualified persons; and to encourage adherence of all police officers to high professional standards of performance and conduct; and

Whereas, IACP supports law enforcement professionals with a wide variety of services, including conducting management and operational studies, presenting state-of-the-art training programs and materials, establishing law enforcement policies and procedures, publishing a professional magazine and special reports, and conducting extensive law enforcement research; and

Whereas, Through his leadership, actions, and efforts, Colonel Robinson has promoted and expanded the global activities of the IACP to attain professional achievements in keeping with the association's focus; now, therefore, be it

Resolved by the Senate, That a wholehearted accolade of tribute be hereby accorded to commemorate the professional achievements of Colonel Michael D. Robinson; and be it further

Resolved, That a copy of this resolution be transmitted to Colonel Robinson as a reflection of our appreciation for his contributions to law enforcement.

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 proceeded to the order of
Statements

Senator McManus asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator McManus' statement is as follows:

I want on the record that I voted against the amendment and on House Bill No. 6027. I did not vote on the bill. Had I voted, I would have voted "no." The reason is it has been brought to my attention at the last minute that this now results in two state agencies performing the same function. A firefighter injury or death will be investigated by both the Fire Marshall Division of the State Police and by MIOSHA of the Department of Consumer and Industry Services, and that is a duplication. I believe it is unnecessary, and that's why I voted "no."

By unanimous consent the Senate returned to the order of
Introduction and Referral of Bills

House Bill No. 4332, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3010. 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 Financial Services.

House Bill No. 4373, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2, 8, 9f, 14, and 34c (MCL 211.2, 211.8, 211.9f, 211.14, and 211.34c), section 2 as amended by 1993 PA 313, section 8 as amended by 1983 PA 254, section 9f as amended by 1999 PA 20, and section 34c as amended by 1996 PA 476.

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 Finance.

House Bill No. 4766, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending the title and section 3 (MCL 408.383).

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 Human Resources, Labor, Senior Citizens and Veterans Affairs.

House Bill No. 5332, 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.

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 Financial Services.

House Bill No. 5333, 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.

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 Financial Services.

House Bill No. 5334, 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.

The House of Representatives has passed the bill by 2/3 vote 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 Financial Services.

House Bill No. 5336, entitled

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

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 Financial Services.

House Bill No. 5343, entitled

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

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 Financial Services.

House Bill No. 5684, entitled

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending sections 7 and 16 (MCL 551.7 and 551.16), section 7 as amended by 1983 PA 64.

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 Families, Mental Health and Human Services.

House Bill No. 5685, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending sections 1, 3, 4, and 6 (MCL 551.101, 551.103, 551.104, and 551.106), section 3 as amended by 1984 PA 346.

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 Families, Mental Health and Human Services.

House Bill No. 5763, entitled

A bill to amend 1964 PA 265, entitled "Uniform securities act," by amending the title and sections 101, 102, 103, 201, 202, 203, 204, 301, 304a, 305, 401, 402, 403, 405, 406, 409, 410, 412, 413, 414, and 417 (MCL 451.501, 451.502, 451.503, 451.601, 451.602, 451.603, 451.604, 451.701, 451.704a, 451.705, 451.801, 451.802, 451.803, 451.805, 451.806, 451.809, 451.810, 451.812, 451.813, 451.814, and 451.817), section 201 as amended by 1996 PA 349, sections 202, 203, 402, and 410 as amended by 1990 PA 150, section 304a as added and section 305 as amended by 1996 PA 529, sections 401 and 409 as amended by 1988 PA 408, and section 413 as amended by 1992 PA 207, and by adding sections 202a and 308.

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 Financial Services.

House Bill No. 5812, entitled

A bill to amend 1990 PA 271, entitled "Limousine transportation act," by amending section 7 (MCL 257.1907).

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 Transportation and Tourism.

House Bill No. 5818, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 301.

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 Finance.

House Bill No. 5869, entitled

A bill to create certain prescription programs relating to the elderly; to enhance access to prescription drugs to certain elderly residents of the state; to prescribe the powers and duties of certain state departments and agencies; 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. 5962, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1301 (MCL 600.1301). 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. 6016, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 2 (MCL 28.602), as amended by 1998 PA 237. 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 Government Operations.

House Bill No. 6017, entitled

A bill to commission and confer certain police and arrest powers on certain sergeants at arms and assistant sergeants at arms in the legislative branch; and to prescribe certain duties and responsibilities of certain state employees. 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 Government Operations.

House Bill No. 6094, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21734. 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 Health Policy.

House Bill No. 6095, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267. 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 Finance.

House Bill No. 6115, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 43 (MCL 421.43), as amended by 1996 PA 145. 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 Farming, Agribusiness and Food Systems.

By unanimous consent the Senate returned to the order of

Messages from the House**House Bill No. 4532, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a). The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Green, DeVuyst and Callahan as conferees. The message was referred to the Secretary for record.

House Bill No. 4530, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 8, 12, 12a, and 14 (MCL 28.421, 28.428, 28.432, 28.432a, and 28.434), the title as amended by 1990 PA 320 and section 1 as amended by 1992 PA 219, and by adding sections 1a, 2a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, and 5o; and to repeal acts and parts of acts.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Green, DeVuyst and Callahan as conferees.

The message was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of
Motions and Communications

The following communication was received and read:
 Office of the Senate Majority Leader

December 5, 2000

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the following conference committees:

House Bill 4530 Senator Hoffman
 Senator Bullard
 Senator Dingell

House Bill 4532 Senator Hoffman
 Senator Bullard
 Senator Dingell

Sincerely,
 Dan L. DeGrow
 Senator Majority Leader

The communication was referred to the Secretary for record.

Committee Reports

The Committee on Local, Urban and State Affairs reported

House Bill No. 5036, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending sections 9, 11a, and 40 (MCL 125.279, 125.281a, and 125.310), section 40 as added by 1996 PA 570, and by adding section 3a.

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, Shugars, Van Regenmorter, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

House Bill No. 5037, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending sections 9, 11a, and 40 (MCL 125.209, 125.211a, and 125.240), section 40 as added by 1996 PA 569, and by adding section 3a.

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, Shugars, Van Regenmorter, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

House Bill No. 5706, entitled

A bill to amend 1929 PA 199, entitled "An act to authorize and empower villages and townships of this state having a population not exceeding 10,000 inhabitants, to levy a tax for the maintenance or the purchase of lands and maintenance of property for a community center for the benefit of the public, provided the question of such purchase or maintenance, or both purchase and maintenance, as the case may be, is submitted to the duly qualified voters of such villages or townships and is adopted by a majority vote of those participating in said election; and to prescribe penalties and provide remedies," by amending sections 3 and 5 (MCL 123.43 and 123.45).

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 Shugars, Van Regenmorter, Miller and Murphy

Nays: Senator McCotter

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

House Bill No. 5843, entitled

A bill to amend 1965 PA 261, entitled "An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of supervisors with respect thereto," by amending the title and section 1 (MCL 46.351), section 1 as amended by 1990 PA 84.

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, Shugars, Van Regenmorter, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

House Bill No. 5952, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 3 (MCL 46.3), as amended by 1998 PA 97.

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, Shugars, Van Regenmorter, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submits the following:

Meeting held on Wednesday, November 29, 2000, at 3:00 p.m., Room 405, Capitol Building

Present: Senators McCotter (C), Shugars, Van Regenmorter, Miller and Murphy

The Committee on Health Policy reported

House Bill No. 4596, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20917; and to repeal acts and parts of acts.

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

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

Dale L. Shugars

Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5689, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20162 and 21799b (MCL 333.20162 and 333.21799b) and by adding sections 21332 and 21716.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5736, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21787.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5760, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20178.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5761, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," (MCL 400.701 to 400.737) by adding section 26b.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

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 Health Policy submits the following:

Meeting held on Tuesday, November 28, 2000, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz, Byrum and Murphy

The Committee on Judiciary reported

Senate Bill No. 1314, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating

in a mass immunization program approved by the department of public health," by amending sections 1 and 2 (MCL 691.1501 and 691.1502), section 1 as amended by 1987 PA 30.

With the recommendation that the bill 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, Schuette, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4779, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as added by 1998 PA 317.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette 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. 4525, entitled

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

With the recommendation that the substitute (S-5) be adopted and that the bill then pass.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette 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. 5237, entitled

A bill to amend 1985 PA 148, entitled "Self-service storage facility act," by amending the title and sections 3, 4, and 5 (MCL 570.523, 570.524, and 570.525).

With the recommendation that the bill 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, Schuette, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5672, 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," (MCL 691.1401 to 691.1415) by adding section 7c.

With the recommendation that the bill 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, Schuette, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5928, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 483a.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters 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

Senate Bill No. 1174, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 1987 PA 255.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters 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

Senate Bill No. 1408, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending the title and sections 1, 2, 3, and 4 (MCL 28.211, 28.212, 28.213, and 28.214), section 4 as amended by 1998 PA 459, and by adding sections 1a and 3a; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) 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, Schuette, Peters 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. 5782, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as amended by 1999 PA 90.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters 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. 5925, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 120a (MCL 750.120a).

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters 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. 5929, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2000 PA 279.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters 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. 5930, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 122.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters 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. 5931, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16f of chapter XVII (MCL 777.16f), as amended by 2000 PA 279.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters 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. 5932, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 119 (MCL 750.119).

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters 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. 6015, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2000 PA 279.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters 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. 6052, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411s.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters and Dingell

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 Judiciary submits the following:

Meeting held on Wednesday, November 29, 2000, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Schuette, Peters and Dingell

Excused: Senator V. Smith

The Committee on Education reported

Senate Bill No. 1363, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1535a, 1539a, and 1539b (MCL 380.1535a, 380.1539a, and 380.1539b), as amended by 1995 PA 289.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons, Stille and Peters

Nays: None

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

The Committee on Education reported

House Bill No. 4378, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1531 (MCL 380.1531), as amended by 1995 PA 289.

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.

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons, Stille, Peters and Leland

Nays: None

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

The Committee on Education reported

House Bill No. 5255, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1312 (MCL 380.1312), as amended by 1995 PA 289.

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.

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons, Stille and Peters

Nays: None

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

The Committee on Education reported

House Bill No. 5256, entitled

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

With the recommendation that the bill pass.

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons, Stille and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Wednesday, November 29, 2000, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Bennett (C), Emmons, Stille, Peters and Leland

The Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs reported

House Bill No. 6091, entitled

A bill to amend 1988 PA 234, entitled "Michigan Vietnam veterans memorial act," by amending the title and sections 2 and 5 (MCL 35.1052 and 35.1055), section 5 as amended by 1992 PA 122, and by adding section 5a.

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.

Mat Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Steil, North and Dingell

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 Human Resources, Labor, Senior Citizens and Veterans Affairs submits the following:

Meeting held on Thursday, November 30, 2000, at 9:45 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Dunaskiss (C), Steil, North and Dingell

Excused: Senator Murphy

The Committee on Families, Mental Health and Human Services reported

House Bill No. 4552, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 50b.

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.

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka, Johnson and Hart

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

House Bill No. 4615, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 50b.

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

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka, Johnson and Hart

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 Families, Mental Health and Human Services submits the following:

Meeting held on Wednesday, November 29, 2000, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Hammerstrom (C), Gougeon, Goschka, Johnson and Hart

Excused: Senator Vaughn

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4937, entitled

A bill to provide for the regulation of contracts between persons publicly performing or broadcasting copyrighted nondramatic musical works under certain circumstances; to provide for recognition of certain agents and employees of performing rights societies; to impose certain fees; to provide for certain powers and duties for certain state agencies and departments; and to prescribe penalties and provide remedies.

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 5668, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 501 and 906 (MCL 436.1501 and 436.1906), section 501 as amended by 1998 PA 416 and section 906 as added by 1998 PA 391.

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.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 5917, entitled

A bill to amend 1968 PA 330, entitled "Private security guard act of 1968," by amending the title and sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 14, 17, 18, 19, 22, 25, 29, 30, 31, 32, and 33 (MCL 338.1051, 338.1052, 338.1053, 338.1054, 338.1056, 338.1057, 338.1058, 338.1059, 338.1060, 338.1061, 338.1064, 338.1067, 338.1068, 338.1069, 338.1072, 338.1075, 338.1079, 338.1080, 338.1081, 338.1082, and 338.1083), sections 6, 10, 17, and 18 as amended by 1994 PA 326; and to repeal acts and parts of acts.

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

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

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 Economic Development, International Trade and Regulatory Affairs submits the following:

Meeting held on Thursday, November 30, 2000, at 11:52 a.m., Room 110, Farnum Building

Present: Senators Schuette (C), McCotter, Steil, Leland and Peters

The Committee on Banking and Financial Institutions reported

House Bill No. 5778, entitled

A bill to amend 1991 PA 190, entitled "An act to provide for the direct deposit of state employee payrolls, state university payments, and state retirement benefit payments into financial institutions; to allow any financial institution to participate in a state employee payroll deduction program; and to prescribe the powers and duties of certain state agencies and officials," by amending sections 2, 3, and 5 (MCL 487.2102, 487.2103, and 487.2105), section 5 as added by 1993 PA 100.

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 D. Steil
Chairperson

To Report Out:

Yeas: Senators Steil, Shugars, Emmons, Rogers, Miller and Cherry

Nays: None

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

The Committee on Banking and Financial Institutions reported

House Bill No. 5907, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending sections 102 and 103 (MCL 487.3102 and 487.3103).

With the recommendation that the bill pass.

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

Glenn D. Steil
Chairperson

To Report Out:

Yeas: Senators Steil, Shugars, Emmons, Rogers, Miller and Cherry

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

House Bill No. 5908, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending sections 209, 210, 213, and 214 (MCL 487.3209, 487.3210, 487.3213, and 487.3214).

With the recommendation that the bill pass.

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

Glenn D. Steil
Chairperson

To Report Out:

Yeas: Senators Steil, Shugars, Emmons, Rogers, Miller and Cherry

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

House Bill No. 5909, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending sections 303, 307, 313, 314, 316, 317, 321, 322, 324, 325, 326, 327, 328, 334, 335, 336, 401, 409, 412, 413, 417, 422, 428, 430, 432, 501, 508, 701, 703, 705, 706, 708, 709, 710, 711, 712, 713, 715, and 804 (MCL 487.3303, 487.3307, 487.3313, 487.3314, 487.3316, 487.3317, 487.3321, 487.3322, 487.3324, 487.3325, 487.3326, 487.3327, 487.3328, 487.3334, 487.3335, 487.3336, 487.3401, 487.3409, 487.3412, 487.3413, 487.3417, 487.3422, 487.3428, 487.3430, 487.3432, 487.3501, 487.3508, 487.3701, 487.3703, 487.3705, 487.3706, 487.3708, 487.3709, 487.3710, 487.3711, 487.3712, 487.3713, 487.3715, and 487.3804), section 401 as amended by 1996 PA 422, section 422 as amended by 2000 PA 63, and section 508 as amended by 1997 PA 50, and by adding sections 330a, 711a, and 712a; 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.

Glenn D. Steil
Chairperson

To Report Out:

Yeas: Senators Steil, Shugars, Emmons, Rogers, Miller and Cherry

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submits the following:

Meeting held on Thursday, November 30, 2000, at 2:05 p.m., Room 110, Farnum Building

Present: Senators Steil (C), Shugars, Emmons, Rogers, Miller and Cherry

Excused: Senator V. Smith

The Committee on Hunting, Fishing and Forestry reported

House Bill No. 6147, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40103 (MCL 324.40103), as amended by 2000 PA 191; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

Philip E. Hoffman
Chairperson

To Report Out:

Yeas: Senators Hoffman, Gast and Dingell

Nays: Senators Bullard and Byrum

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submits the following:

Meeting held on Thursday, November 30, 2000, at 2:00 p.m., Room 100, Farnum Building

Present: Senators Hoffman (C), Bullard, Gast, Dingell and Byrum

COMMITTEE ATTENDANCE REPORT

The Second Conference Committee on Senate Bill No. 404 submits the following:
Meeting held on Thursday, November 30, 2000, at 9:30 a.m., Room 405, Capitol Building
Present: Senators Shugars (C), Schwarz and Murphy

Scheduled Meetings**Conference Committee -**

SB 757 - Wednesday, December 6, 9:30 a.m., Room 100, Farnum Building (373-1758)

Families, Mental Health and Human Services - Wednesday, December 6, 3:00 p.m., Room 100, Farnum Building (373-3543)

Farming, Agribusiness and Food Systems - Wednesday, December 6, 2:00 p.m., Room 405, Capitol Building (373-1725)

Financial Services - Wednesday, December 6, 9:00 a.m., Room 100, Farnum Building (373-1758)

Human Resources, Labor, Senior Citizens and Veterans Affairs - Thursday, December 7, 1:00 p.m. or later immediately following session, Rooms 402 and 403, Capitol Building (373-2417)

Legislative Retirement Board of Trustees - Wednesday, December 6, 3:00 p.m., Room H65, Capitol Building (373-0575)

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 2:14 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, December 6, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.