

**No. 52**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Thursday, June 4, 1998.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

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

Bennett—present  
Berryman—present  
Bouchard—present  
Bullard—present  
Byrum—present  
Cherry—present  
Cisky—present  
Conroy—present  
DeBeussaert—present  
DeGrow—present  
Dingell—present  
Dunaskiss—present  
Emmons—present

Gast—present  
Geake—present  
Gougeon—present  
Hart—present  
Hoffman—present  
Jaye—present  
Koivisto—present  
McManus—present  
Miller—present  
North—present  
O'Brien—present  
Peters—present

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

Senator George Z. Hart of the 6th District offered the following invocation:

In the tradition of the Michigan State Senate and the spirit of bipartisanship, let us be mindful of the passing of an American leader, Senator Barry Goldwater, who was laid to rest yesterday. May he rest in peace.

“O Lord, my God, when I in awesome wonder consider all the worlds I Thy hand hath made.

I see the stars; I hear the rolling thunder that power throughout the universe displayed.

Then sings my soul, my savior God to thee; how great Thou art, how great Thou art.

Then sings my soul, my savior God, to thee; how great Thou art, how great Thou art.”

Senators Vaughn, Conroy, Young, Geake and Bullard entered the Senate Chamber.

### Motions and Communications

Senator DeGrow moved that Senators Emmons, Jaye, McManus and Posthumus be temporarily excused from today's session.

The motion prevailed.

The following communication was read:

June 4, 1998

Mary Kay Scullion  
Clerk of the House of Representatives  
State Capitol  
Lansing, MI 48913

Dear Ms. Scullion:

This is to notify you that the Senate agrees with the request of the House of Representatives that the Senate concur in the House's request that the Governor return Enrolled House Bill No. 5304 for the purpose of correcting an error in a reference citation.

Sincerely,  
Carol Morey Viventi  
Secretary of the Senate

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 3:  
**House Bill Nos. 4414 4789 5201 5538 5693 5736 5737 5754**

The Secretary announced the printing and placement in the members' files on Wednesday, June 3 of:  
**Senate Bill Nos. 1172 1174**  
**House Bill Nos. 5899 5900 5901 5902 5903**

### Messages from the Governor

The following message from the Governor was received:

Date: June 3, 1998  
Time: 3:32 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

**Enrolled Senate Bill No. 864 (Public Act No. 108), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for

violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 20165 (MCL 333.20165), as amended by 1990 PA 179, and by adding sections 16274 and 20197.

(Filed with the Secretary of State on June 4, 1998, at 8:35 a.m.)

Respectfully,  
John Engler  
Governor

The following message from the Governor was received on June 3, 1998, and read:

EXECUTIVE ORDER  
1998 - 3  
**National Guard Assistance**

Whereas, on May 31, 1998, severe thunderstorms and tornadoes struck Michigan resulting in widespread and severe damage throughout the state; and

Whereas, the storms have resulted in several deaths and numerous injuries, widespread power outages, debris in streets, and security problems; and

Whereas, the storms have caused severe damage to homes, businesses, and public facilities; and

Whereas, I have declared that states of disaster exist in several Michigan counties and one municipality.

Now, Therefore, by virtue of the constitutional authority vested in me as Commander-in-Chief of the military forces of the State of Michigan and pursuant to Section 151 of Act No. 150 of the Public Acts of 1967, the Adjutant General is hereby directed to order to active state service units and individuals of the Michigan National Guard that in his discretion he deems appropriate to meet general mission assignments as determined by the state director of emergency management, or his authorized representative. Units or individuals called to active state service will terminate at such time as determined by the Adjutant General after consultation with the state director of emergency management or his representative.

Further, the Emergency Management Division of the Department of State Police shall coordinate and maximize all state efforts, including such units and individuals of the Michigan National Guard that may be activated to state service to assist local units of government pursuant to the Michigan Emergency Management Plan.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 3rd day of June, in the Year of our Lord, One Thousand Nine Hundred Ninety-eight.

John Engler  
Governor

By the Governor:  
Candice S. Miller  
Secretary of State

The Executive Order was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

**General Orders**

Senator DeGrow 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, Lieutenant Governor Binsfeld, designated Senator Shugars as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**Senate Bill No. 1159, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 115g (MCL 400.115g), as amended by 1994 PA 238.

**Senate Bill No. 1170, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 226 (MCL 330.1226), as amended by 1996 PA 588.

**Senate Bill No. 1057, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43534 (MCL 324.43534), as added by 1995 PA 57.

**Senate Bill No. 1148, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 1996 PA 167.

**Senate Bill No. 599, entitled**

A bill to amend 1986 PA 87, entitled "An act regarding warranties on new motor vehicles; to require certain repairs thereto; and to provide remedies for the failure to repair such vehicles," by amending section 1 (MCL 257.1401).

**Senate Bill No. 1096, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9f. The bills were placed on the order of Third Reading of Bills.

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

**House Bill No. 5387, entitled**

A bill to amend 1913 PA 206, entitled "An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates," by amending section 25 (MCL 484.125), as added by 1980 PA 47.

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. 5499, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3c.

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. 5500, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3d.

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.

During the Committee of the Whole, Senators Jaye, Emmons, Posthumus, V. Smith and Cherry entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

Senator DeGrow moved that consideration of the following bills and joint resolution be postponed for today:

**Senate Bill No. 256****Senate Joint Resolution A****House Bill No. 4875****House Bill No. 4884****House Bill No. 4886****House Bill No. 5006**

The motion prevailed.

Senator DeGrow moved that the following bills be placed on the Third Reading of Bills calendar to follow Senate Bill No. 1123:

**House Bill No. 4694**

**Senate Bill No. 106**

**Senate Bill No. 105**

**House Bill No. 4173**

**House Bill No. 4444**

**House Bill No. 4445**

**House Bill No. 4446**

**Senate Bill No. 888**

**Senate Bill No. 1149**

**House Bill No. 4738**

**House Bill No. 4740**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1040, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 62b (MCL 791.262b), as amended by 1988 PA 492.

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. 417**

**Yeas—35**

Bennett	DeGrow	Jaye	Shugars
Berryman	Dingell	Koivisto	Smith, A.
Bouchard	Dunaskiss	North	Smith, V.
Bullard	Emmons	O'Brien	Steil
Byrum	Gast	Peters	Stille
Cherry	Geake	Posthumus	Van Regenmorter
Cisky	Gougeon	Rogers	Vaughn
Conroy	Hart	Schuette	Young
DeBeaussaert	Hoffman	Schwarz	

**Nays—0**

**Excused—1**

McManus

**Not Voting—1**

Miller

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1122, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 174a.

The question being on the passage of the bill,

Senator V. Smith moved that Senator Miller be temporarily excused from the balance of today's session.

The motion prevailed.

Senators McManus and Miller entered the Senate Chamber.

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

**Roll Call No. 418**

**Yeas—37**

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O'Brien	Steil
Cherry	Gougeon	Peters	Stille
Cisky	Hart	Posthumus	Van Regenmorter
Conroy	Hoffman	Rogers	Vaughn
DeBeaussaert	Jaye	Schuette	Young
DeGrow			

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Gougeon's statement is as follows:

I wanted to take the opportunity this morning to speak again on this bill, because I consider it important. We are dubbing the Senate bill that's before us as the vulnerable adult financial protection act. It places in the Michigan penal code, what we consider to be very strong financial protection for vulnerable older adults here in this state. The basic premise for this important legislation, states that a person in a relationship of trust with a vulnerable adult, shall not knowingly by deception, or intimidation, obtain or use the vulnerable adults money or property for the benefit of any other person than that vulnerable adult. And that's extremely important.

The impetus for this bill came as a direct result from conversations I had with Miss Becky Reimann of the Bay County Division on Aging in Bay County Michigan. Ms. Ryman brought to my attention the need for a specific criminal statute that deals not only with court appointed or approved guardians and fiduciaries, but also with relatives, friends and others who have established less than legal relationships of trust with vulnerable adults. When these individuals begin to siphon off the vulnerable adults personal assets, lack of legal definitions of the fiduciary relationship and sadly enough shame, often prevent justice from being served for criminals who defraud our seniors.

What I am trying to say is, too often, seniors are ashamed to call a prosecutor when their money has been stolen; because it was a person they trusted, and they are just too embarrassed to do it. So, I think there will come a time, if we're all so lucky to live long enough—that we may need the assistance of an outside party to manage our affairs. And, Senate Bill No. 1122, lets every vulnerable adult living, and those who may become vulnerable; that there is specific protection for them when they need to reach out and trust to another human being.

I would urge the body to stand with me this morning, in protection of Michigan's vulnerable adults.

Senators Young, Shugars, Steil, Emmons, McManus, North, Hart, V. Smith, O'Brien, Rogers, Geake, Dunaskiss, Stille, Bouchard, Schwarz, Van Regenmorter and Bullard moved that they be named co-sponsors of the following bill:

**Senate Bill No. 1122**

The motion prevailed.

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

The motion prevailed.

Senator Miller's statement is as follows:

Today, it is a great privilege to introduce, not only a former colleague, but I consider him a very, very dear friend; the man who I had the privilege to replace here in this August body. He served here in the Michigan Senate for 14 years, he was the sponsor of the Michigan Lottery; the Bowman-McCauley Act. He served as the President pro tempore of the Michigan Senate, along with eight years in the Michigan House. He represented the people of Macomb County for 22 years in the Michigan Legislature. And like I said, I had the privilege in 1977, to follow the tradition that John Bowman created here for all of those years. He did a fabulous job. You'll see his name in Michigan manuals and on legislation that he passed. And whenever we buy our lottery tickets we can thank of Senator John Bowman, because that was his bill—his act. I am just glad to see he is back here today and I hope the body will give him a warm welcome for all of the years that he spent here in the Michigan Senate.

The following bill was read a third time:

**Senate Bill No. 1123, entitled**

A bill to create a missing children task force in the department of state police and prescribe its powers and duties; to make an appropriation; and to repeal acts and parts of acts.

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. 419**

**Yeas—37**

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O'Brien	Steil
Cherry	Gougeon	Peters	Stille
Cisky	Hart	Posthumus	Van Regenmorter
Conroy	Hoffman	Rogers	Vaughn
DeBeaussaert	Jaye	Schuette	Young
DeGrow			

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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. 1123**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4694, entitled**

A bill to amend 1913 PA 206, entitled "An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates," by amending section 25 (MCL 484.125), as added by 1980 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. 420**

**Yeas—36**

Bennett	DeGrow	Jaye	Schuette
Berryman	Dingell	Koivisto	Schwarz
Bouchard	Dunaskiss	McManus	Shugars
Bullard	Emmons	Miller	Smith, A.
Byrum	Gast	North	Smith, V.
Cherry	Geake	O'Brien	Steil
Cisky	Gougeon	Peters	Stille
Conroy	Hart	Posthumus	Van Regenmorter
DeBeaussaert	Hoffman	Rogers	Vaughn

**Nays—0**

**Excused—0**

**Not Voting—1**

Young

In The Chair: President

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

Senator Young entered the Senate Chamber.

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:

**Senate Bill No. 106, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

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. 421**

**Yeas—37**

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, A.



Bullard  
Byrum  
Cherry  
Cisky  
Conroy  
DeBeaussaert  
DeGrow

Gast  
Geake  
Gougeon  
Hart  
Hoffman  
Jaye

North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

Smith, V.  
Steil  
Stille  
Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator Young stated that had he been present when the vote was taken on the passage of the following bill, he would have voted “yea”:

**House Bill No. 4694**

Senators Shugars and Young moved that they be named co-sponsors of the following bill:

**Senate Bill No. 106**

The motion prevailed.

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

The following bill was read a third time:

**Senate Bill No. 105, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 39c.  
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. 422**

**Yeas—35**

Bennett  
Berryman  
Bouchard  
Bullard  
Byrum  
Cisky  
Conroy  
DeBeaussaert  
DeGrow

Dingell  
Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Hoffman  
Jaye

Koivisto  
McManus  
Miller  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

Schwarz  
Shugars  
Smith, A.  
Steil  
Stille  
Van Regenmorter  
Vaughn  
Young

**Nays—1**

Smith, V.

**Excused—1**

Cherry

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protest**

Senator V. Smith, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 105.

Senator V. Smith's statement is as follows:

I am very sympathetic to the sponsor of this legislation, and he is an individual whose thoughts I do appreciate. I can understand why he put this bill in. Historic places need to be refurbished, and I don't think it hurts to have governmental involvement in their refurbishing. The only thing that bothers me the most about Senate Bill No. 105, is the fact that it is another credit to the single business tax to the business community. The single business tax, as in other taxes; like the income tax and sales tax in Michigan—while the numbers for the income tax and sales tax continue to rise; and they rise because of the increased economic activity in Michigan, the single business tax continue to decline. What that says to me, is that more and more of our tax dollars are being given to the business community, and less and less to the people who are paying the taxes; the working class and the middle class who struggle to pay their taxes every day. Because of the imbalance, the number of taxes that are being returned to the business community, as opposed to the number of taxes that are being returned to the people who send us here and pay our salaries, I think increased credits to the single business tax is the wrong way to go. Therefore, I voted "no."

Senators Shugars and Young moved that they be named co-sponsors of the following bill:

**Senate Bill No. 105**

The motion prevailed.

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

By unanimous consent the Senate returned to the order of

**General Orders**

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

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Shugars as Chairperson.

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

**House Bill No. 5043, entitled**

A bill to amend 1970 PA 73, entitled "An act to provide for the creation of airport authorities; to provide for certain counties and cities within certain limitations of state-owned airports to create an airport authority; to provide for the membership of authorities; to provide for the powers and duties of the authorities; to provide for the transfer of employees of state airports to the employment of an authority; to provide for the transferring of state-owned lands to the authority; to provide for the retention of certain rights, powers and privileges by the state in state-owned airport facilities; to provide for a referendum; and to repeal acts and parts of acts," by amending section 2 (MCL 259.802), as amended by 1982 PA 271.

**Senate Bill No. 1152, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 18f, 19b, and 19c of chapter XIIA (MCL 712A.18f, 712A.19b, and 712A.19c), section 18f as amended by 1997 PA 163, section 19b as amended by 1997 PA 169, and section 19c as added by 1988 PA 224.

**House Bill No. 4363, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78101 and 78110 (MCL 324.78101 and 324.78110), as added by 1995 PA 58, and by adding sections 78113, 78114, 78115, and 78116.

**House Bill No. 5642, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2210 (MCL 500.2210), as amended by 1994 PA 227.

**House Bill No. 5344, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2227.

**House Bill No. 5224, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2845 (MCL 500.2845), as amended by 1990 PA 305.

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

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

**House Bill No. 5437, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 31 and 34 of chapter VIII, sections 1, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 20, 21, 22, 24, and 25 of chapter IX, sections 1, 2, 3, 4, 6, 9, and 11 of chapter X, sections 1, 2, 5, 6, 8, 9, 10, and 11 of chapter XI, sections 1, 3, 4, 5, 6, 7, 8, and 9 of chapter XII, sections 1, 2, 3, 4, and 5 of chapter XIII, and sections 3, 5, 7, 18a, 19, 20, and 21 of chapter XIV (MCL 68.31, 68.34, 69.1, 69.4, 69.5, 69.6, 69.7, 69.8, 69.9, 69.13, 69.14, 69.15, 69.16, 69.17, 69.20, 69.21, 69.22, 69.24, 69.25, 70.1, 70.2, 70.3, 70.4, 70.6, 70.9, 70.11, 71.1, 71.2, 71.5, 71.6, 71.8, 71.9, 71.10, 71.11, 72.1, 72.3, 72.4, 72.5, 72.6, 72.7, 72.8, 72.9, 73.1, 73.2, 73.3, 73.4, 73.5, 74.3, 74.5, 74.7, 74.18a, 74.19, 74.20, and 74.21), section 15 of chapter IX as amended by 1984 PA 179, sections 1 and 4 of chapter X as amended by 1985 PA 173, section 5 of chapter XII as amended by 1983 PA 44, and section 18a of chapter XIV as added by 1988 PA 33, and by adding section 7a to chapter IX, sections 13, 14, 15, 16, and 18 to chapter X, sections 12, 13, and 14 to chapter XI, and sections 6a, 18b, 18c, 18d, 18e, 18f, and 23 to chapter XIV; 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.

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

**House Bill No. 5438, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending the title and sections 1, 1a, and 12 of chapter I, sections 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, and 15 of chapter II, sections 2 and 7 of chapter III, sections 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, and 21 of chapter IV, sections 1, 2, 3, 5, 7, and 8 of chapter V, sections 1, 3, 3a, 4, 8, 9, 11, 12, and 14 of chapter VI, and sections 3, 4, 5, 6, 7, 9, 10, 12, 13, 16, 18, 19, 23, 24, 25, 26, 31, 33, 34, 38, 39, 41, 56, 57, 58, 61, 63, and 64 of chapter VII (MCL 61.1, 61.1a, 61.12, 62.1, 62.2, 62.4, 62.5, 62.6, 62.7, 62.11, 62.12, 62.13,

62.14, 62.15, 63.2, 63.7, 64.1, 64.2, 64.3, 64.5, 64.6, 64.7, 64.9, 64.10, 64.11, 64.12, 64.21, 65.1, 65.2, 65.3, 65.5, 65.7, 65.8, 66.1, 66.3, 66.3a, 66.4, 66.8, 66.9, 66.11, 66.12, 66.14, 67.3, 67.4, 67.5, 67.6, 67.7, 67.9, 67.10, 67.12, 67.13, 67.16, 67.18, 67.19, 67.23, 67.24, 67.25, 67.26, 67.31, 67.33, 67.34, 67.38, 67.39, 67.41, 67.56, 67.57, 67.58, 67.61, 67.63, and 67.64), the title as amended by 1983 PA 44, section 1a of chapter I, sections 1 and 9 of chapter VI, and section 3 of chapter VII as amended by 1994 PA 16, section 2 of chapter II, sections 1 and 3 of chapter IV, and section 8 of chapter V as amended by 1985 PA 173, section 13 of chapter II, section 5 of chapter V, and sections 9 and 13 of chapter VII as amended by 1983 PA 205, section 21 of chapter IV as amended by 1992 PA 42, and section 4 of chapter VI as amended by 1982 PA 346, and by adding sections 3 and 4 to chapter III and section 1a to chapter VII; and to repeal acts and parts of acts.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4640, entitled**

A bill to amend 1915 PA 312, entitled "An act to establish, protect and enforce by lien the rights of garage keepers who furnish labor or material for storing, repairing, maintaining, keeping or otherwise supplying automobiles or other vehicles," by amending sections 1, 2, and 3 (MCL 570.301, 570.302, and 570.303), sections 1 and 2 as amended by 1990 PA 58, and by adding sections 4, 5, 6, and 7; and to repeal acts and parts of acts.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4799, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 310a (MCL 750.310a), as added by 1996 PA 539.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1009, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 401, 403, 404, 405, 406, and 505 (MCL 484.1401, 484.1403, 484.1404, 484.1405, 484.1406, and 484.1505), sections 401, 403, and 405 as amended and section 406 as added by 1994 PA 29.

Substitute (S-3).

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

1. Amend page 2, line 2, after the second "OF" by inserting "THE EMERGENCY".
2. Amend page 2, line 3, after "ATIONAL" by striking out "CHARGES" and inserting "CHARGE".
3. Amend page 6, line 15, after "years" by striking out the balance of the line through "GREATER" on line 17.
4. Amend page 6, line 18, after "TOTAL" by striking out "COMBINATION OF".
5. Amend page 6, line 19, by striking out "CHARGES" and inserting "CHARGE".
6. Amend page 6, line 21, after "CHARGED" by inserting "FOR BASIC SERVICE".
7. Amend page 7, line 9, after "412," by striking out the balance of the line and inserting "THE EMERGENCY TELEPHONE OPERATIONAL CHARGE".
8. Amend page 7, line 23, after "the" by striking out "operational funds" and inserting "EMERGENCY TELEPHONE OPERATIONAL CHARGE".
9. Amend page 8, line 16, after "emergency" by striking out "technical and operational".
10. Amend page 8, line 17, after "from" by inserting "THE EMERGENCY TELEPHONE".
11. Amend page 8, line 18, by striking out "charges" and inserting "CHARGE".
12. Amend page 11, line 6, after "412," by inserting "THE EMERGENCY TELEPHONE".
13. Amend page 11, line 25, after "telephone" by striking out the balance of the line and inserting "OPERATIONAL CHARGE".

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

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

**Senate Bill No. 1010, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 102, 303, 316, 601, 602, and 604 (MCL 484.1102, 484.1303, 484.1316, 484.1601, 484.1602, and 484.1604), section 102 as amended by 1996 PA 313, sections 303 and 602 as amended by 1994 PA 29, and section 601 as amended by 1989 PA 36, and by adding section 605.

Substitute (S-3).

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

1. Amend page 7, line 4, after "AND" by striking out the balance of the line through "APPLY:" on line 5.
2. Amend page 7, line 6, by striking out "(A)".
3. Amend page 7, line 12, by striking out all of subdivision (B).
4. Amend page 9, line 15, after "utilized." by striking out "EMERGENCY MEDICAL SERVICES ISSUES" and inserting "PROTOCOLS FOR DISPATCHING AMBULANCE SERVICES".

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

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

**Senate Bill No. 1030, entitled**

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending sections 19 and 20 (MCL 436.19 and 436.20), section 19 as amended by 1992 PA 300 and section 20 as amended by 1986 PA 176, and by adding section 20b.

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. 4332, entitled**

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 19c (MCL 436.19c), as amended by 1996 PA 440.

Substitute (S-1).

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

1. Amend page 5, line 12, after the second "THE" by striking out "ON-PREMISE LICENSEE" and inserting "BANQUET FACILITY".
2. Amend page 7, line 3, by striking out "BETWEEN 700,000 AND 1,750,000" and inserting "OVER 700,000".

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

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

**Senate Bill No. 768, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4701, 8401a, and 8424 (MCL 600.4701, 600.8401a, and 600.8424), section 4701 as amended by 1996 PA 327, section 8401a as added by 1984 PA 278, and section 8424 as amended by 1991 PA 192.

Substitute (S-3).

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

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

**Senate Bill No. 767, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 73101, 73102, 73109, and 73110 (MCL 324.73101, 324.73102, 324.73109, and 324.73110), as added by 1995 PA 58.

Substitute (S-6).

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

1. Amend page 2, line 21, after "(4)." by striking out the balance of the line through the second "TO" on line 22 and inserting "INFORMATION IN A RECORD MAINTAINED UNDER THIS SECTION, EXCEPT A PERSON'S NAME, ADDRESS, AND YEAR OF BIRTH, IS EXEMPT FROM DISCLOSURE UNDER".
2. Amend page 7, line 9, after "forfeited" by inserting "IN THE SAME MANNER".

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

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

**Senate Bill No. 860, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 27, 27a, 27b, 68, 68a, and 68b of chapter X (MCL 710.27, 710.27a, 710.27b, 710.68, 710.68a, and 710.68b), section 27 as amended and sections 27a and 27b as added by 1994 PA 208 and sections 68, 68a, and 68b as amended by 1994 PA 373.

Substitute (S-3).

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

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

**Senate Bill No. 1054, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 8a and 13 (MCL 211.8a and 211.13), section 8a as added by 1994 PA 96.

Substitute (S-1).

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

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

**Senate Bill No. 1158, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4 and 6 (MCL 205.54 and 205.56), as amended by 1993 PA 325.

Substitute (S-1).

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

1. Amend page 3, following line 22, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) House Bill No. 4942.

(b) House Bill No. 5313."

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

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

**House Bill No. 4942, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6 (MCL 205.56), as amended by 1993 PA 325.

Substitute (S-1).

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

1. Amend page 4, following line 2, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) Senate Bill No. 1158.

(b) House Bill No. 5313."

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

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

**House Bill No. 5313, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4f and 6 (MCL 205.94f and 205.96), as amended by 1993 PA 326.

Substitute (S-1).



contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; 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. 4444, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 356, 356a, 356c, 356d, 362a, 377a, 380, 382, 387, 535, and 540g (MCL 750.356, 750.356a, 750.356c, 750.356d, 750.362a, 750.377a, 750.380, 750.382, 750.387, 750.535, and 750.540g), sections 356c and 356d as added by 1988 PA 20, section 382 as amended by 1980 PA 159, and section 540g as added by 1996 PA 328; and to repeal acts and parts of acts.

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. 424**

**Yeas—36**

Bennett	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars
Bouchard	Dunaskiss	Miller	Smith, A.
Bullard	Emmons	North	Smith, V.
Byrum	Gast	O’Brien	Steil
Cherry	Geake	Peters	Stille
Cisky	Gougeon	Posthumus	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Hoffman	Schuette	Young

**Nays—1**

Jaye

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

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

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act;”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4445, entitled**

A bill to amend 1931 PA 328, entitled “Michigan penal code,” by amending sections 74, 77, 131, 157s, 157w, 174, 177, 178, 181, 218, and 219a (MCL 750.74, 750.77, 750.131, 750.157s, 750.157w, 750.174, 750.177, 750.178, 750.181, 750.218, and 750.219a), section 131 as amended by 1984 PA 277, section 157s as amended and section 157w as added by 1987 PA 276, and section 219a as amended by 1996 PA 330.

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. 425****Yeas—36**

Bennett	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars
Bouchard	Dunaskiss	Miller	Smith, A.
Bullard	Emmons	North	Smith, V.
Byrum	Gast	O'Brien	Steil
Cherry	Geake	Peters	Stille
Cisky	Gougeon	Posthumus	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Hoffman	Schuette	Young

**Nays—1**

Jaye

**Excused—0****Not Voting—0**

In The Chair: Schwarz

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

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4446, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 2952 and 2953 (MCL 600.2952 and 600.2953), section 2952 as added by 1984 PA 276 and section 2953 as added by 1988 PA 50.

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. 426****Yeas—36**

Bennett	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars
Bouchard	Dunaskiss	Miller	Smith, A.
Bullard	Emmons	North	Smith, V.
Byrum	Gast	O'Brien	Steil
Cherry	Geake	Peters	Stille
Cisky	Gougeon	Posthumus	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Hoffman	Schuette	Young

**Nays—1**

Jaye

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

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

Senator Van Regenmorter offered to amend the title to read as follows:

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 821, 822, 2952, and 2953 (MCL 600.821, 600.822, 600.2952, and 600.2953), section 821 as amended by 1996 PA 388, section 822 as amended by 1996 PA 374, section 2952 as added by 1984 PA 276, and section 2953 as added by 1988 PA 50; 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:

**Senate Bill No. 888, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16299, 17016, and 17516 (MCL 333.16299, 333.17016, and 333.17516), sections 17016 and 17516 as added by 1996 PA 273.

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 2, line 9, after "perform" by striking out "a partial-birth abortion" and inserting "AN INTACT DILATATION AND EXTRACTION ABORTION".

2. Amend page 2, line 12, after "perform" by striking out "a partial-birth abortion" and inserting "AN INTACT DILATATION AND EXTRACTION ABORTION".

3. Amend page 2, line 13, after "the" by striking out the balance of the line through "abortion" on line 14 and inserting "INTACT DILATATION AND EXTRACTION ABORTION".

4. Amend page 3, line 3, after "OF" by striking out "A PARTIAL-BIRTH ABORTION" and inserting "AN INTACT DILATATION AND EXTRACTION ABORTION".

5. Amend page 3, line 6, after "THE" by striking out "PARTIAL-BIRTH ABORTION" and inserting "INTACT DILATATION AND EXTRACTION ABORTION".

6. Amend page 3, line 9, by striking out "PARTIAL-BIRTH ABORTION" and inserting "INTACT DILATATION AND EXTRACTION ABORTION".

7. Amend page 3, line 22, by striking out all of subdivision (c) and inserting:

"(C) "INTACT DILATATION AND EXTRACTION ABORTION" MEANS AN ABORTION IN WHICH THE PHYSICIAN OR AN INDIVIDUAL PERFORMING AN ACT, TASK, OR FUNCTION UNDER THE DELEGATORY AUTHORITY OF THE PHYSICIAN INTENTIONALLY PERFORMS ALL OF THE FOLLOWING ELEMENTS IN THE FOLLOWING SEQUENCE:

(i) DELIBERATE DILATATION OF THE CERVIX OF THE WOMAN UPON WHOM THE PROCEDURE IS TO BE PERFORMED, USUALLY OVER A PERIOD OF DAYS.

(ii) INSTRUMENTAL CONVERSION OF THE FETUS TO A FOOTLING BREECH POSITION.

(iii) BREECH EXTRACTION OF THE BODY OF THE FETUS, EXCEPTING THE HEAD.

(iv) PARTIAL EVACUATION OF THE INTRACRANIAL CONTENTS OF THE LIVING FETUS TO EFFECT VAGINAL DELIVERY OF A DEAD BUT OTHERWISE INTACT FETUS."

8. Amend page 4, line 12, after "perform" by striking out "a partial-birth abortion" and inserting "AN INTACT DILATATION AND EXTRACTION ABORTION".

9. Amend page 4, line 15, after "perform" by striking out "a partial-birth abortion" and inserting "AN INTACT DILATATION AND EXTRACTION ABORTION".

10. Amend page 4, line 16, after "the" by striking out the balance of the line through "abortion" on line 17 and inserting "INTACT DILATATION AND EXTRACTION ABORTION".

11. Amend page 5, line 4, after "OF" by striking out "A PARTIAL-BIRTH ABORTION" and inserting "AN INTACT DILATATION AND EXTRACTION ABORTION".

12. Amend page 5, line 7, after "THE" by striking out "PARTIAL-BIRTH ABORTION" and inserting "INTACT DILATATION AND EXTRACTION ABORTION".

13. Amend page 5, line 10, by striking out "PARTIAL-BIRTH ABORTION" and inserting "INTACT DILATATION AND EXTRACTION ABORTION".

14. Amend page 5, line 23, by striking out all of subdivision (c) and inserting:

“(C) “INTACT DILATATION AND EXTRACTION ABORTION” MEANS AN ABORTION IN WHICH THE PHYSICIAN OR AN INDIVIDUAL PERFORMING AN ACT, TASK, OR FUNCTION UNDER THE DELEGATORY AUTHORITY OF THE PHYSICIAN INTENTIONALLY PERFORMS ALL OF THE FOLLOWING ELEMENTS IN THE FOLLOWING SEQUENCE:

(i) DELIBERATE DILATATION OF THE CERVIX OF THE WOMAN UPON WHOM THE PROCEDURE IS TO BE PERFORMED, USUALLY OVER A PERIOD OF DAYS.

(ii) INSTRUMENTAL CONVERSION OF THE FETUS TO A FOOTLING BREECH POSITION.

(iii) BREECH EXTRACTION OF THE BODY OF THE FETUS, EXCEPTING THE HEAD.

(iv) PARTIAL EVACUATION OF THE INTRACRANIAL CONTENTS OF THE LIVING FETUS TO EFFECT VAGINAL DELIVERY OF A DEAD BUT OTHERWISE INTACT FETUS.”.

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

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

**Roll Call No. 427**

**Yeas—8**

Berryman  
Byrum

Conroy  
Peters

Smith, A.  
Smith, V.

Vaughn  
Young

**Nays—29**

Bennett  
Bouchard  
Bullard  
Cherry  
Cisky  
DeBeaussaert  
DeGrow  
Dingell

Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Hoffman

Jaye  
Koivisto  
McManus  
Miller  
North  
O’Brien  
Posthumus

Rogers  
Schuette  
Schwarz  
Shugars  
Steil  
Stille  
Van Regenmorter

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

**Protest**

Senator Emmons, under her constitutional right of protest (Art. 4, Sec. 18), protested against adoption of the amendments offered by Senator Peters to Senate Bill No. 888 and moved that the statement she made during the discussion of the amendments be printed as her reasons for voting “no.”

The motion prevailed.

Senator Emmons’ statement is as follows:

I might point out that this bill is very similar to the federal level bill. In a letter from the American Medical Association, (AMA) dated May 19, 1997, the AMA endorsed the federal partial-birth abortion ban saying this bill would clearly define the prohibited procedure so that it is clear on the face of the legislation what act is banned. The AMA evidentially understands this language. For some reason abortionists cannot, and that’s rather obvious why they would not want to try either.

If there’s anyone alive who misunderstands what this procedure is, and how it’s done after all the debate, I’m sure even the judge is going to understand this when it gets back to him, if indeed the other side intends to challenge it.

Senator Byrum offered the following amendments:

1. Amend page 2, line 9, after the first "abortion" by inserting "OF A VIABLE FETUS".
2. Amend page 2, line 12, after "abortion" by inserting "OF A VIABLE FETUS".
3. Amend page 2, line 14, after "abortion" by inserting "OF THE VIABLE FETUS".
4. Amend page 3, line 3, after "ABORTION" by inserting "OF A VIABLE FETUS".
5. Amend page 3, line 6, after "THE" by striking out the balance of the subdivision and inserting "USE OF THE PARTIAL-BIRTH ABORTION PROCEDURE TO ABORT A VIABLE FETUS".
6. Amend page 3, line 9, after "ABORTION" by inserting "OF A VIABLE FETUS".
7. Amend page 3, line 25, after "INTACT" by inserting a comma and "VIABLE".
8. Amend page 4, line 3, after "INTACT" by inserting a comma and "VIABLE".
9. Amend page 4, line 5, after the first "INTACT" by inserting a comma and "VIABLE".
10. Amend page 4, line 5, after the second "INTACT" by inserting a comma and "VIABLE".
11. Amend page 4, following line 8, by inserting:  
 "(D) "VIABLE" MEANS THAT THE FETUS CAN, IN THE REASONABLE, MEDICAL JUDGMENT OF A PHYSICIAN, SURVIVE OUTSIDE OF THE UTERUS."
12. Amend page 4, line 12, after the first "abortion" by inserting "OF A VIABLE FETUS".
13. Amend page 4, line 15, after "abortion" by inserting "OF A VIABLE FETUS".
14. Amend page 4, line 17, after "abortion" by inserting "OF THE VIABLE FETUS".
15. Amend page 5, line 4, after "ABORTION" by inserting "OF A VIABLE FETUS".
16. Amend page 5, line 7, after "THE" by striking out the balance of the subdivision and inserting "USE OF THE PARTIAL-BIRTH ABORTION PROCEDURE TO ABORT A VIABLE FETUS".
17. Amend page 5, line 10, after "ABORTION" by inserting "OF A VIABLE FETUS".
18. Amend page 5, line 26, after "INTACT" by inserting a comma and "VIABLE".
19. Amend page 6, line 4, after "INTACT" by inserting a comma and "VIABLE".
20. Amend page 6, line 6, after the first "INTACT" by inserting a comma and "VIABLE".
21. Amend page 6, line 6, after the second "INTACT" by inserting a comma and "VIABLE".
22. Amend page 6, following line 9, by inserting:  
 "(D) "VIABLE" MEANS THAT THE FETUS CAN, IN THE REASONABLE, MEDICAL JUDGMENT OF A PHYSICIAN, SURVIVE OUTSIDE OF THE UTERUS."

The question being on the adoption of the amendments,

Senator Byrum requested the yeas and nays.

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

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

**Roll Call No. 428**

**Yeas—9**

Berryman	Conroy	Smith, A.	Vaughn
Byrum	Peters	Smith, V.	Young
Cherry			

**Nays—28**

Bennett	Dunaskiss	Jaye	Rogers
Bouchard	Emmons	Koivisto	Schuette
Bullard	Gast	McManus	Schwarz
Cisky	Geake	Miller	Shugars
DeBeaussaert	Gougeon	North	Steil
DeGrow	Hart	O'Brien	Stille
Dingell	Hoffman	Posthumus	Van Regenmorter

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

**Protest**

Senator Emmons, under her constitutional right of protest (Art. 4, Sec. 18), protested against adoption of the amendments offered by Senator Byrum to Senate Bill No. 888 and moved that the statement she made during the discussion of the amendments be printed as her reasons for voting “no.”

The motion prevailed.

Senator Emmons’ first statement is as follows:

If there’s anything that’s vague, it’s viability. Viability has changed, is changing constantly, changes for every child. It just is too vague a term to put in this bill. I just ask everybody: Who would believe an abortionist would ever decide a child was viable? That’s not their point. I think we should turn down this amendment.

Senator Emmons’ second statement is as follows:

I don’t know of any person that we kill without due process in the United States, except somebody who can’t speak for themselves, because they haven’t a voice yet. This entire issue is, to me, a civil rights issue in how you treat individuals. My moral backing is beside the point. Unfortunately, a small number of judges in a court in Washington refuse to see this as a civil right. I think some day they will.

Now to the viability issue: I just don’t believe that it is as crystal clear as the previous person said. I just can’t believe that anybody who intends to perform abortions is ever going to think any child should be viable, period.

Senator A. Smith offered the following amendments:

1. Amend page 2, line 14, after “life” by inserting “OR PRESERVE THE HEALTH”.
2. Amend page 2, line 14, after “woman” by striking out the balance of the subsection and inserting a period.
3. Amend page 4, line 17, after “life” by inserting “OR PRESERVE THE HEALTH”.
4. Amend page 4, line 17, after “woman” by striking out the balance of the subsection and inserting a period.

The question being on the adoption of the amendments,

Senator Berryman requested the yeas and nays.

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

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

**Roll Call No. 429**

**Yeas—10**

Berryman	Conroy	Smith, A.	Vaughn
Byrum	Gast	Smith, V.	Young
Cherry	Peters		

**Nays—27**

Bennett	Dunaskiss	Koivisto	Schuette
Bouchard	Emmons	McManus	Schwarz
Bullard	Geake	Miller	Shugars
Cisky	Gougeon	North	Steil
DeBeaussaert	Hart	O’Brien	Stille
DeGrow	Hoffman	Posthumus	Van Regenmorter
Dingell	Jaye	Rogers	

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

The question being on the passage of the bill,

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

**Roll Call No. 430****Yeas—29**

Bennett	Dunaskiss	Jaye	Rogers
Bouchard	Emmons	Koivisto	Schuette
Bullard	Gast	McManus	Schwarz
Cherry	Geake	Miller	Shugars
Cisky	Gougeon	North	Steil
DeBeaussaert	Hart	O'Brien	Stille
DeGrow	Hoffman	Posthumus	Van Regenmorter
Dingell			

**Nays—8**

Berryman	Conroy	Smith, A.	Vaughn
Byrum	Peters	Smith, V.	Young

**Excused—0****Not Voting—0**

In The Chair: Schwarz

**Protests**

Senators Berryman, Peters, Byrum, A. Smith and Conroy, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 888.

Senators Berryman, Peters and Byrum moved that the statements they made during the amendments and the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Berryman’s first statement is as follows:

I rise to support the Senator Alma Smith amendment, and obviously, there are eight of us over here that consistently feel that without these amendments, this bill will again fail if challenged, and I’m sure we will be challenged.

In this particular case on the Senator Alma Smith amendment, what I find remarkable, Mr. President, and I understand the position you’re in as a physician I tried to call my brother-in-law, who is a physician, who has delivered hundreds and hundreds of babies, and is pro-life. In this particular instance of health and why there is such an opposition to the health and life of the mother, how anyone can stand here in a 97 percent male-dominated Senate and make judgements about a woman and her physician at a time that could be very perilous in her life delivering a baby. Yet, we here in this 97 percent male-dominated Senate can make a determination that, we know better what dictates health of the mother and that we cannot take health of the mother into consideration. I do, Mr. President, think that’s an unbelievable amount of arrogance.

My wife and I have discussed this. We may be pro-choice when you want to classify we verses them, but she and I are pro-life, and more heavily that decision is on her rather than me, because she was the one that carried our three children. Believe me, when it comes to the health of my wife, I believe that’s a decision between my wife and myself and our physician and our God, and not a 97 percent male-dominated legislature anywhere, whether it’s in this state or across the country, that should be making that decision for my wife and I.

Senator Berryman’s second statement is as follows:

Just because I voted “no” on this bill does not mean that I support late-term abortions. It’s a procedure that I find revolting. I don’t think anyone can say this procedure is a pleasant procedure. But I do believe in the rights of women to make that determination themselves, between their physician and their own personal decision. I respect their ability to make that decision. I think more than of the other amendments, the Senator Alma Smith amendment which would have put in place the health of the mother, that was the biggest determining factor for me—that this Senate body could not allow the health of the mother to be a factor. As the Senator from Bay City has said, “a rare procedure” that is rarely done; that this Senate would not allow a husband and wife, or a woman between their physician to use and have the term of “health” of the woman as part of the determining factor.

Once again you've made a decision that, I think, interferes with the patient-physician relationship. You've interfered with a decision between a husband and wife and what the health of a mother would be determined. For that reason and because of those reasons, I do believe that this will be defeated once again if taken to court, will be found to be unconstitutional and so what do you have? Once again, you have a bill that you have passed, and you may be able to use as voting records in elections, but you won't have a ban in place. You will never have accomplished what you set out to accomplish.

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

When the court ruled unconstitutional Public Act No. 273 of 1996, it specifically noticed the legislature for the need for language dealing with the health of the woman who would undergo an abortion procedure. There is nothing in this rewrite of the bill that addresses that constitutional concern. My amendment would put in a reference for consideration of preserving the health of a woman in any abortion procedure, and particularly in this procedure of dilatation and extraction. The American College of Obstetricians and Gynecologists states that an intact dilatation and extraction may be the best or most appropriate procedure in a particular circumstance, to save the life or preserve the health of a woman. Only doctors in consultation with the patients, based upon the woman's particular circumstances, can make this decision.

The life exception, provided in this bill, is extremely narrow. This exception would not apply to situations in which the threat to a woman's life is the pregnancy itself. In addition, it would require a physician to use an alternative procedure that could render the woman sterile, result in major surgery, or substantially increase the risk to her health. A number of judges, and it was not a small number, it was a majority of judges of a very conservative Supreme Court, in 1992—reaffirmed *Roe v. Wade* and stated that after viability, a state may not ban an abortion necessary to preserve a woman's life or health. Again, this was not a small number of judges, this was the majority of the court. It was a decision made, again, by a very conservative court. It is a recognition that this is a decision made between a woman and her physician, and that there can be no ignoring of the life and the health of a woman, when this procedure is performed.

This bill does not remedy the constitutional concern raised by the court here in Michigan, when it said that Public Act No. 273 of 1996 was unconstitutional. With the adoption of this amendment, we do address that particular concern of the court, and potentially render the legislation passing through the Senate, more able to stand constitutional muster. I urge my colleagues support for the amendment.

Senator Byrum's first statement is as follows:

I rise in support of the Peter's amendment. As I spoke at the microphone and indicated yesterday, what we are attempting to do is to get this legislation in a form where we can reach across both sides of the issue and try to come to some consensus. Part of what was wrong with the ban that we had previously passed, was that the definition was so broad that it really impacted all types of abortion procedures. We have that same constitutional problem today with the definition of partial-birth abortion. Remembering partial-birth abortion is a politically coined term. If we are going to put a definition in place that will make it very clear what this medical procedure is, then it is necessary to define the medical procedure in medical terms, not political, inflammatory terms that are so broad that it casts a wide net that it is not pass constitutional muster.

We're trying to be pro-active and constructive here in how we approach the amendment process. We made it very clear yesterday—we are trying to be constructive, we are trying to get a bill in place that addresses the issue so that we can all support it, and that it will withstand constitutional muster. We made this argument last time; it fell on deaf ears folks. But the courts ruled that what we were saying was accurate. Some \$400,000 was spent back and forth—both taxpayers money as well as private funds. Yet, the courts were very specific and they said you must define this out, you need a medical definition here so that we identify in very clear medical terms what we're talking about—not in political language; that's inflammatory from the outset.

So, if you want to pass a true ban, work with us. We're not the enemy here. We're trying to fix the legislation so that it will withstand the constitutional challenge. That constitutional challenge is in three very significant areas. We've narrowed our amendments to those specific areas. This is the first of three—the medical definition.

I would urge you to concur in the Peters' amendment.

Senator Byrum's second statement is as follows:

This amendment talks about viability. All of the talk and the rhetoric that we've heard around partial-birth abortion deals with the third trimester. Yet, as we look at the legislation, we understand that it's much broader than that. I think that we need to narrow down exactly what we're talking about and define "viability" of the fetus. That's what my amendment does. It makes it very clear that we're talking about the third trimester.

In 1992, the Supreme Court held that regardless of whether exceptions are made for a particular circumstance, you may not prohibit any woman from making the ultimate decision to terminate her pregnancy before viability. This ban that we have before us today disregards the constitutionally protected status of second trimester abortion and curtails a physicians' ability to use the abortion method most appropriate in light of each woman's individual circumstance.

I plead with you to adopt the viability language. Again, it addresses one of the constitutional flaws that we have in the legislation that is before us. I will reiterate another time—it is my desire and the desire of my colleagues who consider ourselves pro-choice on this side of the aisle, to work with you and reach across on three areas of amendments that we tried to target and narrow, to make this legislation in a form that we can join together and support. I offer the viability amendment in that light and in that spirit, and I ask that you adopt it.

Senator Byrum's third statement is as follows:

I feel I have to respond for a couple of reasons. Number one, let's make it crystal clear that pro-choice is not pro-abortion. And let's not put our individual moral judgement and supercede that for someone else's individual choices. We cannot live another persons life and we should not put our judgement in their stead.

The viability issue is very important because it talks to one of the constitutional laws of the bill. I defined viability in this amendment. It means that a fetus can, in the reasonable, medical judgement of a physician, survive outside of the uterus. This is a broad enough definition of viability that it takes into account medical science and the advancements. It allows a medical judgement on viability if the fetus can survive outside of the uterus.

This is a constructive amendment. It is an amendment that tries to be sensitive to both sides of view on the abortion issue and I offer it in good faith to make this a better piece of legislation.

Senator Peters' first statement, in which Senators Byrum, A. Smith and Conroy concurred, is as follows:

This amendment deals with what I feel is a serious deficiency in this bill. So serious, I don't think it's going to pass constitutional muster if this amendment is not adopted. The Legislature already passed a bill very similar to Senate Bill No. 888 that went before the courts. The courts defeated that bill, sent it back saying that it was too vague and, therefore, unconstitutional and it had to be re-worked. Now we have before us a bill that is basically the same as it was the last time it passed through the Legislature with some minor re-working, but not enough to pass constitutional muster and is still, I believe, going to be declared unconstitutional.

The amendment I have before this body deals with a more precise definition of the procedure that I believe this bill is attempting to regulate. That procedure is an intact dilatation and extraction abortion. However, the bill uses very vague language, calling it a partial-birth abortion, which has no meaning or definition in any recognizable medical textbook. The definition that is used in the bill is "partially vaginally delivers a living intact fetus before killing the fetus" means the deliberate intentional delivery into the vagina of a living intact fetus, or a substantial portion of the living intact fetus for the purpose of performing a procedure that the physician or other individual knows will kill the fetus and subsequently killing the fetus." This language is very vague, and from testimony I have received from a number of doctors, most physicians believe that this definition is extremely vague. It would be difficult for them to know what procedure is involved.

In fact, the one procedure that is more often used in abortion—the suction technique—it's impossible to know when the fetus would die; if it would die in the uterus or die in the vaginal canal. This language could effectively outlaw all abortion procedures used, and that is the belief of many physicians I have talked to, including some leading physicians who are professors at medical schools here in the state of Michigan, believing that it depends on the physician who reads that as to what the definition may be. When you have that type of vague language, it is certainly going to put a real chilling effect on a legal procedure here in the state of Michigan.

The definition that is contained in my amendment is basically put forward by the American College of Obstetricians and Gynecologists. When looking at partial-birth bills, they made a statement, and I read, "It is difficult to respond to questions because the descriptions given in bills are vague and do not delineate a specific procedure recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques." That is what we have in the current definition in the bill before us, Senate Bill No. 888.

The amendment I put forward puts a very precise definition of what the procedure is, according to the American College of Obstetricians and Gynecologists, and it is the type of precise definition that is necessary if this bill is ever going to be approved and withstand constitutional scrutiny. Without the adoption of this amendment, I am sure the courts will take the same action as they took last time, and will refer it back to the Legislature for re-working.

I would like to remind the body that the last time we passed this bill, it went before the courts, and we lost. The taxpayers spent in excess of several hundred thousand dollars defending what we knew at the time and said on repeated occasions would be an unconstitutional bill. What we have before this body again is an unconstitutional bill. I am putting in some language that I believe would make the definition much more precise, and I know two of the amendments that will follow also deal with some precise objections the court had in reviewing this legislation. If we are indeed serious in putting forward a prohibition to this procedure and to this technique, we must be very careful how we draft this bill. This is a serious attempt to make those drafting changes to make sure this bill indeed will pass the Legislature and will pass constitutional scrutiny. I would encourage all members to take a good, hard, and serious look at this amendment and support it when it is time to vote.



Senator Peters' second statement, in which Senators Byrum, A. Smith and Conroy concurred, is as follows:

I want to be clear about this amendment to the members here in the Senate body if you are intent to ban this procedure. If your intent is to ban this procedure, then you can vote "yes" on this amendment because that is what it does. It deals with the procedure only in terms of more precise language. If that is your true intent to ban this procedure, this amendment should be considered a friendly amendment, because it gives a more precise definition as to what that procedure is. I will concede, however, that if you are intent on making merely a political statement, you are probably not going to like this amendment and will vote "no."

I will also contend that if your intent is to allow you to go out and continually have fund-raising drives on these issues by having the court continually overturning vague unconstitutional language, and you want to keep those fund-raising drives alive, you probably won't support this amendment. Again, if you want to ban this procedure, you will accept this language because it does give more precise terms.

The court, when reviewing the Santorum amendment, said that although that amendment might address some of the concerns about the vagueness of the definition, it still will likely fall short. And there could be some additional problems that need to be worked out. That's what this amendment does. Without this amendment, physicians will be in a very difficult position knowing exactly what procedure has been banned.

A previous speaker mentioned that the AMA understands the procedure based on this definition. However, the group of physicians that actually deal with this issue on a direct basis, day in and day out—the obstetricians and gynecologists—through their organization, the American College of Obstetricians and Gynecologists, they do not believe that this language is sufficient, and believe that an amendment, such as the one I am offering, is necessary in order to clarify this issue. There are very serious penalties associated with this bill. Physicians need clear guidance. If those physicians who are doing this work day in and day out and are dealing with women's health issues on a daily basis, the obstetricians and gynecologists believe that this language is too vague. I believe the Legislature should defer to that expert medical opinion.

The amendment that I have drafted follows the procedure as described by the American College of Obstetricians and Gynecologists and the four elements that must be necessary in order to define this procedure. They quite clearly say that all four of these elements are part of established obstetric technique that must be part of any definition.

So if your intent is truly to ban this procedure, this is a friendly amendment. This amendment will help this bill pass constitutional scrutiny and actually become a working law. I would urge adoption of the amendment.

Senator Peters' third statement, in which Senators Byrum, A. Smith and Conroy concurred, is as follows:

I'm certainly disappointed that the three amendments that were put before this body were defeated. I believe because those amendments were not adopted, this bill is going to be before us again. We'll have another very expensive challenge in court that will cost the taxpayers several hundred thousands of dollars. Then it'll be back because the language continues to be very vague and will not reach the level of constitutional scrutiny as clearly outlined by the court. The court said we needed a clear definition of the procedure. When that amendment was offered, it was turned down. The court also said we needed to be clear about post-viability, and yet, when that amendment was offered, that was turned down. The current language that exists in the bill could mean that abortions only in the fifth week could be banned. The court said that would interfere with current court precedent and could effectively ban all abortions because of that language. There needed to be an amendment that clearly stated that this ban deals with post-viability.

There's no question that the passage of this bill as it is without the amendments will put physicians in a very difficult position because the language is so vague. I will quote from the American College of Obstetricians and Gynecologists when they say, "The potential exists that legislation prohibiting specific medical practices, especially those particularly vague and over-broad, may outlaw techniques that are critical to the lives and the health of American women." They go on to say—and I believe this next sentence is critically important for all of us to take to heart—"The intervention of legislative bodies into medical decision-making is inappropriate, ill-advised, and dangerous."

This bill was a bad bill when it came before us last year. It is still a bad bill now. Had the amendments been adopted that were offered, I could have supported this bill, and perhaps some of my colleagues who voted "no" could also support this bill. However, without these amendments, I cannot support this bill.

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

The motion prevailed.

Senator Gougeon's first statement is as follows:

I rise to oppose the Peters amendment. It is clear, Mr. President and to the colleagues here, that the good Senator and I have a difference of opinion—a wide difference of opinion on what our partial-birth abortion bill does say. We have in fact, worked on this bill for the last year; working very, very hard to ensure the clarity of this bill for the purposes of the court. We went through this court position, line item by line item, to clarify this procedure, to ensure that we are talking about the partial delivery of a live fetus—a live child. The process is to kill that child by suctioning of the brain. We're very, very clear in our bill about that. So any physician can understand that. But when he puts an

amendment on here to talk about intent dilation and extraction—dilation and extraction is a term that physicians do know, and generally utilize in any abortion.

Specifically, I think the purpose of this amendment is to so narrowly define a partial-birth abortion; that any variation of the practice, no matter how slight, would no longer fit the definition. And therefore, would not be banned. For instance, if you look in here, all of the following elements in the sequence on a partial-birth abortion have to be followed. So, item two could be instrumental conversion of a fetus. What if you didn't use the instrumental conversion of a fetus? Perhaps you did it by hand. Then it would be quite legal. So, any variation from those items that are there that he's listed, would then make partial-birth abortion legal. For those reasons I asked that the amendment be turned down.

Senator Gougeon's second statement is as follows:

I couldn't disagree more with the good Senator from the 14th District. From my point of view, if you want to ban partial-birth abortion, then you should vote "no" on the Peters amendment, because it is drafted so narrowly that any change from the requirements that he has in there makes it quite legal then. All you have to do is alter any one of the requirements of the Peters amendment then you've legalized partial-birth abortion.

Senator Gougeon's third statement is as follows:

I do have all the respect for the gentle lady from the 25th District and I fully believe she means well on this amendment, but I have to rise to oppose this amendment. I think it is unacceptable for two reasons. First, medical advances have proven that the gestational age of viability is changing almost daily. Premature infants are surviving at higher and higher rates, from earlier and earlier delivery dates. What one physician may determine as a viable infant, another may not. Viability only cast doubt on whether or not each partial-birth abortion performed could be deemed illegal; making it easier for this practice to continue. Just as importantly, the question of whether or not the current live infant—remember we are talking a live infant, could survive out side the womb, is not relevant to the question is it right and acceptable to all but deliver a live fetus for the purpose of killing it? Again, I must ask my colleagues to turn down this amendment.

Senator Gougeon's fourth statement is as follows:

I rise to oppose the Alma Smith amendment. I thought I understood the gentle lady to say that Rosen had raised a health exception and I wanted to correct her. That Judge Rosen had not raised the health exception. That was raised under Casey. We are talking about Michigan law here today. I think the opponents of this legislation are those who have previously spoken—have repeatedly expressed concern that the legislation we have here is overly vague. Therefore, it won't be constitutional and so forth. Yet, they support this language which makes the circumstances under which a partial-birth abortion is acceptable, extremely vague. It opened to many different interpretations; by adding or preserve the health, we get into the discussion of what constitutes the health.

The bill as written, provides for this type of abortion being allowable in cases, where the life of the mother is endangered by physical disorder, physical illness or physical injury. And no other procedure can serve the purpose of saving the life of a mother. Health could mean many different things to different women and different physicians. Do we allow the particular adherent practice of partial-birth abortion to continue over heartburn, or some other equally non-threatening discomfort for instance? Carrying a baby could possibly be detrimental to the health of any woman, even if she is healthy before conception. Does that mean that any woman for instance, that wants to, should be able to have this type of abortion. I think that is really what the sponsor is trying to accomplish with this amendment and I would ask my colleagues to reject it.

Senator Gougeon's fifth statement is as follows:

I would like to remind the previous speaker that this is not a bill to ban all abortions; that women will very carefully retain the rights to abortion. In fact, retain the rights to a safer abortion than this procedure would provide. So let's be very clear—it's only one rare procedure that we are attempting to outlaw here. Not all abortions, as apparently is being eluded to. I also want to respond to the previous speaker, the good gentleman from 17th. When he argued, which I think fallaciously, he said, "We have all men in here and we shouldn't have any say on a fantasied procedure for children, because that is between a woman and her doctor. Senator, I wonder then, if we were going to war in this country, should we not have women have anything to say about that because they don't participate in combat? It's just as fallacious an argument.

Senator Shugars' statement is as follows:

I find it interesting when one of my colleagues says that the reason we're passing this bill is so that we can get out and raise funds for the fight-for-life or for political reasons. I think that was totally uncalled for and out of order. So, I'm not going to talk about some of the issues that are brought up to discharge committees for political purposes.

What I do want to talk about is that this is not a friendly amendment to the child that is partially born who gets his brains sucked out and they die. I don't think this is a friendly amendment to those children. I want to ask a question: Whose rights are we protecting—a child that is partially born or special interest groups? I urge my colleagues to vote "no" on this amendment.

The following bill was read a third time:

**Senate Bill No. 1149, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 725 (MCL 339.725), as added by 1997 PA 10.

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. 431**

**Yeas—31**

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, V.
Bullard	Gast	North	Steil
Byrum	Geake	O'Brien	Stille
Cherry	Gougeon	Peters	Van Regenmorter
Cisky	Hart	Posthumus	Young
DeGrow	Hoffman	Schuette	

**Nays—6**

Conroy	Jaye	Smith, A.	Vaughn
DeBeaussaert	Rogers		

**Excused—0**

**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. 4738, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 251 (MCL 257.251), as amended by 1993 PA 300.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

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

"(15) A DEALER LICENSED UNDER THIS ACT OR A MANUFACTURER OF NEW MOTOR VEHICLES SHALL NOT HINDER OR IMPEDE A BROKER LICENSED UNDER THIS ACT OR ENGAGE IN ANY AGREEMENT OR CONSPIRACY IN RESTRAINT OF TRADE. A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$10,000.00. A DEFAULT IN THE PAYMENT OF A CIVIL FINE ORDERED UNDER THIS SUBSECTION MAY BE REMEDIED BY ANY MEANS AUTHORIZED UNDER THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.101 TO 600.9948.

(16) THE ATTORNEY GENERAL SHALL ENFORCE THE PROVISIONS OF SUBSECTION (10)."

The question being on the adoption of the amendment,

Senator Peters requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 432**

**Yeas—3**

Conroy	Peters	Smith, A.
--------	--------	-----------

**Nays—34**

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, V.
Bullard	Gast	North	Steil
Byrum	Geake	O'Brien	Stille
Cherry	Gougeon	Posthumus	Van Regenmorter
Cisky	Hart	Rogers	Vaughn
DeBeaussaert	Hoffman	Schuette	Young
DeGrow	Jaye		

**Excused—0****Not Voting—0**

In The Chair: Schwarz

**Protest**

Senator Bouchard, under his constitutional right of protest (Art. 4, Sec. 18), protested against the amendment offered by Senator Peters to House Bill No. 4738.

Senator Bouchard's statement is as follows:

Previously that amendment which was offered very clearly violates amendment-by-reference provisions and, therefore, that is one reason why I specifically voted "no."

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

The motion prevailed.

Senator Schuette's statement is as follows:

I rise in opposition to the Peters' amendment. I appreciate the Senator's belief in the free-market system and free enterprise—the amendment isn't applicable in this instance.

I think everyone needs to remember that when this bill on brokering and auto dealers and the relationships of selling cars, when it left the House the business of brokering was clamped, concrete was placed on it and buried, the business practice of brokering was prohibitive, prohibited, curtailed, stopped—but for the Senate brokers would be political road kill on the landscape of Michigan. What we've done on this bill is simply have a disclosure requirement.

When you go and buy a car and the Secretary of State's office on the RD 108, that's what these things are called, will find out where the car was purchased. Brokering, because of the Senate's activity will continue to be a business practice in establishing a business life of activity that is maintained, and not curtailed and not constrained in the state of Michigan because of the Substitute S-6, the measure before us now. I think everyone needs to understand that if indeed auto dealers were to engage in any type of business practice that would curtail, impede or constrain the business of brokering, they would be in violation of a consent judgement filed by the federal government in the United States Department of Justice, issued in September, 1995, which, if they and every auto dealer in Michigan and across the country was a party of this judgement, they would be subject to Sherman Anti-trust activities, which later could be a result of damages, costs, and attorney fees, if indeed such a prohibitive business practice existed.

Secondly, with respect to protection under Michigan law: Michigan Compiled Laws, Section 445.777 gives the Attorney General or the prosecuting attorney the opportunity to impose costs and fines a civil penalty of not more than \$50,000 for each violation of this act, which is the Michigan Anti-trust Reform Act.

There are opportunities and protections under Michigan law and under federal law to protect the business of brokering, if indeed an auto dealer was engaged in such a practice. We have existing protection for brokers, we've maintained the business practice. I'd defeat the amendment and pass the bill.

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. 433****Yeas—33**

Bennett	Dingell	Jaye	Schwarz
Berryman	Dunaskiss	Koivisto	Shugars
Bullard	Emmons	McManus	Smith, A.
Byrum	Gast	Miller	Smith, V.
Cherry	Geake	North	Steil
Cisky	Gougeon	O'Brien	Van Regenmorter
Conroy	Hart	Posthumus	Vaughn
DeBeaussaert	Hoffman	Schuette	Young
DeGrow			

**Nays—4**

Bouchard	Peters	Rogers	Stille
----------	--------	--------	--------

**Excused—0****Not Voting—0**

In The Chair: Schwarz

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to 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; 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.

**Protests**

Senators Bouchard and Stille, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4738.

Senator Bouchard's statement, in which Senator Stille concurred, is as follows:

On the immediately preceding bill: While I understand the intent and the concepts contained in the bill, one of the particular provisions that specifically drove me to vote “no” was the required governmental disclosure of fees collected in a private commercial transaction. I find that to be a little bit intrusive by government—to go into a private person-to-person relationship and ask how much one person is being paid as compensation by another when it's voluntarily engaged by both parties. I removed that from this particular issue and asked myself if applied in any other transaction, how would I feel? Would I want to see that in any other transactions, commissions, rates or profit margins required by government in any other business. I think if it is two private entities who voluntarily entering into that agreement, that should be their business and their information. For that reason, I voted “no.”

The following bill was read a third time:

**House Bill No. 4740, entitled**

A bill to amend 1981 PA 118, entitled "An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending sections 2, 3, 5, 13, and 14 (MCL 445.1562, 445.1563, 445.1565, 445.1573, and 445.1574), section 2 as amended by 1983 PA 188, and by adding section 22a.

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 1, line 1, by striking out all of section 2.
2. Amend page 2, line 23, by striking out all of section 3.
3. Amend page 4, line 3, by striking out all of section 5.
4. Amend page 4, line 22, after "manufacturer," by striking out "IMPORTER,".
5. Amend page 6, line 13, by striking all of subdivision (h) and inserting:

"(h) Prospectively assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability imposed by this act; or require any controversy between a new motor vehicle dealer and a manufacturer or distributor to be referred to a person other than the duly constituted courts of the state or the United States, if the referral would be binding upon the new motor vehicle dealer."

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

The question being on the adoption of the amendments,

Senator Peters requested the yeas and nays.

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

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

**Roll Call No. 434**

**Yeas—13**

Berryman	DeBeaussaert	Koivisto	Smith, A.
Byrum	Dingell	Miller	Smith, V.
Cherry	Jaye	Peters	Vaughn
Conroy			

**Nays—23**

Bennett	Emmons	North	Shugars
Bouchard	Gast	O'Brien	Steil
Bullard	Geake	Posthumus	Stille
Cisky	Gougeon	Rogers	Van Regenmorter
DeGrow	Hoffman	Schuette	Young
Dunaskiss	McManus	Schwarz	

**Excused—0**

**Not Voting—1**

Hart

In The Chair: Hoffman

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. 435****Yeas—31**

Bennett	Dunaskiss	Koivisto	Schwarz
Berryman	Emmons	McManus	Shugars
Bouchard	Gast	Miller	Steil
Bullard	Geake	North	Stille
Cisky	Gougeon	O'Brien	Van Regenmorter
DeBeaussaert	Hart	Posthumus	Vaughn
DeGrow	Hoffman	Rogers	Young
Dingell	Jaye	Schuette	

**Nays—6**

Byrum	Conroy	Smith, A.	Smith, V.
Cherry	Peters		

**Excused—0****Not Voting—0**

In The Chair: Hoffman

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.

**Protest**

Senator Schuette, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Peters to House Bill No. 4740.

Senator Schuette's statement is as follows:

Our job in this body is to do the best that we can for people, family, employees, labor unions, charitable organizations, community foundations, yes indeed, companies, businesses to build our states future. The franchise legislation that we're dealing with involves the relationships of how you sell cars in Michigan that ought to be the auto giant of the 21st Century.

Franchise relationships carve up market share, allocation of, whether it's Ford Expeditions or Ford Taurus, GM cars, Chrysler, you name it. What we're trying to do is, within this existing structure, have some type of relationships among and between the whole stream of commerce and selling cars. We're doing that in respect to dealers. We're doing that in respect to manufacturers and yes, indeed, a company in Grand Rapids that employs 110 people, roughly, has \$50 million of investment in terms of capital that runs their business in terms of distributing cars across the state of Michigan. A third of those employees are teamsters and why we should not have them part of a franchise relationship in Michigan would be a mistake. We're making sure that this business, like any other distributor or any other business in the line of commerce and chain and stream of commerce in cars, has the same protections as any other type of business.

To imply that we're doing this because they made political contributions insults everybody in this body. Whether it is Hoote McNery making contributions, the Detroit auto dealers, the Michigan auto dealers, unions who work for those companies, Dirk Waltz Buick, or Mazda Great Lakes, or the people of the families who work there, they can make any decisions they choose. But nobody in this body is making decisions based on who might have done what for whom. I think that needs to be addressed, and I am. We're making this decision by recommendation because Michigan companies, Michigan employees, ought to be afforded Michigan law in how we govern transactions in franchise agreements in the state of Michigan.

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

**Senate Bill No. 1159****Senate Bill No. 1170**

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

The following bill was read a third time:

**Senate Bill No. 1159, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 115g (MCL 400.115g), as amended by 1994 PA 238.

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. 436**

**Yeas—33**

Bennett	Dingell	Jaye	Schuette
Berryman	Dunaskiss	Koivisto	Schwarz
Bouchard	Emmons	McManus	Shugars
Bullard	Gast	Miller	Steil
Byrum	Geake	North	Stille
Cherry	Gougeon	O'Brien	Van Regenmorter
Cisky	Hart	Posthumus	Vaughn
Conroy	Hoffman	Rogers	Young
DeGrow			

**Nays—4**

DeBeaussaert	Peters	Smith, A.	Smith, V.
--------------	--------	-----------	-----------

**Excused—0**

**Not Voting—0**

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1170, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 226 (MCL 330.1226), as amended by 1996 PA 588.

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. 437**

**Yeas—36**

Bennett	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars
Bouchard	Dunaskiss	Miller	Smith, A.
Bullard	Emmons	North	Smith, V.
Byrum	Gast	O'Brien	Steil
Cherry	Geake	Peters	Stille
Cisky	Gougeon	Posthumus	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Hoffman	Schuette	Young

**Nays—1**

Jaye



**Excused—0**

**Not Voting—0**

In The Chair: Hoffman

The Senate agreed to the title of the bill.

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

Senator Bouchard submitted the following:

**FIRST CONFERENCE REPORT**

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

**Senate Bill No. 3, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 1994 PA 174.

Recommends:

First: That the House recede from its amendments numbered 1 to 7, which read as follows:

1. Amend page 1, line 9, after "not" by striking out "less than 1 year nor".
2. Amend page 2, line 14, after the fourth "PARK" by striking out "shall" and inserting "MAY".
3. Amend page 2, line 16, after "not" by striking out "less than 2 years or".
4. Amend page 2, line 26, after "7214(a)(iv)" by striking out "shall" and inserting "MAY".
5. Amend page 2, line 27, after "not" by striking out "less than 2 years or".
6. Amend page 3, line 10, by striking out all of subsection (5) and renumbering the remaining subsections.
7. Amend page 4, following line 3, by striking out all of enacting section 1 and inserting:  
"Enacting section 1. This amendatory act takes effect August 1, 1998."

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

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 7410a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

SEC. 7410A. (1) AN INDIVIDUAL 18 YEARS OF AGE OR OVER WHO DOES ANY OF THE FOLLOWING MAY BE PUNISHED BY A TERM OF IMPRISONMENT OF NOT MORE THAN 2 YEARS:

(A) VIOLATES SECTION 7401(2)(A)(iv) BY DELIVERING A CONTROLLED SUBSTANCE DESCRIBED IN SCHEDULE 1 OR 2 THAT IS EITHER A NARCOTIC DRUG OR DESCRIBED IN SECTION 7214(A)(iv) TO A MINOR WHO IS IN A PUBLIC PARK OR PRIVATE PARK OR WITHIN 1,000 FEET OF A PUBLIC PARK OR PRIVATE PARK.

(B) VIOLATES SECTION 7401(2)(A)(iv) BY POSSESSING WITH INTENT TO DELIVER A CONTROLLED SUBSTANCE DESCRIBED IN SCHEDULE 1 OR 2 THAT IS EITHER A NARCOTIC DRUG OR DESCRIBED IN SECTION 7214(A)(iv) TO A MINOR WHO IS IN A PUBLIC PARK OR PRIVATE PARK OR WITHIN 1,000 FEET OF A PUBLIC PARK OR PRIVATE PARK.

(C) VIOLATES SECTION 7403(2)(A)(v), (B), (C), OR (D) BY POSSESSING A CONTROLLED SUBSTANCE IN A PUBLIC PARK OR PRIVATE PARK.

(2) THE TERM OF IMPRISONMENT AUTHORIZED UNDER SUBSECTION (1) IS IN ADDITION TO THE TERM OF IMPRISONMENT AUTHORIZED FOR THE VIOLATION OF SECTION 7401(2)(A)(iv) OR SECTION 7403(2)(A)(v), (B), (C), OR (D).

(3) AS USED IN THIS SECTION:

(A) "PRIVATE PARK" MEANS REAL PROPERTY OWNED OR MAINTAINED BY A PRIVATE INDIVIDUAL OR ENTITY AND THAT IS OPEN TO THE GENERAL PUBLIC OR LOCAL RESIDENTS FOR RECREATION OR AMUSEMENT.

(B) "PUBLIC PARK" MEANS REAL PROPERTY OWNED OR MAINTAINED BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT IS DESIGNATED BY THIS STATE OR BY THAT POLITICAL SUBDIVISION AS A PUBLIC PARK.

Enacting section 1. This amendatory act takes effect October 1, 1998.

Third: 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 penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 7410A.

Michael J. Bouchard  
Virgil Clark Smith  
Conferees for the Senate

Ted Wallace  
Laura Baird  
Michael E. Nye  
Conferees for the House

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

The motion prevailed.

The question being on the adoption of the first conference report,

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

**Roll Call No. 438**

**Yeas—37**

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O'Brien	Steil
Cherry	Gougeon	Peters	Stille
Cisky	Hart	Posthumus	Van Regenmorter
Conroy	Hoffman	Rogers	Vaughn
DeBeaussaert	Jaye	Schuette	Young
DeGrow			

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hoffman

Senator DeGrow moved that the bill be given immediate effect,  
The motion prevailed, 2/3 of the members serving voting therefor.

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

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

**Senate Bill No. 313, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1311a. Substitute (H-4)

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

Senator DeGrow moved that Senator Van Regenmorter be excused from the balance of today's session. The motion prevailed.

Senator Gougeon offered the following amendments to the substitute:

1. Amend page 7, following line 15, by inserting:

"(10) IN ORDER TO OBTAIN AN ACCURATE LOCAL AND STATEWIDE PICTURE OF SCHOOL CRIME AND TO DEVELOP THE PARTNERSHIPS NECESSARY TO PLAN AND IMPLEMENT SCHOOL SAFETY PROGRAMS, AT LEAST ANNUALLY, EACH SCHOOL BOARD SHALL REPORT TO THE DEPARTMENT, IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT, INCIDENTS OF CRIME OCCURRING AT SCHOOL WITHIN THE SCHOOL DISTRICT. THE REPORTING SHALL INCLUDE AT LEAST CRIMES INVOLVING PHYSICAL VIOLENCE, GANG-RELATED ACTIVITY, ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE OR CONTROLLED SUBSTANCE ANALOGUE, OR OTHER INTOXICANT, TRESPASSING, AND PROPERTY CRIMES INCLUDING, BUT NOT LIMITED TO, THEFT AND VANDALISM. FOR A PROPERTY CRIME, THE REPORT SHALL INCLUDE AN ESTIMATE OF THE COST TO THE SCHOOL DISTRICT RESULTING FROM THE PROPERTY CRIME. THE SCHOOL CRIME REPORTING REQUIREMENTS OF THIS SUBSECTION ARE INTENDED TO DO ALL OF THE FOLLOWING:

(A) HELP POLICY MAKERS AND PROGRAM DESIGNERS AT THE LOCAL AND STATE LEVELS DEVELOP APPROPRIATE PREVENTION AND INTERVENTION PROGRAMS.

(B) PROVIDE THE CONTINUOUS ASSESSMENT TOOLS NEEDED FOR REVISING AND REFINING SCHOOL SAFETY PROGRAMS.

(C) ASSIST SCHOOLS AND SCHOOL DISTRICTS TO IDENTIFY THE MOST PRESSING SAFETY ISSUES CONFRONTING THEIR SCHOOL COMMUNITIES, TO DIRECT RESOURCES APPROPRIATELY, AND TO ENHANCE CAMPUS SAFETY THROUGH PREVENTION AND INTERVENTION STRATEGIES.

(D) FOSTER THE CREATION OF PARTNERSHIPS AMONG SCHOOLS, SCHOOL DISTRICTS, STATE AGENCIES, COMMUNITIES, LAW ENFORCEMENT, AND THE MEDIA TO PREVENT FURTHER CRIME AND VIOLENCE AND TO ASSURE A SAFE LEARNING ENVIRONMENT FOR EVERY PUPIL." and renumbering the remaining subsection.

2. Amend page 7, following line 20, by inserting:

"(B) "CONTROLLED SUBSTANCE" AND "CONTROLLED SUBSTANCE ANALOGUE" MEAN THOSE TERMS AS DEFINED IN SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7104." and relettering the remaining subdivisions.

The amendments to the substitute were adopted.

Senator Emmons offered the following amendments to the substitute:

1. Amend page 1, line 1, after "SEC. 1311A." by striking out all of subsection (1) and inserting "(1) IF A PUPIL ENROLLED IN A PUBLIC SCHOOL IN GRADE 6 OR ABOVE COMMITS A PHYSICAL ASSAULT AT SCHOOL OR COMMITS ANOTHER INTENTIONAL ACT AT SCHOOL THAT RESULTS IN VIOLENCE TO ANOTHER'S PERSON OR PROPERTY OR POSES A DIRECT THREAT TO THE SAFETY OF OTHERS; IF THE ASSAULT OR OTHER ACT IS REPORTED TO THE SCHOOL BOARD BY THE VICTIM OR, IF THE VICTIM IS UNABLE TO REPORT THE ASSAULT, BY ANOTHER PERSON ON THE VICTIM'S BEHALF; AND IF THE SCHOOL BOARD DETERMINES THAT AN ASSAULT OR OTHER ACT DESCRIBED IN THIS SUBSECTION DID IN FACT OCCUR AND WAS COMMITTED BY THE PUPIL, THE SCHOOL BOARD SHALL EXPEL THE PUPIL FROM THE SCHOOL DISTRICT. THE EXPULSION SHALL BE PERMANENT, SUBJECT TO POSSIBLE REINSTATEMENT UNDER SUBSECTION (4). HOWEVER, IF A SCHOOL DISTRICT INCLUDES GRADE 6 IN ITS ELEMENTARY SCHOOLS SO THAT THOSE SCHOOLS ARE OPERATED AS GRADE K-6 SCHOOLS, WITHIN THAT SCHOOL DISTRICT THE REQUIREMENTS OF THIS SUBSECTION APPLY ONLY TO PUPILS ENROLLED IN GRADE 7 OR ABOVE."

2. Amend page 2, line 15, after "EXPULSION." by striking out the balance of the subsection and inserting "EXCEPT IF A SCHOOL DISTRICT OPERATES OR PARTICIPATES COOPERATIVELY IN AN ALTERNATIVE

EDUCATION PROGRAM APPROPRIATE FOR INDIVIDUALS EXPELLED PURSUANT TO THIS SECTION OR SECTION 1311(2) AND IN ITS DISCRETION ADMITS THE INDIVIDUAL TO THAT PROGRAM, AN INDIVIDUAL EXPELLED PURSUANT TO THIS SECTION IS EXPELLED FROM ALL PUBLIC SCHOOLS IN THIS STATE AND THE OFFICIALS OF A SCHOOL DISTRICT SHALL NOT ALLOW THE INDIVIDUAL TO ENROLL IN THE SCHOOL DISTRICT UNLESS THE INDIVIDUAL HAS BEEN REINSTATED UNDER SUBSECTION (4). EXCEPT AS OTHERWISE PROVIDED BY LAW, A PROGRAM OPERATED FOR INDIVIDUALS EXPELLED PURSUANT TO THIS SECTION OR SECTION 1311(2) SHALL ENSURE THAT THOSE INDIVIDUALS ARE PHYSICALLY SEPARATED AT ALL TIMES DURING THE SCHOOL DAY FROM THE GENERAL PUPIL POPULATION. IF AN INDIVIDUAL EXPELLED FROM A SCHOOL DISTRICT PURSUANT TO THIS SECTION IS NOT PLACED IN AN ALTERNATIVE EDUCATION PROGRAM, THE SCHOOL DISTRICT MAY PROVIDE, OR MAY ARRANGE FOR THE INTERMEDIATE SCHOOL DISTRICT TO PROVIDE, APPROPRIATE INSTRUCTIONAL SERVICES TO THE INDIVIDUAL AT HOME. THE TYPE OF SERVICES PROVIDED SHALL BE SIMILAR TO THOSE PROVIDED TO HOMEBOUND OR HOSPITALIZED PUPILS UNDER SECTION 109 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1709, AND THE SERVICES MAY BE CONTRACTED FOR IN THE SAME MANNER AS UNDER THAT SECTION. THIS SUBSECTION DOES NOT REQUIRE A SCHOOL DISTRICT TO EXPEND MORE MONEY FOR PROVIDING SERVICES FOR A PUPIL EXPELLED PURSUANT TO THIS SECTION THAN THE AMOUNT OF THE FOUNDATION ALLOWANCE THE SCHOOL DISTRICT RECEIVES FOR THE PUPIL UNDER SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1620.”

3. Amend page 2, line 25, after “REFERRAL.” by striking out the balance of the subsection.
4. Amend page 3, line 2, by striking out all of line 2 through “PROGRAM” on line 3.
5. Amend page 3, line 6, after “TO” by striking out the balance of the line through “PLACEMENT” on line 7 and inserting “PUBLIC EDUCATION”.
6. Amend page 3, line 7, after “DISTRICT” by striking out the balance of the line through “EDUCATION.” on line 8 and inserting a period and “IF THE EXPELLING SCHOOL BOARD DENIES A PETITION FOR REINSTATEMENT, THE PARENT OR LEGAL GUARDIAN OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, THE INDIVIDUAL MAY PETITION ANOTHER SCHOOL BOARD FOR REINSTATEMENT OF THE INDIVIDUAL IN THAT OTHER SCHOOL DISTRICT.”.
7. Amend page 3, line 10, after “(A)” by striking out the balance of the line through “EXPULSION,” on line 15.
8. Amend page 3, line 20, after “(B)” by striking out the balance of the line through “EXPULSION” on line 24 and inserting “THE INDIVIDUAL”.
9. Amend page 5, line 3, after “INDIVIDUAL” by striking out the balance of the line through “EDUCATION” on line 4.
10. Amend page 5, line 6, after “INDIVIDUAL” by striking out the balance of the line through “EDUCATION” on line 7.
11. Amend page 6, line 20, after “PUPIL” by striking out “MADE IN GOOD FAITH”.
12. Amend page 7, line 2, after “POLICY” by striking out “REQUIRED UNDER SECTION 1310”.
13. Amend page 7, line 3, after “THE” by striking out “STATE BOARD” and inserting “DEPARTMENT”.
14. Amend page 7, line 10, by striking out all of subsection (9) and inserting:  
“(9) A SCHOOL BOARD OR ITS DESIGNEE SHALL REPORT ALL PHYSICAL ASSAULTS OCCURRING AT SCHOOL TO APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT OFFICIALS AND PROSECUTORS WITHIN THREE SCHOOL DAYS.”.
15. Amend page 7, following line 15, by inserting:  
“(11) IF A PUPIL EXPELLED FROM A SCHOOL DISTRICT PURSUANT TO THIS SECTION IS ENROLLED BY A PUBLIC SCHOOL SPONSORED ALTERNATIVE EDUCATION PROGRAM OR A PUBLIC SCHOOL ACADEMY DURING THE PERIOD OF EXPULSION, THE PUBLIC SCHOOL ACADEMY OR THE ALTERNATIVE EDUCATION PROGRAM IS IMMEDIATELY ELIGIBLE FOR THE PRORATED SHARE OF EITHER THE PUBLIC SCHOOL ACADEMY’S FOUNDATION ALLOWANCE OR THE EXPELLING SCHOOL DISTRICT’S FOUNDATION ALLOWANCE, WHICHEVER IS HIGHER.
- (12) AT LEAST ANNUALLY, EACH SCHOOL DISTRICT SHALL PREPARE AND SUBMIT TO THE DEPARTMENT, IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT, A REPORT STATING THE NUMBER OF PUPILS EXPELLED PURSUANT TO THIS SECTION DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR, WITH A BRIEF DESCRIPTION OF THE INCIDENT THAT CAUSED EACH EXPULSION.” and renumbering the remaining subsection.

16. Amend page 8, line 6, by striking out all of enacting section 1.

The question being on the adoption of the amendments,  
Senator Emmons requested the yeas and nays.

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

The amendments were adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 439****Yeas—22**

Bennett	Dunaskiss	Jaye	Schuette
Bouchard	Emmons	McManus	Schwarz
Bullard	Gast	North	Shugars
Byrum	Geake	Posthumus	Steil
Cisky	Gougeon	Rogers	Stille
DeGrow	Hoffman		

**Nays—14**

Berryman	Dingell	O'Brien	Smith, V.
Cherry	Hart	Peters	Vaughn
Conroy	Koivisto	Smith, A.	Young
DeBeaussaert	Miller		

**Excused—1**

Van Regenmorter

**Not Voting—0**

In The Chair: Hoffman

**Protest**

Senator DeBeaussaert, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Emmons to the House substitute to Senate Bill No. 313 and moved that the statement he made during the discussion of the amendments be printed as his reasons for voting “no.”

The motion prevailed.

Senator DeBeaussaert’s statement is as follows:

The bill that is before us is one that received nearly unanimous, bipartisan support when it left here earlier this session. When it got to the House, it did receive a considerable amount of consideration—public hearings across the state—and it came back to us with, again, a near unanimous, bi-partisan vote. With the strong support of a number of agencies in law enforcement indicating their endorsement of the package that comes before us, the Emmons amendment strips most of what the House put into place in that package. I’m not standing here to endorse all of what they did, but I think it is worth some consideration and review.

In particular, one issue that I think is worthwhile looking at in the House version that was not in the Senate version, is that the House looked at violence across the board in our K-12 system. The bill that we adopted earlier in the session only dealt with acts of violence in grades 6 and above. The Emmons amendment would take us back to that level. It seems to me that if we are concerned about violence in the schools, that we should be concerned across the board, wherever it occurs, whether it’s in the elementary schools or whether it’s in the high schools. I think that the House version, in that respect, was a significant improvement.

So, I don’t think that it’s necessarily a good thing for us to adopt the amendment to simply strip all of those issues away. I think I’ll be voting “no.”

The question being on concurring in the House substitute, as amended,

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

**Roll Call No. 440****Yeas—34**

Bennett	DeGrow	Jaye	Rogers
Berryman	Dingell	Koivisto	Schuette
Bouchard	Dunaskiss	McManus	Schwarz

Bullard	Emmons	Miller	Shugars
Byrum	Gast	North	Steil
Cherry	Geake	O'Brien	Stille
Cisky	Gougeon	Peters	Vaughn
Conroy	Hart	Posthumus	Young
DeBeaussaert	Hoffman		

**Nays—2**

Smith, A.	Smith, V.
-----------	-----------

**Excused—1**

Van Regenmorter

**Not Voting—0**

In The Chair: Hoffman

Senator DeGrow moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the title.

**Protest**

Senator A. Smith, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 313.

Senator A. Smith's statement is as follows:

I voted "no" on Senate Bill No. 313 for a number of reasons. I think, first of all, zero tolerance is not always a healthy concept. The due process requirements need to be observed in all cases of student expulsion. The concept that an assault on a teacher is subject to automatic expulsion regardless of what the circumstances were and whether or not there was provocation, is not considered here.

I think it's important for the teaching environment and the learning environment to be safe. But, I think it's also important that, in the education process, we value due process and we teach students that there is an opportunity for an unbiased hearing. Children are not just smaller adults. They are individual young people who learn by their mistakes—hopefully learn by their mistakes. I don't think we should ever foreclose that opportunity within a learning environment.

While many school boards would, in fact, after the study of the circumstances, find that the student was deserving of some disciplinary action, they might feel that expulsion was not the required remedy. We, as the legislature, say that they don't have that discretion. I think that's a mistake, and I voted "no."

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

The motion prevailed.

Senator DeBeaussaert's statement is as follows:

I did vote for this bill earlier. It passed the Senate, as I said earlier, with strong bi-partisan support. It's my intention to vote for it again here today. I hope that we will be able to see this bill through the process, whether it goes to conference, so that we can take some final action on it. I think it would have been a better bill if we had applied across-the-board to acts of violence in the K-12 system from elementary school through the high school. But even this limited version I think is an improvement and I'm going to be voting for the bill.

Senators DeBeaussaert, Peters, Byrum, Gougeon, Dunaskiss, Steil, Bullard, Bouchard, Hart and Emmons moved that they be named co-sponsors of the following bill:

**Senate Bill No. 313**

The motion prevailed.

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

Senator DeGrow moved that the Committee on Health Policy and Senior Citizens be discharged from further consideration of the following bill:

**House Bill No. 5561, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 5451, 5457, 5458, 5459, 5460, 5460a, 5461, 5468, 5469, 5470, 5472, 5473a, 5474, 5475, 5477, and 5478.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator DeGrow moved that the Committee on Education be discharged from further consideration of the following bill:

**House Bill No. 5424, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311 (MCL 380.1311), as amended by 1995 PA 250, and by adding section 1311b.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

**Protest**

Pursuant to rule 3.506, Senator Posthumus submitted his reasons, in writing, for voting "no" on the passage of Senate Bill No. 479 and moved that the rule be suspended for inclusion of his statement in today's Journal.

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

Senator Posthumus' statement is as follows:

Providing adequate health care in medically under-served areas of Michigan has been a priority of both the Governor and this Senate for a number of years. We have acknowledged in the past that there are areas of our state that need assistance in gaining access to Michigan's health care system—a health care system that is as fine as any found in the fifty states.

We currently have a number of effective methods of making health care more accessible to Michigan's under-served areas. Some are done in partnership with the federal government, others are state initiatives. They include:

A program to provide a waiver to foreign-born physicians who pursue their medical residencies in the United States on J-1 visas and are otherwise required to return to their home country. The waiver is granted if they agree to work as primary care physicians in a Michigan Health Professional Shortage Area (HPSA). This program has an allotment of 20 waivers a year, with an additional 25 placements provided through an additional federal waiver program.

The Michigan Essential Health Provider Program—State Loan Repayment Program (MEHP-SLRP) provides for repayment of medical education loans for rural physicians, dentists and mid-level providers. In return, the medical provider agrees to provide primary care services for two years at a not-for-profit agency in a HPSA. Last year, this program placed 19 physicians in medically under-served areas.

An additional loan repayment program targeted specifically at primary care in Michigan is provided through Graduate Medical Education grants. Last year, \$10 million was dedicated to this loan repayment program.

The National Health Services Corps (NHSC) is similar to the MEHP-SLRP and is administered by the federal government. Last year, this program placed 35 physicians in rural areas.

The Michigan Rural Health Center, created in 1993, functions as a recruiting mechanism of primary care physicians to HPSAs in Michigan. They have been able to recruit primary care physicians into areas like Oscoda, Beaver Island, Coldwater and Fremont to name a few.

All told, these programs have provided nearly one hundred physicians to medically under-served areas in Michigan in 1997 alone.

While more needs to be done, I do not believe an income tax credit as provided in Senate Bill No. 479 is a piece that fits in the rural health care puzzle. It does not provide the same magnitude of financial incentive as current programs administered in the state provide, therefore I question its effectiveness in getting new physicians to practice in medically under-served areas when more financially attractive programs are already available.

Additionally, I believe this credit should have been targeted towards new medical students preparing for the first time. Instead, this bill allows a person who may be one of the most financially well-to-do residents in town to claim a tax credit unavailable to families less well-off. I think that is unwise tax policy.

I appreciate the motivation behind this bill in attempting to enhance the availability of rural health care in Michigan. Michigan has made great strides in increasing access to health care for rural areas in Michigan in the past few years. I remain committed to the goal of making sure every resident in Michigan has access to Michigan's health care system. This bill, however, is not an effective means toward that end.

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

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

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Shugars as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 5424, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311 (MCL 380.1311), as amended by 1995 PA 250, and by adding section 1311b.

Substitute (S-1).

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

1. Amend page 9, following line 24, by inserting:

"(12) IF THE FAMILY INDEPENDENCE AGENCY, DEPARTMENT OF CORRECTIONS, OR ANOTHER STATE DEPARTMENT OR AGENCY HAS CUSTODY OF OR JURISDICTION OVER A CHILD, THAT STATE DEPARTMENT OR AGENCY HAS THE LEGAL AND FINANCIAL OBLIGATION FOR EDUCATING THE CHILD." and renumbering the remaining subsection.

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.

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

Senator DeGrow 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:

**House Bill No. 5424**

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

The following bill was read a third time:

**House Bill No. 5424, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311 (MCL 380.1311), as amended by 1995 PA 250.

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. 441**

**Yeas—36**

Bennett	DeGrow	Jaye	Schuette
Berryman	Dingell	Koivisto	Schwarz
Bouchard	Dunaskiss	McManus	Shugars
Bullard	Emmons	Miller	Smith, A.
Byrum	Gast	North	Smith, V.
Cherry	Geake	O'Brien	Steil
Cisky	Gougeon	Peters	Stille
Conroy	Hart	Posthumus	Vaughn
DeBeaussaert	Hoffman	Rogers	Young

**Nays—0**

**Excused—1**

Van Regenmorter



**Not Voting—0**

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

Senator Steil introduced

**Senate Bill No. 1181, entitled**

A bill to amend 1971 PA 140, entitled “State revenue sharing act of 1971,” by amending sections 11 and 13 (MCL 141.911 and 141.913), section 11 as amended by 1996 PA 468 and section 13 as amended by 1996 PA 342; and to repeal acts and parts of acts.

The bill was read a first and second time by title.

Senator DeGrow moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

Senator Byrum introduced

**Senate Bill No. 1182, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 1012.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

**House Bill No. 4414, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” (MCL 205.51 to 205.78) by adding section 4p.

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. 4789, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16336 and part 179.

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 and Senior Citizens.

**House Bill No. 5201, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 853 (MCL 380.853), as amended by 1992 PA 263 and by adding section 14.

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 Government Operations.

**House Bill No. 5538, entitled**

A bill to require state agencies that establish internet web sites to make available on those web sites complaint and comment forms and certain other information; and to impose certain duties on certain agencies relating to those agencies’ web sites.

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. 5693, entitled**

A bill to regulate the storage, processing, and release of certain information by persons entrusted with data from the state or from a local unit of government.

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. 5736, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 502 and 502a (MCL 550.1502 and 550.1502a), section 502 as amended by 1998 PA 24 and section 502a as amended by 1994 PA 440.

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 and Senior Citizens.

**House Bill No. 5737, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 315 (MCL 418.315), as amended by 1995 PA 21.

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 and Senior Citizens.

**House Bill No. 5754, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 802 (MCL 257.802), as amended by 1997 PA 80.

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.

Senator DeGrow moved that when the Senate adjourns today, it stand adjourned until Tuesday, June 9, at 11:00 a.m.  
The motion prevailed.

### Statements

Senators Bennett, Emmons, V. Smith, A. Smith and Schuette asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bennett's statement is as follows:

I would like to recognize a school in my district that has received a national honor.

The Rawsonville Elementary School in the Van Buren Public Schools System has won the Title I National Distinguished School Award. A Title I school means that half the students come from low income families and receive free or reduced-price lunches.

Rawsonville Elementary distinguished itself by scoring above the state average in Math, Reading, and Science for three years.

The children, parents, teachers and administrators of Rawsonville Elementary deserve to be congratulated on this tremendous achievement and, on a personal note, both of my daughters have attended Rawsonville Elementary and I personally can attest that the Principle, Therese Green, and all of the teaching staff at Rawsonville do an absolutely excellent job. I want to personally congratulate them.

Senator Emmons' statement is as follows:

I would like to commend Senator Joel Gougeon for his hard work on the passage of Senate Bill No. 888 to ban partial-birth abortions. This procedure was only developed so viable babies would not be born alive when they were aborted. Compassionate Americans overwhelmingly believe these babies are babies. Lawyers are splitting hairs. Abortionists are splitting hairs, and they'll probably challenge the bill we passed. But most people are repulsed by this gruesome procedure. We needed a ban. We wouldn't even treat a dog or a cat with this kind of procedure. I am very pleased that we have voted for this ban today.

Also on another topic, I am very pleased that we sent a clear message that we believe that violent students should be expelled. They are a danger to teachers. They are a danger to other students, and they need to be in a place like the

charter public academy that's up in Saginaw—a specialized program that not only deals with education, but deals with behavior modification—so that these young people will be able to be back either in school or go on to productive lives. We need to send a clear message to everyone that violent students do not belong with the general school population. I am very pleased by the bipartisan support today in this chamber for these two bills. I hope that our colleagues across the aisle will take note and pass these bills swiftly. We sent these bills over to the House eight months ago. We have had them back here 21 days and have dealt with them very expeditiously. We need a very clear message in this state that violence is not part of the school and should be outside the school boundaries.

Senator V. Smith's statement is as follows:

Mr. President and members, I supported the passage of Senate Bill No. 1122 today because it provided a partial response to the guardianship and corporate scandal that occurred recently in Wayne County. This scandal involved a professional guardianship corporation that ran amuck with its client's money and property. There were also allegations of collusive relationships and kickbacks.

While I support increasing the criminal penalties for this type of exploitation of the disabled, I also feel that these businesses need to be subject to closer regulatory scrutiny. People are placed in guardianships or conservatorships because they are vulnerable and cannot handle their own affairs. We cannot let them be preyed on by the people who are supposed to protect them. I understand that my colleague, Senator George Hart, is developing such legislation, and I look forward to its introduction later this session.

Mr. President, since I heard my colleague respond to violence in the schools, I also want to comment on that. I voted against the Senate's approach to violence in the schools. I don't mind a student being expelled for violent activities toward a teacher, but what I do mind is not requiring the school district to have an alternative program of education for those students who are expelled. The only thing we're expelling them to is to the streets, the criminal justice system, the jails, and the mental health system. I would rather expel them to an alternative educational program that is run by the district that will try to provide a way for these children to get their education and for them to recognize that violence will not be tolerated within the public school structure. To push this off to a charter school is to push it off to an entity that does not deal with the majority of public school students and where the problem does begin.

So for myself, I voted "no" because I didn't think that the Senate's approach is the best approach in terms of dealing with students who are violent within our public school system.

Senator A. Smith's statement is as follows:

The annual legislators versus lobbyists softball game was played last night before a huge crowd. Well, maybe it wasn't too huge. The legislators won a hard-fought game by a score of 12-11. The legislative team was led by Representatives Mike Prusi, Hubert Price, Bill Bobier and Greg Kaza. Representative McNutt was in attendance but did not play. The Senate was represented by the magnificence of Andy Schor from Senator Peters' office, the stalwart efforts of Yolanda Watson and Lucius Vassar of Senator Virgil Smith's office, the wizardry in the in-field of Ian Boyle of Dem Policy Staff, and finally, the clutch pitching performance of Bruce Baker of the Senate Fiscal staff. Lynton "Lefty" Stanbury of the House Technical Services office deserves special mention for his grand slam home run in the first inning that got the legislative team off to a roaring start. Acting as coach for the legislative team was Ron Hicks of my staff. The player personnel moves made by Mr. Hicks were unmatched by the opposition.

Finally, the legislators and staff would like to thank Mr. Terry Vanderveen, President of Vanderveen and Associates, and Mr. Kris Nicholoff, Director of Governmental Affairs at the Michigan Dental Association, for their leadership in putting this game together for another year—and to say better luck next year!

Senator Schuette's statement is as follows:

I want to rise in support of Senate Bill No. 888 and the efforts of Senator Gougeon and so many in this chamber today to outlaw, stop, and prohibit partial-birth abortions.

You know, I did take objection to the arguments of some. The arguments made, I think, were to serve the purpose of people who don't want to stop partial-birth abortions. Often these arguments are done in an antiseptic way. It's a technique, a procedure, or it's an approach. What this bill did—just the opposite to that—was in very precise, narrow terms, so that we don't fall subject to the questions of vagary, is we were very specifically taking efforts to stop the killing of children—stop the killing of children who are almost delivered—and grisly ending and terminating a living human being who in a matter of moments could be having life instead of facing death. So what we did today in this bill is stop a grisly procedure. I commend the Senate for its action.

### **Recess**

Senator DeGrow moved that the Senate recess until 3:30 p.m.

The motion prevailed, the time being 2:50 p.m.

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

**Recess**

Senator DeGrow moved that the Senate recess until 4:00 p.m.  
The motion prevailed, the time being 3:31 p.m.

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

**Recess**

Senator DeGrow moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 4:01 p.m.

4:26 p.m.

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

Senator Geake introduced

**Senate Bill No. 1183, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 55, 115b, 116, 117a, and 117c (MCL 400.55, 400.115b, 400.116, 400.117a, and 400.117c), section 55 as amended by 1987 PA 266, sections 115b and 117a as amended by 1988 PA 75, and section 117c as amended by 1988 PA 223, and by adding sections 115o and 117g.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Cisky introduced

**Senate Bill No. 1184, entitled**

A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending the title and sections 2, 3, 4, 5, 6, 6a, 7, 7a, and 8 (MCL 803.302, 803.303, 803.304, 803.305, 803.306, 803.306a, 803.307, 803.307a, and 803.308), the title as amended and section 7a as added by 1996 PA 512, sections 2, 5, and 7 as amended by 1996 PA 417, section 4 as amended by 1988 PA 76, and section 6a as added by 1996 PA 481, and by adding section 2a.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Cisky introduced

**Senate Bill No. 1185, entitled**

A bill to allow counties to authorize acceptance of certain juveniles committed to their care and responsibility; to prescribe the procedure and effect of that authorization; and to prescribe powers, duties, and obligations of those counties.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Bullard introduced

**Senate Bill No. 1186, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 1998 PA 34, and by adding section 5b.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Geake introduced

**Senate Bill No. 1187, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its

judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 1, 2, 2d, 8, 16, 18, 18a, 18k, 25, and 28 of chapter XHIA (MCL 712A.1, 712A.2, 712A.2d, 712A.8, 712A.16, 712A.18, 712A.18a, 712A.18k, 712A.25, and 712A.28), sections 1, 2, 8, 16, and 28 as amended by 1996 PA 409, section 2d as added by 1996 PA 244, section 18 as amended by 1997 PA 163, and section 18k as added by 1996 PA 507, and by adding section 2e to chapter XHIA.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Schwarz introduced

**Senate Bill No. 1188, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter I, section 1f of chapter IV, section 14 of chapter VI, sections 1, 1b, and 28 of chapter IX, and sections 1, 2, 2a, 3, 3a, 3c, 4, 5, 7, and 14a of chapter XI, (MCL 761.1, 764.1f, 766.14, 769.1, 769.1b, 769.28, 771.1, 771.2, 771.2a, 771.3, 771.3a, 771.3c, 771.4, 771.5, 771.7, and 771.14a), section 1 of chapter I and section 14 of chapter VI as amended by 1996 PA 418, section 1f of chapter IV as amended by 1996 PA 255, section 1 of chapter IX as amended by 1996 PA 248, section 1b of chapter IX and section 7 of chapter XI as amended by 1996 PA 247, section 28 of chapter IX and sections 3a, 4, and 5 of chapter XI as amended and section 14a of chapter XI as added by 1988 PA 78, sections 1 and 3c of chapter XI as amended by 1993 PA 185, section 2 of chapter XI as amended by 1994 PA 286, section 2a of chapter XI as added by 1992 PA 251, and section 3 of chapter XI as amended by 1994 PA 445.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Cisky introduced

**Senate Bill No. 1189, entitled**

A bill to amend 1988 PA 73, entitled "The juvenile facilities act," by amending the title and sections 2, 3, 4, 5, 5a, and 6 (MCL 803.222, 803.223, 803.224, 803.225, 803.225a, and 803.226), sections 2 and 4 as amended by 1996 PA 416 and section 5a as added by 1996 PA 511.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Bullard introduced

**Senate Bill No. 1190, entitled**

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending the title and section 3 (MCL 28.173), as amended by 1996 PA 508.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Schwarz introduced

**Senate Bill No. 1191, entitled**

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 2, 6, 13a, 20a, 31, 36, 41a, and 48 (MCL 780.752, 780.756, 780.763a, 780.770a, 780.781, 780.786, 780.791a, and 780.798), sections 2, 6, and 36 as amended and sections 13a, 20a, and 41a as added by 1993 PA 341, section 31 as amended by 1996 PA 82, and section 48 as amended by 1996 PA 105.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Bullard introduced

**Senate Bill No. 1192, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 498c and 498d (MCL 330.1498c and 330.1498d), as amended by 1995 PA 290.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Cisky introduced

**Senate Bill No. 1193, entitled**

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 7 (MCL 400.207), as amended by 1980 PA 306.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Cisky introduced

**Senate Bill No. 1194, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 186a (MCL 750.186a), as added by 1996 PA 256.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Bullard introduced

**Senate Bill No. 1195, entitled**

A bill to amend 1996 PA 263, entitled "Juvenile boot camp act," by amending sections 2, 3, 4, 5, 6, and 7 (MCL 400.1302, 400.1303, 400.1304, 400.1305, 400.1306, and 400.1307).

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Geake introduced

**Senate Bill No. 1196, entitled**

A bill to amend 1980 PA 243, entitled "Emergency municipal loan act," by amending sections 2, 3, 4, 6, 7, and 8 (MCL 141.932, 141.933, 141.934, 141.936, 141.937, and 141.938), sections 2 and 3 as amended by 1987 PA 282, sections 4, 7, and 8 as amended by 1986 PA 6, and section 6 as amended by 1988 PA 198.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Schwarz introduced

**Senate Bill No. 1197, entitled**

A bill to amend 1987 PA 264, entitled "Health and safety fund act," by amending sections 3 and 5 (MCL 141.473 and 141.475).

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

### Scheduled Meetings

Families, Mental Health and Human Services Committee - Tuesday, June 9, at 8:30 a.m., Room 210, Farnum Building (3-1777).

Legislative Council - Wednesday, June 10, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-0212).

Senator Geake moved that the Senate adjourn.

The motion prevailed, the time being 5:01 p.m.

In pursuance of the order previously made, the Secretary of the Senate declared the Senate adjourned until Tuesday, June 9, at 11:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.