

No. 61
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, September 15, 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 not present.

Bennett—present
Berryman—excused
Bouchard—present
Bullard—present
Byrum—present
Cherry—present
Cisky—present
Conroy—present
DeBeausaert—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 John J. H. Schwarz of the 24th District offered the following invocation:

As we stand before the Almighty and the people of the state of Michigan, and as we return to this chamber, let us be diligent as we go about our work today and every day, for the day is short, the task is great, the reward is significant, and the Sovereign is insistent.

Let us be humble, lest hubris descend upon us. In the words of an ancient rabbi, "Anyone whose conduct means more to him than his wisdom, his wisdom shall endure. Anyone whose wisdom precedes his conduct, his wisdom shall not endure. Rhodes scholars, take notice. And let us strive in all ways to pursue justice.

Motions and Communications

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:04 a.m.

10:08 a.m.

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

Senators Schuette, Van Regenmorter, Emmons, Bullard, North, McManus, Bennett, Gast, Rogers, Steil, Bouchard, Shugars, Gougeon, Stille, Jaye, Cisky, Geake, Posthumus and Dunaskiss entered the Senate Chamber.

A quorum of the Senate was present.

Senator DeGrow moved that rule 3.902 be suspended to allow the guests of the Secretary of the Senate admittance to the Senate floor.

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

Senator DeGrow moved that consideration of the following bill be postponed for today:

House Bill No. 5723

The motion prevailed.

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

House Bill No. 4210, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 322, 625b, 625k, and 625l (MCL 257.204a, 257.322, 257.625b, 257.625k, and 257.625l), section 204a as amended by 1996 PA 102 and sections 625b, 625k, and 625l as amended by 1994 PA 450, and by adding sections 622a, 625o, and 625p.

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 bill be referred to the Committee on Judiciary.

The motion prevailed.

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

House Bill No. 5812, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2150 (MCL 324.2150), as amended by 1996 PA 585.

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 bill be referred to the Committee on Appropriations.

The motion prevailed.

Senator V. Smith moved that Senator Berryman be excused from today's session.
The motion prevailed.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:02 a.m. this date, administrative rule (98-06-3) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 141, Approval of Calfhod Vaccination*," effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:04 a.m. this date, administrative rule (98-06-4) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 142, County Wide Testing Rules*," effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:06 a.m. this date, administrative rule (98-06-5) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 145, Movement of Sheep Other Than Slaughter*," effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:08 a.m. this date, administrative rule (98-06-6) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 135, Importation Distribution, Use of Vaccines*," effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:10 a.m. this date, administrative rule (98-06-7) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 140, Establishment and Maintenance of Brucellosis-Free Herd*," effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:12 a.m. this date, administrative rule (98-06-8) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 133, Public Exhibition of Poultry*," effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:14 a.m. this date, administrative rule (98-06-9) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 152, Feedlots*," effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:16 a.m. this date, administrative rule (98-06-10) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 156, Disposition of Animals Exposed to Brucellosis*," effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:18 a.m. this date, administrative rule (98-06-11) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 401, Sediment Testing of Cream,*" effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:20 a.m. this date, administrative rule (98-06-12) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 114, Prevention of Contagious Disease in Livestock,*" effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:22 a.m. this date, administrative rule (98-06-13) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 107, Prevention of Infectious Disease,*" effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:24 a.m. this date, administrative rule (98-06-14) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 118, Reduction Plants for Handling Dead Animals,*" effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:26 a.m. this date, administrative rule (98-06-15) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 124, Tuberculosis and Blood Testing of Livestock,*" effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:28 a.m. this date, administrative rule (98-06-16) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 121, Prevention of the Spread of Livestock Disease,*" effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:30 a.m. this date, administrative rule (98-06-17) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 406, Cottage Cheese,*" effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:32 a.m. this date, administrative rule (98-06-18) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 403, Milk and Cream Sold for Direct Consumption,*" effective 15 days hereafter.

June 12, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 9:34 a.m. this date, administrative rule (98-06-19) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation 117, Public Exhibition of Livestock,*" effective 15 days hereafter.

June 29, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:02 p.m. this date, administrative rule (98-06-23) for the Department of Environmental Quality, Land and Water Management Division, entitled "*Water Resources*," effective 15 days hereafter.

June 30, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:26 a.m. this date, administrative rule (98-06-24) for the Department of Consumer Industry Services, Manufactured Housing Commission, entitled "*Manufactured Housing*," effective 15 days hereafter.

July 2, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:16 a.m. this date, administrative rule (98-07-1) for the Department of Environmental Quality, Land and Water Management Division, entitled "*Wetland Protection*," effective 15 days hereafter.

July 7, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you the Office of Regulatory Reform, Legal Division filed at 9:08 a.m. this date, administrative rule (98-07-2) for the Department of Family Independence Agency, Family Services Administration, entitled "*State Disability Assistance Program*," effective 15 days hereafter.

July 27, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:20 p.m. this date, administrative rule (98-07-3) for the Department of State, Bureau of Elections, entitled, "*Campaign Financing*," effective 15 days hereafter.

August 24, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:25 a.m. this date, administrative rule (98-08-1) for the Department of Consumer and Industry Services, Director's Office, entitled "*Board of Nursing Rules*," effective 15 days hereafter.

August 24, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:30 a.m. this date, administrative rule (98-08-2) for the Department of Consumer and Industry Services, Board of Safety and Compliance, entitled "*General Rules*," effective 15 days hereafter.

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

The communications were referred to the Secretary for record.

The following communication was received:
Department of Environmental Quality

July 8, 1998

I am submitting the enclosed list of eighteen projects approved for funding under the Michigan Great Lakes Protection Fund in compliance with Act 156 of the Public Acts of 1989. These projects were recommended by the

Michigan Great Lakes Protection Fund Technical Advisory Board after extensive review. Funding for these projects was approved under the Department's FY 1998 appropriations. Also enclosed is a listing of the criteria used in assigning priority to the projects.

If you have any questions, please contact me at 335-4277.

Sincerely,
Mark Coscarelli, Manager
Michigan Great Lakes Protection Fund
Office of the Great Lakes

The communication was referred to the Secretary for record.

The following communication was received:
Department of Environmental Quality

September 1, 1998

The Department of Environmental Quality (DEQ) hereby submits its report on a recommended hazardous waste fee schedule. The report is required under Section 11126a of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

The recommendations in the enclosed report were developed by a work group comprised of representatives from the DEQ, the regulated community, and environmental organizations. The report includes an analysis of the various fees or user charges that were considered, and describes the ramifications of not enacting them. The DEQ and majority of the work group support the recommended fee schedule described in the report. The work group made every effort to reach a consensus on a fee schedule. A consensus was not reached because some work group members objected to any fees and maintained that the state's general fund should be used to support the hazardous waste program.

We appreciate the opportunity to make our recommendations for hazardous waste fees. If you have any questions, please contact DEQ's Legislative Liaison, Ms. Cathy Carlton, at (517) 241-7396, or you may contact me at (517) 373-7917.

Sincerely,
Russell J. Harding
Director

The communication was referred to the Secretary for record.

The following communication was received:
State of Alaska

July 10, 1998

In accordance with Uniform Rule 49 (b) of the Alaska State Legislature, I am transmitting to you a copy of the following: HJR 59, Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States, and

SCS HJR 57 (STA), Relating to an amendment to the Constitution of the United States prohibiting federal courts from ordering a state or political subdivision of a state to increase or impose taxes.

Sincerely,
Fran Ulmer
Lieutenant Governor

The communication was referred to the Secretary for record.

The following communication was received:
Northeast Michigan Consortium Michigan Works!

August 4, 1998

The Workforce Development Board of Northeast Consortium has prepared the final School-to-Work Plan for program year 1998.

The following is a summary of the planned activities for the target groups that are eligible under the School-to-Work Opportunities Act of 1994:

Total School-to-Work program funds planned for PY98: \$70,568.00

A copy of the Plan is available at Northeast Michigan Consortium, P.O. Box 711, Onaway, Michigan 49765. Please address questions or comments to Terry L. Basel, Program Coordinator.

Sincerely,
Terry L. Basel
Program Coordinator

The communication was referred to the Secretary for record.

The following communication was received:
E.U.P. Employment and Training Consortium

August 18, 1998

Enclosed for your review and comment are copies of the E.U.P. Employment and Training Consortium's Title IIA, Title IIC, Title III (EDWAAA), and 5% Older Worker Biennial Job Training Plans. These plans provide employment and training services to economically disadvantaged individuals and dislocated workers.

The Title IIB (Summer Youth Program) Biennial Job Training Plan is also enclosed. This plan provides employment and training services to economically disadvantaged youth.

These programs will serve the Upper Peninsula Counties of Chippewa, Mackinac, and Luce.

Should you have any questions or comments, please do not hesitate to contact our office at the address listed below.

Sincerely,
Gwen Worley
Executive Director

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

July 17, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of Oil and Natural Gas Production Reporting, July 1998.

July 30, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Families First of Michigan Program, Family Independence Agency, July 1998.

July 30, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Homestead Property Tax Exemption Program, Department of Treasury, July 1998.

August 7, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Public Recreation Access Programs, Department of Natural Resources, August 1998.

August 7, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Compliance Audit of Private Colleges' Enrollments, Department of Treasury, 1997-98.

August 10, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Property Management Division, Department of Management and Budget, August 1998.

August 20, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Recipient Rights System of Wayne Community Living Services, Inc., An Agency Under Contract with the Detroit-Wayne County Community Mental Health Agency, August 1998.

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

The communications were referred to the Secretary for record.

The Secretary announced that pursuant to rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from January 1, 1998, through March 31, 1998, and are available in the Secretary's office during business hours for public inspection:

Committee
Agriculture and Forestry
Appropriations

Chairperson
Senator Walter North
Senator Harry Gast

Economic Development, International Trade and Regulatory Affairs	Senator Bill Schuette
Education	Senator Joanne Emmons
Families, Mental Health and Human Services	Senator Joel Gougeon
Farming, Agribusiness and Food Systems	Senator George McManus
Finance	Senator Joanne Emmons
Financial Services	Senator Michael Bouchard
Gaming and Casino Oversight	Senator Michael Bouchard
Government Operations	Senator Bill Bullard
Health Policy and Senior Citizens	Senator Dale Shugars
Human Resources, Labor and Veterans Affairs	Senator Mike Rogers
Hunting, Fishing and Forestry	Senator Dave Jaye
Judiciary	Senator William Van Regenmorter
Local, Urban and State Affairs	Senator Leon Stille
Natural Resources and Environmental Affairs	Senator Loren Bennett
Technology and Energy	Senator Mat Dunaskiss
Transportation and Tourism	Senator Walter North
Appropriations Subcommittee on Community Health	Senator Robert Geake
Appropriations Subcommittee on Family Independence Agency	Senator Robert Geake
Appropriations Subcommittee on Higher Education	Senator John Schwarz
Appropriations Subcommittee on Natural Resources and Environmental Quality	Senator George McManus
Appropriations Subcommittee on Transportation	Senator Philip Hoffman

The Secretary submitted, pursuant to Senate Rule 1.208, the following report on out-of-state travel by Members on Legislative business for the quarter ending June 30, 1998:

Senator Christopher Dingell	March 5-8	Attend National Conference of Commissioners on Uniform State Laws Baltimore, MD	\$ 723.97
Senator Philip Hoffman	April 29-May 2	Attend High Speed Ground Transportation annual conference Chicago, IL	\$ 703.77

Protest

Pursuant to rule 3.506, Senator Bouchard submitted his reasons, in writing, for voting “no” on the adoption of the conference report to Senate Bill No. 904 and the passage of House Bill No. 5662 on July 2.

Senator Bouchard’s statement is as follows:

Mr. President, I rise to give my “no” vote explanation to SB 904 and HB 5622. I believe the aggregate amount of this bond is now too high and will carry with it an accompanying excess cost by way of interest and other expenses to current and future taxpayers. Secondly, I believe it was fundamentally wrong to not address a looming crisis facing southeast Michigan—that of the federally mandated changes on combined sewer overflow systems. These individual communities will buckle under the weight of these mandated costs without federal and state help. Regularly we come to the aid of parts of the state for varying disaster relief programs. This mandate—without help—will be a disaster to my district and many others. This huge issue was ignored in this bond, and for all the listed reasons, I voted “no.”

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, July 2:
House Bill Nos. 5057 5407 5581 5945 5967 5968

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, July 7, for his approval the following bills:

Enrolled Senate Bill No. 663 at 11:25 a.m.

Enrolled Senate Bill No. 726 at 11:27 a.m.

Enrolled Senate Bill No. 830 at 11:29 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, July 10, for his approval the following bills:

Enrolled Senate Bill No. 1158 at 10:30 a.m.
Enrolled Senate Bill No. 837 at 10:32 a.m.
Enrolled Senate Bill No. 3 at 10:34 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, July 13, for his approval the following bills:

Enrolled Senate Bill No. 299 at 4:27 p.m.
Enrolled Senate Bill No. 754 at 4:29 p.m.
Enrolled Senate Bill No. 847 at 4:31 p.m.
Enrolled Senate Bill No. 848 at 4:33 p.m.
Enrolled Senate Bill No. 865 at 4:35 p.m.
Enrolled Senate Bill No. 897 at 4:37 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, July 15, for his approval the following bills:

Enrolled Senate Bill No. 606 at 11:15 a.m.
Enrolled Senate Bill No. 862 at 11:17 a.m.
Enrolled Senate Bill No. 873 at 11:19 a.m.
Enrolled Senate Bill No. 905 at 11:21 a.m.
Enrolled Senate Bill No. 911 at 11:23 a.m.
Enrolled Senate Bill No. 1099 at 11:25 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, July 16, for his approval the following bills:

Enrolled Senate Bill No. 928 at 2:40 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, July 20, for his approval the following bills:

Enrolled Senate Bill No. 281 at 1:10 p.m.
Enrolled Senate Bill No. 826 at 1:12 p.m.
Enrolled Senate Bill No. 880 at 1:14 p.m.
Enrolled Senate Bill No. 882 at 1:16 p.m.
Enrolled Senate Bill No. 884 at 1:18 p.m.
Enrolled Senate Bill No. 885 at 1:20 p.m.
Enrolled Senate Bill No. 902 at 1:21 p.m.
Enrolled Senate Bill No. 909 at 1:22 p.m.
Enrolled Senate Bill No. 1093 at 1:24 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, July 21, for his approval the following bills:

Enrolled Senate Bill No. 904 at 9:38 a.m.
Enrolled Senate Bill No. 1156 at 9:40 a.m.
Enrolled Senate Bill No. 37 at 3:40 p.m.
Enrolled Senate Bill No. 38 at 3:42 p.m.
Enrolled Senate Bill No. 200 at 3:44 p.m.
Enrolled Senate Bill No. 273 at 3:46 p.m.
Enrolled Senate Bill No. 329 at 3:48 p.m.
Enrolled Senate Bill No. 330 at 3:50 p.m.
Enrolled Senate Bill No. 331 at 3:52 p.m.
Enrolled Senate Bill No. 808 at 3:54 p.m.
Enrolled Senate Bill No. 883 at 3:56 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, July 22, for his approval the following bills:

Enrolled Senate Bill No. 907 at 3:25 p.m.
Enrolled Senate Bill No. 910 at 3:27 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, July 27, for his approval the following bills:

Enrolled Senate Bill No. 684 at 11:45 a.m.
Enrolled Senate Bill No. 733 at 11:47 a.m.
Enrolled Senate Bill No. 796 at 11:49 a.m.
Enrolled Senate Bill No. 797 at 11:51 a.m.
Enrolled Senate Bill No. 798 at 11:53 a.m.
Enrolled Senate Bill No. 799 at 11:55 a.m.
Enrolled Senate Bill No. 803 at 11:57 a.m.

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

House Bill Nos. 5973 5974 5975 5976 5977 5979 5980

The Secretary announced the printing and placement in the members files on Monday, July 6 of:

House Bill Nos. 5981 5982 5983 5984 5985 5986 5987

The Secretary announced the printing and placement in the members files on Thursday, July 9 of:

House Bill Nos. 5988 5989 5990 5991 5992 5993 5994 5995 5996 5997 5998 5999 6000 6001
6002 6003 6004 6005 6006 6007

The following communication was received and read:

Department of State

July 21, 1998

I, Candice S. Miller, Secretary of State of the State of Michigan, certify that the attached proposed law appeared on the legislative initiative petition filed with the Secretary of State on May 26, 1998, by the Merian's Friends Committee, P.O. Box 272, Northville, Michigan 48167. I further certify that on July 20, 1998, the Board of State Canvassers determined that said initiative petitions contains "at least the minimum number of valid signatures required under Article 2, Section 9 of the Constitution of the State of Michigan of 1963." I therefore submit to the Michigan State Legislature said legislative proposal for consideration as provided under Article 2, Section 9 of the Constitution of 1963.

Sincerely,
 Candice S. Miller
 Secretary of State

INITIATIVE OF LEGISLATION

AN ACT to amend 1978 PA 368, entitled "Public health code," by amending sections 2844, 5658, 5660, 7401, 16221, 16226, 17033, 17533, 17766, and 20165 (MCL 333.2844, 333.5658, 333.5660, 333.7401, 333.16221, 333.16226, 333.17033, 333.17533, 333.17766, and 333.20165), sections 5658 and 5660 as added and sections 16221 and 16226 as amended by 1996 PA 594, section 7401 as amended by 1996 PA 249, sections 17033 and 17533 as amended by 1994 PA 234, section 17766 as amended by 1990 PA 30, and section 20165 as amended by 1990 PA 179, and by adding part 56b entitled "Terminally Ill Patient's Right To End Unbearable Pain and Suffering Act"; to amend 1953 PA 181 (MCL 52.201-216), commonly referred to as the "Medical examiners act," by amending sections 2 and 3 (MCL 52.202 and 52.203), to amend 1976 PA 267, entitled "Open meetings act," by amending section 3 (MCL 15.263), as amended by 1988 PA 278, and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2844. (1) ~~When~~ IF death occurs more than 10 days after the deceased was last seen by a physician, if the cause of death appears to be other than the illness or condition for which deceased was being treated, or if the attending physician cannot accurately determine the cause of death, the case shall be referred to the county medical examiner for investigation to determine and certify the cause of death. If the county medical examiner determines that the case does not fall within his or her jurisdiction, the county medical examiner shall refer the case back to the deceased's physician within 24 hours for completion of the medical certification. IN ACCORDANCE WITH SECTION 5686 (1), IF AN

INDIVIDUAL HAS DIED AS THE RESULT OF THE PROCEDURES AUTHORIZED UNDER PART 56B, THEN FOR PURPOSES OF THIS SUBSECTION, THE CAUSE OF DEATH IS THE TERMINAL ILLNESS FOR WHICH THE DECEASED WAS BEING TREATED.

(2) ~~When~~ IF an investigation is required under ~~ACT No. 181 of the Public Acts of 1953, as amended, being Sections 52.201 to 52.216 of the Michigan Compiled Laws~~ 1953 PA 181, MCL 52.201 TO 52.216, the county medical examiner shall determine the cause of death and shall complete and sign the medical certification within 48 hours after taking charge of the case.

(3) If the cause of death cannot be determined within 48 hours after death, the medical certification may be completed as provided by the department. The attending physician or county medical examiner shall give the funeral director in custody of the body notice of the reason for the delay, and final disposition shall not be made until authorized by the attending physician or medical examiner.

Sec. 5658. A physician who, as part of a medical treatment plan for a terminally ill patient, prescribes for the terminally ill patient a controlled substance that is included in schedules 2 to 5 under part 72 ~~and that is a narcotic drug~~ is immune from administrative and civil liability based on prescribing the controlled substance if the prescription is given in good faith and with the intention to treat a patient with a terminal illness or alleviate the patient's pain, or both, OR TO COMPLY WITH A REQUEST MADE IN COMPLIANCE WITH PART 56B and all of the following are met:

- (a) The prescription is for a legitimate legal and professionally recognized therapeutic purpose OR IS WRITTEN PURSUANT TO A REQUEST MADE IN COMPLIANCE WITH PART 56B.
- (b) Prescribing the controlled substance is within the scope of practice of the physician.
- (c) The physician holds a valid license under article 7 to prescribe controlled substances.

Sec. 5660. This part does not do the following:

- (a) Impair or supersede a legal right a parent, patient, advocate, legal guardian, or other individual may have to consent to or refuse medical treatment on behalf of another.
 - (b) ~~create~~ CREATE a presumption about a terminally ill patient's desire to receive or refuse medical treatment, regardless of the ability of the patient to participate in medical treatment decisions.
 - (c) Limit the ability of a court making a determination about a terminally ill patient's medical treatment decisions to take into consideration all of the following state interests:
 - (i) The preservation of life.
 - (ii) The prevention of suicide. THIS SUBPARAGRAPH DOES NOT INCLUDE THE DEATH OF AN INDIVIDUAL WHO ENDED HIS OR HER LIFE BY USING THE PROCEDURES AUTHORIZED BY PART 56B.
 - (iii) The protection of innocent third parties.
 - (iv) The preservation of the integrity of the medical profession.
 - (d) Condone, authorize, or approve suicide, assisted suicide, mercy killing, or euthanasia.
- THIS SUBDIVISION DOES NOT AFFECT THE OPERATION OF PART 56B.

PART 56B

SEC. 5671. THIS PART SHALL BE KNOWN AND MAY BE CITED AS THE "TERMINALLY ILL PATIENT'S RIGHT TO END UNBEARABLE PAIN OR SUFFERING ACT".

SEC. 5672. IT IS THE INTENT OF THE PEOPLE IN ENACTING THIS PART TO DO ALL OF THE FOLLOWING:

- (A) GIVE A TERMINALLY ILL ADULT WHO IS COMPETENT, FULLY INFORMED, AND A RESIDENT OF THIS STATE, OR A CLOSE RELATIVE OF A RESIDENT OF THIS STATE, THE RIGHT TO END UNBEARABLE PAIN OR SUFFERING THROUGH THE SELF-ADMINISTRATION OF MEDICATION TO HASTEN DEATH;
 - (B) ASSURE THE PATIENT'S RIGHT TO REVOKE HIS OR HER REQUEST FOR MEDICATION AT ANY TIME AND NUMEROUS OTHER PATIENT SAFEGUARDS;
 - (C) MAINTAIN CONFIDENTIALITY OF PATIENT RECORDS AT ALL TIMES;
 - (D) PROTECT OTHER LEGAL RIGHTS OF A PATIENT WHO COMPLIES WITH THIS ACT;
 - (E) PROVIDE OVERSIGHT OF PHYSICIANS WHO PRESCRIBE MEDICATION PURSUANT TO THIS ACT;
- AND
- (F) PUNISH A PHYSICIAN OR OTHER INDIVIDUAL WHO VIOLATES THIS ACT.

SEC. 5673. AS USED IN THIS PART:

- (A) "ADULT" MEANS AN INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER.

(B) "ATTENDING PHYSICIAN" MEANS A PHYSICIAN WHO HAS PRIMARY RESPONSIBILITY FOR THE CARE OF THE PATIENT.

(C) "COMPETENT" MEANS THE ABILITY TO MAKE PERSONAL MEDICAL DECISIONS BASED UPON AN UNDERSTANDING OF THE RELEVANT ASPECTS OF A PATIENT'S CURRENT MEDICAL CIRCUMSTANCES, AN UNDERSTANDING OF THE BENEFITS, RISKS, AND LIKELY CONSEQUENCES OF THE TREATMENT ALTERNATIVES DESCRIBED IN THIS PART, AND THE ABILITY TO ARRIVE AT AN INDEPENDENT AND SUSTAINED DECISION BASED UPON THE PATIENT'S RATIONAL CHOICE.

(D) "CONSULTING PHYSICIAN" MEANS A PHYSICIAN WHO SPECIALIZES IN THE DISEASE THAT HAS CAUSED A PATIENT TO BECOME TERMINAL, IS ACTIVELY PRACTICING THAT SPECIALTY, AND IS CERTIFIED BY A NATIONAL PROFESSIONAL ORGANIZATION FOR THAT SPECIALTY AND APPROVED BY THAT PHYSICIAN'S LICENSING BOARD.

(E) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMUNITY HEALTH.

(F) "HEALTH CARE PROVIDER" MEANS A PERSON LICENSED, REGISTERED, OR OTHERWISE AUTHORIZED OR PERMITTED BY THE LAW OF THIS STATE TO PROVIDE HEALTH CARE IN THE ORDINARY COURSE OF BUSINESS OR PRACTICE OF A HEALTH PROFESSION. HEALTH CARE PROVIDER INCLUDES A HEALTH FACILITY.

(G) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY LICENSED UNDER ARTICLE 17.

(H) "INFORMED DECISION" MEANS A DECISION BY A PATIENT TO REQUEST A PRESCRIPTION UNDER THIS ACT FOR MEDICATION TO END HIS OR HER UNBEARABLE PAIN OR SUFFERING BY ENDING HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER THAT IS MADE AFTER BEING FULLY INFORMED BY THE PATIENT'S ATTENDING PHYSICIAN OR A CONSULTING PHYSICIAN UNDER THIS PART OF ALL OF THE FOLLOWING:

(i) THE PATIENT'S MEDICAL DIAGNOSIS.

(ii) THE PATIENT'S PROGNOSIS.

(iii) THE POTENTIAL RISKS ASSOCIATED WITH TAKING THE MEDICATION TO BE PRESCRIBED.

(iv) THE PROBABLE RESULT OF TAKING THE MEDICATION TO BE PRESCRIBED.

(v) THE ALTERNATIVES TO TAKING THE MEDICATION PRESCRIBED, INCLUDING, BUT NOT LIMITED TO, COMFORT CARE, HOSPICE CARE, AND PAIN CONTROL.

(vi) THAT THE PATIENT MAY RESCIND THE DECISION AT ANY TIME BY EITHER WRITTEN OR ORAL COMMUNICATION OR IN ANY MANNER THAT COMMUNICATES THE SAME INTENT.

(I) "MEDICATION" MEANS 1 OR MORE PRESCRIPTION DRUGS THAT CAN BE TAKEN ORALLY OR BY NASOGASTRIC OR GASTROSTOMY TUBE.

(J) "PATIENT" MEANS AN INDIVIDUAL WHO IS AN ADULT RESIDENT AND WHO IS UNDER THE CARE OF AN ATTENDING PHYSICIAN AND IS BEING TREATED BY THAT PHYSICIAN OR BY A CONSULTING PHYSICIAN FOR A TERMINAL ILLNESS.

(K) "PATIENT'S MEDICAL RECORD" MEANS BOTH OF THE FOLLOWING:

(i) FOR A PATIENT WHO IS AN INPATIENT OR AN OUTPATIENT IN A HEALTH FACILITY, THE PERMANENT RECORD OF THE MEDICAL CARE AND TREATMENT RECEIVED BY THE PATIENT IN OR FROM THAT HEALTH FACILITY, WHICH RECORD IS REQUIRED TO BE COMPILED AND MAINTAINED BY THE HEALTH FACILITY UNDER SECTION 20175 AND BY PROFESSIONAL STANDARDS OF PRACTICE.

(ii) FOR A PATIENT WHO IS NOT AN INPATIENT OR OUTPATIENT IN A HEALTH FACILITY, BUT IS RECEIVING MEDICAL CARE AND TREATMENT FROM A LICENSED HEALTH PROFESSIONAL, THE PERMANENT RECORD OF THE MEDICAL CARE AND TREATMENT RECEIVED BY THE PATIENT FROM THE LICENSED HEALTH PROFESSIONAL, WHICH RECORD IS REQUIRED TO BE COMPILED AND MAINTAINED BY THE LICENSED HEALTH PROFESSIONAL BY LAW AND BY PROFESSIONAL STANDARDS OF PRACTICE.

(L) "PHARMACIST" MEANS AN INDIVIDUAL LICENSED UNDER ARTICLE 15 TO ENGAGE IN THE PRACTICE OF PHARMACY.

(M) "PHYSICIAN" MEANS AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN LICENSED TO ENGAGE IN THE PRACTICE OF MEDICINE OR THE PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY UNDER ARTICLE 15.

(N) "PRESCRIPTION DRUG" MEANS THAT TERM AS DEFINED IN SECTION 17708, AND INCLUDES, BUT IS NOT LIMITED TO, A CONTROLLED SUBSTANCE AS DEFINED IN SECTION 7104.

(O) "PSYCHIATRIST" MEANS A PHYSICIAN WHO SPECIALIZES IN PSYCHIATRY.

(P) "REQUEST" MEANS A REQUEST FOR MEDICATION UNDER THIS PART FOR SELF-ADMINISTRATION THE PRIMARY PURPOSE OF WHICH IS TO HASTEN OR CAUSE THE DEATH OF THE REQUESTER AND THAT MEETS THE REQUIREMENTS OF SECTION 5675.

(Q) "RESIDENT" MEANS AN INDIVIDUAL WHO RESIDES IN THIS STATE AT THE TIME OF MAKING A REQUEST UNDER THIS PART AND WHO HAS RESIDED IN THIS STATE FOR NOT LESS THAN THE 6

MONTHS IMMEDIATELY PRECEDING THE DATE OF MAKING THE REQUEST. FOR PURPOSES OF THIS PART ONLY, RESIDENT INCLUDES A PARENT OF A RESIDENT, ADULT SIBLING OF A RESIDENT, ADULT CHILD OF A RESIDENT, OR A SPOUSE OF 1 OF THOSE INDIVIDUALS WHO DOES NOT RESIDE IN THIS STATE, IF THE RELATIONSHIP TO THE RESIDENT IS ATTESTED TO BY AFFIDAVIT OF THE RESIDENT PRESENTED TO AN ATTENDING PHYSICIAN. FOR PURPOSES OF THIS PART ONLY, THE PARENT, ADULT SIBLING, ADULT CHILD, OR SPOUSE OF 1 OF THOSE INDIVIDUALS IS CONSIDERED A RESIDENT OF THE COUNTY OF RESIDENCE OF THE RESIDENT PRESENTING THE AFFIDAVIT.

(R) "SELF-ADMINISTRATION" MEANS THE INSERTION OR INGESTION OF MEDICATION REQUESTED UNDER THIS PART, INCLUDING ACCOMPANYING FLUIDS, THAT IS PERFORMED ENTIRELY UNDER A PATIENT'S OWN EFFORT.

(S) "SIGNIFICANT OTHER" MEANS AN INDIVIDUAL WHO HAS HAD A MONOGAMOUS-TYPE RELATIONSHIP WITH A PATIENT FOR NOT LESS THAN 1 YEAR.

(T) "SUFFERING" MEANS THE PHYSICAL OR MENTAL TORMENT CAUSED BY A TERMINAL ILLNESS AND THAT RESULTS FROM THE PROGRESSIVE AND SERIOUS LOSS OF THE ABILITY TO PERFORM MAJOR LIFE FUNCTIONS.

(U) "TERMINAL ILLNESS" MEANS AN INCURABLE AND IRREVERSIBLE DISEASE THAT IS MEDICALLY CONFIRMED AND THAT WILL, WITHIN REASONABLE MEDICAL JUDGEMENT, RESULT IN THE DEATH OF THE PATIENT WITHIN 6 MONTHS OR LESS.

(V) "TERMINAL PERIOD" MEANS THE LAST 6 MONTHS OF LIFE FOR A PATIENT WITH A TERMINAL ILLNESS, WITHIN REASONABLE MEDICAL JUDGEMENT.

(W) "VOLUNTARY" MEANS THAT A DECISION IS MADE BY A PATIENT'S INDEPENDENT JUDGEMENT WITHOUT EVIDENCE OF OUTSIDE COERCION, INsofar AS CAN BE REASONABLY DETERMINED BY THE PATIENT'S ATTENDING PHYSICIAN OR BY A CONSULTING PHYSICIAN OR BY A PSYCHIATRIST.

SEC. 5674. (1) A PATIENT WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS MAY MAKE A REQUEST UNDER THIS PART DURING THE TERMINAL PERIOD FOR MEDICATION FOR SELF-ADMINISTRATION, THE PRIMARY PURPOSE OF WHICH IS TO END THE PATIENT'S UNBEARABLE PAIN OR SUFFERING BY ENDING HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER:

(A) IS COMPETENT AND HAS MADE AN INFORMED DECISION.

(B) IS DETERMINED BY THE PATIENT'S ATTENDING PHYSICIAN AND BY A CONSULTING PHYSICIAN TO BE SUFFERING FROM A TERMINAL ILLNESS.

(C) HAS VOLUNTARILY EXPRESSED HIS OR HER WISH TO DIE BY MEANS OF MAKING A REQUEST UNDER THIS PART PURSUANT TO AN INFORMED DECISION.

(2) AN INDIVIDUAL IS NOT QUALIFIED TO MAKE A REQUEST SOLELY BECAUSE OF AGE OR DISABILITY, OR A COMBINATION OF AGE AND DISABILITY, OTHER THAN A DISABILITY CAUSED BY A TERMINAL ILLNESS.

SEC. 5675. (1) A REQUEST MAY BE IN WRITING OR, IF THE PATIENT IS UNABLE TO WRITE, MAY BE MADE ORALLY AND SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION:

(A) THE PATIENT'S FULL NAME AND HIS OR HER ADDRESS AT THE TIME THE REQUEST IS MADE. IF THE PATIENT IS AN INPATIENT OR A RESIDENT IN A HEALTH FACILITY, THE REQUEST SHALL CONTAIN THE PATIENT'S LAST KNOWN RESIDENTIAL ADDRESS.

(B) A STATEMENT THAT THE PATIENT BELIEVES HIMSELF OR HERSELF TO BE COMPETENT.

(C) A STATEMENT THAT THE REQUEST IS BEING MADE VOLUNTARILY AND WITHOUT COERCION.

(D) A DESCRIPTION OF THE TERMINAL ILLNESS FROM WHICH THE PATIENT IS SUFFERING.

(E) A STATEMENT THAT THE PATIENT HAS BEEN INFORMED BY HIS OR HER ATTENDING PHYSICIAN THAT THE TERMINAL ILLNESS WILL LIKELY PRODUCE DEATH WITHIN 6 MONTHS OR LESS.

(F) A STATEMENT THAT THE PATIENT HAS BEEN INFORMED BY HIS OR HER ATTENDING PHYSICIAN OR CONSULTING PHYSICIAN REGARDING COMFORT CARE, HOSPICE CARE, AND PAIN CONTROL.

(G) A STATEMENT THAT THE PATIENT UNDERSTANDS THAT HE OR SHE MAY RESCIND THE REQUEST AT ANY TIME AND BY ANY METHOD OF COMMUNICATION.

(2) THE PATIENT SHALL SIGN AND DATE A REQUEST MADE UNDER SUBSECTION (1) THAT IS IN WRITING.

(3) A REQUEST MADE UNDER SUBSECTION (1) THAT IS IN WRITING SHALL BE WITNESSED BY AT LEAST 2 INDIVIDUALS WHO ATTEST THAT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF THE PATIENT IS RATIONAL AND IS ACTING VOLUNTARILY. AT LEAST 1 OF THE WITNESSES REQUIRED UNDER THIS SUBSECTION SHALL NOT BE 1 OR MORE OF THE FOLLOWING:

(A) A RELATIVE OF THE QUALIFIED PATIENT BY BLOOD, MARRIAGE, OR ADOPTION.

(B) KNOWINGLY ENTITLED AT THE TIME THE REQUEST IS SIGNED TO HAVE CONTROL OVER A PORTION OF THE ESTATE OF THE PATIENT UPON THE PATIENT'S DEATH UNDER A WILL OR TRUST, OR BY OPERATION OF LAW.

(C) AN OWNER, OPERATOR, OR EMPLOYEE OF A HEALTH FACILITY WHERE THE PATIENT IS RECEIVING MEDICAL TREATMENT OR IS A RESIDENT.

(4) THE PATIENT'S ATTENDING PHYSICIAN AT THE TIME THE REQUEST IS SIGNED SHALL NOT BE A WITNESS UNDER SUBSECTION (3).

(5) IF A PATIENT IS A PATIENT IN A HEALTH FACILITY AT THE TIME A REQUEST IS MADE, 1 OF THE WITNESSES REQUIRED UNDER SUBSECTION (3) SHALL BE AN INDIVIDUAL DESIGNATED BY THE HEALTH FACILITY, BUT WHO IS NOT EMPLOYED BY OR UNDER CONTRACT TO THE HEALTH FACILITY.

(6) IF THE PATIENT HAS MADE AN ORAL REQUEST, THE REQUEST SHALL BE RECORDED BY VIDEO MEANS.

SEC. 5676. (1) WHETHER OR NOT A PATIENT HAS MADE A REQUEST, THE ATTENDING PHYSICIAN OR, IF THE ATTENDING PHYSICIAN HAS NOT DONE SO, THE CONSULTING PHYSICIAN SHALL DO ALL OF THE FOLLOWING AS SOON AS POSSIBLE AFTER DETERMINING THAT THE PATIENT HAS A TERMINAL ILLNESS:

(A) UPON REQUEST OF THE PATIENT, PROVIDE THE PATIENT WITH A TRUE COPY OF THIS PART AND WITH A COPY OF THE BOOKLET PRODUCED BY THE DEPARTMENT UNDER SECTION 5682.

(B) INFORM THE PATIENT REGARDING COMFORT CARE, HOSPICE CARE, AND PAIN MANAGEMENT.

(C) ASK THE PATIENT WHETHER HE OR SHE HAS QUESTIONS REGARDING PAYMENT FOR THE TREATMENT THE ATTENDING PHYSICIAN OR THE CONSULTING PHYSICIAN HAS PROVIDED OR WILL PROVIDE FOR THE TERMINAL ILLNESS OR PAYMENT FOR COMFORT CARE, HOSPICE CARE, OR PAIN CONTROL. IF THE PATIENT HAS SUCH QUESTIONS, THE ATTENDING PHYSICIAN OR THE CONSULTING PHYSICIAN SHALL REFER THE PATIENT TO A PROFESSIONAL WHO CAN IDENTIFY POSSIBLE FINANCIAL ASSISTANCE FOR THE PATIENT.

(2) IN ADDITION TO COMPLYING WITH SECTIONS 5654 AND 5655, A PATIENT'S ATTENDING PHYSICIAN SHALL DO ALL OF THE FOLLOWING IN RELATION TO A REQUEST BEFORE WRITING A PRESCRIPTION UNDER THE REQUEST AND PURSUANT TO THIS PART:

(A) CONFIRM THE INITIAL DETERMINATION THAT THE PATIENT HAS A TERMINAL ILLNESS, IS COMPETENT, AND IS MAKING THE REQUEST VOLUNTARILY AND PURSUANT TO AN INFORMED DECISION.

(B) INFORM THE PATIENT OF ALL OF THE FOLLOWING:

(i) THAT THE ATTENDING PHYSICIAN HAS CONFIRMED THAT THE PATIENT HAS A TERMINAL ILLNESS.

(ii) THE PATIENT'S PROGNOSIS.

(iii) THE POTENTIAL RISKS ASSOCIATED WITH TAKING THE MEDICATION TO BE PRESCRIBED UNDER THE REQUEST.

(iv) THE PROBABLE RESULT OF TAKING THE MEDICATION TO BE PRESCRIBED UNDER THE REQUEST.

(v) THE ALTERNATIVES TO MAKING A REQUEST, INCLUDING, BUT NOT LIMITED TO, COMFORT CARE, HOSPICE CARE, PAIN CONTROL, SEDATION COMA, REFUSAL OF HYDRATION AND NUTRITION, AND WITHDRAWAL OF LIFE-SUSTAINING TREATMENT, AS APPROPRIATE.

(C) REQUIRE THE PATIENT TO CONSULT WITH A PSYCHIATRIST. THE PSYCHIATRIST SHALL INTERVIEW THE PATIENT AND REVIEW THE PATIENT'S RELEVANT MEDICAL RECORDS. IF THE PSYCHIATRIST DETERMINES BOTH OF THE FOLLOWING, HE OR SHE SHALL DOCUMENT THAT DETERMINATION IN THE PATIENT'S MEDICAL RECORD AND SHALL ISSUE THE PATIENT A WRITTEN STATEMENT OF THE DETERMINATION, THAT THE PATIENT SHALL PRESENT TO HIS OR HER ATTENDING PHYSICIAN:

(i) THAT THE PATIENT HAS NO DIAGNOSABLE MENTAL DISORDER OR, IF THE PATIENT DOES HAVE A DIAGNOSABLE MENTAL DISORDER, THAT THE REQUEST FOR MEDICATION UNDER THIS PART IS NOT THE RESULT OF A DISTORTION OF THE PATIENT'S JUDGEMENT DUE TO CLINICAL DEPRESSION OR ANOTHER MENTAL ILLNESS.

(ii) THAT THE REQUEST IS REASONED, IS FULLY INFORMED, AND IS VOLUNTARY, AS FAR AS CAN REASONABLY BE DETERMINED.

(D) REFER THE PATIENT TO THE PATIENT'S CONSULTING PHYSICIAN OR, IF NONE IS INVOLVED, TO ANOTHER CONSULTING PHYSICIAN WHO SPECIALIZES IN TREATING THE TERMINAL ILLNESS FROM WHICH THE PATIENT IS SUFFERING FOR MEDICAL CONFIRMATION OF THE DIAGNOSIS MADE UNDER SUBDIVISION (B)(i), AND FOR AN INDEPENDENT DETERMINATION THAT THE PATIENT IS COMPETENT AND IS MAKING THE REQUEST VOLUNTARILY AND PURSUANT TO AN INFORMED DECISION, AND IS INFORMED REGARDING SEDATION COMA, REFUSAL OF HYDRATION AND NUTRITION, AND

WITHDRAWAL OF LIFE-SUSTAINING TREATMENT, AS APPROPRIATE. IF THE PATIENT'S TERMINAL ILLNESS IS CANCER, THE ATTENDING PHYSICIAN SHALL REFER THE PATIENT TO A CONSULTING PHYSICIAN WHO SPECIALIZES IN ONCOLOGY.

(E) INFORM THE PATIENT AT THE TIME THE REQUEST IS MADE THAT HE OR SHE HAS THE RIGHT TO RESCIND THE REQUEST AT ANY TIME AND BY ANY METHOD OF COMMUNICATION.

(F) IMMEDIATELY BEFORE WRITING THE PRESCRIPTION FOR THE REQUESTED MEDICATION, VERIFY THAT THE PATIENT IS MAKING THE REQUEST VOLUNTARILY AND PURSUANT TO AN INFORMED DECISION.

(G) FULFILL THE MEDICAL RECORD DOCUMENTATION REQUIREMENTS OF SECTION 5681.

(H) ENSURE THAT ALL REQUIRED STEPS ARE CARRIED OUT IN ACCORDANCE WITH THIS PART BEFORE WRITING A PRESCRIPTION FOR MEDICATION UNDER THIS PART.

(3) A PHYSICIAN SHALL NOT ESTABLISH A CLINIC THAT EXCLUSIVELY PROVIDES THE PROCEDURES AUTHORIZED UNDER THIS PART.

(4) AN ATTENDING PHYSICIAN SHALL CONFORM HIS OR HER CONDUCT TO THE APPLICABLE STANDARD OF PRACTICE AT ALL TIMES WHILE PROVIDING THE SERVICES, MAKING THE DETERMINATIONS, AND FOLLOWING THE PROCEDURES AUTHORIZED UNDER THIS PART.

(5) A LICENSED PHYSICIAN SPECIALIZING IN PSYCHIATRY WHO INTERVIEWS A PATIENT UNDER SUBSECTION (2)(C) SHALL CONFORM HIS OR HER CONDUCT TO THE APPLICABLE STANDARD OF PRACTICE IN MAKING THE DETERMINATIONS REQUIRED UNDER SUBSECTION (2)(C).

SEC. 5677. (1) AFTER A PATIENT HAS BEEN REFERRED TO A CONSULTING PHYSICIAN UNDER SECTION 5676(2)(D), THE CONSULTING PHYSICIAN SHALL EXAMINE THE PATIENT AND THE PATIENT'S RELEVANT MEDICAL RECORDS. IF THE CONSULTING PHYSICIAN CONCURS WITH THE ATTENDING PHYSICIAN, HE OR SHE SHALL CONFIRM, IN WRITING IN THE PATIENT'S MEDICAL RECORD, THE ATTENDING PHYSICIAN'S DIAGNOSIS THAT THE PATIENT IS SUFFERING FROM A TERMINAL ILLNESS, AND SHALL VERIFY THAT THE PATIENT IS COMPETENT AND IS MAKING THE REQUEST VOLUNTARILY AND PURSUANT TO AN INFORMED DECISION. THE CONSULTING PHYSICIAN SHALL CONFORM HIS OR HER CONDUCT TO THE APPLICABLE STANDARD OF PRACTICE IN MAKING THE DETERMINATIONS REQUIRED UNDER THIS SECTION.

(2) IF THE CONSULTING PHYSICIAN WRITES THE PRESCRIPTION FOR THE REQUESTED MEDICATION, HE OR SHE SHALL ASSURE THAT THE REQUIREMENTS OF SECTIONS 5676, 5679, AND 5681 ARE MET.

SEC. 5678. IF AN ATTENDING PHYSICIAN OR A CONSULTING PHYSICIAN IS UNWILLING TO PERFORM 1 OR MORE OF THE DUTIES PRESCRIBED UNDER THIS PART, INCLUDING, BUT NOT LIMITED TO, GIVING A PATIENT A TRUE COPY OF THIS PART OR A COPY OF THE BOOKLET PRODUCED BY THE DEPARTMENT UNDER SECTION 5682, PRESCRIBING MEDICATION PURSUANT TO A REQUEST, OR PERFORMING A REQUIRED EXAMINATION, THE ATTENDING PHYSICIAN OR A CONSULTING PHYSICIAN SHALL IMMEDIATELY INFORM THE PATIENT OF THAT FACT AND SHALL TRANSMIT A COPY OF THE PATIENT'S RELEVANT MEDICAL RECORDS TO A PHYSICIAN OF THE PATIENT'S CHOICE WITHIN 72 HOURS. THE PHYSICIAN CHOSEN BY THE PATIENT BECOMES THE PATIENT'S ATTENDING PHYSICIAN OR CONSULTING PHYSICIAN, AS APPROPRIATE.

SEC. 5679. (1) A PATIENT WHO HAS MADE A REQUEST TO AN ATTENDING PHYSICIAN SHALL REITERATE THE REQUEST AFTER ALL OF THE REQUIREMENTS OF SECTIONS 5674 TO 5677 HAVE BEEN MET. WHEN THE PATIENT MAKES THE SECOND REQUEST UNDER THIS SUBSECTION, THE ATTENDING PHYSICIAN SHALL AT THAT TIME OFFER THE PATIENT AN OPPORTUNITY TO RESCIND THE REQUEST. IF THE PATIENT DOES NOT RESCIND THE REQUEST, THE ATTENDING PHYSICIAN SHALL ENTER THE SECOND REQUEST IN THE PATIENT'S MEDICAL RECORD.

(2) IF NOT LESS THAN 7 DAYS HAVE PASSED SINCE THE PATIENT'S INITIAL REQUEST, THE ATTENDING PHYSICIAN OR THE CONSULTING PHYSICIAN SHALL PRESCRIBE IN WRITING THE MEDICATION TO THE PATIENT AND THE PATIENT MAY OBTAIN THE MEDICATION FOR SELF-ADMINISTRATION THE PRIMARY PURPOSE OF WHICH IS TO END THE PATIENT'S UNBEARABLE PAIN OR SUFFERING BY ENDING THE PATIENT'S LIFE. THE PRESCRIPTION SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

(A) BE PROVIDED ON THE SAME OFFICIAL PRESCRIPTION FORM THAT IS REQUIRED FOR THE PRESCRIPTION OF CONTROLLED SUBSTANCES INCLUDED IN SCHEDULE 2 UNDER ARTICLE 7. THE ATTENDING PHYSICIAN SHALL GIVE THE PATIENT THE OFFICIAL PRESCRIPTION FORM AND SHALL ENTER THE NAME OF THE MEDICATION, DOSAGE, AND QUANTITY PRESCRIBED AND THE INSTRUCTIONS FOR USE IN THE PATIENT'S MEDICAL RECORD IN THE MANNER REQUIRED BY

SECTION 7334. THE ATTENDING PHYSICIAN SHALL RETAIN THAT PART OF THE MEDICAL RECORD FOR NOT LESS THAN 5 YEARS.

(B) BE FOR ONLY A SINGLE DOSE OF THE QUANTITY OF THE MEDICATION ESTIMATED TO CAUSE DEATH.

(C) CONTAIN DIRECTIONS THAT SPECIFY ONLY THE DOSE THAT WILL HASTEN OR CAUSE DEATH.

(D) BE LABELED WITH A STATEMENT THAT THE PRESCRIPTION WAS ISSUED PURSUANT TO THIS PART.

(E) BE LABELED WITH A PROMINENT CAUTIONARY STATEMENT THAT ADMINISTRATION OF THE PRESCRIBED DOSE IS LIKELY TO CAUSE DEATH.

(F) BE DISPENSED ONLY TO THE PATIENT OR TO AN AGENT OF THE PATIENT WITH APPROPRIATE IDENTIFICATION.

(3) A PHARMACIST WHO FILLS THE PRESCRIPTION SHALL CONFIRM THE DOSE WITH THE PRESCRIBING PHYSICIAN BEFORE DISPENSING THE MEDICATION TO THE PATIENT. THE PHARMACIST SHALL SIGN THE OFFICIAL PRESCRIPTION FORM AND FORWARD IT OR TRANSMIT THE INFORMATION ON THE OFFICIAL PRESCRIPTION FORM TO THE DEPARTMENT, AND SHALL RETAIN THE OFFICIAL PRESCRIPTION FORM OR A COPY OF THE FORM IN COMPLIANCE WITH SECTION 7334.

(4) NOTWITHSTANDING SECTION 7334(10) AND (11), THE FORM OR THE INFORMATION TRANSMITTED TO THE DEPARTMENT UNDER SUBSECTION (3) IS NOT A PUBLIC RECORD, IS NOT AVAILABLE FOR INSPECTION BY THE PUBLIC, AND IS NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

SEC. 5680. A PATIENT MAY RESCIND A REQUEST AT ANY TIME AND IN ANY MANNER BY WHICH HE OR SHE CAN COMMUNICATE AN INTENT TO RESCIND THE REQUEST, WITHOUT REGARD TO HIS OR HER MENTAL OR EMOTIONAL STATE.

SEC. 5681. (1) THE ATTENDING PHYSICIAN SHALL DOCUMENT IN WRITING AND FILE ALL OF THE FOLLOWING IN A PATIENT'S MEDICAL RECORD:

(A) EACH ORAL REQUEST MADE BY THE PATIENT.

(B) EACH WRITTEN REQUEST MADE BY THE PATIENT.

(C) THE ATTENDING PHYSICIAN'S DIAGNOSIS THAT THE PATIENT HAS A TERMINAL ILLNESS, THE PROGNOSIS, AND THE DETERMINATION THAT THE PATIENT IS COMPETENT AND IS MAKING THE REQUEST VOLUNTARILY AND PURSUANT TO AN INFORMED DECISION.

(D) THE CONSULTING PHYSICIAN'S CONFIRMATION OF THE ATTENDING PHYSICIAN'S DIAGNOSIS AND PROGNOSIS, AND THE CONSULTING PHYSICIAN'S INDEPENDENT VERIFICATION THAT THE PATIENT IS COMPETENT AND IS MAKING THE REQUEST VOLUNTARILY AND PURSUANT TO AN INFORMED DECISION AND THAT THE PATIENT IS INFORMED REGARDING SEDATION COMA, REFUSAL OF HYDRATION AND NUTRITION, AND WITHDRAWAL OF LIFE-SUSTAINING TREATMENT, AS APPROPRIATE.

(E) THE WRITTEN STATEMENT FROM THE PSYCHIATRIST CONSULTED BY THE PATIENT AS REQUIRED UNDER SECTION 5676(2)(C).

(F) THE ATTENDING PHYSICIAN'S OFFER TO THE PATIENT OF AN OPPORTUNITY TO RESCIND THE REQUEST MADE UNDER SECTION 5679.

(G) A NOTE BY THE ATTENDING PHYSICIAN INDICATING THAT ALL REQUIREMENTS OF THIS PART HAVE BEEN MET AND THE STEPS TAKEN TO CARRY OUT THE REQUEST, INCLUDING, BUT NOT LIMITED TO, A NOTATION OF THE MEDICATION PRESCRIBED.

(2) THE ATTENDING PHYSICIAN SHALL RETAIN THAT PART OF A PATIENT'S MEDICAL RECORD REQUIRED TO BE KEPT UNDER SUBSECTION (1) FOR NOT LESS THAN 3 YEARS.

SEC. 5682. (1) WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS PART, THE DEPARTMENT, IN CONSULTATION WITH THE OVERSIGHT COMMITTEE APPOINTED IN SECTION 5685, SHALL DEVELOP AND PUBLISH A BOOKLET THAT CONTAINS ALL OF THE FOLLOWING INFORMATION:

(A) THE PROCEDURE FOR MAKING A REQUEST AND OBTAINING MEDICATION UNDER THIS PART.

(B) THE AVAILABILITY OF MEDICATION UNDER THIS PART.

(C) ALTERNATIVES TO MAKING A REQUEST UNDER THIS PART, INCLUDING, BUT NOT LIMITED TO, COMFORT CARE, HOSPICE CARE, AND PAIN CONTROL.

(2) THE DEPARTMENT SHALL MAKE COPIES OF THE BOOKLET PUBLISHED UNDER SUBSECTION (1) AVAILABLE UPON REQUEST AND WITHOUT CHARGE TO PHYSICIANS WHO ARE SUBJECT TO THIS PART.

SEC. 5683. (1) A DETERMINATION MADE BY AN ATTENDING PHYSICIAN AND VERIFIED BY A CONSULTING PHYSICIAN UNDER THIS PART IN COMBINATION WITH A WRITTEN STATEMENT FROM A PSYCHIATRIST UNDER SECTION 5676(2)(C) CREATES A REBUTTABLE PRESUMPTION THAT THE DETERMINATION IS CORRECT FOR PURPOSES OF A LEGAL PROCEEDING INVOLVING THE PROCEDURES SET FORTH IN THIS PART.

(2) ONLY A SPOUSE OF A PATIENT, A PARENT OF A PATIENT, AN ADULT SIBLING OF A PATIENT, AN ADULT CHILD OF A PATIENT, OR SIGNIFICANT OTHER OF A PATIENT MAY BRING AN ACTION TO CHALLENGE A DETERMINATION MADE IN ACCORDANCE WITH SECTION 5676 OR 5677. IF THE PATIENT IS STILL ALIVE, THE ACTION SHALL BE BROUGHT IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PATIENT RESIDES OR IS FOUND AND ASSIGNED TO THE CHIEF JUDGE OF THAT CIRCUIT.

(3) AS SOON AS PRACTICABLE AFTER AN ACTION DESCRIBED IN SUBSECTION (2) IS FILED, THE CIRCUIT COURT IN WHICH THE ACTION IS FILED SHALL ISSUE A TEMPORARY RESTRAINING ORDER PROHIBITING THE PRESCRIPTION OR DISPENSING, OR BOTH, OF THE REQUESTED MEDICATION OR REQUIRING THE CONFISCATION OF THE REQUESTED MEDICINE. THE ORDER ISSUED UNDER THIS SUBSECTION DOES NOT AFFECT OBTAINING THE DETERMINATIONS MADE BY AN ATTENDING PHYSICIAN, A CONSULTING PHYSICIAN, OR A PSYCHIATRIST UNDER THIS PART.

(4) THE COURT IN WHICH AN ACTION DESCRIBED IN SUBSECTION (2) IS FILED SHALL HOLD AN EXPEDITED HEARING WITHIN 5 DAYS AFTER THE ACTION IS FILED. THE COURT SHALL CONCLUDE THE HEARING WITHIN 2 DAYS AFTER THE HEARING IS COMMENCED AND SHALL RENDER A DECISION IN THE ACTION WITHIN 5 DAYS AFTER THE HEARING IS CONCLUDED.

(5) IF THE CIRCUIT COURT DOES NOT COMPLY WITH THE TIME SCHEDULE PRESCRIBED IN SUBSECTION (4), EITHER PARTY TO THE ACTION MAY SEEK AN EMERGENCY HEARING FOR A SUPERINTENDING CONTROL ORDER FROM THE COURT OF APPEALS TO COMPEL COMPLIANCE BY THE CIRCUIT COURT.

SEC. 5685. (1) THE GOVERNOR SHALL APPOINT AN OVERSIGHT COMMITTEE OF 14 PHYSICIANS AND 3 MEMBERS OF THE GENERAL PUBLIC TO REVIEW THE OPERATION OF THIS PART NOT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THIS PART AS FOLLOWS:

(A) EIGHT MEMBERS, 2 FROM EACH STATE MEDICAL AND OSTEOPATHIC SCHOOL, SHALL BE APPOINTED FROM NOMINEES SUBMITTED BY THE HIGHEST EXECUTIVE OFFICER OF EACH SCHOOL WHO IS NOT OPPOSED TO COMPLYING WITH THIS PART.

(B) SIX MEMBERS, 3 FROM THE MICHIGAN STATE MEDICAL SOCIETY AND 3 FROM THE MICHIGAN OSTEOPATHIC ASSOCIATION SOCIETY, SHALL BE APPOINTED FROM NOMINEES SUBMITTED BY THE HIGHEST EXECUTIVE OFFICER OF EACH ORGANIZATION WHO IS NOT OPPOSED TO COMPLYING WITH THIS PART.

(C) THREE MEMBERS SHALL BE APPOINTED FROM THE GENERAL PUBLIC. THE MEMBERS APPOINTED UNDER THIS SUBDIVISION SHALL NOT BE OPPOSED TO COMPLYING WITH THIS PART.

(2) EACH NOMINEE UNDER SUBSECTION (1) (A) AND (B) SHALL HAVE PRACTICED HIS OR HER SPECIALITY FOR NOT LESS THAN 10 YEARS. AT LEAST 1 NOMINEE FROM EACH MEDICAL SCHOOL AND PROFESSIONAL ORGANIZATION SHALL BE A SPECIALIST IN ONCOLOGY. A NOMINEE SHALL NOT BE OPPOSED TO COMPLYING WITH THIS PART.

(3) THE GOVERNOR SHALL STAGGER INITIAL APPOINTMENTS FOR TERMS OF UP TO 4 YEARS SO THAT SUBSEQUENT APPOINTMENTS OF 4 YEARS ASSURE CONTINUITY OF EXPERIENCE ON THE OVERSIGHT COMMITTEE.

(4) THE DIRECTOR OF THE DEPARTMENT SHALL SERVE AS EXECUTIVE SECRETARY TO THE OVERSIGHT COMMITTEE, SHALL PROVIDE ALL NECESSARY ADMINISTRATIVE SUPPORT TO MEMBERS OF THE OVERSIGHT COMMITTEE, AND SHALL OBTAIN PATIENT MEDICAL RECORDS AS DESCRIBED IN THIS SECTION.

(5) NINE MEMBERS CONSTITUTE A QUORUM FOR THE PURPOSE OF CONDUCTING BUSINESS. AS SOON AS 9 MEMBERS ARE APPOINTED, THE OVERSIGHT COMMITTEE IS OPERATIVE.

(6) MEMBERS OF THE OVERSIGHT COMMITTEE SHALL BE COMPENSATED FOR EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES.

(7) THE OVERSIGHT COMMITTEE SHALL MEET AT LEAST TWICE YEARLY AND, DURING THE COURSE OF THE YEAR, SHALL REVIEW THE PATIENTS' MEDICAL RECORDS OF A RANDOM SAMPLE OF NOT LESS THAN 25% OF ALL DEATHS OCCURRING AS A RESULT OF THE OPERATION OF THIS PART DURING THE PRECEDING YEAR AND SHALL DETERMINE COMPLIANCE BY THE ATTENDING PHYSICIAN, CONSULTING PHYSICIAN, AND PSYCHIATRIST WITH THE REQUIREMENTS OF THIS PART AND WITH THE APPLICABLE STANDARDS OF PRACTICE. THE RANDOM SAMPLE SHALL BE BASED UPON THE PRESCRIPTION COPIES OR INFORMATION SENT TO THE DEPARTMENT UNDER SECTION 5679. AT LEAST

2 MEMBERS OF THE OVERSIGHT COMMITTEE SHALL REVIEW EACH CASE AND PRESENT THEIR FINDINGS TO THE ENTIRE OVERSIGHT COMMITTEE FOR THE OVERSIGHT COMMITTEE'S CONSIDERATION AND DECISION.

(8) IF 25% OF OVERSIGHT COMMITTEE MEMBERS VOTING ON A PARTICULAR CASE DETERMINE THAT A PHYSICIAN HAS NOT COMPLIED WITH THE REQUIREMENTS OF THIS PART OR HAS NEGLIGENTLY FAILED TO COMPLY WITH THE APPLICABLE STANDARDS OF PRACTICE IN PROVIDING THE PROCEDURES AUTHORIZED BY THIS PART, OR BOTH, THE OVERSIGHT COMMITTEE SHALL REVIEW ADDITIONAL MEDICAL RECORDS FROM THE PHYSICIAN OF OTHER PATIENTS, IF ANY, WHOSE DEATHS WERE A RESULT OF THE OPERATION OF THIS PART.

(9) ALL PROCEEDINGS, MINUTES, CONCLUSIONS, AND ACTIONS OF THE OVERSIGHT COMMITTEE AND PATIENT MEDICAL RECORDS AND OTHER MATERIALS REVIEWED BY THE OVERSIGHT COMMITTEE ARE CONFIDENTIAL, ARE NOT PUBLIC RECORDS, ARE NOT OPEN TO INSPECTION, AND ARE NOT SUBJECT TO THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275; OR THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. THE OVERSIGHT COMMITTEE SHALL ISSUE AND MAKE AVAILABLE TO THE PUBLIC AN ANNUAL REPORT OF THE EFFECT AND OPERATION OF THIS PART CONTAINING A STATISTICAL SUMMARY, WITHOUT INDIVIDUAL IDENTIFIERS OF PATIENTS OR PHYSICIANS, AND SHALL MAKE AVAILABLE ANY SPECIAL STATISTICAL REPORTS SUBMITTED TO THE GOVERNOR OR LEGISLATURE ON THE OPERATION OF THIS PART, WITHOUT INDIVIDUAL IDENTIFIERS OF PATIENTS OR PHYSICIANS, THAT THE OVERSIGHT COMMITTEE MAY BE REQUIRED TO PREPARE BY THE GOVERNOR OR LEGISLATURE OR THAT ARE CONSIDERED NECESSARY BY THE OVERSIGHT COMMITTEE.

(10) AN ATTENDING PHYSICIAN, CONSULTING PHYSICIAN, PSYCHIATRIST, PHARMACIST, OR HEALTH FACILITY THAT PARTICIPATES IN THE PROCEDURES AUTHORIZED UNDER THIS PART SHALL MAKE AVAILABLE UPON THE REQUEST OF THE DEPARTMENT PATIENT MEDICAL RECORDS AND ANY OTHER CLINICAL MATERIAL REQUIRED BY THE OVERSIGHT COMMITTEE UNDER THIS SECTION IN A TIMELY FASHION, NOT TO EXCEED 30 DAYS. THE FOLLOWING DO NOT APPLY TO A REQUEST FOR MEDICAL RECORDS, MENTAL HEALTH RECORDS, OR OTHER CLINICAL MATERIAL REQUESTED UNDER THIS SECTION OR TO THE DEPARTMENT ACTING WITHIN THE SCOPE OF ITS AUTHORIZATION:

(A) THE PHYSICIAN-PATIENT PRIVILEGE CREATED IN SECTION 2157 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2157.

(B) ANY OTHER HEALTH PROFESSIONAL-PATIENT PRIVILEGE CREATED OR RECOGNIZED BY LAW.

(11) THE DEPARTMENT MAY COMPEL DELIVERY OF THE DOCUMENTS REQUESTED UNDER SUBSECTION (10) BY SUBPOENA, IF THE DOCUMENTS ARE NOT PROVIDED IN A TIMELY FASHION.

(12) ALL PATIENT MEDICAL RECORDS AND OTHER CLINICAL MATERIAL SHALL BE TREATED AS CONFIDENTIAL BY THE OVERSIGHT COMMITTEE, SHALL BE KEPT BY THE DEPARTMENT IN A SECURE AREA, SHALL BE TRANSMITTED TO OVERSIGHT COMMITTEE MEMBERS FOR REVIEW IN A SECURE MANNER, AND SHALL BE RETURNED TO THE HEALTH PROFESSIONAL OR HEALTH FACILITY PROVIDING THE MEDICAL RECORDS AND OTHER CLINICAL MATERIAL AS SOON AS THE OVERSIGHT COMMITTEE HAS NO FURTHER NEED FOR IT.

(13) IF, AS A RESULT OF REVIEWING THE PATIENT MEDICAL RECORDS AND OTHER CLINICAL MATERIAL OF A HEALTH PROFESSIONAL OR HEALTH FACILITY, THE OVERSIGHT COMMITTEE DETERMINES, BY PROCEDURES INCORPORATING APPROPRIATE PROTECTIONS TO BE AGREED UPON BY THE OVERSIGHT COMMITTEE, THAT A HEALTH PROFESSIONAL OR HEALTH FACILITY HAS WILLFULLY FAILED TO COMPLY WITH, OR RECKLESSLY DISREGARDED, THE REQUIREMENTS OF THIS PART, THEN THE OVERSIGHT COMMITTEE SHALL PREPARE A REPORT TO THAT EFFECT AND SUBMIT IT TO THE PROSECUTING ATTORNEY FOR THE COUNTY IN WHICH THE HEALTH PROFESSIONAL PRACTICES OR IN WHICH THE HEALTH FACILITY IS LOCATED.

(14) IF, AFTER REVIEWING PATIENT MEDICAL RECORDS AND OTHER CLINICAL MATERIAL UNDER THIS SECTION, THE OVERSIGHT COMMITTEE DETERMINES BY PROCEDURES INCORPORATING APPROPRIATE PROTECTIONS TO BE AGREED UPON BY THE OVERSIGHT COMMITTEE THAT A PHYSICIAN MAY HAVE NEGLIGENTLY FAILED TO COMPLY WITH THE APPLICABLE STANDARDS OF PRACTICE IN PROVIDING THE PROCEDURES AUTHORIZED BY THIS PART, THE OVERSIGHT COMMITTEE SHALL NOTIFY THE PHYSICIAN IN WRITING OF THAT DETERMINATION AND SHALL PROVIDE THE PHYSICIAN WITH AN OPPORTUNITY FOR A HEARING. THE HEARING SHALL BE CONDUCTED AS A CONTESTED CASE HEARING UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969. IF, AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING UNDER THIS SUBSECTION, THE OVERSIGHT COMMITTEE FINDS BY A MAJORITY VOTE THAT THE PHYSICIAN NEGLIGENTLY FAILED TO COMPLY WITH ONE OR MORE APPLICABLE STANDARDS OF PRACTICE IN PROVIDING THE PROCEDURES AUTHORIZED UNDER THIS PART, THE OVERSIGHT COMMITTEE MAY ISSUE AN ORDER LIMITING OR

TERMINATING THE PHYSICIAN'S ABILITY TO PRESCRIBE MEDICATION AS AUTHORIZED UNDER THIS PART. AN APPEAL FROM A FINAL ACTION OF THE OVERSIGHT COMMITTEE UNDER THIS SUBSECTION SHALL BE FILED WITH THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PHYSICIAN HAS HIS OR HER PRIMARY PLACE OF PRACTICE.

(15) IN THE THIRD YEAR AFTER THE EFFECTIVE DATE OF THIS PART AND EVERY 5 YEARS AFTER THAT THIRD YEAR, THE OVERSIGHT COMMITTEE SHALL UNDERTAKE A SURVEY, IN COLLABORATION WITH QUALIFIED EPIDEMIOLOGISTS AT A STATE UNIVERSITY, OF THE EXTENT OF COMPLIANCE WITH THE REPORTING REQUIREMENTS UNDER THIS PART. THE DELIBERATIONS AND PROCEEDINGS OF THE OVERSIGHT COMMITTEE AND THE EPIDEMIOLOGISTS UNDER THIS SUBSECTION ARE NOT SUBJECT TO THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. INFORMATION COLLECTED IN THE COURSE OF THE INVESTIGATION IS NOT A PUBLIC RECORD, SHALL NOT BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC, AND IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. THE OVERSIGHT COMMITTEE SHALL MAKE AVAILABLE TO THE PUBLIC A REPORT OF THIS INVESTIGATION CONTAINING A STATISTICAL SUMMARY, WITHOUT INDIVIDUAL IDENTIFIERS OF PATIENTS OR PHYSICIANS.

(16) ALL INFORMATION ACQUIRED UNDER SUBSECTION (15) SHALL BE TREATED AS CONFIDENTIAL BY SURVEY PERSONNEL, SHALL BE KEPT BY THE DIRECTOR OF THE SURVEY IN A SECURE AREA, AND SHALL BE DESTROYED ONCE THE REPORT IS COMPLETE.

(17) THE GOVERNOR'S FAILURE TO APPOINT OVERSIGHT COMMITTEE MEMBERS DOES NOT ALTER THE EFFECTIVE DATE OF THIS PART.

Sec. 5686. (1) PURSUANT TO SECTION 2844, THE DEATH OF A PATIENT WHO ENDS HIS OR HER LIFE AFTER COMPLYING WITH THIS PART SHALL BE CLASSIFIED FOR LEGAL PURPOSES AS HAVING BEEN CAUSED BY THE PATIENT'S TERMINAL ILLNESS.

(2) A PATIENT WHO ENDS HIS OR HER LIFE IN COMPLIANCE WITH THIS PART SHALL NOT BE CONSIDERED A SUICIDE OR AN INTENTIONAL DEATH FOR THE PURPOSE OF VOIDING A POLICY OF INSURANCE ON THE LIFE OF THE PATIENT.

(3) A PROVISION IN A CONTRACT, WILL, OR OTHER AGREEMENT, WHETHER WRITTEN OR ORAL, IS INVALID TO THE EXTENT THE PROVISION WOULD AFFECT WHETHER AN INDIVIDUAL MAY MAKE OR RESCIND A REQUEST UNDER THIS PART, OR USE MEDICATION PRESCRIBED UNDER THIS PART, TO END HIS OR HER LIFE.

(4) THE MAKING OR RESCINDING OF A REQUEST UNDER THIS PART OR THE USE OF MEDICATION PRESCRIBED UNDER THIS PART SHALL NEITHER AFFECT NOR BE A CONDITION UPON AN OBLIGATION OWING UNDER A PRESENTLY EXISTING CONTRACT, OR THE SALE, PROCUREMENT, COVERAGE, BENEFITS, OR ISSUANCE; OF A LIFE, HEALTH, ACCIDENT, OR ANNUITY POLICY, OR THE RATE CHARGED FOR SUCH A POLICY.

SEC. 5687. (1) BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF THIS PART, A PHYSICIAN WHO PROVIDES PATIENTS WITH THE PROCEDURES AUTHORIZED BY THIS PART WHO APPLIES FOR RENEWAL OF HIS OR HER LICENSE SHALL PRESENT SATISFACTORY EVIDENCE, AS PART OF THE 150 HOURS OF CONTINUING MEDICAL EDUCATION REQUIRED UNDER SECTIONS 17033 AND 17533, REGARDLESS OF ANY PREVIOUS TRAINING, THAT HE OR SHE HAS HAD NOT LESS THAN 20 HOURS OF CONTINUING MEDICAL EDUCATION IN THE THEORY AND PRACTICE OF COMFORT CARE, HOSPICE CARE, PAIN CONTROL, SEDATION COMA, REMOVAL OF NUTRITION AND HYDRATION, PSYCHIATRIC COUNSELING, AND THE PRESCRIPTION OF MEDICATIONS AUTHORIZED BY THIS PART.

(2) AT A LICENSE RENEWAL SUBSEQUENT TO THE LICENSE RENEWAL DESCRIBED IN SUBSECTION (1), A PHYSICIAN SHALL PRESENT TO THE BOARD SATISFACTORY EVIDENCE, AS PART OF THE 150 HOURS OF CONTINUING MEDICAL EDUCATION REQUIRED UNDER SECTIONS 17033 AND 17533, OF 4 HOURS OF THE CONTINUING MEDICAL EDUCATION DESCRIBED IN SUBSECTION (1).

SEC. 5688. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, A HEALTH CARE PROVIDER OR OTHER PERSON IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR ADMINISTRATIVE DISCIPLINARY ACTION FOR PARTICIPATING IN THE PROCEDURES AUTHORIZED BY THIS PART IN GOOD FAITH AND IN COMPLIANCE WITH THIS PART OR FOR NOT PARTICIPATING IN THOSE PROCEDURES. IN ADDITION, A HEALTH CARE PROVIDER WHO CLAIMS THE IMMUNITY PROVIDED BY THIS SUBSECTION MUST HAVE CONFORMED HIS OR HER OR THE HEALTH FACILITY'S CONDUCT UNDER THIS PART TO THE APPLICABLE STANDARD OF PRACTICE FOR THE CONDUCT, PROCEDURES, OR DETERMINATIONS UNDERTAKEN UNDER THIS PART.

(2) THIS PART DOES NOT PROVIDE FOR OR OTHERWISE ALLOW A LOWER STANDARD OF PRACTICE OR CARE FOR PATIENTS WITH TERMINAL ILLNESS.

(3) A PROFESSIONAL ORGANIZATION OR ASSOCIATION OR A HEALTH FACILITY OR OTHER HEALTH CARE PROVIDER SHALL NOT SUBJECT A PERSON TO CENSURE, DISCIPLINE, SUSPENSION, LOSS OF LICENSE, LOSS OF PRIVILEGES, LOSS OF MEMBERSHIP, OR OTHER PENALTY FOR PARTICIPATING OR REFUSING TO PARTICIPATE IN THE PROCEDURES AUTHORIZED BY THIS PART.

(4) PROVISION BY AN ATTEMPTING PHYSICIAN OF MEDICATION IN COMPLIANCE WITH THIS PART DOES NOT CONSTITUTE NEGLIGENCE OR MALPRACTICE FOR ANY PURPOSE OF LAW.

(5) A REQUEST BY A PATIENT IN COMPLIANCE WITH THIS PART DOES NOT PROVIDE THE SOLE BASIS FOR THE APPOINTMENT OF A GUARDIAN OR CONSERVATOR.

(6) A HEALTH FACILITY MAY PROHIBIT THE PROCEDURES AUTHORIZED BY THIS PART AND IMPOSE 1 OR MORE OF THE SANCTIONS DESCRIBED IN SUBSECTION (3), IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

(A) THE HEALTH FACILITY HAS GIVEN REASONABLE NOTICE OF THE PROHIBITION TO ITS STAFF AND TO THE PUBLIC.

(B) IF REQUESTED BY A PATIENT, THE HEALTH FACILITY PROVIDES A TRANSFER OF THE PATIENT WITHIN 48 HOURS TO ANOTHER HEALTH FACILITY OF THE PATIENT'S CHOICE THAT WILL ALLOW THE PROCEDURES AUTHORIZED BY THIS PART, ALONG WITH A COPY OF THE PATIENT'S RELEVANT MEDICAL RECORDS AT THE TIME OF TRANSFER.

(C) THE PARTICIPATION OF HEALTH FACILITY STAFF IN THE PROCEDURES AUTHORIZED BY THIS PART OUTSIDE THE HEALTH FACILITY IS NOT CONSIDERED A VIOLATION OF THE PROHIBITION.

SEC. 5689. (1) A NON-PHYSICIAN OR UNLICENSED PHYSICIAN WHO ADMINISTERS, CAUSES TO BE ADMINISTERED, DELIVERS, OR CAUSES TO BE DELIVERED MEDICATIONS, CHEMICALS, OR ANY OTHER INSTRUMENTALITY, OR THE APPARATUS FOR THEIR DELIVERY OR USE, TO AN INDIVIDUAL FOR USE IN A MANNER SUBSTANTIALLY LIKELY TO CAUSE OR HASTEN THAT INDIVIDUAL'S DEATH, IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR A TERM OF YEARS UP TO LIFE, REGARDLESS OF WHETHER OR NOT THE PURPOSE IS TO RELIEVE PAIN OR SUFFERING.

(2) ONCE MEDICATION HAS BEEN PRESCRIBED UNDER SECTION 5679, SUBSECTION (1) DOES NOT APPLY TO A NON-PHYSICIAN HEALTH CARE PROVIDER, TO AN EMPLOYEE OF A HEALTH FACILITY, OR TO A PATIENT'S FAMILY MEMBER OR FRIEND WHO, AT THE PATIENT'S REQUEST, FILLS OR DELIVERS TO THE PATIENT THE PRESCRIPTION OR WHO, AT THE PATIENT'S REQUEST, SUPPORTS, CRADLES, OR MAKES THE PATIENT COMFORTABLE WHILE THE PATIENT SELF-ADMINISTERS THE PRESCRIBED MEDICATION.

(3) A PERSON WHO, WITHOUT AUTHORIZATION OF THE PATIENT, WILLFULLY ALTERS OR FORGES A REQUEST FOR MEDICATION UNDER THIS PART OR CONCEALS OR DESTROYS A RESCISSION OF THAT REQUEST WITH THE INTENT OR EFFECT OF CAUSING THE PATIENT'S DEATH IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR A TERM OF YEARS UP TO LIFE.

(4) A PERSON WHO COERCES OR EXERTS UNDUE INFLUENCE ON A PATIENT TO MAKE A REQUEST UNDER THIS PART, OR TO DESTROY A RESCISSION OF A REQUEST, IS GUILTY OF A FELONY PUNISHABLE FOR A TERM OF YEARS UP TO LIFE.

(5) A PHYSICIAN WHO WILLFULLY, OR WITH RECKLESS DISREGARD, FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS PART AND WHO, AT THE REQUEST OF A PERSON UNDER THE PHYSICIAN'S CARE, PROVIDES TO THAT PERSON MEDICATION OR OTHER INSTRUMENTALITY FOR SELF-ADMINISTRATION THAT IS INTENDED TO CAUSE OR HASTEN DEATH IS GUILTY OF A FELONY PUNISHABLE BY A FINE OF NOT MORE THAN \$50,000.00 OR IMPRISONMENT FOR UP TO 5 YEARS, OR BOTH.

(6) A PHYSICIAN WHO WILLFULLY FAILS TO COMPLY WITH SECTION 5678 OR 5681 (2) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000.00 OR IMPRISONMENT FOR UP TO 90 DAYS, OR BOTH.

(7) A PERSON WHO FILES A FALSE AFFIDAVIT OF RELATION TO A RESIDENT, AS DESCRIBED IN SECTION 5673(Q), IS GUILTY IF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000.00 OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.

(8) A PHARMACIST WHO FAILS TO FORWARD PRESCRIPTION INFORMATION OR A COPY OF THE PRESCRIPTION PROVIDED TO A PATIENT AS REQUIRED BY SECTION 5679(3) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00.

(9) THE PENALTIES IMPOSED BY THIS SECTION DO NOT PRECLUDE CRIMINAL PENALTIES APPLICABLE UNDER OTHER STATUTES, INCLUDING CRIMINAL ATTEMPTS PURSUANT TO SECTION 29 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.29.

(10) THIS SECTION DOES NOT LIMIT LIABILITY FOR CIVIL DAMAGES RESULTING FROM OTHER NEGLIGENT OR WILLFUL CONDUCT.

SEC. 5690. (1) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS PART.

(2) IN THE CONDUCT OF THE REVIEW AND INVESTIGATIVE FUNCTIONS OF THE OVERSIGHT COMMITTEE ESTABLISHED UNDER SECTION 5685, THE DEPARTMENT MAY REQUIRE BY SUBPOENA THE ATTENDANCE AND TESTIMONY UNDER OATH OF WITNESSES AND THE PRODUCTION OF EVIDENCE, INCLUDING MEDICAL RECORDS AND OTHER CLINICAL MATERIAL. WITNESSES SHALL BE PAID THE SAME FEES AND MILEAGE THAT ARE PAID WITNESSES IN THE CIRCUIT COURTS. IN CASE OF A FAILURE OR A REFUSAL OF A PERSON TO OBEY A SUBPOENA ISSUED BY THE DEPARTMENT, THE CIRCUIT COURT FOR THE COUNTY OF INGHAM, UPON APPLICATION BY THE DIRECTOR OF THE DEPARTMENT, MAY ISSUE AN ORDER REQUIRING THE PERSON TO APPEAR AND PRODUCE EVIDENCE OR GIVE TESTIMONY AS MAY BE REQUIRED FOR THE OVERSIGHT COMMITTEE FUNCTION. FAILURE TO OBEY THE ORDER OF THE CIRCUIT COURT MAY BE PUNISHED AS CONTEMPT.

(3) A PERSON WHO WILLFULLY FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS SECTION IS SUBJECT TO A FINE OF NOT MORE THAN \$2,000.00 FOR EACH VIOLATION OR DAY THAT A VIOLATION CONTINUES.

SEC. 5691. IF ANY PORTION OF THE AMENDATORY ACT THAT ADDED THIS PART OR THE APPLICATION OF THIS PART TO ANY PERSON OR CIRCUMSTANCE IS FOUND TO BE INVALID BY A COURT, THE INVALIDITY DOES NOT AFFECT THE REMAINING PORTIONS OR APPLICATIONS OF THIS PART THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PORTION OR APPLICATION, IF REMAINING PORTIONS OF THE AMENDATORY ACT THAT ADDED THIS PART ARE NOT DETERMINED BY THE COURT TO BE INOPERABLE, AND TO THIS END THE AMENDATORY ACT THAT ADDED THIS PART IS DECLARED TO BE SEVERABLE.

SEC. 7401. (1) Except as authorized by this article, a person shall not manufacture, create, deliver, or possess with intent to manufacture, create, or deliver a controlled substance, a prescription form, an official prescription form, or a counterfeit prescription form. A practitioner licensed by the administrator under this article shall not dispense, prescribe, or administer a controlled substance for other than legitimate and professionally recognized therapeutic or scientific purposes or outside the scope of practice of the practitioner, licensee, or applicant. THE DISPENSING, PRESCRIPTION, OR ADMINISTRATION OF A CONTROLLED SUBSTANCE FOR USE IN THE PROCEDURES AUTHORIZED UNDER PART 56B IS NOT A VIOLATION OF THIS SUBSECTION.

(2) A person who violates this section as to:

(a) A controlled substance classified in schedule 1 or 2 that is a narcotic drug or a drug described in section 7214(a)(iv) and:

(i) Which is in an amount of 650 grams or more of any mixture containing that substance is guilty of a felony and shall be imprisoned for life except as otherwise provided in this subparagraph. A person convicted of violating this subparagraph may be punished as provided by law by imposing a sentence of imprisonment for any term of years but not less than 25 years if any of the following apply:

(A) The person is within the jurisdiction of the circuit court ~~or recorder's court of the City of Detroit~~ under section 606 of the revised judicature act of 1961, ~~Act No. 236 of the public Acts of 1961, being section 600.606 of the Michigan compiled laws 1961 PA 236, MCL 600.606, OR section 4 of chapter XIIA of Act no. 288 of the public Acts of 1939, being section 712A.4 of the Michigan Compiled Laws, or section 10A(1) (e) of Act no. 369 of the Public Acts of 1919, being section 725.10A of the Michigan Compiled Laws 1939 PA 288, MCL 712A.4.~~

(B) The person is being sentenced under section 18(1) (n) of chapter XIIA of ~~Act No. 288 of the Public Acts of 1939, being section 712A.18 of the Michigan Compiled Laws 1939 PA 288, MCL 712A.18.~~

(ii) Which is in an amount of 225 grams or more, but less than 650 grams, of any mixture containing that substance is guilty of a felony and shall be imprisoned for not less than 20 years nor more than 30 years.

(iii) Which is in an amount of 50 grams or more, but less than 225 grams, of any mixture containing that substance is guilty of a felony and shall be imprisoned for not less than 10 years nor more than 20 years.

(iv) Which is in an amount less than 50 grams, of any mixture containing that substance is guilty of a felony and shall be imprisoned for not less than 1 year nor more than 20 years, and may be fined not more than \$25,000.00, or place on probation for life.

(b) Any other controlled substance classified in schedule 1, 2, or 3, except marihuana, is guilty of a felony punishable by imprisonment for not more than 7 years or a fine of not more than \$10,000.00, or both.

(c) A substance classified in schedule 4, is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(d) Marihuana or a mixture containing marihuana, is guilty of a felony punishable as follows:

(i) If the amount is 45 kilograms or more, or 200 plants or more, by imprisonment for not more than 15 years or a fine of not more than \$10,000,000.00, or both.

(ii) If the amount is 5 kilograms or more but less than 45 kilograms, or 20 plants or more but fewer than 200 plants, by imprisonment for not more than 7 years or a fine of not more than \$500,000.00, or both.

(iii) If the amount is less than 5 kilograms or fewer than 20 plants, by imprisonment for not more than 4 years or a fine of not more than \$20,000.00, or both.

(e) A substance classified in schedule 5, is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(f) An official prescription form or a counterfeit official prescription form, is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$25,000.00, or both.

(g) A prescription form or a counterfeit prescription form other than an official prescription form or a counterfeit official prescription form, is guilty of a felony punishable by imprisonment for not more than 7 years or a fine of not more than \$5,000.00, or both.

(3) A term of imprisonment imposed pursuant to subsection (2)(a) or section 7403(2)(a)(i), (ii), (iii), or (iv) shall be imposed to run consecutively with any term of imprisonment imposed for the commission of another felony. An individual subject to a mandatory term of imprisonment under subsection (2)(a) or section 7403(2)(a)(i), (ii), (iii), or (iv) shall not be eligible for probation, suspension of that sentence, or parole during that mandatory term, except and only to the extent that those provisions permit probation for life, and shall not receive a reduction in that mandatory term of imprisonment by disciplinary credits or any other type of sentence credit reduction.

(4) The court may depart from the minimum term of imprisonment authorized under subsection (2)(a)(ii), (iii), or (iv) if the court finds on the record that there are substantial and compelling reasons to do so. In addition, if any of the following apply, the court may depart from the minimum term of imprisonment authorized under subsection (2)(a)(ii), (iii), or (iv) if the individual has not previously been convicted of a felony or an assaultive crime and has not been convicted of another felony or assaultive crime arising from the same transaction as the violation of this section:

(a) The person is within the jurisdiction of the circuit court ~~or recorder's court of the city of Detroit~~ under section 606 of the revised judicature act of 1961, ~~Act No. 236 of the Public Acts of 1961, being section 600.606 of the Michigan Compiled Laws 1961 PA 236, MCL 600.606, OR section 4 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.4 of the Michigan Compiled Laws, or section 10a(1)(c) of Act No. 369 of the Public Acts of 1919, being section 725.10a of the Michigan Compiled Laws 1939 PA 288, MCL 712A.4.~~

(b) The person is being sentenced under section 18(1)(n) of chapter XIIA of ~~Act No. 288 of the Public Acts of 1939, being section 712A.18 of the Michigan Compiled Laws 1939 PA 288 MCL 712A.18.~~

(5) As used in this section:

(a) "Assaultive crime" means a violation of chapter XI of the Michigan penal code, ~~Act No. 328 of the public Acts of 1931, being sections 750.81 to 750.90 of the Michigan Compiled Laws 1931 PA 328, MCL 750.81 TO 750.90.~~

(b) "Plant" means a marihuana plant that has produced cotyledons or a cutting of a marihuana plant that has produced cotyledons.

Sec. 16221. The department may investigate activities related to the practice of a health profession by a licensee, a registrant, or an applicant for licensure or registration. The department may hold hearings, administer oaths, and order relevant testimony to be taken and shall report its findings to the appropriate disciplinary subcommittee. The disciplinary subcommittee shall proceed under section 16226 if it finds that 1 or more of the following grounds exist:

(a) A violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, or any conduct, practice, or condition which impairs, or may impair, the ability to safely and skillfully practice the health profession.

(b) Personal disqualifications, consisting of 1 or more of the following:

(i) Incompetence.

(ii) Subject to sections 16165 to 16170a, substance abuse as defined in section 6107.

(iii) mental or physical inability reasonably related to an adversely affecting the licensee's ability to practice in a safe and competent manner.

(iv) Declaration of mental incompetence by a court of competent jurisdiction.

(v) Conviction of a misdemeanor punishable by imprisonment for a maximum term of 2 years; a misdemeanor involving the illegal delivery, possession, or use of a controlled substance; or a felony. A certified copy of the court record is conclusive evidence of the conviction.

(vi) Lack of good moral character.

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

(viii) Conviction of a violation of section 492a of the Michigan penal code, ~~Act no. 328 of the public Acts of 1931, being section 750.492a of the Michigan Compiled Laws 1931 PA 328, MCL 750.492A.~~ A certified copy of the court record is conclusive evidence of the conviction.

(ix) Conviction of a misdemeanor or felony involving fraud in obtaining or attempting to obtain fees related to the practice 25 of a health profession. A certified copy of the court record is 26 conclusive evidence of the conviction.

(x) Final adverse administrative action by a licensure, registration, disciplinary, or certification board involving the holder of, or an applicant for, a license or registration regulated by another state or territory of the United States. A certified copy of the record of the board is conclusive evidence of the final action.

(xi) Conviction of a misdemeanor that is reasonably related to or that adversely affects the licensee's ability to practice in a safe and competent manner. A certified copy of the court record is conclusive evidence of the conviction.

(c) Prohibited acts, consisting of 1 or more of the following:

(i) Fraud or deceit in obtaining or renewing a license or registration.

(ii) Permitting the license or registration to be used by an unauthorized person.

(iii) Practice outside the scope of a license.

(iv) Obtaining, possessing, or attempting to obtain or possess a controlled substance as defined in section 7104 or a drug as defined in section 7105 without lawful authority; or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes. THE PROVISION OF DRUGS TO COMPLY WITH A REQUEST MADE IN COMPLIANCE WITH PART 56B IS NOT A PROHIBITED ACT.

(d) Unethical business practices, consisting of 1 or more of the following:

(i) False or misleading advertising.

(ii) Dividing fees for referral of patients or accepting kickbacks on medical or surgical services, appliances, or medications purchased by or in behalf of patients.

(iii) Fraud or deceit in obtaining or attempting to obtain third party reimbursement.

(e) Unprofessional conduct, consisting of 1 or more of the following:

(i) Misrepresentation to a consumer or patient or in obtaining or attempting to obtain third party reimbursement in the course of professional practice.

(ii) Betrayal of a professional confidence.

(iii) Promotion for personal gain of an unnecessary drug, device, treatment, procedure, or service.

(iv) Directing or requiring an individual to purchase or secure a drug, device, treatment, procedure, or service from another person, place, facility, or business in which the licensee has a financial interest.

(f) Failure to report a change of name or mailing address within 30 days after the change occurs.

(g) A violation, or aiding or abetting in a violation, of this article or of a rule promulgated under this article.

(h) Failure to comply with a subpoena issued pursuant to this part, failure to respond to a complaint issued under this article or article 7, failure to appear at a compliance conference or an administrative hearing, or failure to report under section 16222 or 16223.

(i) Failure to pay an installment of an assessment levied pursuant to section 2504 of the insurance code of 1956, ~~Act No. 218 of the Public Acts of 1956, being section 500.2504 of the Michigan Compiled Laws 1956 PA 218, MCL 500.2504,~~ within 60 days after notice by the appropriate board.

(j) A violation of section 17013 or 17513.

(k) Failure to meet 1 or more of the requirements for licensure or registration under section 16174.

(l) A violation of section 17015 or 17515.

(m) A violation of section 17016 or 17516.

(n) A violation of section 5654 or 5655.

(o) A VIOLATION OF SECTION 5676 OR 5679.

Sec. 16226. (1) After finding the existence of 1 or more of the grounds for disciplinary subcommittee action listed in section 16221, a disciplinary subcommittee shall impose 1 or more of the following sanctions for each violation:

Violations of Section 16221

Subdivision (a), (b)(ii), (b)(iv), (b)(vi), or (b)(vii)

Subdivision (b)(viii)

Subdivision (b)(i), (b)(iii), (b)(v), (b)(ix), (b)(x), or (b)(xi)

Subdivision (c)(i)

Subdivision (c)(ii)

Subdivision (c)(iii)

Subdivision (c)(iv) or (d)(iii)

Subdivision (d)(i) or (d)(ii)

Sanctions

Probation, limitation, denial, suspension, revocation, restitution, community service, fine.

Revocation or denial.

Limitation, suspension, revocation, denial, probation, restitution, community service, fine.

Denial, revocation, suspension, probation, limitation, community service, or fine.

Denial, suspension, revocation, restitution, community service, or fine.

Probation, denial, suspension, revocation, restitution, community service, or fine.

Fine, probation, denial, suspension, revocation, community service, or restitution.

Reprimand, fine, probation, community service, denial, or restitution.

Subdivision (e)(i)	Reprimand, fine, probation, limitation, suspension, community service, denial, or restitution.
Subdivision (e)(ii) or (h)	Reprimand, probation, suspension, restitution, community service, denial, or fine.
Subdivision (e)(iii) or (e)(iv)	Reprimand, fine, probation, suspension, revocation, limitation, community service, denial, or restitution.
Subdivision (f)	Reprimand or fine.
Subdivision (g)	Reprimand, probation, denial, suspension, revocation, limitation, restitution, community service, or fine.
Subdivision (i)	Suspension or fine.
Subdivision (j) or (n)	Reprimand or fine.
Subdivision (k)	Reprimand, denial, or limitation.
Subdivision (l) OR (O)	Denial, revocation, restitution, probation, suspension, limitation, reprimand, or fine.
Subdivision (m)	Revocation or denial.

(2) Determination of sanctions for violations under this section shall be made by a disciplinary subcommittee. If, during judicial review, the court of appeals determines that a final decision or order of a disciplinary subcommittee prejudices substantial rights of the petitioner for 1 or more of the grounds listed in section 106 of the administrative procedures act of 1969, ~~being section 24.306 of Michigan Compiled Laws 1969 PA 306, MCL 24.306,~~ and holds that the final decision or order is unlawful and is to be set aside, the court shall state on the record the reasons for the holding and may remand the case to the disciplinary subcommittee for further consideration.

(3) A disciplinary subcommittee may impose a fine of up to, but not exceeding, \$250,000.00 for a violation of section 16221(a) or (b).

(4) A disciplinary subcommittee may require a licensee or registrant or an applicant for licensure or registration who has violated this article or article 7 or a rule promulgated under this article or article 7 to satisfactorily complete an educational program, a training program, or a treatment program, a mental, physical, or professional competence examination, or a combination of those programs and examinations.

Sec. 17033. (1) Notwithstanding the requirements of part 161 AND SUBJECT TO SUBSECTIONS (2) AND (3), the board may require a licensee seeking renewal of a license to furnish the board with satisfactory evidence that during the 3 years immediately preceding application for renewal the licensee has attended continuing education courses or programs approved by the board totaling not less than 150 hours in subjects related to the practice of medicine including, but not limited to, medical ethics and designed to further educate licensees.

(2) As required under section 16204, the board shall promulgate rules requiring each applicant for license renewal to complete as part of the continuing education requirement of subsection (1) an appropriate number of hours or courses in pain and symptom management.

(3) PURSUANT TO SECTION 5687 AND AS PART OF THE CONTINUING EDUCATION REQUIREMENT OF SUBSECTION (1), BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF PART 56B, A PHYSICIAN WHO PROVIDES PATIENTS WITH THE PROCEDURES AUTHORIZED BY PART 56B AND WHO APPLIES FOR RENEWAL OF HIS OR HER LICENSE SHALL PRESENT SATISFACTORY EVIDENCE, REGARDLESS OF ANY PREVIOUS TRAINING, THAT HE OR SHE HAS HAD NOT LESS THAN 20 HOURS OF CONTINUING MEDICAL EDUCATION IN THE THEORY AND PRACTICE OF COMFORT CARE, HOSPICE CARE, PAIN CONTROL, SEDATION COMA, REMOVAL OF NUTRITION AND HYDRATION, PSYCHIATRIC COUNSELING, AND THE PRESCRIPTION OF MEDICATIONS AUTHORIZED BY PART 56B. AT SUBSEQUENT RENEWALS, 4 HOURS OF SUCH TRAINING MUST BE DOCUMENTED.

Sec. 17533. (1) Notwithstanding the requirements of part 161 AND SUBJECT TO SUBSECTIONS (2) AND (3), the board may require a licensee seeking renewal of a license to furnish the board with satisfactory evidence that during the 3 years immediately preceding an application for renewal the licensee has attended continuing education courses or programs approved by the board and totaling not less than 150 hours in subjects related to the practice of osteopathic medicine and surgery and designed to further educate licensees.

(2) As required under section 16204, the board shall promulgate rules requiring each applicant for license renewal to complete as part of the continuing education requirement of subsection (1) an appropriate number of hours or courses in pain and symptom management.

(3) PURSUANT TO SECTION 5687 AND AS PART OF THE CONTINUING EDUCATION REQUIREMENT OF SUBSECTION (1), BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF PART 56B, A PHYSICIAN WHO PROVIDES PATIENTS WITH THE PROCEDURES AUTHORIZED BY PART 56B AND WHO APPLIES FOR RENEWAL OF HIS OR HER LICENSE SHALL PRESENT SATISFACTORY EVIDENCE, REGARDLESS OF ANY PREVIOUS TRAINING, THAT HE OR SHE HAS HAD NOT LESS THAN 20 HOURS OF CONTINUING

MEDICAL EDUCATION IN THE THEORY AND PRACTICE OF COMFORT CARE, HOSPICE CARE, PAIN CONTROL, SEDATION COMA, REMOVAL OF NUTRITION AND HYDRATION, PSYCHIATRIC COUNSELING, AND THE PRESCRIPTION OF MEDICATIONS AUTHORIZED BY PART 56B. AT SUBSEQUENT RENEWALS, 4 HOURS OF SUCH TRAINING MUST BE DOCUMENTED.

Sec. 17766. Except as provided in section 17766a, a person who does ~~any~~ 1 OR MORE of the following is guilty of a misdemeanor:

- (a) Obtains or attempts to obtain a prescription drug by giving a false name to a pharmacist or other authorized seller, prescriber, or dispenser.
- (b) Obtains or attempts to obtain a prescription drug by falsely representing that he or she is a lawful prescriber, dispenser, or licensee, or acting on behalf of a lawful prescriber, dispenser, or licensee.
- (c) Falsely makes, utters, publishes, passes, alters, or forges a prescription.
- (d) Knowingly possesses a false, forged, or altered prescription.
- (e) Knowingly attempts to obtain, obtains, or possesses a drug by means of a prescription for other than a legitimate therapeutic purpose, or as a result of a false, forged, or altered prescription. THE PRESCRIPTION, OBTAINING, ATTEMPTING TO OBTAIN, AND POSSESSION OF A DRUG FOR USE IN THE PROCEDURES AUTHORIZED UNDER PART 56B IS NOT A VIOLATION OF THIS SUBDIVISION.
- (f) Possesses or controls for the purpose of resale, or sells, offers to sell, dispenses, or gives away, a drug, pharmaceutical preparation, or chemical that has been dispensed on prescription and has left the control of a pharmacist, or that has been damaged by heat, smoke, fire, water, or other cause and is unfit for human or animal use.
- (g) Prepares or permits the preparation of a prescription drug, except as delegated by a pharmacist.
- (h) Sells a drug in bulk or in an open package at auction, unless the sale has been approved in accordance with rules of the board.

Sec. 20165. (1) Except as otherwise provided in this section, after notice of intent to an applicant or licensee to deny, limit, suspend, or revoke a license or certification and an opportunity for a hearing, the department may deny, limit, suspend, or revoke the license or certification if any 1 OR MORE of the following exist:

- (a) Fraud or deceit in obtaining or attempting to obtain a license or certification or in operation of the licensed health facility or agency.
- (b) A violation of this article or the rules promulgated under this article.
- (c) False or misleading advertising.
- (d) Negligence or failure to exercise due care, including negligent supervision of employees and subordinates.
- (e) Permitting a license or certificate to be used by an unauthorized health facility or agency.
- (f) Evidence of abuse regarding patient health, welfare, or safety or a denial of rights.
- (g) Failure to comply with section 10102a(7).
- (h) Failure to comply with part 222 or a term, condition, or stipulation of a certificate of need issued under part 222, or both.
- (i) FAILURE TO COMPLY WITH SECTION 5688 OR ANOTHER APPLICABLE PROVISION OF PART 56B.

(2) An application for a license or certification may be denied on a finding of any condition or practice which would constitute a violation of this article if the applicant were a licensee.

(3) Denial, suspension, or revocation of an individual emergency medical services personnel license under part 209 is governed by section 20958.

Enacting section 1.

1992 PA 270, MCL 752.1021 TO 752.1027, is repealed.

“Medical examiner act” Sec. 2.

(1) ~~County~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), A COUNTY medical ~~examiners~~ EXAMINER or deputy county medical ~~examiners~~ EXAMINER shall ~~make investigations as to~~ INVESTIGATE the cause and manner of death in ~~all~~ EACH OF THE FOLLOWING cases: ~~of persons who have come to their death~~

- (A) THE CASE OF A PERSON WHO HAS DIED by violence. ~~for~~
- (B) THE CASE OF A PERSON whose death was unexpected. ~~for~~
- (C) THE CASE OF A PERSON WHO HAS DIED without medical attendance during the 48 hours ~~prior to~~ IMMEDIATELY PRECEDING the hour of death, unless the attending physician, if any, is able to determine accurately the cause of death. ~~for~~

(D) THE CASE OF A PERSON WHO HAS DIED as a result of an abortion, whether self-induced or otherwise.

(2) A COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER SHALL NOT INVESTIGATE THE DEATH OF A PERSON WHO HAS DIED AS A RESULT OF THE PROCEDURES AUTHORIZED UNDER PART 56B OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.5671 TO 333.5691, UNLESS THE COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER IS REQUIRED TO INVESTIGATE THE DEATH UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (1)(A).

(3) If ~~any~~ A prisoner in ~~any~~ A county or city jail dies while ~~so~~ imprisoned, the county medical examiner, upon being notified of the death of the prisoner, shall ~~make an examination upon~~ EXAMINE the body of the deceased prisoner.

Sec. 3. ~~Any physician and any~~ A PHYSICIAN, A person in charge of ~~any~~ A hospital or institution, or ~~any~~ A person who ~~shall have~~ HAS first knowledge of the death of ~~any~~ A person who ~~shall have~~ died suddenly, unexpectedly, accidentally, violently, ~~or~~ as the result of ~~any~~ suspicious circumstances, or without medical attendance during the 48 hours ~~prior to~~ IMMEDIATELY PRECEDING the hour of death, unless the attending physician, if any, is able to determine accurately the cause of death, or in any case of death due to what is commonly known as an abortion, whether self-induced or otherwise, shall notify the county medical examiner or his OR HER deputy immediately of the death. A PHYSICIAN OR OTHER INDIVIDUAL DESCRIBED IN THIS SUBSECTION IS NOT REQUIRED TO NOTIFY THE COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER OF THE DEATH OF A PERSON WHO HAS DIED AS A RESULT OF THE PROCEDURES AUTHORIZED UNDER PART 56B OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.5671 TO 333.5691, UNLESS THE DEATH ALSO OCCURRED AS A RESULT OF VIOLENCE.

“Open meetings act” Sec. 3.

(1) All meetings of a public body shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided in this act. The right of a person to attend a meeting of a public body includes the right to tape record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right ~~shall~~ IS not ~~be~~ dependent upon the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

(2) All decisions of a public body shall be made at a meeting open to the public.

(3) All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public except as provided in this section and sections 7 and 8.

(4) A person shall not be required as a condition of attendance at a meeting of a public body to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance.

(5) A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body. The legislature or a house of the legislature may provide by rule that the right to address may be limited to prescribed times at hearings and committee meetings only.

(6) A person shall not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.

(7) This act does not apply to the following public bodies only when deliberating the merits of a case:

(a) The worker's compensation appeal board created under the worker's disability compensation act of 1969, ~~Act No. 317 of the Public Acts of 1969, as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws 1969 PA 317, MCL 418.101 TO 418.941.~~

(b) The employment security board of review created under the Michigan employment security act, ~~Act No. 1 of the Public Acts of the Extra Session of 1936, being sections 421.1 to 421.73 of the Michigan Compiled Laws 1936 (EX SESS) PA 1, MCL 421.1 TO 421.75.~~

(c) The state tenure commission created ~~under Act No. 4 of the Public Acts of the Extra Session of 1937, as amended, being 5 cautions 38.71 to 38.191 of the Michigan Compiled Laws 1937 (EX SESS) PA 4, MCL 38.71 TO 38.191, when acting as a board of review from the decision of a controlling board.~~

(d) An arbitrator or arbitration panel appointed by the employment relations commission under the authority given the 10 commission by ~~Act No. 176 of the Public Acts of 1939, as amended, being sections 423.1 to 423.30 of the Michigan Compiled Laws 1939 PA 176, MCL 423.1 TO 423.30.~~

(e) An arbitration panel selected under chapter 50A of the revised judicature act of 1961, ~~Act No. 236 of the Public Acts of 1961, being sections 600.5040 to 600.5065 of the Michigan Compiled Laws 1961 PA 236, MCL 600.5040 TO 600.5065.~~

(f) The Michigan public service commission created under ~~Act No. 3 of the Public Acts of 1939, being Portions 460.1 to 460.8 of the Michigan Compiled Laws 1939 PA 236, MCL 460.1 TO 460.8.~~

(8) This act does not apply to an association of insurers created under the insurance code of 1956, ~~Act No. 218 of the Public Acts of 1956, being sections 500.100 to 500.8302 of the Michigan Compiled Laws 1956 PA 218, MCL 500.100 TO 500.8302, or other association or facility formed under Act No. 218 of the Public Acts of 1956 THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.100 TO 500.8302, as a nonprofit organization of insurer members.~~

(9) This act does not apply to a committee of a public body which adopts a nonpolicymaking resolution of tribute or memorial which resolution is not adopted at a meeting.

(10) This act does not apply to a meeting which is a social or chance gathering or conference not designed to avoid this act.

(11) This act shall not apply to the Michigan veterans' trust fund board of trustees or a county or district committee created under ~~Act No. 9 of the Public Acts of the first extra session of 1946, being sections 35.601 to 35.610 of the Michigan Compiled Laws 1946 (1ST EX SESS) PA 9, MCL 35.601 TO 35.610, when the board of trustees or county or district committee is deliberating the merits of an emergent need. A decision of the board of trustees or county or district committee made under this subsection shall be reconsidered by the board or committee at its next regular or special meeting consistent with the requirements of this act. "Emergent need" means a situation which the board of trustees, by rules promulgated under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969,~~

as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws 1969 PA 306, MCL 24.201 TO 24.328, determines requires immediate action.

(12) THIS ACT DOES NOT APPLY TO A PROCEEDING OR TO THE DELIBERATIONS OF THE OVERSIGHT COMMITTEE CREATED UNDER SECTION 5685 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.5685.

The communication was referred to the Secretary for record.

Messages from the Governor

The following messages from the Governor were received:

Date: July 2, 1998

Time: 12:05 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 458 (Public Act No. 226), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 310 (MCL 257.310), as amended by 1996 PA 205.

(Filed with the Secretary of State on July 3, 1998, at 9:58 a.m.)

Date: July 2, 1998

Time: 2:45 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 700 (Public Act No. 227), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 16174 and 16221 (MCL 333.16174 and 333.16221), section 16174 as amended by 1993 PA 80 and section 16221 as amended by 1996 PA 594.

(Filed with the Secretary of State on July 3, 1998, at 10:00 a.m.)

Date: July 2, 1998

Time: 3:00 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 780 (Public Act No. 231), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the

provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 1a and 3 of chapter IX (MCL 769.1a and 769.3), section 1a as amended by 1996 PA 560 and section 3 as amended by 1982 PA 470.

(Filed with the Secretary of State on July 3, 1998, at 10:08 a.m.)

Date: July 2, 1998

Time: 3:02 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 781 (Public Act No. 232), being

An act to amend 1985 PA 87, entitled “An act to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers’ agents toward victims; and to provide for penalties and remedies,” by amending sections 16 and 76 (MCL 780.766 and 780.826), as amended by 1996 PA 562.

(Filed with the Secretary of State on July 3, 1998, at 10:10 a.m.)

Date: July 2, 1998

Time: 3:15 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 116 (Public Act No. 240), being

An act to amend 1975 PA 228, entitled “An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,” by amending section 35 (MCL 208.35), as amended by 1997 PA 124.

(Filed with the Secretary of State on July 3, 1998, at 10:27 a.m.)

Date: July 2, 1998

Time: 3:40 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 553 (Public Act No. 237), being

An act to amend 1965 PA 203, entitled “An act to provide for the creation of a law enforcement officers training council; to provide for additional costs in criminal cases and the establishment of the law enforcement officers training fund and allocations therefrom to local agencies of government participating in a police training program,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, and 15 (MCL 28.601, 28.602, 28.603, 28.604, 28.605, 28.606, 28.607, 28.608, 28.609, 28.610, 28.611, 28.612, 28.614, and 28.615), section 2 as amended by 1995 PA 204, section 3 as amended by 1996 PA 545, section 9 as amended by 1994 PA 155, and section 11 as amended by 1985 PA 15, and by adding sections 9a, 9b, 9c, and 9d.

(Filed with the Secretary of State on July 3, 1998, at 10:20 a.m.)

Date: July 2, 1998

Time: 3:45 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 21 (Public Act No. 238), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding sections 90a, 90b, 90c, 90d, 90e, and 90f.

(Filed with the Secretary of State on July 3, 1998, at 10:23 a.m.)

Date: July 2, 1998

Time: 3:48 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 583 (Public Act No. 239), being

An act to amend 1996 PA 376, entitled “An act to create certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials,” by amending section 10 (MCL 125.2690).

(Filed with the Secretary of State on July 3, 1998, at 10:25 a.m.)

Date: July 2, 1998

Time: 3:50 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 586 (Public Act No. 241), being

An act to amend 1990 PA 100, entitled “An act to permit the imposition, revival, and continued collection by cities of a population of 1,000,000 or more of a utility users tax; to provide the procedure for, and to require the adoption of a prescribed uniform city utility users tax ordinance by cities desiring to impose and collect such a tax; to limit the rate of such tax; to prescribe the powers and duties of the state commissioner of revenue; and to provide for appeals,” by amending section 5 (MCL 141.1155), as amended by 1996 PA 455.

(Filed with the Secretary of State on July 3, 1998, at 10:30 a.m.)

Date: July 2, 1998

Time: 3:52 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 587 (Public Act No. 242), being

An act to amend 1985 PA 224, entitled “An act to promote economic growth within economically distressed local governmental units; to provide for the creation of enterprise zones; to provide for the creation of an enterprise zone authority; to prescribe the powers and duties of officials and agencies of the state and certain local governmental units; to provide for the establishment of citizens’ councils and to prescribe their powers and duties; to authorize the levy and collection of specific taxes; and to provide qualifications for certification of and incentives for certain businesses located in enterprise zones,” by amending section 21c (MCL 125.2121c), as added by 1996 PA 444.

(Filed with the Secretary of State on July 3, 1998, at 10:32 a.m.)

Date: July 2, 1998

Time: 3:54 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 590 (Public Act No. 243), being

An act to amend 1978 PA 255, entitled “An act to provide for the establishment of commercial redevelopment districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax

upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide remedies and penalties,” by amending section 12 (MCL 207.662), as amended by 1996 PA 450.

(Filed with the Secretary of State on July 3, 1998, at 10:35 a.m.)

Date: July 2, 1998

Time: 3:56 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 591 (Public Act No. 244), being

An act to amend 1953 PA 189, entitled “An act to provide for the taxation of lessees and users of tax-exempt property,” by amending section 1 (MCL 211.181), as amended by 1996 PA 447.

(Filed with the Secretary of State on July 3, 1998, at 10:37 a.m.)

Date: July 7, 1998

Time: 4:05 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 813 (Public Act No. 245), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 5501, 5521, 5522, and 5523 (MCL 324.5501, 324.5521, 324.5522, and 324.5523); and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 8, 1998, at 11:10 a.m.)

Date: July 7, 1998

Time: 4:10 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 923 (Public Act No. 246), being

An act to amend 1993 PA 330, entitled “An act to impose a state tax on the transfer of an interest in real property; to provide for the administration of this act; to prescribe the powers and duties of certain state and local officers; to provide for the collection and distribution of the tax; and to prescribe penalties and provide remedies,” by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

(Filed with the Secretary of State on July 8, 1998, at 11:12 a.m.)

Date: July 7, 1998

Time: 4:12 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 613 (Public Act No. 247), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide

for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 217, 698, and 725 (MCL 257.217, 257.698, and 257.725), section 217 as amended by 1996 PA 59, section 698 as amended by 1997 PA 8, and section 725 as amended by 1997 PA 80.

(Filed with the Secretary of State on July 8, 1998, at 11:14 a.m.)

Date: July 8, 1998

Time: 2:10 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 726 (Public Act No. 248), 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 7212 (MCL 333.7212), as amended by 1993 PA 25.

(Filed with the Secretary of State on July 9, 1998, at 11:27 a.m.)

Date: July 16, 1998

Time: 4:30 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 663 (Public Act No. 256), being

An act to designate bridges on highway M-120 within the cities of Muskegon and North Muskegon as the Veterans Memorial bridges; and to prescribe the duties of the state transportation department.

(Filed with the Secretary of State on July 17, 1998, at 10:52 a.m.)

Date: July 16, 1998

Time: 4:32 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 847 (Public Act No. 257), being

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

(Filed with the Secretary of State on July 17, 1998, at 10:54 a.m.)

Date: July 16, 1998

Time: 4:35 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 848 (Public Act No. 258), being

An act to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” (MCL 205.51 to 205.78) by adding section 4q; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 17, 1998, at 10:56 a.m.)

Date: July 16, 1998

Time: 4:37 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 837 (Public Act No. 259), being

An act to amend 1991 PA 179, entitled “An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date,” (MCL 484.2101 to 484.2604) by adding section 506.

(Filed with the Secretary of State on July 17, 1998, at 10:58 a.m.)

Date: July 16, 1998

Time: 4:45 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 3 (Public Act No. 261), 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,” (MCL 333.1101 to 333.25211) by adding section 7410a.

(Filed with the Secretary of State on July 17, 1998, at 11:02 a.m.)

Date: July 16, 1998

Time: 4:50 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 830 (Public Act No. 262), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 44522 (MCL 324.44522), as added by 1995 PA 57.

(Filed with the Secretary of State on July 17, 1998, at 11:04 a.m.)

Date: July 16, 1998

Time: 4:52 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 865 (Public Act No. 263), being

An act to amend 1998 PA 116, entitled “An act to promote the safe use of personal watercraft on the waters of this state; to provide for rules relative to the operation of personal watercraft; to impose certain safety requirements on operators of personal watercraft; to prescribe the duties and responsibilities of owners, operators, and dealers of personal watercraft; to prescribe the powers and duties of certain state departments; to provide for penalties; and to repeal acts and parts of acts,” (MCL 281.1401 to 281.1445) by adding sections 5, 15, 17, 27, 35, 37, 39, 41, and 43; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 17, 1998, at 11:06 a.m.)

Date: July 16, 1998

Time: 4:54 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 897 (Public Act No. 264), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 9f of chapter IV (MCL 764.9f), as amended by 1996 PA 81.

(Filed with the Secretary of State on July 17, 1998, at 11:08 a.m.)

Date: July 16, 1998

Time: 5:04 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 1158 (Public Act No. 267), being

An act to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 4 (MCL 205.54), as amended by 1993 PA 325.

(Filed with the Secretary of State on July 17, 1998, at 11:14 a.m.)

Date: July 16, 1998

Time: 5:10 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 873 (Public Act No. 269), being

An act 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 51 (MCL 791.251), as amended by 1998 PA 204.

(Filed with the Secretary of State on July 17, 1998, at 11:18 a.m.)

Date: July 16, 1998
Time: 5:15 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 862 (Public Act No. 270), 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,” (MCL 333.1101 to 333.25211) by adding section 20198.

(Filed with the Secretary of State on July 17, 1998, at 11:20 a.m.)

Date: July 21, 1998
Time: 2:23 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 911 (Public Act No. 271), being

An act to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 1999; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

(Filed with the Secretary of State on July 21, 1998, at 4:00 p.m.)

Date: July 21, 1998
Time: 2:25 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 928 (Public Act No. 272), being

An act bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 1998; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State on July 21, 1998, at 4:02 p.m.)

Date: July 21, 1998
Time: 2:30 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 905 (Public Act No. 273), being

An act to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal years ending September 30, 1997, September 30, 1998, and September 30, 1999; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 21, 1998, at 4:04 p.m.)

Date: July 26, 1998
Time: 9:58 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 754 (Public Act No. 277), being

An act to amend 1899 PA 188, entitled “An act to provide for the taxation of estates and generation-skipping transfers of property; to prescribe the powers and duties of certain personal representatives and state departments; to provide for the assessment and collection of the tax; and to provide for the administration and enforcement of this act,” by amending sections 40, 41, 43, 50, and 56 (MCL 205.240, 205.241, 205.243, 205.250, and 205.256), sections 40, 41, 43, and 50 as added by 1993 PA 54 and section 56 as amended by 1994 PA 372.

(Filed with the Secretary of State on July 27, 1998, at 3:53 p.m.)

Date: July 26, 1998

Time: 10:00 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 299 (Public Act No. 278), being

An act to amend 1962 PA 174, entitled “An act to enact the uniform commercial code, relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, leases, and secured transactions, including certain sales of accounts, chattel paper and contract rights; to provide for public notice to third parties in certain circumstances; to regulate procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; to make an appropriation; to provide penalties; and to repeal certain acts and parts of acts,” by amending sections 1105, 1206, 4104, 5114, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 9103, 9105, 9106, 9203, 9301, 9302, 9303, 9304, 9305, 9306, 9309, 9312, and 9994 (MCL 440.1105, 440.1206, 440.4104, 440.5114, 440.8101, 440.8102, 440.8103, 440.8104, 440.8105, 440.8106, 440.8107, 440.8108, 440.8201, 440.8202, 440.8203, 440.8204, 440.8205, 440.8206, 440.8207, 440.8208, 440.8301, 440.8302, 440.8303, 440.8304, 440.8305, 440.8306, 440.8307, 440.8401, 440.8402, 440.8403, 440.8404, 440.8405, 440.8406, 440.8407, 440.9103, 440.9105, 440.9106, 440.9203, 440.9301, 440.9302, 440.9303, 440.9304, 440.9305, 440.9306, 440.9309, 440.9312, and 440.9994), section 1105 as amended by 1992 PA 101, section 4104 as amended by 1993 PA 130, sections 5114, 8102, 8103, 8104, 8105, 8106, 8107, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8301, 8302, 8304, 8305, 8306, 8307, 8401, 8402, 8403, 8404, 8405, 8406, 9103, 9203, 9304, 9305, 9309, and 9312 as amended and sections 8108 and 8407 as added by 1987 PA 16, section 9105 as amended by 1988 PA 130, section 9301 as amended by 1984 PA 170, and section 9302 as amended by 1996 PA 72, and by adding sections 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8210, 8501, 8502, 8503, 8504, 8505, 8506, 8507, 8508, 8509, 8510, 8511, 8601, 9115, and 9116; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 27, 1998, at 3:55 p.m.)

Date: July 26, 1998

Time: 10:10 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 606 (Public Act No. 280), being

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act,” (MCL 211.1 to 211.157) by adding section 53d.

(Filed with the Secretary of State on July 27, 1998, at 3:59 p.m.)

Date: July 26, 1998

Time: 10:12 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 1099 (Public Act No. 281), being

An act to amend 1966 PA 331, entitled “An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; and to repeal acts and parts of acts,” by amending sections 128, 129, and 131 (MCL 389.128, 389.129, and 389.131), as added by 1998 PA 51.

(Filed with the Secretary of State on July 27, 1998, at 4:00 p.m.)

Date: July 27, 1998

Time: 10:01 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 902 (Public Act No. 287), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” (MCL 324.101 to 324.90106) by adding part 88.

(Filed with the Secretary of State on July 27, 1998, at 4:12 p.m.)

Date: July 27, 1998

Time: 10:05 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 904 (Public Act No. 288), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” (MCL 324.101 to 324.90106) by adding part 196.

(Filed with the Secretary of State on July 27, 1998, at 4:14 p.m.)

Date: July 27, 1998

Time: 4:05 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 907 (Public Act No. 295), being

An act to make appropriations for community colleges for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

(Filed with the Secretary of State on July 28, 1998, at 3:08 p.m.)

Date: July 27, 1998

Time: 4:10 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 1156 (Public Act No. 308), being

An act to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated;

to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 9a, 10, and 11 (MCL 247.659a, 247.660, and 247.661), section 9a as amended by 1987 PA 234 and sections 10 and 11 as amended by 1997 PA 79, and by adding section 10o.

(Filed with the Secretary of State on July 29, 1998, at 10:32 a.m.)

Date: July 27, 1998

Time: 4:20 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 909 (Public Act No. 321), being

An act to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

(Filed with the Secretary of State on July 31, 1998, at 8:30 a.m.)

Date: July 27, 1998

Time: 4:40 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 910 (Public Act No. 322), being

An act to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

(Filed with the Secretary of State on July 31, 1998, at 8:32 a.m.)

Date: July 28, 1998

Time: 10:10 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 200 (Public Act No. 296), being

An act to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 329a.

(Filed with the Secretary of State on July 28, 1998, at 3:10 p.m.)

Date: July 28, 1998

Time: 10:36 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 273 (Public Act No. 297), being

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 82105, 82106, and 82113 (MCL 324.82105, 324.82106, and 324.82113), sections 82105 and 82106 as added by 1995 PA 58 and section 82113 as amended by 1997 PA 102.

(Filed with the Secretary of State on July 28, 1998, at 3:12 p.m.)

Date: July 28, 1998

Time: 10:40 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 281 (Public Act No. 314), being

An act to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1998 PA 209 and section 36 as amended by 1996 PA 554.

(Filed with the Secretary of State on July 30, 1998, at 8:14 a.m.)

Date: July 28, 1998

Time: 10:44 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 826 (Public Act No. 316), being

An act to amend 1893 PA 118, entitled “An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,” by amending sections 34 and 35 (MCL 800.34 and 800.35), section 34 as amended by 1996 PA 83 and section 35 as added by 1994 PA 218; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 30, 1998, at 8:18 a.m.)

Date: July 28, 1998

Time: 10:56 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 808 (Public Act No. 298), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,” by amending sections 821, 822, and 1011 (MCL 600.821, 600.822, and 600.1011), section 821 as amended and section 1011 as added by 1996 PA 388 and section 822 as amended by 1996 PA 374; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 28, 1998, at 3:14 p.m.)

Date: July 28, 1998

Time: 11:00 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 1093 (Public Act No. 299), being

An act to amend 1982 PA 239, entitled “An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry composting; to prescribe the powers and duties of certain state departments; to impose fees; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending the title and sections 3, 15, 19, 21, 23, and 29 (MCL 287.653, 287.665, 287.669, 287.671, 287.673, and 287.679), the title and sections 3, 15, 19, 23, and 29 as amended by 1993 PA 228 and section 21 as amended by 1996 PA 65, and by adding section 28.

(Filed with the Secretary of State on July 28, 1998, at 3:16 p.m.)

Date: July 28, 1998

Time: 11:10 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 329 (Public Act No. 300), being

An act to amend 1984 PA 192, entitled “An act to regulate the use, installation, alteration, and servicing of specified heating, cooling, ventilating, and refrigerating equipment and systems; to create a board of mechanical rules; to provide for the licensing of installing contractors and of servicing contractors of heating, cooling, ventilating, and refrigerating equipment and systems; to prescribe fees; to provide for the promulgation of rules; and to prescribe penalties,” by amending section 7 (MCL 338.977), as amended by 1985 PA 168.

(Filed with the Secretary of State on July 28, 1998, at 3:18 p.m.)

Date: July 28, 1998

Time: 11:12 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 330 (Public Act No. 301), being

An act to amend 1929 PA 266, entitled “An act to protect the health, and promote the safety and welfare of the people, by regulating the installation, alteration, maintenance, improvement and inspection of plumbing; to define plumbing and the classification of plumbers; to provide for the issuing of licenses and permits pertaining thereto and the disposition of moneys derived therefrom; to create a plumbing board, and to prescribe its powers and duties; to authorize cities, villages and townships to adopt and enforce certain standards; to establish remedies and fix penalties for violation of the provisions of this act,” (MCL 338.901 to 338.917) by adding section 4a.

(Filed with the Secretary of State on July 28, 1998, at 3:20 p.m.)

Date: July 28, 1998

Time: 11:14 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 331 (Public Act No. 302), being

An act to amend 1956 PA 217, entitled “An act to safeguard persons and property; to provide for licensing and regulation of electricians and electrical contractors concerning the construction, alteration, installation of electrical wiring and equipment and for the inspection of electrical wiring; to create an electrical administrative board; to create certain committees for certain purposes; to provide certain powers and duties for certain departments; to provide for the assessment of certain fees and for the promulgation of rules; and to prescribe penalties for violations of this act,” by amending section 5 (MCL 338.885), as amended by 1992 PA 130.

(Filed with the Secretary of State on July 28, 1998, at 3:22 p.m.)

Date: July 28, 1998

Time: 11:24 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 38 (Public Act No. 304), being

An act to regulate benefits provided to certain public employee retirement system participants in this state; and to prescribe powers and duties of certain retirement systems, state departments, public officials, and public employees.

(Filed with the Secretary of State on July 28, 1998, at 3:26 p.m.)

Date: July 28, 1998

Time: 11:26 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 37 (Public Act No. 305), being

An act to amend 1957 PA 261, entitled “An act for the creation, maintenance, and administration of a legislative members’ and presiding officers’ retirement system within the legislature; to provide retirement allowances to the participants of the retirement system, and survivors’ allowances and other benefits to their beneficiaries upon death; to exempt those allowances and benefits from certain taxes and legal processes; to authorize and make appropriations for the retirement system; to prescribe the powers and duties of certain state departments, agencies, officials, and

employees; and to prescribe penalties and provide remedies,” by amending section 62 (MCL 38.1062), as added by 1996 PA 486.

(Filed with the Secretary of State on July 28, 1998, at 3:28 p.m.)

Respectfully,
John Engler
Governor

Date: August 1, 1998
Time: 8:40 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 880 (Public Act No. 323), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,” by repealing section 2163 (MCL 600.2163).

(Filed with the Secretary of State on August 3, 1998, at 11:28 a.m.)

Date: August 1, 1998
Time: 8:43 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 882 (Public Act No. 324), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,” by amending section 2163a (MCL 600.2163a), as amended by 1989 PA 253.

(Filed with the Secretary of State on August 3, 1998, at 11:30 a.m.)

Date: August 1, 1998
Time: 8:47 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 883 (Public Act No. 325), being

An act 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 17 and 17b of chapter XIIA (MCL 712A.17 and 712A.17b), section 17 as amended by 1997 PA 169 and section 17b as amended by 1989 PA 254.

(Filed with the Secretary of State on August 3, 1998, at 11:32 a.m.)

Date: August 1, 1998
Time: 8:50 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 884 (Public Act No. 326), being

An act to amend 1937 (Ex Sess) PA 4, entitled “An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide

for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,” by amending section 4a (MCL 38.104a), as added by 1987 PA 47.

(Filed with the Secretary of State on August 3, 1998, at 11:34 a.m.)

Date: August 1, 1998

Time: 8:55 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 885 (Public Act No. 327), being

An act to amend 1969 PA 306, entitled “An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of the Michigan register; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date,” by amending section 75a (MCL 24.275a), as added by 1987 PA 46.

(Filed with the Secretary of State on August 3, 1998, at 11:36 a.m.)

Respectfully,

Connie Binsfeld

Lieutenant and Acting Governor

Date: August 6, 1998

Time: 5:30 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 733 (Public Act No. 328), being

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act,” (MCL 211.1 to 211.157) by adding section 9f.

(Filed with the Secretary of State on August 7, 1998, at 2:07 p.m.)

Date: August 6, 1998

Time: 5:32 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 684 (Public Act No. 329), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 208b (MCL 257.208b), as amended by 1998 PA 12.

(Filed with the Secretary of State on August 7, 1998, at 2:09 p.m.)

Date: August 10, 1998

Time: 11:45 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 796 (Public Act No. 330), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 307 (MCL 257.307), as amended by 1998 PA 120.

(Filed with the Secretary of State on August 10, 1998, at 11:46 a.m.)

Date: August 10, 1998

Time: 11:47 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 797 (Public Act No. 331), being

An act to amend 1996 PA 236, entitled “An act to provide for the suspension of certain occupational licenses under certain circumstances; and to provide for certain powers and duties for certain state agencies,” (MCL 338.3431 to 338.3436) by amending the title and by adding section 4a.

(Filed with the Secretary of State on August 10, 1998, at 11:49 a.m.)

Date: August 10, 1998

Time: 11:49 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 798 (Public Act No. 332), 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 the title and sections 2811, 2813, and 16177 (MCL 333.2811, 333.2813, and 333.16177), the title as amended by 1994 PA 170 and section 16177 as amended by 1993 PA 80, and by adding section 21533.

(Filed with the Secretary of State on August 10, 1998, at 11:51 a.m.)

Date: August 10, 1998

Time: 11:51 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 799 (Public Act No. 333), being

An act to amend 1887 PA 128, entitled “An act establishing the minimum ages for contracting marriages, for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same,” by amending the title and section 2 (MCL 551.102).

(Filed with the Secretary of State on August 10, 1998, at 11:53 a.m.)

Date: August 10, 1998

Time: 11:53 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 803 (Public Act No. 334), being

An act to amend 1982 PA 295, entitled “An act to provide for and to supplement statutes that provide for the enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody, and spouse support; to prescribe certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts,” by amending sections 2, 3, 4, 7, 9, 11, 11a, 12, 13, 14, 17, 19, 23, 25, 26, 26a, 26b, 28, 29, 30, 33, 35, 44, and 45 (MCL 552.602, 552.603, 552.604, 552.607, 552.609, 552.611, 552.611a, 552.612, 552.613, 552.614, 552.617, 552.619, 552.623, 552.625, 552.626, 552.626a, 552.626b, 552.628, 552.629, 552.630, 552.633, 552.635, 552.644, and 552.645), sections 2, 3, and 23 as amended and sections 28, 29, 30, and 45 as added by 1996 PA 239, sections 4 and 19 as amended by 1992 PA 291, sections 7 and 14 as amended and section 25 as added by 1985 PA 210, sections 9 and 11a as amended and sections 26, 26a, and 26b as added by 1995 PA 236, sections 11 and 17 as amended by 1996 PA 367, sections 33 and 35 as amended by 1996 PA 336, and section 44 as amended by 1996 PA 301, and by adding sections 24a, 25a, and 25b.

(Filed with the Secretary of State on August 10, 1998, at 11:55 a.m.)

Respectfully,
John Engler
Governor

The following messages from the Governor were received:

APPROPRIATIONS; HIGHER EDUCATION

July 21, 1998

Today I have signed Enrolled Senate Bill 911, the fiscal year 1999 appropriations bill for higher education.

Enrolled Senate Bill 911 reaffirms the state’s commitment to continue strong support for Michigan’s 15 public universities and student financial aid. It provides a 3 percent increase in operating funds to our universities, building upon the 5.5 percent and 4.4 percent increases provided in the prior two fiscal years. These combined annual increases represent a 13.7 percent increase over the last three years, well above the projected inflation rate of 7.5 percent. Seven universities also accrued savings totaling \$7 million as a result of actuarial changes in the Public School Employees Retirement System. These increases should allow well-managed universities to hold down tuition, thereby helping to ensure that all Michigan residents have access to higher education.

An additional one-time \$27.3 million in the fiscal year 1998 supplemental support is provided in Enrolled Senate Bill 905 to meet special maintenance, equipment and technology needs of all universities.

The increase in fiscal year 1999 operations provided for an across-the-board 2.8 percent increase for each university, as well as a base funding floor of \$4,296 per student. Funding for student financial aid, degree reimbursement grants to independent colleges and universities, and the Focus:HOPE Center for Advanced Technologies is increased by 2.3 percent.

The signing of this bill providing the fiscal year 1999 operating support, in combination with the fiscal year 1998 supplemental funding provided in Enrolled Senate Bill 905, demonstrates the high priority we continue to give to our higher education programs.

APPROPRIATIONS; NEGATIVE SUPPLEMENTAL

July 21, 1998

Today I have signed Enrolled Senate Bill 928, which contains negative supplemental appropriations for the fiscal year 1998. The negative appropriations represent the retirement savings that resulted from changes to the assumptions used to estimate funding requirements for the State Employees Retirement System (SERS) and the State Police Retirement System (SPRS). The changes, which have been approved by the retirement boards and the Department of Management and Budget Director, allow a reduction in the contribution, thereby creating savings in each department. In addition, the negative supplemental includes debt service savings in the Department of Treasury. This savings is attributed to the timing, amount of bonds sold and restructuring of specific debt service payments.

The retirement and debt service savings from Enrolled Senate Bill 928 made it possible for the state to support financing for critical state needs included in a companion bill, Enrolled Senate Bill 905. Enrolled Senate Bill 905 is a \$197 million (\$153.1 million general fund) positive supplemental which I have also signed today. I thank the Legislature for its work on both of these bills.

APPROPRIATIONS; SUPPLEMENTAL

July 21, 1998

Today I have signed Enrolled Senate Bill 905. This budget bill provides \$1.5 million Federal fiscal year 1997 supplemental funding for the Family Independence Agency, \$197.4 million (\$153.1 million general fund) in fiscal year 1998 supplemental funding for Capital Outlay, the Legislature, the Judiciary, Higher Education and the Departments of Agriculture, Attorney General, Civil Service, Community Health, Corrections, Management and Budget, Natural Resources, State, State Police, and Treasury, the Family Independence Agency, and the Michigan Jobs Commission, and \$238.7 million (\$232.1 million general fund) in fiscal year 1999 funding for State Building Authority rent.

Key provisions of the bill include the following:

- The Capital Outlay appropriation provides \$27.3 million general fund for university infrastructure, technology, equipment and maintenance needs and \$6 million general fund for community college infrastructure needs. In addition, the bill appropriates \$3 million general fund for the establishment of a diabetes center at Wayne State University.
- The bill provides authorization for the construction of 5,420 new prison beds within the Department of Corrections and also provides funding for the lease of out-of-state prison beds until adequate in-state beds are available.
- The bill also provides \$1.25 million to support state efforts related to the bovine tuberculosis problem in the state, including \$500,000 in the Department of Agriculture for livestock monitoring activities and \$250,000 for livestock indemnification, as well as \$500,000 in the Department of Natural Resources for monitoring and surveillance of deer herds.
- The bill contains \$41.4 million general fund to increase day care funding in the Family Independence Agency in recognition of caseload growth associated with low-income working families needing day care in order to obtain or maintain employment.
- \$1.3 million (\$975,000 general fund) is authorized to improve worker safety within the Family Independence Agency, including cell phones and keyless car entry systems.
- The bill authorizes \$16.9 million from the Michigan Natural Resources Trust Fund for land acquisition and public facility development grants throughout the state as recommended by the Natural Resources Trust Fund Board.
- In order to help communities cope with the devastating storms in late May, the bill provides \$10 million general fund for vital disaster assistance to reimburse state costs and qualifying expenditures of local jurisdictions.
- The bill provides \$9 million general fund for local airport improvement projects.
- The bill also appropriates \$7.2 million in state restricted revenues for farmland and open space development acquisition.
- Assuming the availability of sufficient revenues at year-end, the bill also provides \$5 million in contingency appropriations for art, cultural and quality of life grants, as well as \$10 million in contingency appropriations for shoreline preservation activities.

I thank the Legislature for their work on this supplemental appropriations bill.

APPROPRIATIONS; COMMUNITY COLLEGES

July 24, 1998

Today I have signed Enrolled Senate Bill 907, which provides fiscal year 1999 appropriations for community colleges. Michigan's 28 community colleges continue to provide nearly one-half million residents with excellent programs in the areas of occupational preparation, continued lifelong learning experiences, and preparatory course work for continued study at four-year colleges and universities. These institutions are increasingly enabling the State's workforce to remain competitive in the global marketplace by providing skill enhancement and workforce retraining curricula in partnership with the business community.

Included in the bill are \$282 million in state resources for the upcoming fiscal year which will provide an increase of \$6.7 million or 2.5 percent in support for community college operations over the fiscal year 1998 level. These resources are distributed: 1.25 percent through the Gast-Mathieu funding formula and 1.25 percent across the board. All colleges will receive a minimum operating increase of 1.25 percent with 11 colleges receiving increases in excess of 3 percent.

Community colleges will also benefit from the additional \$5.9 million onetime fiscal year 1998 supplemental appropriation for infrastructure, technology, equipment and maintenance needs, authorized in Enrolled Senate Bill 905. I recently signed this bill into law and it is now Public Act 273 of 1998.

In addition, community colleges will realize tremendous savings resulting from recently enacted changes to fully fund the Public School Employees Retirement System (PSERS). Retirement savings estimated at \$15.8 million in fiscal year 1999 will be retained by community colleges for use in addressing other needs.

A recently established \$50 million initiative by the Michigan Jobs Commission will provide scholarships to community college students enrolled in technical training programs and establish five new technical training centers.

Fiscal year 1999 marks an extraordinary year of state support for community colleges. Through these actions, the State demonstrates its continued commitment to this very important system of education and training.

APPROPRIATIONS; DEPARTMENT OF CORRECTIONS

July 24, 1998

Today I have signed Enrolled Senate Bill 909, the fiscal year 1999 appropriations bill for the Department of Corrections.

This bill will complete the fiscal year 1999 budget for the Department of Corrections. My action today:

- Increases substance abuse testing and treatment services to \$21.6 million, an increase of 25 percent from fiscal year 1998, including \$2.5 million for pilot drug treatment programs.
- Includes \$35.8 million to lease beds in out-of-state prisons while bed space at Michigan facilities is constructed.
- Contains start-up funding for the Youth Correctional Facility, a privately operated facility incarcerating offenders through the age of 19.
- Provides full-year funding of \$13.8 million for fiscal year 1998 bed space expansions at state correctional facilities.
- Creates a \$2 million regional jail program, providing state support for multi-county construction or renovation projects.

I commend the Legislature for its prompt action in finalizing the fiscal year 1999 budget for the Department of Corrections and its efforts in passing amendatory legislation related to the Interstate Corrections Compact and Sentencing Guidelines reform.

APPROPRIATIONS; DEPARTMENT OF EDUCATION

July 28, 1998

Today I have signed Enrolled Senate Bill 910, the 1999 appropriations bill for the Department of Education. This bill focuses the department on its primary mission — improving the quality of K-12 education. My action today:

- Invests \$5 million in the literacy achievement of elementary school students. My innovative Reading Plan for Michigan will ensure that all students have the skills to succeed in the 21st century.
- Provides for a fundamental reorganization of the department that will enhance service delivery and provide local districts with a single point-of-contact for programmatic questions and technical assistance.
- Includes \$300,000 in general fund support for the Michigan Geographic Alliance. This program will match funds from the National Geographic Society Education Foundation to establish an endowment for geography education in Michigan.

I thank the Legislature for its work on this important budget bill and look forward to working with you in our continuing quest to make Michigan a world class education leader.

Sincerely,
John Engler
Governor

The following message from the Governor was received on July 29, 1998, and read:

EXECUTIVE ORDER

No. 1998 - 5

**Michigan Hazard Mitigation
Coordinating Council**

Whereas, hazard mitigation is defined as any action taken before, during, or after a disaster or emergency to permanently eliminate or reduce the long-term risk to human life and property from natural and technological hazards; and

Whereas, the State of Michigan recognizes the importance of preventing or lessening the damage and impact of disasters and emergencies through hazard mitigation; and

Whereas, state government has a unique role to play in coordinating the hazard mitigation activities of state and local governments; and

Whereas, increased coordination can assist in lowering future disaster relief expenditures and increasing the level of public safety for all Michigan communities; and

Whereas, it is appropriate that state government bring together technical experts from state and local government and private industry to foster and promote the implementation of hazard mitigation measures.

Now, Therefore, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby establish the Michigan Hazard Mitigation Coordinating Council.

1. The council shall be composed of the following members:
 - a. The Director of the Department of State Police, or his designee, who shall serve as chair;
 - b. The Director of the Department of Environmental Quality, or his designee;
 - c. The Director of the Department of Natural Resources, or his designee;
 - d. The Director of the Department of Agriculture, or his designee;
 - e. The Director of the Department of Consumer and Industry Services, or her designee;
 - f. The Director of the Department of Transportation, or his designee;
 - g. The Director of the Department of Management and Budget, or her designee;
 - h. One representative of the property and casualty insurance industry, who shall be appointed by the Governor and serve a 3-year term;
 - i. One representative of an urban planning association, who shall be appointed by the Governor and serve a 3-year term;
 - j. One representative of a local emergency management program, who shall be appointed by the Governor and serve a 3-year term.
2. The council shall perform the following responsibilities:
 - a. Assist in the development, maintenance, and implementation of a state hazard mitigation plan;
 - b. Assist in the development, maintenance and implementation of guidance and informational materials to support hazard mitigation efforts of local and state government, and private entities;
 - c. Solicit, review and identify hazard mitigation projects for funding under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, and sections 553 and 554 of the National Flood Insurance Reform Act, P.L. 103-325;
 - d. Foster and promote, where appropriate, hazard mitigation principles and practices within local and state government, and with the general public.
3. The Department of State Police shall perform all administrative functions associated with the operation of the council, provide technical guidance for hazard mitigation planning and plan implementation, and act as liaison to the Federal Emergency Management Agency for project funding and program coordination.
4. The council may seek the expertise of other individuals, agencies, and organizations as it deems necessary to carry out its responsibilities.
5. The council may solicit, accept, and expend, subject to necessary legislative appropriations, funding received from the federal government and private individuals and organizations, for the purpose of implementing hazard mitigation projects and measures that are consistent with the state hazard mitigation plan. All such efforts shall be in compliance with existing state and federal laws and regulations, and must receive the approval of the Chair or his designee.
6. Members of the council shall not receive compensation, but members may receive necessary expenses for the performance of council functions, based on existing state rates.

The provisions of this Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 29th day of July, 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.

The following messages from the Governor were received and read:

July 7, 1998

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Domestic Violence Prevention and Treatment Board

Dr. David G. Elwell, 1309 Thomas SE, Grand Rapids, Michigan 49506, county of Kent, as a member representing the general public, succeeding Ms. Leslie Ann Hagen of Port Austin, who has resigned, for a term expiring on September 30, 1998.

July 9, 1998

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Board of Architects

Mr. Daniel A. Redstone, 3347 Bloomfield Shore, West Bloomfield, Michigan 48323, county of Oakland, as a member representing licensed professionals, succeeding himself, for a term expiring on March 31, 2002.

Dr. Virinder K. Chaudhery, 41901 Sutters Lane, Northville, Michigan 48167, county of Wayne, as a member representing the general public, succeeding himself, for a term expiring on March 31, 2002.

July 9, 1998

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Board of Marriage and Family Therapy

Ms. Emily Joyce Olkowski, 7717 Freda, Dearborn, Michigan 48126, county of Wayne, as a member representing the general public, succeeding Ms. Terry Mooror of Detroit, who has resigned, for a term expiring on June 30, 2001.

July 15, 1998

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Investment Advisory Committee

Mr. Jerry L. Tubergen, 5101 Spring Ridge, Ada, Michigan 49301, county of Kent, as a member representing the general public, succeeding Dr. Paul W. McCracken of Ann Arbor, who has resigned, for a term expiring on December 15, 1999.

July 20, 1998

There are herewith presented for consideration and confirmation by the Senate, the following appointments to office:

Michigan Carrot Committee

Mr. Timothy A. Heiss, 13087 White Road, Ravenna, Michigan 49451, county of Muskegon, as a member representing growers from District 1, succeeding Mr. Gary L. Holmgren of Casnovia, whose term has expired, for a term expiring on September 25, 1998.

Mr. Glenn R. Vogel, 1026 Alan Street, Fremont, Michigan 49412, county of Newaygo, as a member representing growers from District 1, succeeding Mr. Voight F. Marsh of Grant, who has died, for a term expiring on September 25, 1998.

Mr. Gary L. Brandt, 116 Pennell Road, Imlay City, Michigan 48444, county of Lapeer, as a member representing growers from District 4, succeeding Mr. Gary R. Makedonsky of Imlay City, whose term has expired, for a term expiring September 25, 1998.

July 23, 1998

There are herewith presented for consideration and confirmation by the Senate, the following appointments and reappointment to office:

Michigan Cherry Committee

Mr. Paul J. Grantz, 5900 West Woodrow, Shelby, Michigan 49455, county of Oceana, as a member representing tart cherry growers from District 2, succeeding himself, for a term expiring on February 1, 2001.

Mr. David L. Hackert, 3043 South Brye Road, Ludington, Michigan 49431, county of Mason, as a member representing sweet cherry growers from District 2, succeeding Mr. James W. Dittmer of Ludington, whose term has expired, for a term expiring on February 1, 2001.

Ms. Patricia M. Molter, 6808 Territorial Road, Benton Harbor, Michigan 49022, county of Berrien, as a member representing tart cherry growers from District 3, succeeding Mr. Jon B. Hinkelman of Watervliet, whose term has expired, for a term expiring on February 1, 2001.

August 3, 1998

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Michigan Board of Optometry

Dr. Robert Leo Klein, 8286 Greenfield Shores, Scotts, Michigan 49088, county of Kalamazoo, as a member representing professionals, succeeding himself, for a term expiring on June 30, 2002.

Dr. Joyce Takahashi Kovall, 4395 Corey Circle, Ann Arbor, Michigan 48104, county of Washtenaw, as a member representing professionals, succeeding himself, for a term expiring on June 30, 2002.

Mr. Gary A. Ayres, 12329 Gee Drive, Lowell, Michigan 49331, county of Kent, as a member representing the general public, succeeding himself, for a term expiring on June 30, 2002.

August 3, 1998

Please be advised of the following appointment and reappointments to office:

Michigan State Hospital Finance Authority

Mr. William E. Smith, 6747 80th Avenue P.O. Box 455, Evart, Michigan 49631, county of Osceola, as a member representing the general public, succeeding himself, for a term expiring on March 1, 2002.

Mr. James T. Cresswell, 32640 N. River Road, Harrison Township, Michigan 48045, county of Macomb, as a member representing the general public, succeeding himself, for a term expiring on March 1, 2001.

Ms. Kathleen Schmaltz, 2300 Foote Manor Drive, Jackson, Michigan 49203, county of Jackson, as a member representing the general public, succeeding herself, for a term expiring on March 1, 2002.

Mr. Edward McRee, 123 N. East Street, Eaton Rapids, Michigan 48827, county of Eaton, as a member representing the general public, succeeding Ms. Pearl Holforthy of Farmington Hills, whose term has expired, for a term expiring on March 1, 2001.

August 4, 1998

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

Michigan Exposition and Fairgrounds Advisory Council

Ms. Beverly B. Smith, 2255 Oakman Blvd., Detroit, Michigan 48238, county of Wayne, as a member representing the general public, succeeding herself, for a term expiring on June 20, 2001.

August 14, 1998

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Mackinac Island State Park Commission

Mr. Stephen P. Vogel, 16540 Westmoorland, Detroit, Michigan 48219, county of Wayne, as a member representing Democrats, succeeding Ms. Linda Margaret Brown of Mackinac Island, whose term has expired, for a term expiring on April 12, 2003.

August 24, 1998

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Elevator Safety Board

Mr. James William Vibbart, 8140 M-36, Whitmore Lake, Michigan 48189, county of Livingston, as a member representing owners and lessees of elevators, succeeding himself, for a term expiring on July 22, 2002.

Mr. Joseph Thornton Franz, 2970 Orange Grove, Waterford, Michigan 48329, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on July 22, 2002.

Mr. Richard A. Egerer, 30060 Five Mile Road, Livonia, Michigan 48154, county of Wayne, as a member representing elevator contractor unions, succeeding himself, for a term expiring on July 22, 2002.

August 24, 1998

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

State Board of Examiners of Social Workers

Ms. Juanita M. Hernandez, 6527 Vaughn, Detroit, Michigan 48228, county of Wayne, as a member representing the general public, succeeding herself, for a term expiring on September 30, 2001.

Mr. Paul W. Cronstrom, P.O. Box 281 721 W. Spruce, Harrison, Michigan 48625, county of Clare, as a member representing professionals, succeeding himself, for a term expiring on September 30, 2001.

Mr. Lawrence E. Gust, 805 Ogemaw Street, Grayling, Michigan 49738, county of Crawford, as a member representing professionals, succeeding himself, for a term expiring on September 30, 2001.

August 26, 1998

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Grape and Wine Industry Council

Mr. John G. Jonna, 2124 Park Circle, Keego Harbor, Michigan 48320, county of Oakland, as a member representing retailers, succeeding Mr. Dan R. Prevo of Traverse City, whose term has expired, for a term expiring on October 9, 1999.

August 27, 1998

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Michigan Public School Employees' Retirement Board

Mr. John L. Cook, 15024 Oakwood Drive, Big Rapids, Michigan 49307, county of Mecosta, as a member representing superintendents, succeeding Mr. Kenneth J. Walcott of Norton Shores, who has resigned, for a term expiring on March 30, 2001.

September 2, 1998

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Michigan Education Trust Board of Directors

Mr. Thomas P. Sullivan, 44954 Patrick Drive, Canton, Michigan 48187, county of Wayne, as a member representing independent colleges and universities, succeeding Mr. Edward J. Kurtz of Flint, whose term has expired, for a term expiring on December 31, 1999.

September 3, 1998

There are herewith presented for consideration and confirmation by the Senate, the following appointments to office:

Michigan Asparagus Advisory Board

Mr. Dino Rigoni, 46101 M-51 West P.O. Box 407, Decatur, Michigan 49045, county of Van Buren, as a member representing growers from southern Michigan, succeeding Mr. John R. Morrison, Jr., of Paw Paw, whose term has expired, for a term expiring on November 13, 2000.

Mr. Richard Glen Alway, 1612 Chilberg Road, Scottville, Michigan 49454, county of Mason, as a member representing growers from northern Michigan, succeeding Mr. John R. Williams of Hart, whose term has expired, for a term expiring on November 13, 2000.

September 3, 1998

There are herewith presented for consideration and confirmation by the Senate, the following appointment and reappointments to office:

Occupational Health Standards Commission

Mr. Michael L. Lucas, 10821 Bennett, Lowell, Michigan 49331, county of Kent, as a member representing management, succeeding himself, for a term expiring on August 5, 2001.

Dr. Glen Chambers, 4725 Mohican Lane, Okemos, Michigan 48864-1404, county of Ingham, as a member representing the general public, succeeding herself, for a term expiring on August 5, 2001.

Ms. Cynthia A. Holland, 1066 Stony Pointe Boulevard, Rochester, Michigan 48307, county of Oakland, as a member representing employees, succeeding Ms. Patricia E. Pittenger of Lansing, whose term has expired, for a term expiring on August 5, 2001.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

WORKER'S COMPENSATION; DISABILITIES

July 2, 1998

Today I have vetoed and am returning to you herewith, Enrolled Senate Bill 789.

Enrolled Senate Bill 789 would create a presumption that full-time fire fighters who suffered from certain cancers would be eligible for workers' compensation benefits. The analysis of Enrolled Senate Bill 789 argues that the legislation is necessary because of fire fighters' exposure to toxic substances. Regrettably, the legislation is improperly drafted and would have the effect of extending the presumption to a fire fighter who was never exposed to a chemical fire or toxic substances created by such a fire.

Since Enrolled Senate Bill 789 calls for researching the cancer presumption as it might relate to volunteer fire fighters, I will direct that such a study be undertaken immediately. I will further require that the results of the study include advice to the Legislature on how to equitably determine the right approach to protect those fire fighters with actual exposure to chemical fires.

For this reason, I am returning Enrolled Senate Bill 789 without signature.

Sincerely,
John Engler
Governor

The bill was returned from the Governor on July 3, 1998, at 1:04 a.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Senator DeGrow moved that further consideration of the bill be postponed temporarily. The motion prevailed.

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 Vaughn 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 bill:

Senate Bill No. 235, 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 16350 and part 189.

The bill 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. 1095, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 223a. 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. 1049, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding subpart VI to part 487.

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.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Legislative Initiative Petition, entitled

An initiation of legislation to amend 1978 PA 368, entitled "Public health code," by amending sections 2844, 5658, 5660, 7401, 16221, 16226, 17033, 17533, 17766, and 20165 (MCL 333.2844, 333.5658, 333.5660, 333.7401, 333.16221, 333.16226, 333.17033, 333.17533, 333.17766, and 333.20165), sections 5658 and 5660 as added and sections 16221 and 16226 as amended by 1996 PA 594, section 7401 as amended by 1996 PA 249, sections 17033 and 17533 as amended by 1994 PA 234, section 17766 as amended by 1990 PA 30, and section 20165 as amended by 1990 PA 179, and by adding part 56b entitled "Terminally Ill Patient's Right To End Unbearable Pain and Suffering Act"; to amend 1953 PA 181 (MCL 52.201-216), commonly referred to as the "Medical examiners act," by amending sections 2 and 3 (MCL 52.202 and 203), to amend 1976 PA 267, entitled "Open meetings act," by amending section 3 (MCL 15.263), as amended by 1988 PA 278, and to repeal acts and parts of acts.

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

Senator Peters introduced

Senate Bill No. 1227, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053e.

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

Senators Stille, Gougeon, Bennett, Schuette, Shugars, North and Bullard introduced

Senate Bill No. 1228, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 10204 (MCL 333.10204), as amended by 1988 PA 63.

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

Senators Shugars, Rogers, Gougeon, Bennett, Gast, Hoffman, Dunaskiss, Jaye, Van Regenmorter and North introduced

Senate Bill No. 1229, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 1996 PA 476, and by adding section 27e.

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

Senators Schwarz and A. Smith introduced

Senate Bill No. 1230, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2, 7, 12, and 14 (MCL 125.2152, 125.2157, 125.2162, and 125.2164), section 2 as amended by 1998 PA 92, sections 7 and 12 as amended by 1993 PA 333, and section 14 as amended by 1996 PA 270.

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

Senators Schwarz, Gast, Shugars, Rogers, Conroy, Dingell, North, O'Brien, Cherry, Berryman, Schuette, Van Regenmorter, Stille and Bullard introduced

Senate Bill No. 1231, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 22209a.

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

Senator Koivisto introduced

Senate Bill No. 1232, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 479c. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Van Regenmorter introduced

Senate Bill No. 1233, entitled

A bill to amend 1984 PA 274, entitled "Michigan antitrust reform act," by amending sections 1 and 4 (MCL 445.771 and 445.774).

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

Senator Bennett introduced

Senate Bill No. 1234, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 23 (MCL 42.23).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Bennett introduced

Senate Bill No. 1235, entitled

A bill to amend 1956 PA 62, entitled "An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code," by amending sections 1 and 3 (MCL 257.951 and 257.953), section 1 as amended by 1993 PA 225.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Bennett introduced

Senate Bill No. 1236, entitled

A bill to amend 1895 PA 215, entitled "The fourth class city act," by amending section 6 of chapter IX (MCL 89.6). The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Bennett introduced

Senate Bill No. 1237, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 5 (MCL 41.805).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Rogers, Steil and Gougeon introduced

Senate Bill No. 1238, entitled

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

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

Senators A. Smith, Young, McManus and Byrum introduced

Senate Bill No. 1239, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 40 (MCL 125.310), as added by 1996 PA 570, and by adding section 16h.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators A. Smith, Young, Peters, McManus and Byrum introduced

Senate Bill No. 1240, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 40 (MCL 125.240), as added by 1996 PA 569, and by adding section 16h.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Schuette introduced

Senate Bill No. 1241, entitled

A bill to prohibit certain methods, acts, and practices in providing electric services; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

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

Senator Dunaskiss introduced

Senate Bill No. 1242, entitled

A bill to require certain billing disclosures by electricity distributors in this state; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

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

Senator Byrum introduced

Senate Bill No. 1243, entitled

A bill to provide for the recovery of certain employee retaining costs as the result of the restructuring of electric utilities; and to prescribe the powers and duties of certain state agencies and officials.

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

Senator Gougeon introduced

Senate Bill No. 1244, entitled

A bill to provide certain protections for low-income and senior citizen electric customers; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

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

Senator Rogers introduced

Senate Bill No. 1245, entitled

A bill to require electricity distributors in this state to provide certain services; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

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

Senator Berryman introduced

Senate Bill No. 1246, entitled

A bill to require certain disclosures by electricity suppliers in this state; and to prescribe the powers and duties of certain state agencies and officials.

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

Senators Gougeon and Bennett introduced

Senate Bill No. 1247, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2967, 2968, and 2969.

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

Senators Bennett and Gougeon introduced

Senate Bill No. 1248, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2965 and 2966.

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

Senators Schuette, North, Cherry, Bennett, Bullard, Byrum and Stille introduced

Senate Bill No. 1249, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending the title and sections 31, 32, 33, 39, and 40 (MCL 125.231, 125.232, 125.233, 125.239, and 125.240), the title and sections 31 and 32 as amended and sections 33, 39, and 40 as added by 1996 PA 569, and by adding section 32a.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senators Schuette, North, Cherry, Bennett, Bullard, Byrum and Stille introduced

Senate Bill No. 1250, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending the title and sections 31, 32, 33, and 40 (MCL 125.301, 125.302, 125.303, and 125.310), the title and section 31 as amended and sections 32, 33, and 40 as added by 1996 PA 570, and by adding section 32a.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senators Schuette, North, Cherry, Bennett, Bullard, Byrum and Stille introduced

Senate Bill No. 1251, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending the title and sections 13, 14, 15, and 20 (MCL 125.593, 125.594, 125.595, and 125.600), the title as amended and sections 13, 14, 15, and 20 as added by 1996 PA 571, and by adding section 14a.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senator Young introduced

Senate Bill No. 1252, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203).

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

Senator Young introduced

Senate Bill No. 1253, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending section 203 (MCL 4.1203).

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

Senator Dingell introduced

Senate Bill No. 1254, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2543 (MCL 600.2543), as amended by 1986 PA 308.

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

Senator Dingell introduced

Senate Bill No. 1255, entitled

A bill to create the uniform principal and income act; to prescribe the manner in which receipts and expenditures of trusts and estates are credited and charged between income and principal; to make uniform the law with respect to principal and income allocation; and to repeal acts and parts of acts.

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

Senator Hoffman introduced

Senate Bill No. 1256, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 3 (MCL 38.1603), as amended by 1995 PA 192, and by adding section 40b.

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

Senator Bouchard introduced

Senate Bill No. 1257, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 612a; and to repeal acts and parts of acts.

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

Senator Dingell introduced

Senate Bill No. 1258, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40102 (MCL 324.40102), as amended by 1998 PA 86, and by adding section 40115a.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Young introduced

Senate Bill No. 1259, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1272e.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senator Young introduced

Senate Bill No. 1260, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 1998 PA 141.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senator Young introduced

Senate Bill No. 1261, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81c.

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

Senator Emmons introduced

Senate Bill No. 1262, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17401 (MCL 333.17401), as amended by 1997 PA 151.

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

Senator Bouchard introduced

Senate Bill No. 1263, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2917a, 2917b, 2917c, and 2917d.

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

Senator Van Regenmorter introduced

Senate Bill No. 1264, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 26 and 28 of chapter V (MCL 765.26 and 765.28).

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

Senator Steil introduced

Senate Bill No. 1265, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 3 (MCL 207.803).

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

Senator Steil introduced

Senate Bill No. 1266, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 1996 PA 469.

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. 4090, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 65 (MCL 211.65) and by adding section 70d.

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. 4193, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9162.

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. 4576, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8a, 44a, 625b, and 732 (MCL 257.8a, 257.44a, 257.625b, and 257.732), section 8a as amended by 1994 PA 449, section 44a as added by 1993 PA 359, section 625b as amended by 1994 PA 450, and section 732 as amended by 1996 PA 493, and by adding section 23b.

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

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

House Bill No. 4670, 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 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. 4866, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 821, 822, and 8148 (MCL 600.821, 600.822, and 600.8148), section 821 as amended by 1996 PA 388 and section 822 as amended by 1996 PA 374, and by adding sections 810a and 8179.

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

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

House Bill No. 4959, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 322, 323, 602a, 624a, 624b, and 625n (MCL 257.303, 257.322, 257.323, 257.602a, 257.624a, 257.624b, and 257.625n), sections 303 and 602a as amended by 1996 PA 587, section 323 as amended by 1994 PA 449, section 624a as amended and section 624b as added by 1996 PA 493, and section 625n as added by 1996 PA 491; and to repeal acts and parts of acts.

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

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

House Bill No. 4960, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219 and 233 (MCL 257.219 and 257.233), section 219 as amended by 1985 PA 67 and section 233 as amended by 1980 PA 398, and by adding section 904c.

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

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

House Bill No. 4961, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 904 (MCL 257.904), as amended by 1994 PA 450, and by adding section 904f.

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

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

House Bill No. 5044, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2441 (MCL 600.2441).

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

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

House Bill No. 5057, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 50 (MCL 750.50), as amended by 1996 PA 458.

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.

House Bill No. 5072, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5101, 5111, 5123, 5129, and 20191 (MCL 333.5101, 333.5111, 333.5123, 333.5129, and 333.20191), sections 5101, 5111, and 5123 as amended by 1994 PA 200, section 5129 as amended by 1995 PA 253, and section 20191 as amended by 1994 PA 419.

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. 5248, entitled

A bill to amend 1913 PA 271, entitled "An act to create the Michigan historical commission; to provide for the appointment of members of the commission; to fix their terms of office, prescribe their powers and duties; to prescribe the powers and duties of certain state agencies and officers; to make an appropriation to carry out the provisions of this act; to provide for the distribution of certain revenue; to provide for the listing and destruction of useless documents, books and papers; and to repeal all acts and parts of acts inconsistent herewith," by amending section 4 (MCL 399.4), as amended by 1992 PA 190, and by adding section 4b.

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. 5366, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43555 (MCL 324.43555), as amended by 1996 PA 585.

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 Hunting, Fishing and Forestry.

House Bill No. 5407, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 4n.

The 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. 5445, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 356a, 412, 413, 415, 416, and 535a (MCL 750.356a, 750.412, 750.413, 750.415, 750.416, and 750.535a), section 535a as amended by 1988 PA 140, and by adding section 535c.

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

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

House Bill No. 5447, entitled

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending sections 2, 2a, and 22 (MCL 257.1302, 257.1302a, and 257.1322), sections 2 and 22 as amended and section 2a as added by 1988 PA 254.

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

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

House Bill No. 5468, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 27a, 249, 249a, 254, and 732 (MCL 257.27a, 257.249, 257.249a, 257.254, and 257.732), sections 27a, 249, and 249a as amended by 1993 PA 300, section 254 as amended by 1990 PA 98, and section 732 as amended by 1996 PA 493, and by adding section 254a.

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

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

House Bill No. 5581, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 1995 PA 208.

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. 5687, entitled

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending section 304 (MCL 331.1304), as amended by 1988 PA 502.

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 Local, Urban and State Affairs.

House Bill No. 5709, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 1996 PA 435.

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. 5752, entitled

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending sections 2 and 3 (MCL 41.722 and 41.723), as amended by 1995 PA 139.

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 Local, Urban and State Affairs.

House Bill No. 5783, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 25 (MCL 445.1675), as amended by 1996 PA 210, and by adding section 25a.

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

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

House Bill No. 5784, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending section 29a (MCL 493.79a), as added by 1994 PA 261.

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

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

House Bill No. 5792, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," (MCL 46.1 to 46.32) by adding section 22.

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.

House Bill No. 5793, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9301, 9302, 9303, 9304, 9305, 9307, 9308, 9310, 9312, and 9313 (MCL 324.9301, 324.9302, 324.9303, 324.9304, 324.9305, 324.9307, 324.9308, 324.9310, 324.9312, and 324.9313), as added by 1995 PA 60, and by adding section 9304a; and to repeal acts and parts of acts.

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

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

House Bill No. 5801, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 39 (MCL 211.39).

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. 5817, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 92A.

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. 5820, entitled

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

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. 5859, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ff (MCL 211.7ff), as amended by 1998 PA 18.

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5867, entitled

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

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5871, entitled

A bill to provide for the sale of real and personal property for less than its market value by a local governmental unit to a nonprofit charitable organization under certain circumstances.

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 Local, Urban and State Affairs.

House Bill No. 5875, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 56a (MCL 211.56a).

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. 5880, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1137a.

The House of Representatives has passed the bill.

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

House Bill No. 5881, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 746 (MCL 330.1746) and by adding section 747.

The House of Representatives has passed the bill.

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

House Bill No. 5884, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16290 and 20175a.

The House of Representatives has passed the bill.

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

House Bill No. 5887, entitled

A bill to amend 1982 PA 528, entitled "An act to authorize the department of natural resources to convey certain state owned property in Sanilac county; and to prescribe conditions for the conveyance," by amending the title and sections 2 and 3 and by adding sections 2a and 2b.

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5892, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 6 (MCL 208.6) and by adding section 21b.

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. 5909, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 27a (MCL 205.27a), as amended by 1993 PA 14.

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. 5938, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2518 (MCL 339.2518), as amended by 1998 PA 90.

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

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

House Bill No. 5945, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3a (MCL 205.93a), as amended by 1993 PA 326.

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. 5951, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319 and 319b (MCL 257.319 and 257.319b), section 319 as amended by 1996 PA 587 and section 319b as amended by 1996 PA 404.

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

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

House Bill No. 5952, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 1998 PA 68, and by adding sections 904d and 904e.

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

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

House Bill No. 5953, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 367c, 382, and 479a (MCL 750.367c, 750.382, and 750.479a), section 367c as added by 1982 PA 63, section 382 as amended by 1980 PA 159, and section 479a as amended by 1996 PA 586.

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

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

House Bill No. 5954, entitled

A bill to amend 1931 PA 214, entitled "An act to enact a law to define the offense of felonious driving, when committed by the operation of a vehicle and to prescribe penalties therefor," by amending section 2 (MCL 752.192).

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

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

House Bill No. 5955, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703).

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

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

House Bill No. 5956, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625, 625i, and 625m (MCL 257.625, 257.625i, and 257.625m), sections 625 and 625m as amended by 1996 PA 491 and section 625i as amended by 1996 PA 493.

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

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

House Bill No. 5967, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 1996 PA 435.

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. 5968, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 1997 PA 194.

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.

By unanimous consent the Senate returned to the order of

Messages from the Governor

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

Enrolled Senate Bill No. 789, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

(This bill was returned from the Governor with a veto earlier today and consideration postponed. See p. 1641.)

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,

Senator DeGrow moved that the veto message be referred to the Committee on Human Resources, Labor and Veterans Affairs.

On which motion Senator V. Smith requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 678**Yeas—21**

Bennett
Bouchard
Bullard
Cisky
DeGrow
Emmons

Gast
Geake
Gougeon
Hoffman
Jaye

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Nays—14

Byrum
Cherry
Conroy
DeBeaussaert

Dingell
Hart
Koivisto
Miller

O'Brien
Peters
Smith, A.

Smith, V.
Vaughn
Young

Excused—1

Berryman

Not Voting—1

Dunaskiss

In The Chair: President

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator DeGrow moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 71

Senate Resolution No. 178

The motion prevailed.

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

Senate Resolution No. 217

Senate Resolution No. 219

The resolution consent calendar was adopted.

Senators Geake, Stille, Bennett, Steil, Cisky, Gougeon, Shugars, Rogers, McManus, Emmons, Van Regenmorter, North, Schuette, Jaye, Bullard, Dunaskiss, DeGrow, Gast, Posthumus, Bouchard, Schwarz and Young offered the following resolution:

Senate Resolution No. 217.

A resolution to recognize October 23 - 31, 1998, as National Red Ribbon Week, sponsored in Michigan by the Michigan Communities in Action for Drug-Free Youth.

Whereas, Cities across our nation have been plagued by the numerous problems associated with drug and alcohol abuse; and

Whereas, Local leaders in government and in the community know that their support of the people in the neighborhoods is the most effective weapon they can have in their efforts to reduce the demand for illegal drugs and drive away the suppliers of those drugs; and

Whereas, The National Red Ribbon Week celebration has been established by the National Family Partnership to help create awareness of the drug problems facing every community. It has enabled communities to develop parent and community teams to combat illegal drugs and to promote drug-free lifestyles for America's youth; and

Whereas, October 23 - 31, 1998, has been the designated National Red Ribbon Week, with President Clinton as Honorable National Chair of the celebration. The President is calling all Americans to show their support for a drug-free nation by wearing a red ribbon during that week; now, therefore, be it

Resolved by the Senate, That the entire state of Michigan shall recognize October 23 - 31, 1998, as Red Ribbon Week and join the rest of the nation in promoting the Red Ribbon Week celebration and a drug-free America; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Communities in Action for Drug-Free Youth, organizers of this observance, as evidence of our support.

Senator Vaughn was named co-sponsor of the resolution.

Senators DeGrow, Gougeon, Schwarz and Gast offered the following resolution:

Senate Resolution No. 219.

A resolution of tribute commemorating the 75th Anniversary of the St. Clair County Community College of Port Huron.

Whereas, It is with great pride that we honor this milestone celebration and recognize the unique contributions St. Clair County Community College has made to the thousands of students who have passed through its doors and the Blue Water Community of which it serves; and

Whereas, Established in 1923 as the Port Huron Junior College, the school is historically remembered as one of Michigan's first junior colleges. In the early 1930s, the college became accredited by the North Central Association of College and Secondary Schools, making it possible for students to transfer credits to almost any college or university in the country; and

Whereas, Port Huron Junior College became St. Clair County Community College on January 1, 1968. Over its 30-year history, the college has experienced a period of impressive growth under the leadership of four dedicated, talented, and enthusiastic presidents: Dr. Harlan Heglar (1967-1971), Dr. Richard Norris (1971-1990), Dr. R. Ernest Dear (1990-1996), and Dr. Christa Adams (1996-present). Highlights of that growth period include the opening of the College Center, Fine Arts Building, and Applied Technology Center; the beginning of the foreign travel program; the first broadcast of the college radio station; the formation of the Economic Development Office and Small Business Center; the emergence of interactive telecommunications classrooms; the Reach Out to St. Clair County Campaign; and the reinstatement of the Honors College; and

Whereas, St. Clair County Community College has grown from three classrooms serving 34 students to a 25-acre campus serving more than 9,000 students. This comprehensive institution of learning has deservedly earned the title of "a college of the community"; now, therefore, be it

Resolved by the Senate, That we share in commemorating this 75th Anniversary of St. Clair County Community College; and be it further

Resolved, That a copy of this resolution be transmitted to the St. Clair County Community College administration and staff as a reflection of our admiration and highest regard.

Senator Vaughn was named co-sponsor of the resolution.

Senate Resolution No. 126.

A resolution to call for increased support for training county veterans counselors.

The question being on the adoption of the resolution,

The resolution was adopted.

Senate Resolution No. 182.

A resolution to memorialize the Congress of the United States to amend the Internal Revenue Code to remove the requirement that a home office must be used exclusively for business in order to be eligible for any tax deduction.

The question being on the adoption of the resolution,

The resolution was adopted.

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

By unanimous consent the Senate proceeded to consideration of the following concurrent resolution:

Senate Concurrent Resolution No. 87.

A concurrent resolution to urge the Department of Environmental Quality to join in the efforts of the National Environmental Lab Accreditation Committee and its advisory board and to urge the Auditor General to continue to monitor Michigan's progress in encouraging increased quality in environmental testing.

The question being on the adoption of the following committee amendment:

1. Amend the first Whereas clause, line 3, after "water" by inserting a comma and "air,".

The amendment was adopted.

The concurrent resolution, as amended, was adopted.

Senate Resolution No. 117.

A resolution to urge the Governor to establish a task force to study issues relating to fishing.

The question being on the adoption of the following committee substitute:

Substitute (S-2).

The substitute was adopted.

The resolution, as substituted, was adopted.

Senate Resolution No. 170.

A resolution urging Governor Engler to instruct the Michigan Environmental Science Board to review and analyze hydrogen sulfide emissions into the atmosphere as a result of oil and natural gas exploration and production.

The question being on the adoption of the resolution,

The resolution was adopted.

By unanimous consent the Senate returned to consideration of the following concurrent resolution:

House Concurrent Resolution No. 78.

A concurrent resolution to memorialize the Congress of the United States to increase the amount of money being distributed to the states from the Leaking Underground Storage Tank Trust Fund.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senate Resolution No. 193.

A resolution to urge the Department of Environmental Quality to join in the efforts of the National Environmental Lab Accreditation Committee and its advisory board and to urge the Auditor General to continue to monitor Michigan's progress in encouraging increased quality in environmental testing.

The question being on the adoption of the following committee amendment:

1. Amend the first Whereas clause, line 3, after "water" by inserting a comma and "air,".

The amendment was adopted.

The resolution, as amended, was adopted.

House Concurrent Resolution No. 108.

A concurrent resolution to urge the Natural Resources Commission to consider extending the 1998 firearms deer season by starting on November 14.

Whereas, Over the past quarter century, the size of Michigan's deer herd has increased dramatically. At the start of the 1997 hunting season, the state had an estimated deer population of 1.8 million; and

Whereas, While not all areas have the same density of deer, every county in Michigan faces problems from car/deer crashes. In 1996, according to the Michigan State Police, more than 68,000 accidents occurred. This number is more than twice the number of crashes of this kind that took place only ten years earlier. On average, Michigan motorists are involved in 186 deer-vehicle crashes every day. The 1996 car/deer crashes resulted in six deaths, 2,221 injuries, and a total cost of more than \$100 million. In many instances, avoiding collisions with deer causes even worse accidents; and

Whereas, In addition to the impact the large deer population has on transportation, farms suffer enormous damage. In certain areas of the state, deer are a significant threat to crops and a source of great frustration to farmers; and

Whereas, Interested parties, including public and private organizations and agencies concerned over highway safety, have proposed starting the firearms deer hunting season a day earlier this year as a means of better managing the deer

herd. Beginning the 1998 season on November 14, which is a Saturday, can prove to be an effective tool for reducing the population of deer. The added time will assure three full weekends for the firearms season, which continues to be the best mechanism for controlling the herd; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Natural Resources Commission to consider extending the 1998 firearms deer season by starting on November 14; and be it further

Resolved, That a copy of this resolution be transmitted to the Natural Resources Commission.

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

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Dunaskiss and Hoffman were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 111.

A concurrent resolution to memorialize the Congress of the United States to enact the Automobile National Heritage Area Act.

Whereas, Much of our country's manufacturing strength can be traced to the activities of the automobile industry in Michigan. Over the past century, the growth of this key industry has constituted a remarkable chapter in our history and our heritage. From the infancy of automobiles in Michigan to the industry's role during war, the process of manufacturing automobiles has meant more to our country than can be measured by economic statistics alone; and

Whereas, In an effort to recognize and preserve the cultural heritage of the automobile industry, interested citizens and organizations are working with members of Congress to establish a program to establish an automobile heritage area. The automobile heritage area would join the heritage areas already established in our country and maintained in conjunction with the National Park Service; and

Whereas, Two bills have been introduced in Congress to provide for the Automobile National Heritage Area. These measures, H.R.3910 and S.2104, would extend the program to corridors in the state with unique roles in Michigan's automobile history, including not only the metropolitan Detroit region, but also locations in Flint and Lansing; and

Whereas, There are presently sixteen heritage areas throughout the country. These help to preserve the history of the textile industry in Massachusetts, the role of the canals and other waterways in our nation's development, and several other unique components of America's past. The automobile industry certainly is an appropriate addition to this effort to save our cultural heritage; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact the Automobile National Heritage Area Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Dunaskiss, Schwarz, Stille and Hoffman were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 112.

A concurrent resolution to amend the Joint Rules of the Senate and the House of Representatives.

Resolved by the House of Representatives (the Senate concurring), That the Joint Rules of the Senate and the House of Representatives are hereby amended by adding the following rule:

"Joint Committee on Children

Rule 29. The Joint Committee on Children is created and shall consist of 6 members of the House and 6 members of the Senate appointed in the same manner as standing committees are appointed. The House membership shall include at least 2 members, 1 from the majority party caucus and 1 from the minority party caucus, from the House Education Committee and from the House Human Services and Children Committee and at least 1 member from the House Appropriations Subcommittee on Community Health or the House Appropriations Subcommittee on the Family Independence Agency. The Senate membership shall include at least 2 members, 1 from the majority party caucus and 1 from the minority party caucus, from the Senate Education Committee and from the Senate Families, Mental Health and Human Services Committee and at least 1 member from the Senate Appropriations Subcommittee on Community Health or the Senate Appropriations Subcommittee on the Family Independence Agency.

The Joint Committee on Children, which shall meet at least 4 times each year, shall study public policies affecting children in Michigan and is responsible for defining and establishing the components, guidelines, and objectives of a comprehensive state policy to ensure and promote the present and future well-being of the state's youth."

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator Steil offered the following concurrent resolution:

Senate Concurrent Resolution No. 91.

A concurrent resolution to call for the creation of a special committee in the ninetieth legislature to study the potential impact of 2000 census population figures on Michigan statutes.

Whereas, Over the years, Michigan has enacted numerous statutes that are based upon the size of communities. These laws deal with a number of issues and represent the state's response to the character of certain communities, especially areas with a high density of population; and

Whereas, Michigan statutes that apply to communities of certain population are generally based on the decennial federal census provided for in the United States Constitution. The census to be taken in the year 2000 may result in population figures that would require significant changes in Michigan law; and

Whereas, It would be prudent for the Michigan Legislature, prior to the 2000 census, to examine statutes based on population. This will allow Michigan to be better prepared for changes; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we call for the creation of a special committee in the ninetieth legislature to study the potential impact of 2000 census population figures on Michigan statutes. We urge that the special committee consist of three members of the Senate and three members of the House of Representatives, be appointed in the same manner as the standing committees are appointed, and submit its findings and recommendations to the legislature by December 31, 1999.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Young, Schwarz, Stille and Shugars were named co-sponsor of the concurrent resolution.

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 92.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, July 2, 1998, it stand adjourned until Tuesday, September 15, 1998, at 10:00 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Thursday, July 2, 1998, it stand adjourned until Tuesday, September 15, 1998, at 2:00 p.m.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 93.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Friday, July 3, 1998, it stand adjourned until Tuesday, September 15, 1998, at 10:00 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Friday, July 3, 1998, it stand adjourned until Tuesday, September 15, 1998, at 2:00 p.m.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator Bouchard offered the following resolution:

Senate Resolution No. 213.

A resolution to memorialize the Congress of the United States to enact the Automobile National Heritage Area Act.

Whereas, Much of our country's manufacturing strength can be traced to the activities of the automobile industry in Michigan. Over the past century, the growth of this key industry has constituted a remarkable chapter in our history and our heritage. From the infancy of automobiles in Michigan to the industry's role during war, the process of manufacturing automobiles has meant more to our country than can be measured by economic statistics alone; and

Whereas, In an effort to recognize and preserve the cultural heritage of the automobile industry, interested citizens and organizations are working with members of Congress to establish a program to establish an automobile heritage area. The automobile heritage area would join the heritage areas already established in our country and maintained in conjunction with the National Park Service; and

Whereas, Two bills have been introduced in Congress to provide for the Automobile National Heritage Area. These measures, H.R.3910 and S.2104, would extend the program to corridors in the state with unique roles in Michigan's automobile history, including not only the metropolitan Detroit region, but also locations in Flint and Lansing; and

Whereas, There are presently sixteen heritage areas throughout the country. These help to preserve the history of the textile industry in Massachusetts, the role of the canals and other waterways in our nation's development, and several other unique components of America's past. The automobile industry certainly is an appropriate addition to this effort to save our cultural heritage; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Automobile National Heritage Area Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Schwarz, Still and Hoffman was named co-sponsors of the resolution.

Senator Berryman offered the following resolution:

Senate Resolution No. 214.

A resolution to urge the Bureau of Alcohol, Tobacco, and Firearms of the United States Treasury Department to enforce all federal firearm laws as a demonstration project in Southeastern Michigan.

Whereas, Examples of rarely enforced federal firearms laws abound. It is a felony punishable by up to ten years in prison for a convicted felon to possess any firearm. The use of a firearm in a violent or drug-trafficking crime gets a mandatory five-year sentence for a first offense, twenty years for a second offense, and life if the firearm is a machine gun or has a silencer. Three-time violent or drug felons possessing any firearm are punished with a mandatory fifteen-year sentence. Transferring a firearm knowing that it will be used to commit a violent or drug-trafficking crime is punishable by ten years. Transporting or receiving firearms or ammunition in interstate commerce with intent to commit a felony is punishable by ten years. It is a felony for anyone in any of a long list of situations (firearms disabilities) to purchase or possess a firearm, including: felony conviction, fugitives from justice, involuntary commitment to mental institutions, judgement of incompetence to handle one's affairs, dishonorable discharge, illegal alien, domestic violence conviction, drug addiction, and others. Fines for federal firearms offenses can be as high as \$25,000; and

Whereas, There are no persons more deserving of the limited prison space available, nor persons more needful of being incapacitated through incarceration than persons that either commit violent crimes or knowingly profit from them; and

Whereas, Southeastern Michigan includes metropolitan areas with firearms crime and drug problems of the sort that would improve remarkably if the perpetrators would be removed from the scene for a considerable period; and

Whereas, Legitimate users of firearms are at least as upset by violent firearms crime as crime prevention advocates; and

Whereas, Unless used, federal firearms laws will produce no reduction in crime; now, therefore, be it

Resolved by the Senate, That we urge the federal government to adopt as a demonstration project a policy of strict enforcement of federal firearms laws in Southeastern Michigan. We urge the Bureau of Alcohol, Tobacco, and Firearms of the United States Treasury Department to work with all necessary federal authorities to bring this about; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, Treasury Secretary, and the Director of the Bureau of Alcohol, Tobacco, and Firearms.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Dingell, Young and Schwarz were named co-sponsors of the resolution.

Senator Bouchard offered the following resolution:

Senate Resolution No. 215.

A resolution to inform the Legislature and the people of Michigan about the hazards of latex allergy and its increase in the medical and dental facilities.

Whereas, In 1997, after receiving over 1,700 reports of latex allergy reactions, including 16 deaths, the United States Food and Drug Administration ordered that any medical device containing latex carry a warning about potential allergic reactions; and

Whereas, The National Institute of Occupational Safety and Health issued an alert in June 1997 requesting assistance in preventing allergic reactions to natural rubber latex among workers who use gloves and other products containing latex; and

Whereas, Latex gloves have been used as a tool in the health care industry by health care workers to prevent the transmission of many infectious diseases; and

Whereas, Latex is used in emergency equipment, personal protective equipment, office supplies, and hospital and household supplies; and

Whereas, Latex is also used in other industries, such as child care, food service, and food processing; and

Whereas, With its growing use, there is more awareness that latex and latex-containing products may trigger an allergic reaction; and

Whereas, Reactions to latex may include skin rashes, hives, itching, swollen red skin, swollen lips and tongue, shortness of breath, dizziness, fainting, eye or sinus symptoms, asthma, and on rare occasions, shock; now, therefore, be it

Resolved by the Senate, That members of this legislative body become informed and help spread the word in Michigan about the hazards of latex allergy; and be it further

Resolved, That a copy of this resolution be transmitted to Maureen Sage of Oakland County in appreciation for her concern to raise this awareness.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator DeGrow moved that the resolution be referred to the Committee on Health Policy and Senior Citizens.

The motion prevailed.

Senators Young and Hoffman were named co-sponsors of the resolution.

Senators Cherry, North, Young, O'Brien, V. Smith and Jaye offered the following resolution:

Senate Resolution No. 216.

A resolution to memorialize the Congress of the United States to strengthen measures to prohibit the dumping of shipping ballast water into the Great Lakes and connecting waterways.

Whereas, The fragile ecology of the Great Lakes has been threatened by new species of fish and plant life introduced into this water system by ships releasing ballast water. In recent years, the zebra mussel, ruffe, and goby have posed significant challenges to the delicate balance of the most important fresh water resource of North America and the largest and most accessible source of fresh water in the world; and

Whereas, With changing technologies in the shipping industry and in the ability to monitor and test water, there are opportunities to make progress in the effort to halt the introduction of more nonindigenous species into the Great Lakes. Congress can contribute enormously to this work through stronger legislation to prohibit the dumping of ballast water in the Great Lakes water system and grants to promote better compliance; and

Whereas, The quality of the Great Lakes will play a large role in shaping the future not only for Michigan and the United States, but for all of North America; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to strengthen measures to prohibit the dumping of shipping ballast water into the Great Lakes and connecting waterways; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Koivisto, Stille and Hoffman were named co-sponsors of the resolution.

Statements

Senators V. Smith 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 V. Smith's statement is as follows:

Last spring, we helped win a major auto insurance victory by pressuring the MCCA into a refund. Our insistence and the threat of a bill forcing this refund helped every Michigan auto owner receive a \$180 refund check.

Now that nearly everyone has received their refund, we will move tomorrow to withdraw our motion to discharge the bill that would force this refund. By winning this MCCA refund for motorists was only half the battle. For years the MCCA has collected money from motorists to build up their coffers. No one can predict the cost of their insurance bill because no one ever knows what their yearly MCCA charge will be. The MCCA provides a valuable service to severely injured motorists, but they collected far more money than they needed.

Unless we act now, there is nothing to prevent them from continuing to collect more than they need. This is unfair to motorists who have to pay this mandatory charge. Democrats will soon introduce legislation to change this situation. Bills to cap the MCCA charge and to prevent insurance companies from arbitrarily raising their basic rates will protect consumers while still allowing these companies and the MCCA to provide their services. The MCCA decides rate increases at their meetings, and they are meeting this Wednesday. Michigan motorists may or may not be surprised with a rate hike. Quick work on this legislation after it is introduced will ensure that Michigan auto owners are never taken advantage of again.

Senator Shugars' statement is as follows:

While we were on recess over the summer, a former Senator and a former Congressperson, Garry Brown, from my District passed away. I wanted to make a few comments about the things that he did and what he stood for.

He was truly a statesman that we can all be proud of—of his life and his public life and how he treated others and what he did not only in Lansing but in Washington also. I'd like to acknowledge Francine Brown, Abbey Brown and the rest of the Browns and that we have our sympathy sent to their family during their loss of their father, but that he is in our minds and our hearts.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5594 submits the following:

Meeting held on Tuesday, June 30, 1998, at 9:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Hoffman (C) and Young

Absent: Senator DeGrow

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5593 submits the following:

Meeting held on Tuesday, June 30, 1998, at 9:30 a.m., Room 110, Farnum Building

Present: Senators Cisky (C), Hoffman and Vaughn

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5597 submits the following:

Meeting held on Tuesday, June 30, 1998, at 9:50 a.m., Room 110, Farnum Building

Present: Senators Cisky (C), Hoffman and Vaughn

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 911 submits the following:

Meeting held on Tuesday, June 30, 1998, at 1:45 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Schwarz (C), Cisky and Koivisto

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5591 submits the following:

Meeting held on Tuesday, June 30, 1998, at 2:00 p.m., House Appropriations Room, Capitol Building

Present: Senators McManus (C), Gast and Koivisto

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5589 submits the following:

Meeting held on Tuesday, June 30, 1998, at 3:00 p.m., Room 426, Capitol Building

Present: Senators McManus (C), Gast and A. Smith

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 907 submits the following:

Meeting held on Tuesday, June 30, 1998, at 5:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), DeGrow and Vaughn

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5596 submits the following:
Meeting held on Wednesday, July 1, 1998, at 8:00 a.m., House Appropriations Room, Capitol Building
Present: Senators Steil and A. Smith
Absent: Senator DeGrow (C)

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5594 submits the following:
Meeting held on Wednesday, July 1, 1998, at 8:30 a.m., Rooms 425 and 426, Capitol Building
Present: Senators Hoffman (C), DeGrow and Young

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5589 submits the following:
Meeting held on Wednesday, July 1, 1998, at 9:00 a.m., Room 426, Capitol Building
Present: Senators McManus (C), Gast and A. Smith

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5588 submits the following:
Meeting held on Wednesday, July 1, 1998, at 9:00 a.m., Room 405, Capitol Building
Present: Senators McManus (C), Gast and Koivisto

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 909 submits the following:
Meeting held on Wednesday, July 1, 1998, at 9:00 a.m., Senate Appropriations Room, Capitol Building
Present: Senators Cisky (C), Hoffman and Vaughn

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 907 submits the following:
Meeting held on Wednesday, July 1, 1998, at 9:00 a.m., Senate Appropriations Room, Capitol Building
Present: Senators Gast (C) and Vaughn
Absent: Senator DeGrow

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 911 submits the following:
Meeting held on Wednesday, July 1, 1998, at 9:30 a.m., Senate Appropriations Room, Capitol Building
Present: Senators Schwarz (C), Cisky and Koivisto

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5594 submits the following:
Meeting held on Thursday, July 2, 1998, at 8:30 a.m., Rooms 425 and 426, Capitol Building
Present: Senators Hoffman (C) and Young
Excused: Senator DeGrow

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 904 submits the following:
Meeting held on Thursday, July 2, 1998, at 9:00 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Bennett (C), McManus and DeBeaussiaert

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 796 submits the following:
Meeting held on Thursday, July 2, 1998, at 2:15 p.m., Senate Appropriations Room, Capitol Building
Present: Senators Geake (C) and Peters
Absent: Senator Cisky

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 908 submits the following:
Meeting held on Friday, July 3, 1998, at 12:00 a.m., Senate Appropriations Room, Capitol Building
Present: Senators Geake (C), Schwarz and Conroy

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:
Public hearing held on Thursday, July 9, 1998, at 8:00 a.m., 7525 Highland Road (M-59), White Lake Town Hall, White Lake, Michigan
Present: Senator Dunaskiss (C)
Excused: Senators Schuette, Rogers, Berryman and Byrum

COMMITTEE ATTENDANCE REPORT

The Trial Court Assessment Commission submits the following:
Meeting held on Friday, August 14, 1998, at 10:00 a.m., 8th Floor Conference Room, Farnum Building
Present: Senators Van Regenmorter and Dingell

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:
Meeting held on Thursday, August 27, 1998, at 1:30 p.m., 3066 South Thomas Road, Saginaw Valley Bean and Sugarbeet Research Farm, Saginaw, Michigan
Present: Senators McManus (C), Gougeon and Byrum
Excused: Senators Stille and Berryman

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 908 submits the following:
Meeting held on Wednesday, September 9, 1998, at 10:00 a.m., Senate Appropriations Room, Capitol Building
Present: Senator Geake (C)
Absent: Senators Schwarz and Conroy

COMMITTEE ATTENDANCE REPORT

The Trial Court Assessment Commission submits the following:
Meeting held on Friday, September 11, 1998, at 10:00 a.m., 8th Floor Conference Room, Farnum Building
Excused: Senators Van Regenmorter and Dingell

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 908 submits the following:

Meeting held on Friday, September 11, 1998, at 10:00 a.m., Senate Appropriations Room, Capitol Building

Present: Senators Geake (C), Schwarz and Conroy

Scheduled Meetings

Appropriations Committee - Wednesday, September 16, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Capital Outlay Joint Subcommittee - Thursday, September 17, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Conference Committee on Senate Bill No. 908 - Wednesday, September 16, at 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1707).

Economic Development, International Trade and Regulatory Affairs Committee - Wednesday, September 16, at 1:00 p.m., Room 210, Farnum Building (3-7946).

Farming, Agribusiness and Food Systems Committee - Wednesday, September 16, at 3:00 p.m., Room 210, Farnum Building (3-1725).

Financial Services Committee - Wednesday, September 16, at 1:00 p.m., 8th Floor Conference Room, Farnum Building (3-2523).

Hunting, Fishing and Forestry Committee - Wednesday, September 16, at 1:30 p.m., Room 110, Farnum Building (3-7670).

Legislative Retirement Board of Trustees - Wednesday, September 23, at 12:00 noon, Elijah Myers Room, 2nd Floor Capitol Building (3-0575).

Senate Fiscal Agency Board of Governors- Wednesday, September 16, at 2:30 p.m., Room 324, Capitol Building (3-6960).

Scheduled Meeting Canceled

Trial Court Assessment Commission - Friday, September 18, at 10:00 a.m., 8th Floor Conference Room, Farnum Building (3-7000).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 11:10 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, September 16, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.