

No. 71
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, October 20, 1999.

10:00 a.m.

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

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

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

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

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

Senator Joanne G. Emmons of the 23rd District offered the following invocation:

Teach us to number our days, to take joy in our families, to take joy in our fellow Senators, and to reach out to Senator Vaughn—bless him with Your comfort and grace. Thank You for the blessing he has brought to each of us with his caring concern for young people.

Teach us to number our days so that we may be a blessing to our families, to our fellow Senators, and especially to our staff and all the people we serve.

We ask it in Thy name. Amen.

Motions and Communications

Recess

Senator Rogers moved that the Senate recess until 10:15 a.m.

The motion prevailed, the time being 10:03 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Posthumus.

During the recess, Senators Dunaskiss, Jaye, Bullard and DeGrow entered the Senate Chamber.

Recess

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

The motion prevailed, the time being 10:16 a.m.

10:19 a.m.

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

During the recess, Senators Dingell and Murphy entered the Senate Chamber.

The following communication was received:
Schoolcraft College

September 30, 1999

As required, we are enclosing a copy of the audited financial statements and the management letter for Schoolcraft College for the fiscal year ended June 30, 1999.

Sincerely,
Jill O'Sullivan
Executive Director-Financial Services

The communication was referred to the Secretary for record.

The following communication was received:
Lake Superior State University

October 19, 1999

Please accept the enclosed materials on behalf of Lake Superior State University:

- 1) Management Letter
- 2) Financial Report Year-ended June 30, 1999.

Sincerely,
Marilyn Willabee
Director of Business Operations

The communication was referred to the Secretary for record.

Senator Miller entered the Senate Chamber.

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

Messages from the Governor

The following message from the Governor was received on October 19, 1999, and read:

EXECUTIVE ORDER

No. 1999 - 12

**Department of Education
State Board of Education
Superintendent of Public Instruction
Department of Career Development
Department of Treasury**

Executive Reorganization

Whereas, Article V, Section 2 of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

Whereas, the Governor's authority to exercise his powers under Article V, Section 2 of the Constitution of the state of Michigan of 1963 and the Executive Reorganization Act, Section 16.101 *et seq.* of the Michigan Compiled Laws with respect to the organization of the executive branch and transfers among its units has been consistently upheld by the Michigan Supreme Court. Soap and Detergent Association v Natural Resources Commission, 415 Mich 728; 330 NW2d 346 (1982); House Speaker v Governor, 443 Mich 560; 506 NW2d 190 (1993); and Straus v Governor, 459 Mich 526; 592 NW2d 53 (1999); and

Whereas, Michigan's remarkable economic resurgence enhances the need for employers to find skilled workers in order to continue job growth, increase future investment and assure the ability of employees to have rising, real incomes; and

Whereas, on April 5, 1999, the Michigan Department of Career Development was created to focus on providing resources and supporting efforts to increase the skill levels of Michigan workers, with a special emphasis on providing students and first time job seekers with information, skills and requirements of specific careers; and

Whereas, Michigan's already successful career development programs will benefit from greater coordination which will improve their effectiveness and efficiency; and

Whereas, successful state career development programs require long-term continuity yet maximum flexibility for Michigan citizens to compete effectively in the national and international market place; and

Whereas, successful vocational and career development programs can be further improved and enhanced by close coordination with the state's Workforce Development Boards; and

Whereas, the state can more effectively and efficiently carry out the Career and Technical Education Services, Adult Education Services, and the Postsecondary Services of the Department of Education by consolidating those services within the Department of Career Development; and

Whereas, strengthening and aligning these functions with career development and training opportunities will enhance Michigan's reputation as the state with the most highly skilled men and women; and

Whereas, the Michigan Merit Award Board was established within the Department of Treasury pursuant to Act No. 94 of the Public Acts of 1999, being Sections 390.1451 *et seq.* of the Michigan Compiled Laws, to increase access to postsecondary education and training, and to reward Michigan high school graduates who have demonstrated academic achievement; and

Whereas, pursuant to Act No. 94 of the Public Acts of 1999, being Sections 390.1451 *et seq.* of the Michigan Compiled Laws, the Michigan Merit Award Board is statutorily charged with administering the Michigan Merit Award Scholarship Program (the "Scholarship Program"), for which a primary eligibility requirement is that a student take and pass the Michigan Educational Assessment Program ("MEAP") subject area assessments in reading, writing, mathematics, and science; and

Whereas, pursuant to Section 7 of Act No. 94 of Public Acts of 1999, being Section 390.1457 of the Michigan Compiled Laws, for assessments administered after January 1, 2000, the Michigan Merit Award Board shall review and approve the assessments before they may be used to determine eligibility under the Scholarship Program; and

Whereas, the Scholarship Program will be better coordinated and more effectively and efficiently administered by transferring the responsibility for certain functions associated with the MEAP assessments from the Department of Education to the Department of Treasury.

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 order the following:

I. DEFINITION

As used herein:

The State Board of Education means the State Board of Education created by Article 8, Section 3 of the Constitution of the state of Michigan of 1963.

The Department of Education is the Department of Education created by Section 300 of Act No. 380 of the Public Acts of 1965, being Section 16.400 of the Michigan Compiled Laws, as reorganized by Executive Order 1996-11 and Executive Order 1996-12.

The Department of Career Development is the Department of Career Development created by Executive Order 1999-1.

II. TRANSFER OF FUNCTIONS – DEPARTMENT OF CAREER DEVELOPMENT

A. All of the administrative statutory powers, duties, functions and responsibilities of the Superintendent of Public Instruction set forth in the following provisions of the Michigan Compiled Laws to administer all Adult Education Services, as set forth in the following sections of the Michigan Compiled Laws:

1. Section 388.531 regarding adult education programs by counties; and

2. Section 388.532 regarding training and approval of adult education instructors, are hereby transferred to the Department of Career Development by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws ("Type II transfer"). The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

B. All of the administrative statutory powers, duties, functions and responsibilities of the State Board of Education set forth in the following provisions of federal law regarding vocational education:

1. The Carl D. Perkins Vocational and Applied Technology Education Act, 20 USC 2301 *et seq.*;

2. The School to Work Opportunities Act of 1994, 20 USC 6101 *et seq.*; and

3. The Job Training Partnership Act, 29 USC 1501 *et seq.*, are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

C. All of the administrative statutory powers, duties, functions and responsibilities of the State Board of Education or Superintendent of Public Instruction, as applicable, set forth in the following provisions of the Michigan Compiled Laws to administer the following postsecondary services:

1. Sections 395.101 to 395.103 regarding proprietary schools;

2. Sections 395.121 to 395.124 regarding private trade or business schools;

3. Sections 450.170 to 450.177 and Section 388.1010(c) regarding educational corporations; and

4. The King-Chavez-Parks Program authorized in the Appropriations Act for Higher Education in 1986 (1999 PA 93, sections 118, 501-507), are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

D. All of the administrative statutory powers, duties, functions and responsibilities of the Superintendent of Public Instruction as set forth in the following provisions of the Michigan Compiled Laws regarding the administration of postsecondary services:

1. Section 380.3 regarding the designation of service area boundaries for area vocational-technical programs;

2. Section 389.105(4) regarding the designation of territory outside of a community college district to become part of its vocational-technical service area;

3. Section 389.123(b) regarding the approval of tuition waivers in exchange for educational services rendered to community colleges;

4. Section 389.124(a) regarding the education reports for a community college;

5. Section 389.143 regarding the approval of the community college accounting system, the filing of audits, and inspection of books;

6. Section 390.1152(d) regarding the designation of vocational schools eligible to receive student loans;

7. Section 390.1283(d) regarding the designation of eligible postsecondary institutions for participation in the part-time, Independent Student Grant Program;

8. Section 390.1323 regarding the designation of graduate and professional schools eligible to participate in the Michigan Graduate Work-Study Program;

9. Section 390.1373 regarding the designation of postsecondary schools eligible for the Michigan Work-Study Program;

10. Section 390.1403 regarding the designation of eligible postsecondary schools for the Michigan Educational Opportunity Grant Program; and

11. Sections 395.21, 395.31 *et seq.*, 395.1 *et seq.*, and 388.805 regarding the transfer of authority of the abolished state board of control for vocational education that includes the authority to accept and disburse federal funds for specific federal grant programs [Federal Funds for Vocational Education (20 USC 2301 *et seq.*)], are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

E. All of the statutory rule making powers, duties, functions and responsibilities of the State Board of Education or the Superintendent of Public Instruction, as applicable, as set forth in the following provisions of the Michigan Compiled Laws or Michigan Administrative Code:

1. Section 388.1661a regarding administrative rules about vocational education consortiums for State Aid purposes; and

2. R 395.231 - 395.376 regarding reimbursed programs of vocational-technical education, are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

F. All of the administrative statutory powers, duties, functions and responsibilities of the Superintendent of Public Instruction regarding the administration of career preparation program as set forth in the following provisions of the Michigan Compiled Laws:

1. Section 388.1663 regarding the Michigan Manufacturing Technology Program;

2. Section 388.1667(6)(a) regarding the Advanced Career Academy; and

3. Section 388.1668 regarding the Michigan Career Preparation System,

are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining policies, if any, on which the administration of these provisions shall be based.

III. TRANSFER OF FUNCTIONS – DEPARTMENT OF TREASURY

A. All of the administrative statutory powers, duties, functions and responsibilities of the State Board of Education and the Superintendent of Public Instruction as they relate to state assessments as set forth in the following provisions of the Michigan Compiled Laws:

1. Section 388.1081 *et seq.* regarding assessment of educational progress;

2. Section 380.1279c and Section 380.1279(2)(3)(6)(7)(9)(10) and (12-16) regarding state assessments administered to high school pupils; and

3. Section 388.1704a(2)(3)(6)(7)(9)(11)(13)(14)(15) and (16) regarding state assessments administered to high school pupils, are hereby transferred to the Department of Treasury by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

IV. IMPLEMENTATION OF THE EXECUTIVE ORDER

A. Nothing in this Executive Order should be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, and its authority to serve as the general planning and coordinating body for all public education including higher education, and to advise the legislature as to the financial requirements in connection therewith.

B. The Director of the Department of Career Development and the State Treasurer, in consultation with the Superintendent of Public Instruction, shall provide executive direction and supervision for the implementation of applicable functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. All records, personnel, property and funds used, held, employed or to be made available to the State Board of Education and Superintendent of Public Instruction for the activities transferred to the Department of Career Development and the Department of Treasury are hereby transferred to the Department of Career Development and the Department of Treasury, respectively.

D. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of this fiscal year.

E. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be in effect until revised, amended or rescinded.

F. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

G. If a court or other entity with proper jurisdiction finds any portion of this Order to be invalid, such invalidity shall not affect the remaining portions of the Order that can be given effect without the invalid portion. Any portions found invalid shall be severable from the remaining portions of this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall take effect January 1, 2000.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 19th day of October, in the Year of our Lord, One Thousand Nine Hundred Ninety-nine.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

October 19, 1999

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

Board of Forensic Polygraph Examiners

Sheriff Thomas N. Edmonds, 3512 Tamsin Avenue, Kalamazoo, Michigan 49008, county of Kalamazoo, as a member representing the general public, succeeding Mr. Robert R. Scholle of Okemos, whose term has expired, for a term expiring on May 15, 2003.

Mr. David G. Curtis, 450 Eagle Point Road, Clark Lake, Michigan 49234, county of Jackson, as a member representing private polygraph examiners, succeeding Mr. Chester Romatowski of Lady Lake, who has resigned, for a term expiring on May 15, 2001.

Mr. Patrick James Pond, 487 Cherryview Drive, Portage, Michigan 49024, county of Kalamazoo, as a member representing private polygraph examiners, succeeding Mr. Bruce K. Havens of Mt. Pleasant, whose term has expired, for a term expiring on May 15, 2003.

October 19, 1999

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

Michigan Merit Award Board

Mr. Clark Durant, 820 Washington Road, Grosse Pointe, Michigan 48230, county of Wayne, as a member representing the general public, for a term expiring on September 30, 2003.

Dr. Isaiah McKinnon, 1324 Nicolet Place, Detroit, Michigan 48207, county of Wayne, as a member representing the general public, for a term expiring on September 30, 2001.

Ms. Kathleen S. Barclay, 42 Briarwood Place, Grosse Pointe Farms, Michigan 48236, county of Wayne, as a member representing the general public, for a term expiring on September 30, 2003.

October 19, 1999

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

Michigan Natural Resources Trust Fund Board

Mr. Franklin C. Wheatlake, 9264 E. 7 Mile Road, Big Rapids, Michigan 49307, county of Mecosta, as a member representing the general public, succeeding Mr. John D. Rock of Hot Springs, who has resigned, for a term expiring on October 1, 2001.

October 19, 1999

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

Michigan State Hospital Finance Authority

Dr. Susan Work Martin, 950 San Jose Drive SE, Grand Rapids, Michigan 49506-3224, county of Kent, as a member representing the general public and as Chair, succeeding herself, for a term expiring on March 1, 2003.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House**Senate Bill No. 513, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2601, 2603, 2605, 2607, 2609, 2611, 2613, 2615, 2617, 2619, 2621, 2623, 2625, 2627, 2629, 2633, 2635, and 2637 (MCL 339.2601, 339.2603, 339.2605, 339.2607, 339.2609, 339.2611, 339.2613, 339.2615, 339.2617, 339.2619, 339.2621, 339.2623, 339.2625, 339.2627, 339.2629, 339.2633, 339.2635, and 339.2637), section 2601 as amended by 1994 PA 125 and sections 2603, 2605, 2607, 2609, 2611, 2613, 2615, 2617, 2619, 2621, 2623, 2625, 2627, 2629, 2633, 2635, and 2637 as added by 1990 PA 269, and by adding sections 2614 and 2636.

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

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

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

Senator Rogers moved that the balance of the order of Messages from the House be postponed for today.
The motion prevailed.

Third Reading of Bills

Senators Young, Leland, Peters, A. Smith, Cherry, Emerson and Hart entered the Senate Chamber.

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

House Bill No. 4764, entitled

A bill to amend 1996 PA 386, entitled "An act to regulate the sale and purchase of viatical settlement contracts; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties," (MCL 550.521 to 550.528) by adding section 4a.

The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 491**Yeas—36**

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

Nays—0**Excused—1**

Vaughn

Not Voting—1

Dunaskiss

In The Chair: President

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

The following bill was read a third time:

Senate Bill No. 783, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care reform act,” by amending section 207 (MCL 550.1207), as amended by 1993 PA 201.

The question being on the passage of the bill,

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

Roll Call No. 492

Yeas—37

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 784, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 5104 (MCL 500.5104), as added by 1993 PA 200.

The question being on the passage of the bill,

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

Roll Call No. 493

Yeas—37

Bennett	Gast	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars

Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto

McManus
Miller
Murphy
North
Peters
Rogers
Schuette

Sikkema
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Shugars, Gougeon and Steil moved that they be named co-sponsors of the following bills:

Senate Bill No. 783

Senate Bill No. 784

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Hammerstrom as Chairperson.

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

House Bill No. 4310, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2000; and to provide for the expenditure of the appropriations.

Senate Bill No. 757, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 31 and 32 (MCL 552.631 and 552.632), as amended by 1996 PA 301.

House Bill No. 4132, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 115p.

Senate Bill No. 614, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1178 (MCL 380.1178), as amended by 1995 PA 289.

House Bill No. 4354, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 217d. The bills were placed on the order of Third Reading of Bills.

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

Senate Bill No. 726, entitled

A bill to abolish the existing Detroit city council; to establish a new 9-member Detroit city council; to reapportion the city of Detroit into 9 single-member election districts; to impose certain residency requirements on candidates for the Detroit city council; and to impose certain duties on certain officials for the city of Detroit.

Substitute (S-3).

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

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

Senate Bill No. 55, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16277 and 20190.

Substitute (S-4).

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

1. Amend page 1, line 10, after "APPLIES" by striking out "WHETHER THE" and inserting "ONLY IF".

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

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

House Bill No. 4479, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401h.

Substitute (S-1).

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

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

House Bill No. 4480, entitled

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

Substitute (S-1).

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

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

House Bill No. 4481, entitled

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

Substitute (S-1).

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

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

House Bill No. 4482, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401g.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4483, entitled

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

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4484, entitled

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

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4485, entitled

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

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4486, entitled

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

Substitute (S-1).

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

1. Amend page 2, line 21, after "CONTINUE" by inserting "TO RENDER TREATMENT AND".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4487, entitled

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

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. 754, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 701.1 to 712A.32) by adding section 18/ to chapter XII.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 631, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1179.

Substitute (S-1).

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

1. Amend page 2, line 2, after "PHYSICIAN" by inserting "OR HEALTH CARE PROVIDER".
2. Amend page 2, line 14, after "EMPLOYEE'S" by striking out "GOOD FAITH BELIEF" and inserting "REASONABLE BELIEF FORMED AFTER A REASONABLE AND ORDINARY INQUIRY".
3. Amend page 2, line 21, after "EMPLOYEE'S" by striking out the balance of the line through "BELIEF" on line 22 and inserting "REASONABLE BELIEF FORMED AFTER A REASONABLE AND ORDINARY INQUIRY".

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

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

Senate Bill No. 706, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1317. 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. 762, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 836 and 837 (MCL 418.836 and 418.837), as amended by 1994 PA 271.

Substitute (S-2).

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

1. Amend page 3, line 25, by striking out all of subsection (3) and renumbering the remaining subsections.

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

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

Senate Bill No. 735, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411r. 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. 736, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as added by 1998 PA 317.

Substitute (S-1).

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

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

House Bill No. 4352, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16l of chapter XVII (MCL 777.16l), as added by 1998 PA 317.

Substitute (S-2).

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

Resolutions

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

Senate Resolution No. 90

The resolution consent calendar was adopted.

Senator Murphy offered the following resolution:

Senate Resolution No. 90.

A resolution commemorating the week of October 22, 1999, as African-American Health Awareness Week.

Whereas, African-Americans are far more likely than the general population to suffer health problems, from birth to death; and

Whereas, Black infants are more than twice as likely to die before their first birthday than white infants. More African-American infants are born prematurely, and African-American babies have twice the risk of suffering from a low birth rate or a high risk birth; and

Whereas, By adulthood, African-Americans are three times more likely than whites to be AIDS victims and twice as likely to die from strokes. AIDS is the No. 1 killer of African-American men and women ages 25 to 44. Although African-Americans make up 12 percent of the United States population, 36 percent of the AIDS cases in the United States are African-American; and

Whereas, Black men have the highest rate of prostate cancer in the world, and they are less likely to survive than white men. Black women have a higher rate of death from breast cancer than white women; and

Whereas, Heart disease is the largest killer of both men and women in the African-American/American community. It exceeds cancer, strokes, diabetes, AIDS, accidents, and crime; and

Whereas, Preventative care is less expensive than restorative care. Not smoking, exercising, and a proper diet will lead to healthier lifestyles. We must find a way to meet the challenge of our health disparities. Educating ourselves, the medical community, and policymakers is the first step; now, therefore, be it

Resolved by the Senate, That we observe the week of October 22, 1999, as African-American Health Awareness Week; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of this event as evidence of our respect and esteem.

Senators Leland, Goschka and Young were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Van Regenmorter introduced

Senate Bill No. 831, entitled

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

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

Senator McCotter introduced

Senate Bill No. 832, entitled

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

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

Senator Hammerstrom introduced

Senate Bill No. 833, entitled

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

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

Senator Johnson introduced

Senate Bill No. 834, entitled

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

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

Senator Bullard introduced

Senate Bill No. 835, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2567a (MCL 600.2567a), as added by 1990 PA 346.

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

Committee Reports

The Committee on Finance reported

House Bill No. 4796, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1997 PA 86.

With the recommendation that the bill pass.

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 796, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 261 (MCL 206.261), as amended by 1996 PA 484.

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

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

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

The Committee on Finance reported

Senate Bill No. 809, 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 regulate the importation, stamping, and disposition of certain tobacco products; 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 the title and section 14 (MCL 205.14), the title as amended and section 14 as added by 1998 PA 368.

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

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, October 19, 1999, at 1:00 p.m., Room 810, Farnum Building

Present: Senators Emmons (C), Bullard, Hammerstrom, Peters and Dingell

COMMITTEE ATTENDANCE REPORT

The Michigan Capitol Committee submits the following:

Meeting held on Wednesday, October 13, 1999, at 12:05 p.m., Room H-41, Capitol Building

Present: Senators Schwarz (C), Steil, Dunaskiss and Byrum (designee)

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, October 19, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Scheduled Meetings

Administrative Rules Joint Committee - Thursday, October 21, at 8:30 a.m., Rooms 402 and 403, Capitol Building (3-6476).

Community Health Appropriations Subcommittee - Tuesday, October 26, at 1:00 p.m., Room 110, Farnum Building (3-1777).

Banking and Financial Institutions Committee - Thursday, October 21, at 2:30 p.m., Room 210, Farnum Building (3-1801).

Human Resources, Labor, Senior Citizens and Veterans Affairs Committee - Thursday, October 21, at 1:00 p.m., Room 210, Farnum Building (3-2420).

Transportation Appropriations Subcommittee - Tuesdays, October 26, at 2:00 p.m. and November 2, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-2426).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 11:23 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, October 21, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

