

No. 4
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, January 21, 2004.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

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

Allen—present
Barcia—present
Basham—present
Bernero—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Emerson—present
Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

Olshove—present
Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Pastor Mike Reece of Calvary Baptist Church of Saginaw offered the following invocation:

Our dear Heavenly Father, I want to thank You for the opportunity that You have given us to come to You in prayer. Lord, the Bible says that we can come boldly to the throne of grace, and we can receive mercy and help in the time of need. We thank You that You have made this possible and thank You that You are a loving God, that you are a personal God, that You know all about us, and You are involved in the affairs of man. So, Lord, what takes place here today You know ahead of time, and it is important to You.

We thank You, Lord, for Your Son Jesus Christ. I thank You, Lord, that it is in and through Him that we can have eternal life. Lord, I thank You for the great state of Michigan and the privilege I have had to be a citizen of this state all of my life. I thank You for this institution. I thank You for these men and these women. As a matter of fact, the Bible says that those who are in government are appointed by God, and the fact is that they are even called Your ministers. They are doing Your work, the Bible says, for good.

So, Lord, today I ask Your blessing upon all that takes place here in this room today. Lord, I ask Your blessing personally upon the men and the women in this room, that You would help them not only to be wise and great, godly statesmen and leaders here, but also good leaders of their own homes. Lord, I pray for wisdom for them, that they might be able to balance the duties of their responsibilities here and duties of their responsibilities as fathers and mothers in their homes. Lord, I pray for wisdom that they might raise godly families. Lord, I just pray that You would give wisdom today here in this meeting for all that is said and done.

The Bible says if any of you lack wisdom, let them ask of God, who giveth to all men liberally. So, Lord, we come to You on behalf of these folks. I pray that they might seek divine guidance and wisdom and strength for this day. Lord, we pray Your blessing upon all that is said and done. We thank You for hearing our prayer.

I ask it in Jesus' name. Amen.

The President pro tempore, Senator Birkholz, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Barcia and Thomas entered the Senate Chamber.

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following joint resolution:

Senate Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 25 to article I, to define marriage as only between one man and one woman.

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

Senator Hammerstrom moved that the joint resolution be referred to the Committee on Judiciary.

The motion prevailed.

The following communication was received:
Department of State

Administrative Rules Notice of Filing

December 11, 2003

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 1:45 p.m. this date, administrative rule (03-12-01) for the Department of Community Health, Policy and Legal Affairs Administration, entitled "*Family Subsidy Support Program*," effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Secretary for record.

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

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

Senate Bill No. 506

Senate Bill No. 557

Senate Bill No. 806

Senate Bill No. 502

The motion prevailed.

The House of Representatives returned, in accordance with the request of the Senate
House Bill No. 4236, entitled

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; 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 16131, 16186, and 16263 (MCL 333.16131, 333.16186, and 333.16263), sections 16131 and 16263 as amended by 2001 PA 139 and section 16186 as amended by 2002 PA 643, and by adding section 16344 and part 187.

Senator Hammerstrom moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House amendments to the Senate substitute were concurred in.

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

Senator Hammerstrom moved to reconsider the vote by which the House amendments to the Senate substitute were concurred in.

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

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

Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

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

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

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Basham as Chairperson.

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

House Bill No. 4478, entitled

A bill to amend 1990 PA 211, entitled "The parental rights restoration act," by amending sections 3 and 4 (MCL 722.903 and 722.904).

Substitute (S-2).

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

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

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

House Bill No. 4478

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

Senator Hammerstrom moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4478

Senate Bill No. 109

The motion prevailed.

The following bill was read a third time:

House Bill No. 4478, entitled

A bill to amend 1990 PA 211, entitled "The parental rights restoration act," by amending sections 3 and 4 (MCL 722.903 and 722.904).

The question being on the passage of the bill,

Senator Scott offered the following amendments:

1. Amend page 1, line 3, after "parents" by inserting a comma and "adult family member,".
2. Amend page 1, line 5, after "parent" by inserting a comma and "adult family member,".
3. Amend page 1, line 7, after "parent" by inserting a comma and "adult family member,".
4. Amend page 4, line 18, after "parents" by inserting a comma and "adult family member,".
5. Amend page 5, line 7, after "parent" by inserting a comma and "adult family member,".
6. Amend page 6, line 1, after "parents" by inserting a comma and "adult family member,".
7. Amend page 6, line 10, after "parents" by inserting a comma and "adult family members,".
8. Amend page 6, line 15, after "parents" by inserting a comma and "adult family members,".
9. Amend page 6, line 21, after "parent" by inserting a comma and "adult family members,".
10. Amend page 6, line 23, after "parents" by inserting a comma and "adult family members,".
11. Amend page 8, line 12, after "parent" by inserting a comma and "adult family member,".
12. Amend page 8, line 23, after "parent" by inserting a comma and "adult family member,".
13. Amend page 9, line 5, after "section" by striking out the comma and "child" and inserting a colon and "(a) "Adult family member" and "adult family members" mean a grandparent, aunt, uncle, sister, or brother of the minor, who is 30 years of age or older.

(b) "Child".

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

Senator Clark-Coleman offered the following amendment:

1. Amend page 6, following line 27, by inserting:

"(5) Subsections (3) and (4) do not apply to an abortion of a pregnancy that is the result of rape or incest." and renumbering the remaining subsections.

The question being on the adoption of the amendment,

Senator Schauer moved that further consideration of the amendment be postponed temporarily.

The motion prevailed.

Senator Brater offered the following amendments:

1. Amend page 4, line 14, after "(3)" by striking out "The" and inserting "Subject to subsection (5), the".

2. Amend page 6, following line 27, by inserting:

"(5) Subsections (3) and (4) do not apply in either of the following circumstances:

- (a) An abortion performed pursuant to an emergency.
- (b) A case in which a physician certifies in writing that there is reasonable cause to believe that 1 or more of the following will occur:
 - (i) The minor will commit suicide rather than approach her parent, legal guardian, or the court for consent or a waiver under this act.
 - (ii) The minor will resort to a self-induced abortion or an abortion performed by an unqualified person rather than approach her parent or the court for consent or a waiver under this act.
 - (iii) Continuation of the pregnancy will result in permanent physical impairment of the minor.
 - (iv) Continuation of the pregnancy will result in the infertility of the minor." and renumbering the remaining subsections.

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

Senator Cherry offered the following amendment:

1. Amend page 6, following line 27, by inserting:

“(5) Subsections (3) and (4) do not apply if the minor submits a declaration indicating the following:

(a) That she has received pregnancy counseling from a licensed psychologist, psychiatrist, nurse, or social worker who is not employed by and does not receive financial consideration from a physician who performs abortions or an organization that provides abortions or abortion counseling and referral services and who does not serve as a board member or volunteer to an organization that provides abortions or abortion counseling and referral services, or from a physician who does not perform abortions.

(b) That she is sufficiently mature and well-enough informed to make the decision regarding abortion independently of her parents or legal guardian.” and renumbering the remaining subsections.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Jacobs offered the following amendments:

1. Amend page 4, line 19, by striking out all of line 19 through **“treatment.”** on line 23.

2. Amend page 6, line 5, after **“minor.”** by striking out the balance of the line through **“making.”** on line 8.

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

By unanimous consent the Senate returned to consideration of the amendment offered by Senator Clark-Coleman.

The question being on the adoption of the amendment,

The amendment was not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 9

Yeas—25

Allen	Cropsey	Hardiman	Sanborn
Barcia	Garcia	Jelinek	Sikkema
Basham	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Goschka	Olshove	Toy
Brown	Hammerstrom	Patterson	Van Woerkom
Cassis			

Nays—13

Bernero	Clarke	Johnson	Schauer
Brater	Emerson	Leland	Scott
Cherry	Jacobs	Prusi	Thomas
Clark-Coleman			

Excused—0

Not Voting—0

In The Chair: Birkholz

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

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

“An initiation of Legislation to require parental consent for abortions performed on unemancipated minors and to provide a judicial alternative to parental consent; to provide for certain rights, powers, and duties of departments, individuals, and courts; and to prescribe penalties.”

The Senate agreed to the full title.

Protest

Senator Cherry, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4478 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Cherry’s statement is as follows:

I rise to urge my colleagues to vote “no.” I, too, say that I agree very much with what the chairperson of the Appropriations Committee said because, while I was not here in the Legislature, I remember the debates at that time. I probably would have voted “yes” on parental consent, and there is no need to further amend this bill. It is as she said—for political reasons.

I also want to point out that I also am old enough to remember when abortions were not a choice within our society. I can also remember women who did die because of self-induced abortions and people having to make very difficult choices in their life regarding this because it was not an option available to them. So, while that might not be a case that happens very often now, the more we don’t allow that to be an available option to young women, the chances are that it is a very real option that could start happening again. I don’t know about all of you, but I don’t want to go back to that time in our history.

I urge my colleagues to vote “no” on this amendment.

Senators Hardiman, Johnson, George, Jacobs, Brater, Clark-Coleman, Toy, Cropsey, Scott, Cassis and Goschka asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hardiman’s first statement is as follows:

While I certainly appreciate the sentiment to care for these young girls, and I have that sentiment also, I urge a “no” vote on this amendment. This issue is about parental involvement and parental concern, and the amendment would eliminate that.

Let me just mention a couple of things about parents versus just an adult family member. They are not the parents, and that undermines the parents. They may not have the awareness of the minor’s health history. There may be conflicts of insurance if the parents cover the minor or other issues. The fact is that current law allows the judge to take these matters into consideration if the parents are not fit, and so I certainly urge a “no” vote on this amendment.

Senator Hardiman’s second statement is as follows:

The amendment before us speaks to medical emergency situations. Let me say a couple things. I urge a “no” vote on this amendment. First of all, there is current law. Michigan Compiled Laws 722.905 presently says that the parental notification requirements do not apply to an abortion performed pursuant to a medical emergency. There is also current law that presently defines medical emergency as adverting to the women’s death or preventing substantial and irreversible impairment of a major bodily function. I believe that covers the medical emergency portion.

Secondly, the situations in which the amendments address are already in existing law, except for the issue of someone stating that they might self-induce an abortion or commit suicide. This is a very difficult situation. We don’t want to see anyone take any of these actions, but I don’t know that we can deal with those in the law, quite frankly. If we take that to a further degree, we wouldn’t have any laws because someone might say that they are going to commit suicide.

This is a very difficult situation. I believe that it’s best that the young girl is surrounded by caring parents at these times and not left alone to consider on her own these actions. If the parents are not fit, once again, the law already allows an alternative that the judge could consider.

For those reasons, I urge a “no” vote on this amendment.

Senator Hardiman’s third statement is as follows:

I urge a “no” vote on this amendment. Let me explain why. This amendment actually goes backwards from existing law. It would allow a host of outside parties or persons to assert that the minor girl is capable of the decision without her parents. The parental notification law was placed before the Legislature by a citizen initiative in 1990. The present act provides for parental involvement with narrow exceptions where a judge determines that it is necessary. This amendment essentially broadens the narrow exception to what the citizens placed before the Legislature.

I would urge a “no” vote on this amendment.

Senator Hardiman’s fourth statement is as follows:

This amendment does speak to two rebuttable presumptions, which were stated earlier. Let me restate them. The minor is not capable of providing informed consent for medical treatment, and that’s why they’re considered a minor. The second rebuttable presumption is that the minor’s best interest is served by involvement of the minor’s parents in medical decision-making. To me, in most cases, that is common sense.

Now, there are some situations where that is not appropriate. There are difficult situations where the parents should not be involved. House Bill No. 4478 still allows a judge to render the hard decision that a young mother may have to proceed alone. So it's provided for there in the bill.

I would urge a "no" vote on this amendment. The removal of these rebuttable presumptions gut the heart of the bill. There may be legal reasons why House Bill No. 4478 could still have its effect without rebuttable presumptions, but these amendments would certainly seem to weaken the bill. I urge a "no" vote.

Senator Hardiman's fifth statement is as follows:

Certainly, a case of rape or incest is an extremely difficult situation. There are hard situations, but House Bill No. 4478 already makes provisions for the protection of the minor girl in these circumstances. Section 4, subsection (4)(a), clearly allows the girl or her attorney to provide the court any considerations of such abuse. Existing law already requires a judge in these cases to report sexual abuse to FIA and other appropriate authorities. Existing law allows the court to place the minor girl into protective custody if her health, safety, or welfare would be endangered by leaving her in the care of her parents or custodian. These are very difficult cases, but I believe that House Bill No. 4478 already provides for these.

I urge a "no" vote on this amendment.

Senator Hardiman's sixth statement is as follows:

Madam Chair, I want to say through you to my colleagues, I do appreciate the very lively debate on this very important topic, and it is very important. On a personal basis, I spent a lot of time thinking and looking at this subject, as I know my colleagues and the Families and Human Services Committee did.

I do support House Bill No. 4478, and I believe it does provide protection for the young girl while providing some useful guidelines for judges in making these very difficult decisions. I guess I'd like to say this: I want to protect the young girl, but I also want to protect families because I believe that the families are the basis of our communities. The family structure is very important.

Now, there are situations of abuse, certainly sexual abuse, that should not be allowed. I have seen many of those situations up close. They're awful. But I do not believe that we should throw away or diminish parental rights and throw away the family structure. I believe this bill allows for that.

So I thank you for the debate. I urge your support.

Senator Johnson's statement is as follows:

I rise to remind those of you who have served with me long enough to remember that I supported the parental consent bill as originally introduced. I sincerely do not believe it needs tweaking in any way, shape, or form. It's working, and it's working, and it's working, and it's done a fair and equitable job for young women across this state. I don't see the necessity to change it other than for political reasons.

Senator George's statement is as follows:

I just wanted to add my perspective on the bill, which I support. We've heard a lot of discussion about theoretical situations, various hypotheticals. What if an individual threatened suicide, or what if this had happened, or what if that had happened? My background is more from the practical side.

As you all know, I've practiced medicine for 20 years, and in that 20-year time period as an anesthesiologist, I have treated three patients who have suffered complications from abortions and who have been brought to the hospital for treatment. In all three instances, these were legal abortions performed in our local Planned Parenthood center. I've never seen a complication from a self-induced abortion or from an illegal abortion. It's always been from one legally performed, and the most recent one is very fresh in my mind. It just occurred over the holiday break. I returned to my district and returned to my medical practice where, from time to time, I take emergency coverage at the hospital. I was asked to see a 23-year-old woman who needed an emergency procedure because she was bleeding following an abortion. It was her second abortion. She had had it three weeks prior at the Kalamazoo Planned Parenthood facility and had bled since then and had had no follow-up care. I tell you this because in my district my Planned Parenthood facility has been very vocal. They have no hesitation about coming to Lansing and testifying in front of committees, arguing for funding, and they always make the case that they provide total women's care, that they do cancer screening, that they do counseling, that they do more than just abortions. That's always been a very important part of their argument, but my experience has been that that is not true. When a patient suffers a complication, they get no follow-up, at least from the Planned Parenthood facility in my district. In this particular instance that occurred over the break, the abortionist, who is a local physician, couldn't be found, couldn't be contacted. There was no provision for finding him when this patient was bleeding, and she ended up in the emergency room. She required blood transfusions. She was resuscitated. She had emergency surgery, and she survived.

But I think it really points out the fact that there are complications from this procedure, just like from any medical procedure, and having consent from a parent is a very reasonable thing. It's what doctors would do for any other

medical procedure, and to require or to have a meaningful consent procedure in the law for abortions is consistent with what we do in other areas.

It is practical and it is important that parents and patients be aware of potential complications because they are real and they do occur. And, again, I think in this particular case that I saw recently, it brings to light larger questions. If a patient in the hospital has a procedure, has an appendectomy done, and the surgeon leaves town, they have to have, the hospital requires them to have, some follow-up provision. There has to be a doctor on call, someone who's covering for complications. Well, in these three instances, there's been no type of provision for that. The only provision was go to your emergency room. And so I think that is something that the public and parents and potential patients should be aware of before they sign a consent and agree to this procedure.

Senator Jacobs' first statement is as follows:

Quite simply, this amendment amends the bill by striking language requiring that a young women overcome the rebuttable presumptions that (1) she is not capable of providing informed consent for medical treatment and (2) that her best interests are served by the involvement of her parents in her medical decision-making. What this means is that even before a case is heard, the court has to start from the premise that a minor is not capable of providing informed consent for medical treatment. This would essentially be a statutorily mandated bias against the minor.

Now, in a perfect world, all parents would look out for their children's best interests, but we know families are not all like the Brady Bunch or the Nelsons. We live in a world where every day we hear stories about sexual abuse and incest by parents, and that's very commonplace. And, of course, we would have to be naive to believe that all parents look out for their children's best interests.

To force a child who has been molested or raped by her parent to prove in court that her best interests are served by the involvement of that very same parent in making her medical decisions; to force her to relive the tragic circumstances of her conception; to force her to overcome such a bias presumption because certain groups would like to believe that we do live in this perfect world—that would be naive on our part and traumatic to the young woman and thoroughly unjust for society as a whole.

We have an act that is working. We have a law that is working in Michigan. What we're really doing with this bill and without this amendment is to create more barriers to safe and legal abortions. I ask my colleagues for a "yes" vote on this amendment.

Senator Jacobs' second statement is as follows:

Wow, this has really been a lively debate here today, and we're talking about some very, very serious issues. The decision to have an abortion is extremely important, and it's not meant to be taken lightly. The law that we have right now works. What we're trying to do, if we're really honest, if we were to pass this bill, is to create more barriers to minors who find themselves in an untenable situation. I'm concerned that what we'll have is opposed to creating a statewide standard. I must say I believe that judges are elected to be judicious, and that's why we elect them, that my concern is that fewer teens will have access to abortions and that we may find an unintended consequence—teen suicides, illegal abortion, and abandonment of the child. This is not what we should be doing. This is not good public policy.

So let's be honest—be honest with ourselves. What we want to do is continue to provide safe, legal access when a minor finds herself in a terrible situation. I hope that we might be able as a body to move forward and say what we all agree on in terms of this issue, and that is we all want to prevent unwanted pregnancies. So I'd like to submit to you a challenge. How can we all work together so that we don't have to be debating this time and time and time again? Let's work together to prevent unwanted pregnancies in Michigan.

Senator Brater's first statement is as follows:

I am offering this amendment which allows a minor to have parental consent waived if the abortion is to be performed in the case of an emergency or if a physician certifies in writing that there is a reasonable cause to believe that the minor will commit suicide or resort to self-induced abortion, rather than consult her parent, guardian, or the court, or that continuation of her pregnancy would result in her suffering permanent physical impairment or infertility.

This amendment is designed to protect the physical safety of a young woman in this dire situation. The determination of whether this situation is an emergency or if the young woman's pregnancy would cause irreparable physical harm would be made by an informed physician, who has medical expertise, and thus, an ability to make such a conclusion.

I have attended events where we have heard testimony from family members of women who have young women or girls who are no longer with us because in this situation, fearing to go to their parents, they have committed suicide and died, rather than face their parents to tell them that they are pregnant and seek help. We are not talking theoretically here; these are real life situations. We are talking about valuing life, the sanctity of life. I am talking here about the life of a real person, a teenage girl who may be in danger of killing herself, rather than talk to her parents before seeking an abortion. I ask for your support of this amendment.

Senator Brater's second statement is as follows:

I just want to put the issue of standards into perspective. Here, again, we're substituting. We're trying to do a substitute medical judgment in this amendment for judicial discretion. In other words, somebody who has the training to make a medical decision.

Now, the good chair of the Judiciary Committee made reference to reasonable standards and why don't we have standards. I would beg to differ that these are reasonable standards. You're asking a young girl to come forward and talk about the circumstances of her pregnancy, including actions taken to maintain her personal health and prevent pregnancy and any previous pregnancies she may have had. I mean, imagine a 14-year-old, 15-year-old, 16-year-old girl going up before what could be a male—most often is a male—with male staff around trying to talk about her personal health and medical history. I mean, that is questionable whether that is reasonable. And when we are talking about a young girl whose life may be in danger, she doesn't have access to this abortion. I think that we are not presenting reasonable standards here.

Senator Clark-Coleman's statement is as follows:

This amendment amends the bill by allowing a minor to have parental consent waived if her pregnancy is the result of rape or incest. By allowing a young woman to terminate her pregnancy if that pregnancy is the result of rape or incest, we are then taking into consideration her emotional and psychological stability. Rape and incest are despicable crimes, especially when perpetrated on a minor. One can only imagine the emotional and psychological fragility that occurs from such a tragic act. Forcing a young woman to bring to term a pregnancy conceived in such a terrible way could result in further mental anguish and trauma.

I ask that my colleagues support this amendment.

Senator Toy's statement is as follows:

I would be a little remiss while sitting silent. While I don't have an amendment, I have a strong feeling about the fact that women don't get pregnant alone. We need to also, as we are doing our amendments and looking at legislation, include young men in this situation. They need counseling as well. Many of these young men perpetrate many young women, and that trap keeps going on and on and on. This is not just a one-sided issue, as it has been portrayed for many years. I know our President has talked about making young men responsible as well as young women.

Senator Cropsey's first statement is as follows:

Well, I'll tell you, it's going to be a sorry planet if that young girl goes and gets an abortion by a judge who's willing to sign any petition that comes in front of him or her and goes back to that same family and has the same thing happen over again.

Now, what we're doing on this is we're putting standards in the law that the judge is supposed to abide by. And if you take a look at the standards, the standards are common sense. You read through the standards—somebody read through these standards and tell me doesn't this make sense? Shouldn't this be what the judge is looking at? Instead of having a judge perhaps whose moral philosophy or political philosophy is such that, "Yeh, any person can come in front of me who I'm supposed to be in a relationship with, to watch out for that child's best interest," and having their personal philosophy overcome it and say, "I'm just so pro-abortion I'll sign anything that comes in front of me."

Let's put a standard in the law and put a common sense standard in the law. That's what we're talking about. And if that child goes in front of a judge, and that judge does not inquire on how did this come about, and if it is an incest situation, that judge, by not inquiring, has sent that child back after an abortion, back to the same family where the same thing can happen over again. That's a criminal type of thing to have happen to any child, and I would hope we would turn this amendment down.

Senator Cropsey's second statement is as follows:

Yes, if the judge doesn't make any inquiry, the judge doesn't know. One of the things to keep in mind is that we write the law; we put the standard in the law. The judge doesn't go out there and just follow a personal whim of his or her own. It's totally appropriate for this Legislature to do its job as legislators and write the law. And then to go and say that while there is no presumption, talk about medical judgment here. We're not talking about medical judgment; we're talking about a judgment that this girl is going to make. And you say, "Is this girl capable of making this judgment?" And we say, if it's a minor, "No, they're not capable of making it." If they can't go to their parents where their parents give approval, then you go to the judge who stands, really, in place of the parent, looking out for the best interest of the child. You don't go to the doctor who may or may not have the best interest of the child at heart. You go to the judge at that time, and the judge is making the presumption, a rebuttable presumption, that the parenting is going to be okay, but there are a lot of families where the parenting isn't okay. Can that presumption be overcome? It certainly can be overcome. That's why it's a rebuttable presumption.

But the question becomes parental rights. This is a rebuttable presumption. We put the standard in the law. We tell the judge this is what you must look for as you look at the standard. But the rebuttable presumption is that the parents

are going to be competent. We all know there are incompetent parents, and are we going to trust the judge to find out that there are some incompetent parents there? Yes, and then the judge has to substitute his opinion as a judge to look out for the best interest of the child if the parents of that child are not worthy, so to speak, and cannot look out for the best interest of the child.

So that's what we're doing in this, and this sets up, I believe, a very good standard in which it protects parental rights. But it also protects children when that protection is needed in front of a judge, and it sets the standard in the law, which we set the standard in the law for a whole host of other areas for the judges when they are looking out for the best interest of the child.

Senator Scott's first statement is as follows:

This amendment would amend the bill by allowing an adult family member—grandparent, uncle, sister, or brother—over the age of 30 to provide consent to a minor seeking an abortion. We know there are circumstances where a young woman's parents or guardian is not someone she can trust or who she believes will look out for her best interests. Allowing a young woman to receive consent from a trusted older relative would ensure that she had consulted with someone who cares for her and has her interests at heart. We do know there are circumstances where it could be the parents themselves who have abused this child. So I would hope that you would support this amendment.

Senator Scott's second statement is as follows:

You know, the majority who have spoken on this will not have to experience this because they're males. I have watched too many people in my lifetime have to go through the turmoil of going in back rooms, and we continue to do legislation that harms women. The things that we have talked about today, the amendments, they only make sense. It shows that you have some kind of sympathy or empathy for young women. I know some personal cases where parents have raped their children, and the mother was too afraid to say anything about it. So we're only asking you to allow these young women the opportunity to have choice with their own bodies. I think we need to stay out of this and allow for some human decency for these young women. So I ask you to vote "no" on this bill because it's terrible.

Senator Cassis' statement is as follows:

Another consequence of my colleagues' proposed amendments today deal with the fact that instead of reinforcing and supporting parental responsibilities, my colleagues who support minors over their parents are eroding and undermining the very foundation of the all-important and societal role of parents in caring for their child and their children.

Senator Goschka's statement is as follows:

I do rise in very strong support of this bill. As a parent, I think it is an affront not to support this bill to parental rights and parental responsibilities. Every parent should be responsible and should care about their children, and those who do should not have some state law or some loophole somewhere taking away their parental authority. This is a good bill. I suspect that it will pass. I suspect that eventually it will go to the Governor, and I do hope that she takes a strong stand, a strong look at the issue of parental authority and responsibility. They are God-given, and they are ours as parents.

I think, in particular with Senator George's testimony, it's very important that we recognize the health issues as well. The fact that anytime a procedure is performed of any type, medically, there ought to be people who are going to ensure the safety of those individuals who undergo any type of procedure. We heard from a doctor first-hand that that just isn't done in these types of circumstances. We are also taking a stand today for the public health of the citizenry of Michigan, and I urge your support of this bill.

The following bill was read a third time:

Senate Bill No. 109, entitled

A bill to amend 1975 PA 164, entitled "An act to create a commission on Spanish-speaking affairs, an office of Spanish-speaking affairs, and an interagency council on Spanish-speaking affairs; to prescribe their powers and duties; to provide for appropriations; and to abolish the advisory council for the Spanish-speaking," by amending sections 2 and 4 (MCL 18.302 and 18.304).

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. 10

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema

Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bishop, Thomas, Scott, Kuipers, Stamas and Olshove introduced

Senate Bill No. 922, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 447 (MCL 750.447).

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senators Bishop, Thomas, Scott, Kuipers, Stamas and Olshove introduced

Senate Bill No. 923, entitled

A bill to regulate certain forms of unarmed combat; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license persons engaged in unarmed combat; to regulate certain persons connected to the business of unarmed combat and persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to adopt rules; to provide for penalties and remedies; 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, Small Business and Regulatory Reform.

Senators Kuipers, George and Bernero introduced

Senate Bill No. 924, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16263 and 17001 (MCL 333.16263 and 333.17001), section 16263 as amended by 2001 PA 139 and section 17001 as amended by 1990 PA 248, and by adding sections 16326, 17091, 17093, and 17095.

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

Committee Reports

The Committee on Education reported

House Bill No. 4340, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 61 (MCL 38.1361), as amended by 2001 PA 30.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

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 Education submitted the following:

Meeting held on Thursday, January 15, 2004, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

Scheduled Meetings

Agriculture, Forestry and Tourism and Agriculture Appropriations Subcommittee, Joint - Thursday, January 22, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Agriculture and Agriculture, Forestry and Tourism, Joint - Thursday, January 22, 9:00 a.m., Room 110, Farnum Building (373-5932)

Higher Education, Joint Senate/House - Wednesday, January 28, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Natural Resources Department - Tuesday, February 10, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Education - Thursday, January 22, 2:00 p.m., Room 210, Farnum Building (373-6920)

Natural Resources and Environmental Affairs - Tuesday, January 27, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-3447)

Senate Fiscal Agency Board of Governors - Thursday, January 22, 9:00 a.m., Room S-101, 1st Floor, Capitol Building (373-2030)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:27 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, January 22, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate