

No. 69  
STATE OF MICHIGAN  
JOURNAL  
OF THE  
**House of Representatives**  
89th Legislature  
REGULAR SESSION OF 1998

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House Chamber, Lansing, Tuesday, September 15, 1998.

2:00 p.m.

The House was called to order by the Speaker.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Agee—present	Emerson—present	Kelly—present	Profit—present
Alley—present	Fitzgerald—present	Kilpatrick—present	Prusi—present
Anthony—present	Frank—present	Kukuk—present	Quarles—present
Baade—present	Freeman—present	LaForge—present	Raczkowski—present
Baird—present	Gagliardi—present	Law—excused	Rhead—present
Bankes—present	Galloway—present	Leland—present	Richner—present
Basham—present	Geiger—present	LeTarte—present	Rison—present
Birkholz—present	Gernaat—present	Llewellyn—present	Rocca—present
Bobier—present	Gilmer—present	London—present	Sanborn—present
Bodem—present	Gire—present	Lowe—present	Schauer—present
Bogardus—present	Godchaux—present	Mans—excused	Schermesser—present
Brackenridge—present	Goschka—present	Martinez—present	Schroer—present
Brater—present	Green—present	Mathieu—present	Scott—present
Brewer—present	Griffin—present	McBryde—present	Scranton—present
Brown—present	Gubow—present	McManus—present	Sikkema—present
Byl—present	Gustafson—present	McNutt—present	Stallworth—present
Callahan—excused	Hale—present	Middaugh—present	Tesanovich—present
Cassis—present	Hammerstrom—present	Middleton—present	Thomas—present
Cherry—present	Hanley—present	Murphy—present	Varga—present
Ciaramitaro—present	Harder—present	Nye—present	Vaughn—present
Crissman—present	Hertel—present	Olshove—present	Voorhees—present
Cropsey—present	Hood—excused	Owen—present	Walberg—present
Curtis—present	Horton—present	Oxender—present	Wallace—present
Dalman—present	Jansen—present	Palamara—present	Wetters—present
DeHart—present	Jelinek—present	Parks—present	Whyman—present
DeVuyst—present	Jellema—present	Perricone—present	Willard—present
Dobb—present	Johnson—present	Price—present	Wojno—present
Dobronski—present	Kaza—present		

e/d/s = entered during session

Rep. Beverly Bodem, from the 106th District, offered the following invocation:

“Lord, we ask for Your guidance in making legislative decisions today. Keep us ever mindful of the needs of the citizens of Michigan. Prevent us from allowing our selfish desires to impact our decisions. And, Lord, we would also ask that you especially be with Jack Schick and his family today in his time of need. Again, help us to always think of others first. Amen.”

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Rep. Dobronski moved that Reps. Hood, Callahan and Mans be excused from today’s session.  
The motion prevailed.

Rep. Hammerstrom moved that Rep. Law be excused from today’s session.  
The motion prevailed.

### Notices

September 15, 1998

In accordance with House Rule 10, I hereby designate Representative Michael Hanley, to be the Presiding Officer for all, or part of today’s session.

Sincerely,  
Curtis Hertel  
Speaker of the House

By unanimous consent the House returned to the order of

### Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 359.**

A resolution offered as a memorial for Louis K. Cramton, former member of the House.

Whereas, The Michigan House of Representatives was saddened to learn of the passing of our former colleague, Louis K. Cramton. With his proud and independent spirit, he enriched his home state in many ways and left a unique legacy of principle that will not soon be forgotten; and

Whereas, Louis K. Cramton, who served as State Representative from Midland from 1971 to 1980, followed in the public service footsteps of his father, who served as a member of Congress and as a circuit court judge between stints in Lansing as a State Representative. As a lawmaker, Lou Cramton also followed his dad with his forthright style of speaking out for what he believed; and

Whereas, A native of Lapeer and a graduate of Alma College, Lou Cramton worked in journalism prior to serving with the Army during World War II. Following return to civilian life, he worked with Dow Chemical for twenty years before his concerns on public policy issues earned him the first of his five consecutive elections to the House of Representatives in 1970. During his years at the Capitol, Representative Cramton was known for his commitment to limited government and as an ardent and articulate civil rights advocate. He incorporated his social conscience with a common sense approach to solving problems; and

Whereas, Following his legislative tenure, Lou Cramton continued to put his beliefs into action through his pioneering service on the Michigan Women’s Commission. In this role, he exhibited the passion and energy he brought to many elements of his life, including his lifelong love of jazz. Indeed, Representative Lou Cramton lived his life fully in harmony with his beliefs; now, therefore, be it

Resolved by the House of Representatives, That tribute be accorded to honor the memory of Louis K. Cramton, a member of this legislative body from 1971 to 1980; and be it further

Resolved, That copies of this resolution be transmitted to his family as evidence of the lasting esteem held for his memory in our state.

The question being on the adoption of the resolution,

The resolution was adopted by a unanimous standing vote.

**Second Reading of Bills**

Pending the Second Reading of

**House Bill No. 5978, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 1995 PA 194.

Rep. Gagliardi moved that the bill be made a special order on the order of Second Reading of Bills for Tuesday, September 22.

The motion prevailed.

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The Speaker called Acting Speaker Hanley to the Chair.

By unanimous consent the House returned to the order of

**Third Reading of Bills****House Bill No. 5474, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending the title and sections 16221 and 16226 (MCL 333.16221 and 333.16226), the title as amended by 1994 PA 170 and sections 16221 and 16226 as amended by 1996 PA 273, and by adding part 56b; and to repeal acts and parts of acts.

(The bill was not passed, motion made to reconsider the vote by which the House did not pass the bill and motion postponed for the day on March 12, see House Journal No. 25, p. 438.)

The question being on the motion made previously by Rep. Wallace,

Rep. Gagliardi moved that the bill be re-referred to the Committee on Judiciary.

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

**Senate Bill No. 1026, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307, 315, 319, and 323 (MCL 257.307, 257.315, 257.319, and 257.323), section 307 as amended by 1996 PA 205, section 319 as amended by 1996 PA 587, and section 323 as amended by 1994 PA 449, and by adding section 50a.

(The bill was read a third time and postponed for the day on June 25, see House Journal No. 64, p. 1648.)

The question being on the passage of the bill,

Rep. Leland moved to substitute (H-1)\* the bill.

The motion was seconded.

The question being on the adoption of the substitute (H-1)\* offered by Rep. Leland,

Rep. Brackenridge demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-1)\* offered by Rep. Leland,

Rep. Gagliardi moved that consideration of the bill be postponed temporarily.

The motion prevailed.

**Second Reading of Bills****House Bill No. 4389, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 1 of chapter VII (MCL 67.1), as amended by 1994 PA 314.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Regulatory Affairs,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Brewer moved that the bill be placed on the order of Third Reading of Bills.

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

**House Bill No. 4390, entitled**

A bill to amend 1895 PA 215, entitled "The fourth class city act," by amending section 1 of chapter XI (MCL 91.1), as amended by 1994 PA 19.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Regulatory Affairs,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Brewer moved that the bill be placed on the order of Third Reading of Bills.

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

**House Bill No. 5874, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 303a (MCL 339.303a), as amended by 1995 PA 183, and by adding article 28; and to repeal acts and parts of acts.

The bill was read a second time.

Reps. Varga and Llewellyn moved to amend the bill as follows:

1. Amend page 6, following line 4, by inserting:

"(H) A PERSON WHO ENGAGES IN THE BUSINESS OF THE CONDUCT OF OR OFFERING TO CONDUCT AN AUCTION SOLELY WITHIN A COUNTY THAT HAS A POPULATION OF 200,000 OR LESS, UNLESS THE COUNTY, BY RESOLUTION, REQUIRES THAT PERSON TO BE LICENSED UNDER THIS ACT."

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

Rep. Scranton moved that the bill be placed on the order of Third Reading of Bills.

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

**Senate Bill No. 184, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts," by amending section 2a (MCL 722.112a), as added by 1994 PA 349.

The bill was read a second time.

Rep. McNutt moved to amend the bill as follows:

1. Amend page 2, following line 3, by inserting:

"(3) THE DEPARTMENT SHALL REIMBURSE A CHILD CARING INSTITUTION, CHILD CARE CENTER, OR GROUP DAY CARE HOME FOR THE COSTS INCURRED IN TRAINING A PERSON TO PROVIDE FIRST AID AND CARDIOPULMONARY RESUSCITATION AS REQUIRED UNDER SUBSECTION (1), INCLUDING, BUT NOT LIMITED TO, THE COST OF EMPLOYEE OVERTIME."

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

Rep. Gagliardi moved that the bill be placed on the order of Third Reading of Bills.

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

**House Bill No. 5898, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 1998 PA 68.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Transportation (for amendments, see House Journal No. 57, p. 1395),

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

Reps. Wojno and Raczkowski moved to amend the bill as follows:

1. Amend page 9, line 26, after "section" by striking out the period and inserting "or selling ~~or using~~ a certificate, placard, or sticker described in this subdivision."

2. Amend page 10, line 2, after "THAN" by striking out "\$100.00" and inserting "\$500.00".

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

Rep. Wojno moved that the bill be placed on the order of Third Reading of Bills.

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

**Messages from the Governor**

The following line items veto message from the Governor was received and read:

Executive Office, Lansing, July 27, 1998

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913  
Ladies and Gentlemen:

Today I have signed Enrolled House Bill 5589, the fiscal year 1999 appropriations bill for the Department of Environmental Quality. However, I am returning it to you because of three items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State. My action today:

- Provides \$53.4 million for the Environmental Cleanup and Redevelopment program, including a \$19 million general fund commitment. Cleanup priorities will be targeted to sites that endanger the public health, protect the environment, and speed redevelopment of contaminated "brownfield" properties.
- Provides additional support for Geological Survey programs, including \$665,000 in increased oil and gas revenue passed by the Legislature earlier this year.
- Provides \$5.7 million general fund to replace declining settlement revenues, allowing department personnel to continue work on contaminated site cleanup.
- Increases Scrap Tire Cleanup grants by \$1.8 million, providing total funding of \$3 million to local governments and private entities as incentives to properly recycle or dispose of excess tires.
- Contains \$102 million from the Water Pollution Control Revolving Fund for low-interest loans to municipalities for construction of combined sewer overflow and wastewater management projects and continues the federal Safe Drinking Water Revolving Loan Fund, providing local grants for groundwater, capacity, and source water protection projects.
- Earmarks \$170,000 of a \$250,000 commitment for the Center for Applied Environmental Research and Outreach at the University of Michigan-Flint campus as one-time transitional support in place of private contributions. Availability of Clean Michigan Initiative resources will allow the center to compete for additional state support for its environmental programs.

My action includes veto of the Looking Glass River watershed project and related boilerplate section 503, and boilerplate sections 1202 and 1203. These appropriations represent special interest items.

The Looking Glass River watershed project and section 503 utilize general fund resources for the first year of a three-year watershed restoration project performed by the Clinton soil conservation district. The Legislature recently completed action on the Clean Michigan Initiative legislation that earmarks \$50 million for nonpoint source pollution in order to fund watershed projects. The use of general fund revenue for the Looking Glass River project is an unnecessary expenditure of state resources and would place this project before all others requiring similar or greater funding support.

Section 1202 earmarks \$300,000 from waste reduction fee revenue for a university pilot program studying means of enhancing the department's Retired Engineers Technical Assistance Program (RETAP) by increasing capacity and utilizing student internship possibilities. Currently, RETAP services are available from the private sector to provide technical assistance to Michigan businesses in the areas of waste minimization and waste reduction. Additionally, the use of interns is inconsistent with RETAP program guidelines established in Enrolled House Bill 4849.

Section 1203 directs \$100,000 in waste reduction fee revenue from the Pollution Prevention Outreach program to Grand Valley State University's efforts to create a fresh water research institute. However, waste reduction fee revenue is dedicated to pollution prevention and waste reduction activities, not for educational programs pertaining to surface and groundwater protection. The University is encouraged to apply for funding consideration under the Clean Michigan Initiative as a possible source of state financial support.

In order to finalize the fiscal year 1999 budget, I encourage the Legislature to complete action on mineral well regulatory fee legislation that will fully support geological survey program activities.

I commend the Legislature for its actions in funding critical site cleanup, drinking water, waste management, and conservation law enforcement programs within Enrolled House Bill 5589, as well as the Clean Michigan Initiative legislation. I look forward to continued cooperation in completing action on Department of Environmental Quality legislation for fiscal year 1999.

Sincerely,  
John Engler  
Governor

The bill was signed by the Governor July 27, 1998, at 3:00 p.m.

July 29, 1998

The Honorable Candice S. Miller  
 Secretary of State  
 Lansing, Michigan  
 Dear Madam:

Attached is a certified copy of Enrolled House Bill No. 5589 along with a copy of the veto message of the Governor. The official bill as approved by the Governor is open for your inspection in my office.

Yours truly,  
 Mary Kay Scullion  
 Clerk of the House of Representatives

This bill was filed with the Secretary of State July 28, 1998, at 3:02 p.m. and assigned Public Act No. 292, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

Rep. Gagliardi moved that consideration of the bill be postponed for the day.  
 The motion prevailed.

The following line items veto message from the Governor was received and read:

Executive Office, Lansing, July 27, 1998

Michigan House of Representatives  
 State Capitol Building  
 Lansing, Michigan 48913  
 Ladies and Gentlemen:

Today I have signed Enrolled House Bill 5590, the fiscal year 1999 appropriation for the Family Independence Agency (FIA). However, I am returning it to you because of several items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific items vetoed are contained within the attached copy of the bill, which has been filed with the Secretary of State.

Members of the Legislature deserve to be commended for their support of Michigan's ongoing welfare reform policies. The Family Independence Program (FIP) monthly average caseload was only 115,700 cases in June, nearly a **50 percent reduction** from the March 1994 level, the month when the caseload began its current decline. Continued declining caseloads and increased earnings by those still on the caseload will generate additional Temporary Assistance For Needy Families savings of at least \$167 million in fiscal year 1999. These dramatic savings will be redirected primarily to support the day care needs of Michigan's working families and other high priority FIA programs. The child day care caseload has been increasing steadily as more FIP clients and low-income families enter the labor force. The May figures are the highest ever, with 60,048 day care cases and 105,793 children receiving care. Funding for the day care program will exceed \$300 million in fiscal year 1999, representing nearly a 50% increase over fiscal year 1997 spending levels.

I am pleased the Legislature has joined me in taking the actions necessary to clear the way for FIA to increase worker safety. Your support of our worker safety proposals will help fund additional protective services workers, purchase additional cell phones, and install "keyless access" to state cars to allow easier entry in stressed situations.

I also applaud your continuing support of the Lt. Governor's children's agenda. Additional funding will help move more children into adoptive homes, and support the placement of children with extended family members (kinship care) when these children must be removed from their parents' home.

My action today also vetoes:

- Section 635 because it conflicts with the statutory requirements of Act 431 of the Public Acts of 1984 regarding the appropriation of unobligated funds.
- Section 645 which would have mandated the department create a "citizenship assistance program" for non-U.S. citizens. While there certainly is merit in helping non-citizens pass their citizenship examinations, it is more appropriate for the federal government to perform this function. This veto will not affect public assistance eligibility standards for non-citizens.
- Section 620 which would have required the department to continue Family Independence Program grants for certain ineligible recipients. This language is an overly prescriptive infringement on the Executive branch's administrative authority. There are clearly instances when prudent management of this program requires the imposition of immediate case closure or grant reduction.
- Funding anticipated in section 702 which would have required the department to create a commission to study delinquency services. Two commissions are already studying this issue and creation of another deliberative body is unnecessary. I commend the members of the Michigan Legislature for your responsible actions on this bill.

Sincerely,  
 John Engler  
 Governor

The bill was signed by the Governor July 27, 1998, at 3:35 p.m.

July 29, 1998

The Honorable Candice S. Miller  
Secretary of State  
Lansing, Michigan

Dear Madam:

Attached is a certified copy of Enrolled House Bill No. 5590 along with a copy of the veto message of the Governor. The official bill as approved by the Governor is open for your inspection in my office.

Yours truly,  
Mary Kay Scullion  
Clerk of the House of Representatives

The bill was filed with the Secretary of State July 28, 1998, at 3:06 p.m. and assigned Public Act No. 294, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

Rep. Gagliardi moved that consideration of the bill be postponed for the day.  
The motion prevailed.

The following line items veto message from the Governor was received and read:

Executive Office, Lansing, July 27, 1998

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913  
Ladies and Gentlemen:

Today I have signed Enrolled House Bill 5594, the fiscal year 1999 appropriations bill for the Department of Transportation. However, I am returning it to you because of items which I disapprove pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of this bill, which has been filed with the Secretary of State.

This bill will provide landmark support for the rebuilding, repair and maintenance of Michigan's roads and bridges. Thanks to *Build Michigan II*, Michigan will again invest nearly \$2.2 billion for record improvements on the state trunkline system and local road and bridge projects. My action today:

- Provides for \$300 million in new federal funding authorized in the Transportation Equity Act for the 21st Century (TEA 21). Michigan's bipartisan Congressional delegation is to be applauded for their efforts in returning more federal dollars than ever before for our state's transportation and infrastructure programs.
- Supports over \$69 million in new *Build Michigan II* revenues that will continue to be shared with locals under the historical distribution formula. The Department of Transportation will continue to seek voluntary agreements with local units related to responsibility of the commercial backbone system.
- Includes \$155 million in support of local bus operating assistance. Contingent upon available revenues, operating assistance will be provided to local systems up to the current 50 percent and 60 percent levels of eligible reimbursements.
- Shifts \$26.8 million to state highway maintenance programs, enhancing preventative maintenance efforts on the state trunkline system.
- Supports \$3 million in information technology enhancements that will improve the department's efficiency and effectiveness in delivering its record breaking road and bridge improvement program.

Finally, I have vetoed the following three boilerplate sections for the reasons noted below:

- Section 316—My action includes a partial veto of language in section 316 requiring that 2 percent of the carry-forward of the state trunkline fund be placed in a Type II soundwall construction fund. The State Transportation Commission has already placed a moratorium on these types of discretionary projects, and I cannot support the diversion of transportation dollars for this purpose when they could be used on vitally important road and bridge improvements.
- Sections 603 and 609—The inclusion of these types of special interest projects for specific improvements to rest area facilities and passing lanes undermines the appropriations process and sets a dangerous precedent for future legislatures. I believe such programming decisions should be left to the Transportation Commission.

I commend the Legislature for supporting this important budget bill and look forward to working with you as we continue to aggressively improve Michigan's transportation networks.

Sincerely,  
John Engler  
Governor

The bill was signed by the Governor July 27, 1998, at 4:12 p.m.

July 29, 1998

The Honorable Candice S. Miller  
 Secretary of State  
 Lansing, Michigan  
 Dear Madam:

Attached is a certified copy of Enrolled House Bill No. 5594 along with a copy of the veto message of the Governor. The official bill as approved by the Governor is open for your inspection in my office.

Yours truly,  
 Mary Kay Scullion

Clerk of the House of Representatives

This bill was filed with the Secretary of State July 29, 1998, at 10:34 a.m. and assigned Public Act No. 309, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

Rep. Gagliardi moved that consideration of the bill be postponed for the day.

The motion prevailed.

By unanimous consent the House returned to the order of

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 4799, entitled

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

(The bill was received from the Senate on June 10, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 11, see House Journal No. 57, p. 1399.)

The question being on concurring in the adoption of the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 848

#### Yeas—66

Agee	Dobb	Kilpatrick	Richner
Alley	Dobronski	Leland	Rison
Anthony	Frank	Llewellyn	Rocca
Baade	Freeman	Mathieu	Schauer
Baird	Gagliardi	McManus	Schermesser
Bankes	Gire	Middaugh	Scott
Bobier	Godchaux	Murphy	Scranton
Bodem	Goschka	Owen	Stallworth
Bogardus	Gubow	Palamara	Tesanovich
Brater	Gustafson	Parks	Varga
Brewer	Hale	Price	Vaughn
Brown	Hammerstrom	Profit	Wallace
Cherry	Hanley	Prusi	Wetters
Ciaramitaro	Harder	Quarles	Whyman
Crissman	Hertel	Raczkowski	Willard
Curtis	Kaza	Rhead	Wojno
DeHart	Kelly		

#### Nays—35

Basham	Galloway	Johnson	Nye
Birkholz	Geiger	Kukuk	Oxender
Brackenridge	Gernaat	LeTarte	Perricone
Byl	Gilmer	London	Sanborn
Cassis	Green	Lowe	Sikkema
Cropsey	Horton	Martinez	Thomas



Dalman  
DeVuyst  
Fitzgerald

Jansen  
Jelinek  
Jellema

McBryde  
McNutt  
Middleton

Voorhees  
Walberg

In The Chair: Hanley

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Rep. Gagliardi moved that a respectful message be sent to the Senate requesting the return of **House Bill No. 5315**.  
The motion prevailed.

Rep. McManus moved that the Committee on Human Services and Children be discharged from further consideration of **House Bill No. 5855**.

(For first notice see House Journal No. 68, p. 1930.)

The question being on the motion by Rep. McManus,

Rep. McManus demanded the yeas and nays.

The demand was supported.

The question being on the motion by Rep. McManus,

The motion did not prevail, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 849**

**Yeas—50**

Baade  
Birkholz  
Bobier  
Bodem  
Brackenridge  
Byl  
Cassis  
Crissman  
Cropsey  
Dalman  
DeVuyst  
Fitzgerald  
Galloway

Geiger  
Gernaat  
Gilmer  
Godchaux  
Goschka  
Green  
Gustafson  
Hammerstrom  
Horton  
Jansen  
Jelinek  
Jellema  
Johnson

Kaza  
Kukuk  
LeTarte  
Llewellyn  
London  
Lowe  
McBryde  
McManus  
McNutt  
Middaugh  
Middleton  
Nye

Oxender  
Perricone  
Raczkowski  
Rhead  
Richner  
Rocca  
Sanborn  
Scranton  
Sikkema  
Voorhees  
Walberg  
Whyman

**Nays—48**

Agee  
Alley  
Anthony  
Baird  
Basham  
Brater  
Brewer  
Cherry  
Ciaramitaro  
Curtis  
DeHart  
Dobronski

Emerson  
Freeman  
Gagliardi  
Gire  
Gubow  
Hale  
Hanley  
Harder  
Hertel  
Kelly  
Kilpatrick  
LaForge

Leland  
Martinez  
Mathieu  
Murphy  
Olshove  
Owen  
Parks  
Price  
Profit  
Prusi  
Quarles  
Rison

Schauer  
Schermesser  
Schroer  
Scott  
Stallworth  
Tesanovich  
Thomas  
Varga  
Vaughn  
Wallace  
Willard  
Wojno

In The Chair: Hanley

Reps. Bodem, Dobronski, Cropsey, Llewellyn, Frank, Fitzgerald, Kukuk, London, Wetters, Freeman, Anthony, Baird, Kelly, Brater, Varga, Richner, Galloway, Baade, Hanley, Harder, Scranton, Jelinek, McBryde, Perricone, Cassis, Leland, Jellema, Birkholz, Palamara, Jansen, Cherry, Rhead, Vaughn, Gilmer, Dalman, Hale, Crissman, Hammerstrom, Geiger, Gire, Goschka, Voorhees, Kilpatrick, Lowe, Horton, Schauer, Dobb, Green, Gernaat, Middaugh, Raczkowski, Gubow, Profit and Basham offered the following resolution:

**House Resolution No. 352.**

A resolution commemorating the month of October as Lighthouse Awareness Month in Michigan.

Whereas, It is a pleasure and a privilege to commemorate the month of October as Lighthouse Awareness Month. Michigan, with its 3,200 miles of Great Lakes shoreline, is the home of more lighthouses than any other state in the union. These beacons have proudly towered over our Great Lakes and guided countless ships through treacherous waters. Today, they continue to protect ships and attract visitors to our state, while standing as beautiful reminders of days long ago; and

Whereas, Michigan is the only state bordering four of the five Great Lakes, and these inland seas have played a significant role in making Michigan the automobile capital of the world. Indeed, the Great Lakes have transported natural resources to manufacturing centers and delivered finished products to distant shores; and

Whereas, Michigan's history emerged from the maritime culture of the Great Lakes. Our state has 116 lighthouses, more than any other state. Without the Great Lakes or the many lighthouses that line their shores, the history and culture of our state would be drastically changed; and

Whereas, The Great Lakes Lighthouse Festival is held in Alpena, Michigan, during the month of October to celebrate the history, heritage, and beauty of the Great Lakes lighthouses. This festival is dedicated to raising the awareness of the lighthouses on the Great Lakes; and

Whereas, Anyone who has experienced a storm on a Great Lake, however, is well aware of how dangerous these waters can be. Certainly, a powerful light coming from shore during a pounding storm has been a wonderful sight to generations of sailors. Michigan's navigational aids have provided safety and comfort and saved numerous lives; now, therefore, be it

Resolved by the House of Representatives, That we commemorate the month of October as Lighthouse Awareness Month in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Great Lakes Lighthouse Keepers Association and the Great Lakes Lighthouse Festival Board of Directors as a reflection of our esteem.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

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

Reps. Bankes, Dobronski, Cropsey, Quarles, Kukuk, London, Wetters, Freeman, Anthony, Baird, Kelly, Brater, Varga, Galloway, Baade, Hanley, Martinez, Harder, Scranton, Jelinek, Perricone, Cassis, Leland, Jellema, Birkholz, Palamara, Jansen, Cherry, Rhead, Vaughn, Gilmer, Dalman, Hale, Crissman, Hammerstrom, Geiger, Gire, DeHart, Goschka, Voorhees, Kilpatrick, Lowe, Schauer, Dobb, Green, Bodem, Gernaat, Middaugh, Raczkowski, Gubow, Profit, Bogardus and Basham offered the following resolution:

**House Resolution No. 353.**

A resolution honoring Lucille and Ed McNamara upon the occasion of their 50th wedding anniversary.

Whereas, On June 26, 1998, Lucille and Ed McNamara of Livonia will reach a milestone in their marriage that few people are fortunate enough to reach—their 50th wedding anniversary. It is an honor to congratulate this special couple for their wonderful success in this important endeavor and to commend them for their many contributions throughout their lives; and

Whereas, As the McNamaras reflect upon their 50 years together, they will never forget the high school “gang” at Detroit's Redford High School in the 1940s. This is where they met and fell in love. They fondly recall their wedding day, when they were married at Christ the King Church in Redford. There were sixty people who attended the reception in Ed McNamara's parents' yard on Detroit's west side. For their honeymoon, the couple borrowed a car for a week-long motor trip up and down the State of Michigan. While they could not have known what the future would bring, they knew they would stand by each other. They have certainly done that and have demonstrated the rewards of a happy marriage; and

Whereas, Their favorite memories center around their family. They have raised five children, Colleen, Michael, Nancy, Kevin and Terence, in a loving and nurturing home. They continue to have a close family, which now includes spouses and grandchildren. The couple celebrated their anniversary with their family in Frankenmuth. The McNamaras can take pride in their many accomplishments. Lucille has long supported Ed's political decisions to run for Dearborn Heights School Board, Livonia City Council, City of Livonia Mayor and Wayne County Executive; and

Whereas, Clearly, Lucille and Ed have shared many interests, such as helping others, working diligently, and providing a fine example for their children and grandchildren. They have experienced much together during the last fifty years. Through it all, their relationship has grown closer, their commitment stronger, and their friendship deeper. These two individuals truly enjoy each other's company. As they look back on their fifty years as husband and wife, may they know how their example of commitment has warmed the hearts of all those fortunate enough to know this outstanding couple. Indeed, they enjoy the kind of marriage we all hope to have; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body congratulate Lucille and Ed McNamara in recognition of their 50th wedding anniversary on June 26, 1998. We extend our best wishes for more happiness in the future. May they continue to grow closer with each passing day; and be it further

Resolved, That a copy of this resolution be transmitted to Lucille and Ed as evidence of our best wishes upon this happy occasion.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

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

Reps. Bankes, Dobronski, Fitzgerald, Kukuk, London, Freeman, Kelly, Brater, Varga, Galloway, Hanley, Martinez, Harder, Scranton, Jelinek, Perricone, Godchaux, Cassis, Leland, Birkholz, Palamara, Cherry, Rhead, Vaughn, Dalman, Hale, Crissman, Hammerstrom, Gire, DeHart, Goschka, Lowe, Dobb, Green, Bodem, Gernaat, Middaugh, Raczkowski, Gubow, Profit and Bogardus offered the following resolution:

**House Resolution No. 354.**

A resolution honoring Pauline Mengebier upon the occasion of her retirement.

Whereas, It is a distinct pleasure to join with family, friends, and colleagues in honoring Pauline Mengebier upon her retirement from SEMCOG (Southeast Michigan Council of Governments). We extend our thanks and best wishes upon this occasion for the sixteen years as the Intergovernmental Relations Manager at SEMCOG; and

Whereas, Pauline has excelled in a variety of endeavors throughout her career. She has promoted local government membership, while representing regions on the Michigan Council of Local Governments. In the role of Intergovernmental Relations Manager Pauline has provided SEMCOG's personal contact with members, and other elected and appointed officials. She also has managed local government outreach. Pauline was instrumental in implementing an advisory council, committee and task force appointments. She also instituted and managed a liaison program between staff and members. Her career with SEMCOG has included several distinctly different responsibilities. She participated in the development of their legislative strategy and SEMCOG's Center for Joint Public Services. Pauline also instituted and managed the selection of candidates for the Taubman Fellowship for Executive Excellence at Harvard University. Pauline was the first Taubman Fellow. These are many highlights of Pauline's outstanding career with SEMCOG; and

Whereas, Certainly the central point of her attention is her family, to whom she has given countless gifts. Among the most precious of these, given to friends, her three children and six grandchildren. Pauline is an avid volunteer, which includes volunteering for the Detroit Institute of Arts and the Detroit Symphony Orchestra; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body honor Pauline Mengebier as she celebrates her retirement from SEMCOG. May she know of our deep appreciation for her many contributions to the people of this state; and be it further

Resolved, That a copy of this resolution be transmitted to Pauline as evidence of our highest regard for her fine work.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

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

Reps. Lowe, Dobronski, Cropsey, Llewellyn, Frank, Fitzgerald, Kukuk, London, Wetters, Freeman, Anthony, Baird, Kelly, Brater, Varga, Richner, Galloway, Baade, Hanley, Harder, Willard, Scranton, Jelinek, McBryde, Perricone, Cassis, Leland, Jellema, Birkholz, Palamara, Cherry, Rhead, Vaughn, Dalman, Hale, Hammerstrom, Geiger, Gire, DeHart, Goschka, Voorhees, Kilpatrick, Horton, Schauer, Dobb, Green, Bodem, Gernaat, Middaugh, Raczkowski, Gubow and Profit offered the following resolution:

**House Resolution No. 355.**

A resolution recognizing our country's remaining living World War II veterans by encouraging schools to invite them into classes to discuss their experiences first-hand.

Whereas, Today's generation is getting its first realistic look at the brutalities facing soldiers in World War II only through films such as "Saving Private Ryan" and subsequent generations cannot fully understand the accomplishments of the men and women who answered duty's call on the beaches of Normandy, the desert sands of North Africa, the frigid mountains of Europe and the islands and jungles of the Pacific where battles were waged on land, in the sea and in the air; and

Whereas, Back in America, their loved ones also gave a full measure, living on ration stamps and forsaking basic necessities. Hundreds of thousands of families made the ultimate sacrifice — sons and daughters, fathers and mothers, sisters and brothers who never came marching home. For countless others who returned to our shores, their minds and bodies were shattered by enemy gunfire and death around every corner; and

Whereas, Their oblation was described in John 15:13: "Greater love hath no man than this, that a man lay down his life for his friends." Our citizen soldiers paid a horrific price, but gained a precious peace. Enormous determination and courage beat back Nazi oppression and Japanese aggression and laid the groundwork for the world system we know today. Many borders, built with their blood, have lasted more than half a century; and

Whereas, The victory gave us the best years of our lives. Children, grandchildren and great-grandchildren prospered in the decades that followed, never comprehending the effort that secured such success. Instead of cherishing this legacy, many squander it. Today, thousands of college students have nothing better to fight for than the right to set cars ablaze or go binge drinking. Instead they should lift a glass and toast the GIs who fought for freedom of assembly; and

Whereas, In the words of Eleanor Roosevelt: "We have to remember that in the future we will want to keep before our children what this war was really like. It is so easy to forget, and then, for the younger generation the heroism and the glamour remains, while the dirt, the hardships, the horror of death and the sorrow fade somewhat from their consciousness"; and

Whereas, The World War II generation, now a group of seventy, eighty and ninety-somethings, deserves another salute from a grateful nation since time is the one enemy even this hearty generation cannot conquer. Every day more voices are silenced. About 31,000 World War II veterans pass away each month; now, therefore, be it

Resolved by the House of Representatives, That we encourage teachers to invite veterans to elementary schools and university classrooms so that students can retrace the steps of soldiers and their families. Anyone who wore a uniform deserves to be heard, whether they are Pearl Harbor survivors, Tuskegee Airmen, or the few who came back from Bataan; and be it further

Resolved, That curriculums should include the classic writings of reporter Ernie Pyle, whose chilling dispatches chronicled the "Death of Captain Waskow," the vast destruction of D-Day and other memorable moments. And that, throughout the year, not just on Memorial Day and Veteran's Day, civic groups should sponsor oral histories and honor heroes from both world wars, Korea, Vietnam, and all the other armed conflicts. General Douglas MacArthur was wrong—old soldiers do die. Let's listen to them before the memories just fade away.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

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

Reps. Martinez, Dobronski, Cropsey, Llewellyn, Frank, Fitzgerald, Kukuk, London, Wetters, Freeman, Anthony, Baird, Kelly, Brater, Varga, Richner, Galloway, Baade, Hanley, Harder, Willard, Scranton, Jelinek, McBryde, Perricone, Leland, Jellema, Birkholz, Palamara, Cherry, Vaughn, Dalman, Hale, Hammerstrom, Geiger, Gire, DeHart, Goschka, Kilpatrick, Schauer, Dobb, Green, Bodem, Middaugh, Gubow, Profit, Bogardus and Basham offered the following resolution:

**House Resolution No. 356.**

A resolution recognizing October 23, 1998, as Ladies Auxiliary VFW Day in Michigan.

Whereas, The 727,921 members of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States are providing outstanding volunteer services to America's veterans and other citizens for the 85th year; and

Whereas, Members provide services to veterans who are either hospitalized or at home in their communities, aid and comfort their families, and assist homeless veterans with a variety of rehabilitative programs; and

Whereas, Members raise more than 3 million dollars each year to support cancer research and provide assistance to members who suffer from the disease; and

Whereas, Members demonstrate their concern for America's children by providing five scholarship programs enabling students to further their education while learning about patriotism; and

Whereas, Auxiliary members continue to promote the precious freedom which was won by their husbands, sons, or other loved ones by donating flags to community groups and by teaching the proper salute to the flag; and

Whereas, The organization fosters our American heritage by conducting an annual patriotic ceremony and providing financial assistance for the preservation and beautification of this nation's most treasured symbol of freedom, the Statue of Liberty; and

Whereas, 1998-1999 National President Jane Bingham has pledged to top all previous community service records by rallying members behind her theme: Volunteerism - The Ultimate Gift; and

Whereas, Mrs. Bingham has scheduled an official visit in Lansing, Michigan on Friday, October 23, 1998; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body recognize October 23, 1998, as Ladies Auxiliary VFW Day in Michigan, in honor of the National President Jane Bingham and all the auxiliary members who volunteer their valuable time, talents and resources so that this might be a better world; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Ladies Auxiliary VFW and to National President Mrs. Jane Bingham as evidence of our esteem.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

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

Reps. Byl, Dobronski, Cropsey, Llewellyn, Frank, Fitzgerald, Kukuk, London, Wetters, Freeman, Anthony, Baird, Kelly, Brater, Varga, Richner, Baade, Hanley, Harder, Scranton, Jelinek, Perricone, Cassis, Leland, Jellema, Birkholz, Palamara, Jansen, Cherry, Rhead, Vaughn, Dalman, Hale, Crissman, Hammerstrom, Geiger, Gire, DeHart, Goschka, Kilpatrick, Horton, Schauer, Dobb, Green, Bodem, Gernaat, Middaugh, Gubow and Profit offered the following resolution:

**House Resolution No. 357.**

A resolution proclaiming September 20-26, 1998, as Surgical Technologist Week in the State of Michigan.

Whereas, The Association of Surgical Technologists, Inc., was officially incorporated as a non-profit educational association in 1969, with the support of operating room nurses, the American College of Surgeons, and the American Hospital Association; and

Whereas, The association is primarily concerned with ensuring that surgical technologists are educationally prepared to deliver quality patient care, which is accomplished through accredited surgical technology programs, national certification, and continuing education; and

Whereas, Surgical technologists are responsible for the environmental disinfection, safety, and efficiency of the operating room, as well as their knowledge and experience with aseptic surgical technique that qualifies them for a role of importance in the surgical suite; and

Whereas, The surgical technology profession has grown to meet the continuing demand for well-educated, highly-skilled, and versatile individuals to work with surgeons and other skilled professionals to deliver the highest possible level of patient care; now, therefore, be it

Resolved by the House of Representatives, That September 20-26, 1998, be proclaimed as Surgical Technologist Week in the state of Michigan, and that this observance be commended to the people of this state; and be it further

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

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

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

Reps. Profit, Wallace, Cropsey, Kukuk, London, Wetters, Freeman, Baird, Kelly, Brater, Varga, Richner, Baade, Hanley, Harder, Olshove, Jelinek, Leland, Birkholz, Palamara, Cherry, Vaughn, Dalman, Hale, Gire, DeHart, Goschka, Kilpatrick, Schauer, Dobb, Green, Bodem, Gernaat, Gubow and Bogardus offered the following resolution:

**House Resolution No. 358.**

A resolution honoring Judge Freddie G. Burton, Jr. for his many years of public service.

Whereas, Freddie G. Burton, Jr. is a citizen of the State of Michigan who is worthy of our highest praise and esteem for his dedicated and compassionate service to the people of the State of Michigan. This extraordinary gentleman has made many contributions to enhance the quality of life for the less fortunate and under served in our society; and

Whereas, Judge Burton has been a Wayne County Probate Judge since 1987. He is well known throughout Wayne County for his service to his community including as a Wayne County Commissioner for the Second District, past chairman of the Wayne County Election Commission, and Wayne County Public Administrator; and

Whereas, Judge Burton, a graduate of Michigan State University and Wayne State University, where he obtained his law degree, is associated with numerous organizations where his input is greatly sought. Indeed, the NAACP, the Michigan Probate Judges Association, the National College of Probate Judges, and the Association of Black Judges of Michigan are all richer for the generous contribution of time and knowledge that Judge Burton readily gives them; and

Whereas, A sagacious public official, Judge Burton has also been a most active member of the community. His service includes membership on the board of the Children's Charter, vice president of Plymouth Educational Center, trustee of the Luella Hannan Memorial Foundation, trustee of the Starr Commonwealth, and past president of the Wayne State University Alumni Association; and

Whereas, This very popular jurist has been recognized for his contributions to public service for which he is widely known; now, therefore, be it

Resolved by the House of Representatives, That we hereby commend Judge Freddie G. Burton, Jr. on his distinguished career; and be it further

Resolved, That a copy of this resolution be transmitted to Judge Freddie G. Burton, Jr., as evidence of our highest esteem and appreciation of his efforts.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

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

Reps. Brater, Dobronski, Cropsey, Quarles, Frank, Kukuk, Wetters, Freeman, Anthony, Baird, Kelly, Varga, Richner, Baade, Hanley, Martinez, Harder, Scranton, Jelinek, Perricone, Godchaux, Leland, Jellema, Birkholz, Palamara, Jansen, Cherry, Vaughn, Dalman, Hale, Hammerstrom, Gire, DeHart, Goschka, Kilpatrick, Lowe, Schauer, Johnson, Dobb, Green, Bodem, Gernaat, Middaugh, Gubow, Profit, Bogardus and Basham offered the following resolution:

**House Resolution No. 360.**

A resolution recognizing October 3-9, 1998, as Mental Illness Awareness Week.

Whereas, Each year since 1983, a growing number of mental health organizations, facilities and advocates recognize the first full week of October as Mental Illness Awareness Week. During this week tens of thousands of dedicated health care professionals, treatment facilities, affiliates of the National Alliance for the Mentally Ill, local mental health associations, mental health consumer self-help groups, civic groups, officials, and concerned citizens join in a true grassroots campaign to bring information, hope, and treatment to millions. They hold mental health fairs, candlelight vigils, produce special television programs, organize free depression screenings for the general public, and give countless speeches and presentations before classrooms, PTOs, local government and civil leaders, and groups; and

Whereas, Mental illness will strike one in five adult Americans in a given year without regard to age, gender, race, ethnicity, religion, or economic status. One in five children suffer from a diagnosable mental, emotional or behavioral disorder and one in ten have a serious disorder which, if left untreated, can lead to school failure, substance abuse, and even suicide. All mental disorders collectively make mental illness one of the most prevalent health problems in American today—more common than cancer, and lung and heart disease combined. Mental illnesses are treatable and a majority of people who seek professional help are successfully treated; and

Whereas, Brain disorders result in staggering economic costs to society, which are estimated to be in excess of \$40 billion annually, including direct treatment and support costs, and indirect costs such as lost productivity. Mental illness is an increasingly treatable disability with excellent prospects for remedy and recovery when properly recognized. Serious mental illness such as schizophrenia, and the major depressions, are now known to be diseases of the brain and not caused by individual weaknesses or poor family life. Persons with mental illnesses and their families may be stigmatized by the myths and prejudices surrounding mental illness and are thereby doubly victimized by the illness; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body recognize October 3-9, 1998, as Mental Illness Awareness Week and commend organizers of this event for their tireless efforts.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

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

Reps. Brater, Dobronski, Cropsey, Quarles, Frank, Anthony, Baird, Kelly, Varga, Baade, Hanley, Martinez, Scranton, Godchaux, Leland, Jellema, Palamara, Cherry, Vaughn, Hale, Gire, DeHart, Goschka, Voorhees, Kilpatrick, Schauer, Dobb, Bodem, Gubow, Profit, Bogardus and Basham offered the following resolution:

**House Resolution No. 361.**

A resolution to memorialize the Congress of the United States to rescind its mandate that the United States Department of Health and Human Services develop a national health identifier and to restrict the use of Social Security numbers to the purposes of Social Security and uses permitted by law.

Whereas, In 1996, Congress enacted a provision that requires the United States Department of Health and Human Services to develop a computerized system of keeping track of the health history of every American. This electronic code represents the first national identification system since Social Security was initiated more than sixty years ago; and

Whereas, The national health identifier is designed to increase the information available to medical care professionals, public health officials, and the scientific community for research purposes. One of the proposed ideas to implement this is to use Social Security numbers. Proponents of the national health identifier believe that the information will benefit billing systems, streamline treatment, and generally assist in the development of national disease data bases, which could help research efforts. While many of these worthy goals may result from an electronic file on each person, there are grave concerns for abuse resulting from the information; and

Whereas, Most people find little consolation in assurances that information compiled through the national health identifier would remain confidential. New reports of hackers breaking into various computer systems—even top security computers at the Pentagon—provide ample justification for skepticism. Every person's personal health history must remain private. Insurers, employers, and any number of groups could abuse the information in many ways; and

Whereas, It is significant to note that, when this provision was added to omnibus legislation in 1996, few people understood the ramifications of the policy and its potential threat to personal privacy. Many members of Congress acknowledge that they had no awareness that the measure included this mandate; and

Whereas, Clearly, the potential for damage to people far outweighs the advantages to research or the convenience to insurance companies; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to rescind its mandate that the United States Department of Health and Human Services develop a national health identifier to track the health history of every American. We also urge Congress to restrict the use of Social Security numbers to the purposes of Social Security and uses permitted by law; 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 resolution was referred to the Committee on House Oversight and Ethics.

Reps. Brackenridge, Jelinek, Dobronski, Cropsey, Llewellyn, Fitzgerald, Kukuk, London, Wetters, Freeman, Baird, Kelly, Brater, Varga, Richner, Galloway, Hanley, Scranton, McBryde, Perricone, Godchaux, Cassis, Leland, Jellema, Birkholz, Palamara, Jansen, Cherry, Rhead, Vaughn, Dalman, Hale, Crissman, Hammerstrom, Goschka, Voorhees, Lowe, Horton, Dobb, Green, Bodem, Gernaat, Middaugh, Gubow, Profit and Bogardus offered the following resolution:

**House Resolution No. 362.**

A resolution to recognize October 22, 1998, as the One Hundredth Anniversary of Augustus Moore Herring's first flight of a power-driven, controlled aircraft.

Whereas, Augustus Moore Herring is Michigan's first aviator and one of the early aviation pioneers. He invented the first practical control device for regulating the stability of airplanes and was the first to use the airfoil principle "the aerocurve", in a practical application; and

Whereas, Augustus Herring, a true pioneer in aviation, demonstrated flight through a gas powered, 2 1/2 cylinder aircraft. His first flight occurred on the shores of Silver Beach in St. Joseph, Michigan on October 22, 1898, lasted 8-10 seconds and flew 75 land feet or the equivalent of 350 air feet; and

Whereas, A. M. Herring made the first patent application for a practical, powered heavier-than-air machine. Mr. Herring arranged for the financing and organized the first company in America to build flying machines, the Herring-Curtiss Company, which later became Curtiss-Wright. The first airplane built by the Herring-Curtiss Company won the first Gordon Bennett Cup Race in 1909, piloted by Glen Curtiss; and

Whereas, Augustus Herring also built and sold to the United States the first airplane ever tested by the U.S. Army. He was assisted by J.V. Martin and Walter Brock in this venture. The plane crashed though, while being tested, and the Wrights got the contract; now, therefore, be it

Resolved by the House of Representatives, That members of this legislature recognize October 22, 1998, as the One Hundredth Anniversary of Augustus Moore Herring's first flight of aviation in St. Joseph Michigan; and be it further

Resolved, That copy of this resolution be transmitted to officials of the City of St. Joseph, Michigan as evidence of our esteem.

Pending the reference of the resolution to a committee,

Rep. Gagliardi moved that Rule 77 be suspended and the resolution be considered at this time. The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,  
The resolution was adopted, a majority of the members serving voting therefor.

### **Reports of Standing Committees**

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Dobronski, Chair of the Committee on Local Government, was received and read:

Meeting held on: Tuesday, September 15, 1998, at 9:00 a.m.,  
Present: Reps. Dobronski, Brater, Brewer, Brackenridge, Birkholz, Crissman,  
Absent: Reps. Mans, Callahan, Hammerstrom,  
Excused: Reps. Mans, Callahan, Hammerstrom.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaForge, Chair of the Committee on Human Services and Children, was received and read:

Meeting held on: Tuesday, September 15, 1998, at 9:00 a.m.,  
Present: Reps. LaForge, Scott, Bogardus, Gire, Horton, London, McManus, Sanborn,  
Absent: Rep. Schauer,  
Excused: Rep. Schauer.

### **Messages from the Senate**

#### **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.

(For text of resolution, see House Journal No. 96 of 1997, p. 2651.)

The Senate has adopted the concurrent resolution and named Senators Hart, Schwarz, Young and Stille as co-sponsors. The concurrent resolution was referred to the Clerk for record.

#### **House Concurrent Resolution No. 113.**

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see House Journal No. 68, p. 1930.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

#### **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.

Whereas, Our state's commitment to improving the environment for present and future generations is strongly dependent on accurate testing information. It is essential that laboratories testing water, air, and soil or looking for harmful materials in the home or workplace be accurate, for this information is the basis for decisions that are critical to public health and safety; and

Whereas, The Auditor General has reported that the environmental testing conducted in this state is sometimes inaccurate and inconsistent. To deal with this problem, which jeopardizes our environmental programs, the Michigan Legislature is presently considering Senate Bill No. 839. This bill would provide for accrediting environmental laboratories; and

Whereas, The National Environmental Lab Accreditation Committee (NELAC) is working to identify standards for environmental laboratories to make sure that environmental decision making is based on sound scientific data. This



voluntary national initiative includes representatives from states across the country. The NELAC is working to set standards that the states could then use to encourage uniformity and to promote better testing data; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we 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; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Environmental Quality and the Office of the Auditor General.

The has Senate adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Conservation, Environment and Recreation.

Reps. Cropsey, Llewellyn, Kukuk, Wetters, Freeman, Kelly, Varga, Richner, Scranton, McBryde, Perricone, Godchaux, Cassis, Leland, Birkholz, Palamara, Jansen, Rhead, Vaughn, Gilmer, Dalman, Hale, Hammerstrom, Geiger, Goschka, Voorhees, Dobb, Green, Bodem, Middaugh, Raczkowski and Profit were named co-sponsors of the concurrent resolution.

### Notices

#### Public Hearing

Committee on Conservation, Environment and Recreation

Date: Monday, September 21, 1998

Time: 6:00 p.m.

Place: Bay City, City Hall, Commission Chambers, 301 Washington Avenue, Bay City, Michigan  
Rep. Alley,  
Chair

Agenda: Hunter concerns regarding Bovine Tuberculosis in deer, new hunting rules in Northeastern Michigan and any/or all business properly before this committee.

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, July 2:

**House Bill Nos. 5973 5974 5975 5976 5977 5979 5980**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, July 6:

**House Bill Nos. 5981 5982 5983 5984 5985 5986 5987**

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, July 7, for his approval of 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 Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, July 9:

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

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

**Enrolled House Bill No. 4942 at 10:50 a.m.**

**Enrolled House Bill No. 5280 at 10:52 a.m.**

**Enrolled House Bill No. 5313 at 10:54 a.m.**

**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 Clerk announced the enrollment printing and presentation to the Governor on Monday, July 13, for his approval of the following bills:

**Enrolled House Bill No. 4163 at 4:15 p.m.**  
**Enrolled House Bill No. 4743 at 4:17 p.m.**  
**Enrolled House Bill No. 5588 at 4:19 p.m.**  
**Enrolled House Bill No. 5591 at 4:21 p.m.**  
**Enrolled House Bill No. 5866 at 4:23 p.m.**  
**Enrolled House Bill No. 5888 at 4:25 p.m.**  
**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 Clerk announced the enrollment printing and presentation to the Governor on Tuesday, July 14, for his approval of the following bills:

**Enrolled House Bill No. 4849 at 4:34 p.m.**  
**Enrolled House Bill No. 5418 at 4:36 p.m.**  
**Enrolled House Bill No. 5589 at 4:38 p.m.**  
**Enrolled House Bill No. 5590 at 4:40 p.m.**  
**Enrolled House Bill No. 5593 at 4:42 p.m.**  
**Enrolled House Bill No. 5883 at 4:44 p.m.**

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

**Enrolled House Bill No. 5592 at 2:21 p.m.**  
**Enrolled House Bill No. 5597 at 2:23 p.m.**  
**Enrolled House Bill No. 5627 at 2:25 p.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 Clerk announced the enrollment printing and presentation to the Governor on Thursday, July 16, for his approval of the following bills:

**Enrolled House Bill No. 4332 at 1:39 p.m.**  
**Enrolled House Bill No. 5595 at 1:41 p.m.**  
**Enrolled Senate Bill No. 928 at 2:40 p.m.**

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

**Enrolled House Bill No. 5620 at 10:26 a.m.**  
**Enrolled House Bill No. 5622 at 10:28 a.m.**  
**Enrolled House Bill No. 5719 at 10:30 a.m.**  
**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 Clerk announced the enrollment printing and presentation to the Governor on Tuesday, July 21, for his approval of the following bills:

**Enrolled House Bill No. 4065 at 1:12 p.m.**  
**Enrolled House Bill No. 4444 at 1:14 p.m.**  
**Enrolled House Bill No. 4445 at 1:16 p.m.**  
**Enrolled House Bill No. 4446 at 1:18 p.m.**

**Enrolled House Bill No. 4515 at 1:20 p.m.**  
**Enrolled House Bill No. 5398 at 1:22 p.m.**  
**Enrolled House Bill No. 5419 at 1:24 p.m.**  
**Enrolled House Bill No. 5594 at 1:26 p.m.**  
**Enrolled House Bill No. 5876 at 1:28 p.m.**  
**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 Clerk announced the enrollment printing and presentation to the Governor on Wednesday, July 22, for his approval of the following bills:

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

The Clerk announced the enrollment printing and presentation to the Governor on Monday, July 27, for his approval of 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 Clerk announced that the following Senate bills had been approved and signed by the Governor:

**Enrolled Senate Bill No. 838 - Public Act No. 204**  
**Enrolled Senate Bill No. 443 - Public Act No. 207**  
**Enrolled Senate Bill No. 97 - Public Act No. 208**  
**Enrolled Senate Bill No. 997 - Public Act No. 209**  
**Enrolled Senate Bill No. 1047 - Public Act No. 220**  
**Enrolled Senate Bill No. 483 - Public Act No. 223**  
**Enrolled Senate Bill No. 484 - Public Act No. 224**  
**Enrolled Senate Bill No. 458 - Public Act No. 226**  
**Enrolled Senate Bill No. 700 - Public Act No. 227**  
**Enrolled Senate Bill No. 780 - Public Act No. 231**  
**Enrolled Senate Bill No. 781 - Public Act No. 232**  
**Enrolled Senate Bill No. 553 - Public Act No. 237**  
**Enrolled Senate Bill No. 21 - Public Act No. 238**  
**Enrolled Senate Bill No. 583 - Public Act No. 239**  
**Enrolled Senate Bill No. 116 - Public Act No. 240**  
**Enrolled Senate Bill No. 586 - Public Act No. 241**  
**Enrolled Senate Bill No. 587 - Public Act No. 242**  
**Enrolled Senate Bill No. 590 - Public Act No. 243**  
**Enrolled Senate Bill No. 591 - Public Act No. 244**  
**Enrolled Senate Bill No. 813 - Public Act No. 245**  
**Enrolled Senate Bill No. 923 - Public Act No. 246**  
**Enrolled Senate Bill No. 613 - Public Act No. 247**  
**Enrolled Senate Bill No. 726 - Public Act No. 248**  
**Enrolled Senate Bill No. 663 - Public Act No. 256**  
**Enrolled Senate Bill No. 847 - Public Act No. 257**  
**Enrolled Senate Bill No. 848 - Public Act No. 258**  
**Enrolled Senate Bill No. 837 - Public Act No. 259**  
**Enrolled Senate Bill No. 3 - Public Act No. 261**

Enrolled Senate Bill No. 830 - Public Act No. 262  
 Enrolled Senate Bill No. 865 - Public Act No. 263  
 Enrolled Senate Bill No. 897 - Public Act No. 264  
 Enrolled Senate Bill No. 1158 - Public Act No. 267  
 Enrolled Senate Bill No. 873 - Public Act No. 269  
 Enrolled Senate Bill No. 862 - Public Act No. 270  
 Enrolled Senate Bill No. 911 - Public Act No. 271  
 Enrolled Senate Bill No. 928 - Public Act No. 272  
 Enrolled Senate Bill No. 905 - Public Act No. 273  
 Enrolled Senate Bill No. 754 - Public Act No. 277  
 Enrolled Senate Bill No. 299 - Public Act No. 278  
 Enrolled Senate Bill No. 1099 - Public Act No. 281  
 Enrolled Senate Bill No. 902 - Public Act No. 287  
 Enrolled Senate Bill No. 904 - Public Act No. 288  
 Enrolled Senate Bill No. 907 - Public Act No. 295  
 Enrolled Senate Bill No. 200 - Public Act No. 296  
 Enrolled Senate Bill No. 273 - Public Act No. 297  
 Enrolled Senate Bill No. 808 - Public Act No. 298  
 Enrolled Senate Bill No. 1093 - Public Act No. 299  
 Enrolled Senate Bill No. 329 - Public Act No. 300  
 Enrolled Senate Bill No. 330 - Public Act No. 301  
 Enrolled Senate Bill No. 331 - Public Act No. 302  
 Enrolled Senate Bill No. 38 - Public Act No. 304  
 Enrolled Senate Bill No. 37 - Public Act No. 305  
 Enrolled Senate Bill No. 1156 - Public Act No. 308  
 Enrolled Senate Bill No. 281 - Public Act No. 314  
 Enrolled Senate Bill No. 826 - Public Act No. 316  
 Enrolled Senate Bill No. 909 - Public Act No. 321  
 Enrolled Senate Bill No. 910 - Public Act No. 322  
 Enrolled Senate Bill No. 880 - Public Act No. 323  
 Enrolled Senate Bill No. 882 - Public Act No. 324  
 Enrolled Senate Bill No. 883 - Public Act No. 325  
 Enrolled Senate Bill No. 884 - Public Act No. 326  
 Enrolled Senate Bill No. 885 - Public Act No. 327  
 Enrolled Senate Bill No. 733 - Public Act No. 328  
 Enrolled Senate Bill No. 684 - Public Act No. 329  
 Enrolled Senate Bill No. 796 - Public Act No. 330  
 Enrolled Senate Bill No. 797 - Public Act No. 331  
 Enrolled Senate Bill No. 798 - Public Act No. 332  
 Enrolled Senate Bill No. 799 - Public Act No. 333  
 Enrolled Senate Bill No. 803 - Public Act No. 334

The Clerk announced that the following Senate bill had been vetoed by the Governor:  
**Senate Bill No. 789**

### **Messages from the Governor**

The following message from the Governor was received 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 message was referred to the Clerk.

The following messages from the Governor, approving and signing the following bills at the times designated below, were received and read:

Date: July 2, 1998

Time: 2:47 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5114 (Public Act No. 228, I.E.), 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 30306, 30307, and 30317 (MCL 324.30306, 324.30307, and 324.30317), section 30306 as added by 1995 PA 59, section 30307 as amended by 1995 PA 103, and section 30317 as amended by 1996 PA 530.

(Filed with the Secretary of State July 3, 1998, at 10:02 a.m.)

Date: July 2, 1998

Time: 2:50 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5499 (Public Act No. 229), being**

An act to amend 1976 PA 331, entitled "An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties," (MCL 445.901 to 445.922) by adding section 3c.

(Filed with the Secretary of State July 3, 1998, at 10:04 a.m.)

Date: July 2, 1998

Time: 2:52 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5500 (Public Act No. 230), being**

An act to amend 1976 PA 331, entitled "An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties," (MCL 445.901 to 445.922) by adding section 3d.

(Filed with the Secretary of State July 3, 1998, at 10:06 a.m.)

Date: July 2, 1998

Time: 3:05 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5346 (Public Act No. 233, I.E.), being**

An act to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in cities and incorporated villages of this state, having a population of more than 3,000," by amending sections 5, 9, 10, 11, and 14 (MCL 446.205, 446.209, 446.210, 446.211, and 446.214); and to repeal acts and parts of acts.

(Filed with the Secretary of State July 3, 1998, at 10:12 a.m.)

Date: July 2, 1998

Time: 3:10 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4694 (Public Act No. 234), being**

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

(Filed with the Secretary of State July 3, 1998, at 10:14 a.m.)

Date: July 2, 1998

Time: 3:12 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4328 (Public Act No. 235, I.E.), being**

An act to amend 1976 PA 295, entitled "An act to improve and maintain transportation services in this state; to provide for the acquisition and use of funds; to provide for the acquisition of certain railroad facilities and certain

property; to provide for the disposition and use of facilities and property acquired under this act; to provide for financial assistance to certain private transportation services; to prescribe the powers and duties of certain state departments and agencies; to provide for the transfer of certain funds; to provide for the creation of a fund; and to provide for appropriations,” by amending sections 2, 10, and 17 (MCL 474.52, 474.60, and 474.67), section 2 as amended by 1984 PA 210, section 10 as amended by 1993 PA 28, and section 17 as amended by 1993 PA 16, and by adding sections 10a, 10b, 10c, 10d, 10e, 10f, and 10g; and to repeal acts and parts of acts.

(Filed with the Secretary of State July 3, 1998, at 10:16 a.m.)

Date: July 2, 1998

Time: 3:17 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4640 (Public Act No. 236, I.E.), being**

An act to amend 1915 PA 312, entitled “An act to establish, protect and enforce by lien the rights of garage keepers who furnish labor or material for storing, repairing, maintaining, keeping or otherwise supplying automobiles or other vehicles,” by amending sections 1, 2, and 3 (MCL 570.301, 570.302, and 570.303), sections 1 and 2 as amended by 1990 PA 58, and by adding sections 4, 5, 6, 7, 8, and 9; and to repeal acts and parts of acts.

(Filed with the Secretary of State July 3, 1998, at 10:18 a.m.)

Date: July 10, 1998

Time: 7:30 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5604 (Public Act No. 249, I.E.), 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,” (MCL 600.101 to 600.9948) by adding sections 1490, 1491, 1492, 1493, and 1494.

(Filed with the Secretary of State July 10, 1998, at 10:24 a.m.)

Date: July 10, 1998

Time: 7:45 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4535 (Public Act No. 250, I.E.), being**

An act to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 601 (MCL 339.601), as amended by 1994 PA 400, and by adding section 601a.

(Filed with the Secretary of State July 10, 1998, at 10:26 a.m.)

Date: July 10, 1998

Time: 7:47 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5185 (Public Act No. 251), being**

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this

act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” (MCL 436.1101 to 436.2303) by adding section 1101a.

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

Date: July 10, 1998

Time: 7:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5399 (Public Act No. 252, I.E.), 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 61501, 61524, and 61525 (MCL 324.61501, 324.61524, and 324.61525), section 61501 as amended by 1998 PA 115 and sections 61524 and 61525 as added by 1995 PA 57, and by adding sections 61506a, 61525a, and 61525b.

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

Date: July 10, 1998

Time: 12:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5387 (Public Act No. 253), being**

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

(Filed with the Secretary of State July 13, 1998, at 8:40 a.m.)

Date: July 10, 1998

Time: 12:40 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5437 (Public Act No. 254, I.E.), being**

An act to amend 1895 PA 3, entitled “An act to provide for the incorporation of villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages; to define the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto; to define the application of this act and provide for its amendment by villages subject thereto; and to validate prior amendments and certain prior actions taken and bonds issued by villages,” by amending sections 31 and 34 of chapter VIII, sections 1, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 20, 21, 22, 24, and 25 of chapter IX, sections 1, 2, 3, 4, 6, 9, and 11 of chapter X, sections 1, 2, 5, 6, 8, 9, 10, and 11 of chapter XI, sections 1, 3, 4, 5, 6, 7, 8, and 9 of chapter XII, sections 1, 2, 3, 4, and 5 of chapter XIII, and sections 3, 5, 7, 18a, 19, 20, and 21 of chapter XIV (MCL 68.31, 68.34, 69.1, 69.4, 69.5, 69.6, 69.7, 69.8, 69.9, 69.13, 69.14, 69.15, 69.16, 69.17, 69.20, 69.21, 69.22, 69.24, 69.25, 70.1, 70.2, 70.3, 70.4, 70.6, 70.9, 70.11, 71.1, 71.2, 71.5, 71.6, 71.8, 71.9, 71.10, 71.11, 72.1, 72.3, 72.4, 72.5, 72.6, 72.7, 72.8, 72.9, 73.1, 73.2, 73.3, 73.4, 73.5, 74.3, 74.5, 74.7, 74.18a, 74.19, 74.20, and 74.21), section 15 of chapter IX as amended by 1984 PA 179, sections 1 and 4 of chapter X as amended by 1985 PA 173, section 5 of chapter XII as amended by 1983 PA 44, and section 18a of chapter XIV as added by 1988 PA 33, and by adding section 7a to chapter IX, sections 13, 14, 15, 16, and 18 to chapter X, sections 12, 13, and 14 to chapter XI, and sections 6a, 23, 23a, 23b, 23c, 23d, 23e, 23f, 23g, 23h, 23i, and 24 to chapter XIV; and to repeal acts and parts of acts.

(Filed with the Secretary of State July 13, 1998, at 8:42 a.m.)



Date: July 10, 1998

Time: 12:42 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5438 (Public Act No. 255, I.E.), being**

An act to amend 1895 PA 3, entitled “An act to provide for the incorporation of villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages; to define the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto; to define the application of this act and provide for its amendment by villages subject thereto; and to validate prior amendments and certain prior actions taken and bonds issued by villages,” by amending the title and sections 1, 1a, and 12 of chapter I, sections 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, and 15 of chapter II, sections 2 and 7 of chapter III, sections 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, and 21 of chapter IV, sections 1, 2, 3, 5, 7, and 8 of chapter V, sections 1, 3, 3a, 4, 8, 9, 11, 12, and 14 of chapter VI, and sections 3, 4, 5, 6, 7, 9, 10, 12, 13, 16, 18, 19, 23, 24, 25, 26, 31, 33, 34, 38, 39, 41, 56, 57, 58, 61, 63, and 64 of chapter VII (MCL 61.1, 61.1a, 61.12, 62.1, 62.2, 62.4, 62.5, 62.6, 62.7, 62.11, 62.12, 62.13, 62.14, 62.15, 63.2, 63.7, 64.1, 64.2, 64.3, 64.5, 64.6, 64.7, 64.9, 64.10, 64.11, 64.12, 64.21, 65.1, 65.2, 65.3, 65.5, 65.7, 65.8, 66.1, 66.3, 66.3a, 66.4, 66.8, 66.9, 66.11, 66.12, 66.14, 67.3, 67.4, 67.5, 67.6, 67.7, 67.9, 67.10, 67.12, 67.13, 67.16, 67.18, 67.19, 67.23, 67.24, 67.25, 67.26, 67.31, 67.33, 67.34, 67.38, 67.39, 67.41, 67.56, 67.57, 67.58, 67.61, 67.63, and 67.64), the title as amended by 1998 PA 145, section 1a of chapter I, sections 1 and 9 of chapter VI, and section 3 of chapter VII as amended by 1994 PA 16, section 2 of chapter II, sections 1 and 3 of chapter IV, and section 8 of chapter V as amended by 1985 PA 173, section 13 of chapter II, section 5 of chapter V, and sections 9 and 13 of chapter VII as amended by 1983 PA 205, section 21 of chapter IV as amended by 1992 PA 42, and section 4 of chapter VI as amended by 1982 PA 346, and by adding sections 3 and 4 to chapter III and section 1a to chapter VII; and to repeal acts and parts of acts.

(Filed with the Secretary of State July 13, 1998, at 8:44 a.m.)

Date: July 16, 1998

Time: 4:39 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5280 (Public Act No. 260, I.E.), 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 505.

(Filed with the Secretary of State July 17, 1998, at 11:00 a.m.)

Date: July 16, 1998

Time: 5:00 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4942 (Public Act No. 265, I.E.), 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 6 (MCL 205.56), as amended by 1993 PA 325.

(Filed with the Secretary of State July 17, 1998, at 11:10 a.m.)

Date: July 16, 1998

Time: 5:02 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5313 (Public Act No. 266, I.E.), being**

An act to amend 1937 PA 94, entitled “An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending sections 4f and 6 (MCL 205.94f and 205.96), as amended by 1993 PA 326.

(Filed with the Secretary of State July 17, 1998, at 11:12 a.m.)

Date: July 16, 1998

Time: 5:06 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5888 (Public Act No. 268, I.E.), being**

An act to amend 1945 PA 327, entitled “An act relating to aeronautics in this state; providing for the development and regulation thereof; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, or registration, or supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by the state and by political subdivisions; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics,” by amending sections 20c and 24a (MCL 259.20c and 259.24a), as added by 1996 PA 370, and by adding chapter IA and section 20d; and to repeal acts and parts of acts.

(Filed with the Secretary of State July 17, 1998, at 11:16 a.m.)

Date: July 22, 1998

Time: 11:00 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4163 (Public Act No. 274, I.E.), 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 4p.

(Filed with the Secretary of State July 22, 1998, at 2:50 p.m.)

Date: July 22, 1998

Time: 11:02 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4743 (Public Act No. 275, I.E.), being**

An act to amend 1937 PA 94, entitled “An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” (MCL 205.91 to 205.111) by adding section 4m.

(Filed with the Secretary of State July 22, 1998, at 2:52 p.m.)

Date: July 26, 1998

Time: 9:50 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5866 (Public Act No. 276, I.E.), 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 8501 and 8511 (MCL 324.8501 and 324.8511), as added by 1995 PA 60, and by adding section 8517.

(Filed with the Secretary of State July 27, 1998, at 3:50 p.m.)

Date: July 26, 1998

Time: 10:02 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5418 (Public Act No. 279, I.E.), being**

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal certain acts and parts of acts; to repeal certain acts and parts of acts on specific dates; to repeal certain parts of this act on specific dates; and to provide penalties for the violation of this act,” by amending sections 225, 8134, 8142, and 8159 (MCL 500.225, 500.8134, 500.8142, and 500.8159), section 225 as added by 1994 PA 228, section 8134 as added by 1989 PA 302, and sections 8142 and 8159 as amended by 1996 PA 429, and by adding sections 478, 479, and 480.

(Filed with the Secretary of State July 27, 1998, at 3:57 p.m.)

Date: July 26, 1998

Time: 10:20 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4332 (Public Act No. 282, I.E.), being**

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending sections 521 and 531 (MCL 436.1521 and 436.1531) and by adding section 522.

(Filed with the Secretary of State July 27, 1998, at 4:02 p.m.)

Date: July 26, 1998

Time: 10:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5588 (Public Act No. 283, I.E.), being**

An act to make appropriations for the department of agriculture for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require

reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

(Filed with the Secretary of State July 27, 1998, at 4:04 p.m.)

Date: July 27, 1998

Time: 9:55 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5622 (Public Act No. 284, I.E.), being**

An act to authorize the issuance of general obligation bonds of the state and to pledge the full faith and credit of the state for the payment of principal and interest on the bonds to finance environmental and natural resources protection programs that would clean up and redevelop contaminated sites, protect and improve water quality, prevent pollution, abate lead contamination, reclaim and revitalize community waterfronts, enhance recreational opportunities, and clean up contaminated sediments in lakes, rivers, and streams; to pay for issuing the bonds; to provide for other measures relating to the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of the state.

(Filed with the Secretary of State July 27, 1998, at 4:06 p.m.)

Date: July 27, 1998

Time: 9:57 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5620 (Public Act No. 285, I.E.), 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 795.

(Filed with the Secretary of State July 27, 1998, at 4:08 p.m.)

Date: July 27, 1998

Time: 9:59 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5719 (Public Act No. 286, I.E.), 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 716.

(Filed with the Secretary of State July 27, 1998, at 4:10 p.m.)

Date: July 27, 1998

Time: 10:25 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4849 (Public Act No. 289, I.E.), 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 14301, 14302, 14303, 14304, 14306, 14501, 14502, 14503, 14504, 14506, and 14510 (MCL 324.14301, 324.14302, 324.14303, 324.14304, 324.14306, 324.14501, 324.14502, 324.14503, 324.14504, 324.14506, and 324.14510) and by adding sections 14511, 14512, and 14513; and to repeal acts and parts of acts.

(Filed with the Secretary of State July 27, 1998, at 4:16 p.m.)

Date: July 27, 1998

Time: 2:45 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5591 (Public Act No. 290, I.E.), being**

An act to make appropriations for the department of natural resources for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(Filed with the Secretary of State July 27, 1998, at 4:18 p.m.)

Date: July 26, 1998

Time: 10:06 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5883 (Public Act No. 291, I.E.), 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 section 43525a.

(Filed with the Secretary of State July 28, 1998, at 3:00 p.m.)

Date: July 27, 1998

Time: 3:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5593 (Public Act No. 293, I.E.), being**

An act to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

(Filed with the Secretary of State July 28, 1998, at 3:04 p.m.)

Date: July 28, 1998

Time: 11:20 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5627 (Public Act No. 303, I.E.), 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 61501, 61506, and 61525 (MCL 324.61501, 324.61506, and 324.61525), section 61501 as amended by 1998 PA 115 and sections 61506 and 61525 as added by 1995 PA 57, and by adding sections 61506b and 61513a.

(Filed with the Secretary of State July 28, 1998, at 3:24 p.m.)

Date: July 27, 1998

Time: 3:40 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5592 (Public Act No. 306, I.E.), being**

An act to make appropriations for the departments of consumer and industry services and Michigan jobs commission and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(Filed with the Secretary of State July 29, 1998, at 10:27 a.m.)

Date: July 27, 1998

Time: 3:45 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5597 (Public Act No. 307, I.E.), being**

An act to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

(Filed with the Secretary of State July 29, 1998, at 10:30 a.m.)

Date: July 27, 1998

Time: 4:00 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5595 (Public Act No. 310, I.E.), being**

An act to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 1999; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 1999; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

(Filed with the Secretary of State July 30, 1998, at 8:06 a.m.)

Date: July 28, 1998

Time: 10:30 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4444 (Public Act No. 311, I.E.), 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," by amending sections 356, 356a, 356c, 356d, 362a, 377a, 380, 382, 387, 535, and 540g (MCL 750.356, 750.356a, 750.356c, 750.356d, 750.362a, 750.377a, 750.380, 750.382, 750.387, 750.535, and 750.540g), sections 356c and 356d as added by 1988 PA 20, section 382 as amended by 1980 PA 159, and section 540g as added by 1996 PA 328; and to repeal acts and parts of acts.

(Filed with the Secretary of State July 30, 1998, at 8:08 a.m.)

Date: July 28, 1998

Time: 10:32 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4445 (Public Act No. 312, I.E.), 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," by amending sections 74, 77, 131, 157s, 157w, 174, 177, 178, 181, 218, and 219a (MCL 750.74, 750.77, 750.131, 750.157s, 750.157w, 750.174, 750.177, 750.178, 750.181, 750.218, and 750.219a), section 131 as amended by 1984 PA 277, section 157s as amended and section 157w as added by 1987 PA 276, and section 219a as amended by 1996 PA 330.

(Filed with the Secretary of State July 30, 1998, at 8:10 a.m.)

Date: July 28, 1998

Time: 10:34 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4446 (Public Act No. 313, I.E.), 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 822, 2952, and 2953 (MCL 600.822, 600.2952, and 600.2953), section 822 as amended by 1996 PA 374, section 2952 as added by 1984 PA 276, and section 2953 as added by 1988 PA 50.

(Filed with the Secretary of State July 30, 1998, at 8:12 a.m.)

Date: July 28, 1998

Time: 10:42 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5398 (Public Act No. 315, I.E.), 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, 34a, 35, 36, and 65a (MCL 791.234, 791.234a, 791.235, 791.236, and 791.265a), section 34 as amended by 1998 PA 209, section 34a as amended by 1998 PA 84, section 35 as amended by 1994 PA 217, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13, and by adding section 7a.

(Filed with the Secretary of State July 30, 1998, at 8:16 a.m.)

Date: July 28, 1998

Time: 10:46 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5419 (Public Act No. 317, I.E.), 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 8, 10, 11, 12, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.10, 769.11, 769.12, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 10 and 11 of chapter IX as amended by 1988 PA 90, and section 12 of chapter IX and section 14 of chapter XI as amended and sections 31, 33, and 34 of chapter IX as added by 1994 PA 445, and by adding section 35 to chapter IX and adding chapter XVII.

(Filed with the Secretary of State July 30, 1998, at 8:20 a.m.)

Date: July 28, 1998

Time: 10:48 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5876 (Public Act No. 318), being**

An act to amend 1975 PA 46, entitled "An act to create the office of the legislative corrections ombudsman; to prescribe the powers and duties of the office, the ombudsman, the legislative council, and the department of corrections; and to provide remedies from administrative acts," by amending sections 1, 4, 6, 7, 10, and 13 (MCL 4.351, 4.354, 4.356, 4.357, 4.360, and 4.363), as amended by 1995 PA 197.

(Filed with the Secretary of State July 30, 1998, at 8:22 a.m.)

Date: July 28, 1998

Time: 10:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4065 (Public Act No. 319, I.E.), 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 7218 and 7401 (MCL 333.7218 and 333.7401), section 7401 as amended by 1996 PA 249, and by adding section 7401a.

(Filed with the Secretary of State July 30, 1998, at 8:24 a.m.)

Date: July 28, 1998

Time: 10:52 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4515 (Public Act No. 320, I.E.), 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 33 (MCL 791.233), as amended by 1994 PA 217.

(Filed with the Secretary of State July 30, 1998, at 8:26 a.m.)

### Communications from State Officers

The following communication from the Secretary of State was received and read:

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 petition 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 A 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

#### TERMINALLY ILL PATIENT'S RIGHT TO END UNBEARABLE PAIN OR SUFFERING

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, AND 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 JUDGMENT, 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 JUDGMENT.

(W) "VOLUNTARY" MEANS THAT A DECISION IS MADE BY A PATIENT'S INDEPENDENT JUDGMENT 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 JUDGMENT 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 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 SPECIALTY 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 1 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 ATTENDING 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 OF 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 XIII of Act No. 288 of the Public Acts of 1939, being section 712A.4 of the Michigan Compiled Laws, or section 10(A)(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 XIII 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 placed 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 XIII of Act 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 XIII 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 and 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 of a health profession. A certified copy of the court record is 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 a 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, possession, 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)

Subdivision (e)(i)

Subdivision (e)(ii) or (h)

Subdivision (e)(iii) or (e)(iv)

Subdivision (f)

Subdivision (g)

Subdivision (i)

Subdivision (j) or (n)

Subdivision (k)

Subdivision (l) OR (O)

Subdivision (m)

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.

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

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

Reprimand, fine, probation, suspension, revocation, limitation, community service, denial, or restitution.

Reprimand or fine.

Reprimand, probation, denial, suspension, revocation, limitation, restitution, community service, or fine.

Suspension or fine.

Reprimand or fine.

Reprimand, denial, or limitation.

Denial, revocation, restitution, probation, suspension, limitation, reprimand, or fine.

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. ~~or~~
- (B) THE CASE OF A PERSON whose death was unexpected. ~~or~~
- (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. ~~or~~

(D) THE CASE OF A PERSON WHO HAS DIED as the 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 ~~8~~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 Clerk.

The following communications from the Department of Consumer and Industry Services were received and read:

June 10, 1998

In accordance with Public Act 176 of 1986, since April 1, 1988, all retail liquor licensees have been required to show proof of financial responsibility in amounts of \$50,000 or more in order to obtain or renew a liquor license. Proof of financial responsibility may take the form of a liquor liability insurance policy with a minimum aggregate limit of \$50,000. The requirement remains in effect subject to an annual study of the market and a determination by the Insurance Commissioner that this insurance is available in Michigan at a reasonable premium. Attached is the 1998 report and certification on the availability and pricing of liquor liability insurance in Michigan.

Sincerely,  
E. L. Cox  
Commissioner of Insurance

August 10, 1998

In accordance with Public Act 304 of 1982 the attached 1997 Annual Report of the Utility Consumer Representation Fund is hereby transmitted to the Legislature.

Sincerely,  
Utility Consumer Participation Board  
Matthew E. McLogan  
Chairman

The communications were referred to the Clerk.

The following communications from the Department of Environmental Quality were received and read:

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.

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

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.

Sincerely,  
Russell J. Harding

The communications were referred to the Clerk.

The following communications from the Auditor General were received and read:

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  
Homestead Property Tax Exemption Program  
Department of Treasury  
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

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 Clerk and the accompanying reports were referred to the Committee on House Oversight and Ethics.

The following communication from the Northeast Michigan Consortium was received and read:

August 4, 1998

The Workforce Development Board of Northeast Michigan 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 Clerk.

The following communication from the Eastern Upper Peninsula Workforce Development Board was received and read:

August 18, 1998

Enclosed for your review and comment are copies of the E.U.P. Employment and Training Consortium's Title IIA, Title IIB, Title IIC, Title III (EDWAAA), and 5% Older Worker Biennial Job Training Plans.

Sincerely,  
Gwen Worley  
Executive Director

The communication was referred to the Clerk.

The following communications from the Secretary of State were received and read:

Notices of Filing  
Administrative Rules

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 Calhoun 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 and Industry Services, Manufactured Housing Commission Division, 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 that 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 (98-08-03) 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 (98-08-01) 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 (98-08-02) 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 Clerk.

### Introduction of Bills

Rep. Middleton introduced

**House Bill No. 6008, entitled**

A bill to amend 1984 PA 274, entitled "Michigan antitrust reform act," by amending section 4a (MCL 445.774a), as added by 1987 PA 243.

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

Rep. Brackenridge introduced

**House Bill No. 6009, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2612, 20101, 20145, 20161, 20164, 20165, 20166, 21420, 21551, and 21563 (MCL 333.2612, 333.20101, 333.20145, 333.20161, 333.20164, 333.20165, 333.20166, 333.21420, 333.21551, and 333.21563), section 2612 as added by 1990 PA 138, sections 20101 and 20166 as amended by 1988 PA 332, section 20145 as amended by 1993 PA 88, section 20161 as amended by 1996 PA 267, section 20164 as amended by 1990 PA 179, section 20165 as amended by 1998 PA 108, section 21420 as amended by 1982 PA 245, section 21551 as amended by 1990 PA 331, and section 21563 as added by 1990 PA 252; and to repeal acts and parts of acts.

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

Rep. Brackenridge introduced

**House Bill No. 6010, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 401 and 414a (MCL 550.1401 and 550.1414a), section 401 as amended by 1998 PA 135 and section 414a as amended by 1988 PA 345.

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

Rep. Brackenridge introduced

**House Bill No. 6011, entitled**

A bill to repeal section 47 of 1969 PA 38, entitled "Hospital finance authority act," (MCL 331.77).

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

Rep. Brackenridge introduced

**House Bill No. 6012, entitled**

A bill to repeal section 8t of 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; and to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities," (MCL 331.8t).

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

Rep. Brackenridge introduced

**House Bill No. 6013, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 7 and 8 (MCL 24.207 and 24.208), section 7 as amended by 1996 PA 489 and section 8 as amended by 1988 PA 333.

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

Rep. Brackenridge introduced

**House Bill No. 6014, entitled**

A bill to amend section 4 of 1978 PA 323, entitled as amended "Michigan health planning and health policy development act," (MCL 325.2004).

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

Rep. Profit introduced

**House Bill No. 6015, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 1994 PA 415.

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

Rep. Profit introduced

**House Bill No. 6016, 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 bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Profit introduced

**House Bill No. 6017, 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 bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Profit introduced

**House Bill No. 6018, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 5 (MCL 205.95).

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

Rep. Profit introduced

**House Bill No. 6019, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 15 (MCL 205.65), as amended by 1993 PA 325.

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

Rep. Profit introduced

**House Bill No. 6020, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 309.

The bill was read a first time by its title and referred to the Committee on Regulatory Affairs.

Rep. Profit introduced

**House Bill No. 6021, 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 bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Profit introduced

**House Bill No. 6022, 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 bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Profit introduced

**House Bill No. 6023, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 1994 PA 415.

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

Rep. Scranton introduced

**House Bill No. 6024, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17752 (MCL 333.17752).

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

Rep. Scranton introduced

**House Bill No. 6025, 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 time by its title and referred to the Committee on Regulatory Affairs.

Rep. Profit introduced

**House Bill No. 6026, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 1994 PA 415.

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



Rep. Martinez introduced

**House Bill No. 6027, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 20 (MCL 125.600), as added by 1996 PA 571, and by adding section 3d.

The bill was read a first time by its title and referred to the Committee on Urban Policy and Economic Development.

Rep. Martinez introduced

**House Bill No. 6028, entitled**

A bill to amend 1943 PA 184, entitled "Townships zoning act," by amending section 40 (MCL 125.310), as added by 1996 PA 570, and by adding section 1b.

The bill was read a first time by its title and referred to the Committee on Urban Policy and Economic Development.

Rep. Martinez introduced

**House Bill No. 6029, 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 1b.

The bill was read a first time by its title and referred to the Committee on Urban Policy and Economic Development.

Rep. Nye introduced

**House Bill No. 6030, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 1994 PA 415.

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

Rep. Brackenridge introduced

**House Bill No. 6031, 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 28 (MCL 205.28), as amended by 1998 PA 221.

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

Rep. Geiger introduced

**House Bill No. 6032, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 721 (MCL 257.721), as amended by 1995 PA 248.

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

Rep. Gernaat introduced

**House Bill No. 6033, entitled**

A bill to authorize the department of natural resources and the state transportation department to convey certain parcels of state owned property in Roscommon county; to prescribe conditions for the conveyances; and to provide for disposition of the revenue from the conveyances.

The bill was read a first time by its title and referred to the Committee on Regulatory Affairs.

Rep. Gire introduced

**House Bill No. 6034, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 1997 PA 168.

The bill was read a first time by its title and referred to the Committee on Human Services and Children.

Reps. Gire and Ciaramitaro introduced

**House Bill No. 6035, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 165.

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

Rep. Nye introduced

**House Bill No. 6036, entitled**

A bill to amend 1919 PA 339, entitled "Dog law of 1919," by amending the title and sections 6, 25, and 26a (MCL 287.266, 287.285, and 287.286a); and to repeal acts and parts of acts.

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

Rep. Profit introduced

**House Bill No. 6037, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 27 (MCL 421.27), as amended by 1995 PA 181.

The bill was read a first time by its title and referred to the Committee on Labor and Occupational Safety.

Rep. Profit introduced

**House Bill No. 6038, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," (MCL 38.1001 to 38.1080) by adding section 55a.

The bill was read a first time by its title and referred to the Committee on Public Retirement.

Rep. Profit introduced

**House Bill No. 6039, 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 1989 PA 194.

The bill was read a first time by its title and referred to the Committee on Public Retirement.

Rep. Profit introduced

**House Bill No. 6040, entitled**

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

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

Rep. Profit introduced

**House Bill No. 6041, entitled**

A bill to amend 1969 PA 296, entitled "An act to provide for the transfer of jurisdiction over highways; to provide for the final determination of disputes involving transfers of highway jurisdiction; and to supersede certain acts and parts of acts," by amending sections 1 and 2 (MCL 247.851 and 247.852).

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

Rep. Profit introduced

**House Bill No. 6042, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending section 3 (MCL 691.1403).

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

Rep. Profit introduced

**House Bill No. 6043, entitled**

A bill 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 section 10a (MCL 247.660a), as amended by 1992 PA 137.

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

Rep. Profit introduced

**House Bill No. 6044, entitled**

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

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

Reps. Voorhees, Sikkema, Jellema, Richner, Scranton and Birkholz introduced

**House Bill No. 6045, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7d (MCL 211.7d), as amended by 1987 PA 200.

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

### Presentation of Petitions

August 25, 1998

#### PETITION OF CANDIDATE DENISE MONROE-HEARN FOR RECOUNT

Denise Monroe-Hearn, first being duly sworn, does hereby assert the following:

1. In accordance with the provisions of MCL 168.879 et seq., I hereby petition for a recount of all votes cast at voting precincts and absent voter ballots for the Democratic nomination as State Representative-Eighth District at the August 4, 1998 Primary Election.
2. That I was a candidate seeking nomination of the Democratic Party for Representative in the State Legislature-Eighth District at the Primary Election of August 4, 1998.
3. That I consider myself aggrieved on account of frauds or mistakes in the canvass of the vote in the Eighth District by (1) the inspectors of election, or (2) the returns made by the inspectors, or (3) the county canvassing board resulting from incorrect returns submitted by the Detroit Department of Elections.
4. That, while the nature and character of the fraud or mistakes alleged includes:
  - \* incorrect ballots being provided to absentee voters,
  - \* incorrect ballots issued to and voted upon by electors at voting precincts in Detroit,
  - \* incorrect returns due to inspector error in canvassing votes cast,

\* incorrect returns due to tallying the wrong ballots within voting precincts in Detroit, and

\* incorrect or incomplete returns submitted to the County Board of Canvassers from the City of Detroit Department of Elections, other errors or fraud within voting precincts cannot be discerned with specificity at this time due to the sealing of ballots during the Official Canvass.

5. That the fraud or mistakes occurred in the following cities and precincts:

1. Detroit	District	Precinct
	23	35
	24	1, 2, 4, 6, 15
	25	1, 4, 6, 7, 8, 10, 13, 14, 20, 22, 30, 35, 38, 39, 40
	26	1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 18, 19, 20, 24
2. River Rouge		1, 2, 3, 4, 5, 6AV, 7AV

6. That, having set forth as near as may be the nature of the mistakes or frauds complained of and the cities and precincts in which they are alleged to have occurred, I do hereby petition for a recount and as for a correction thereof.

Denise Monroe-Hearn  
2235 Anabelle St.  
Detroit, MI. 48217  
(313) 383-8173

Subscribed and sworn to before me this  
25th day of August, 1998  
Ernest Stanley Monroe,  
Notary Public State of Michigan,  
Wayne County  
My commission expires December 5, 2000

Rep. Price moved that the House adjourn.  
The motion prevailed, the time being 4:20 p.m.

Acting Speaker Hanley declared the House adjourned until Wednesday, September 16, at 2:00 p.m.

MARY KAY SCULLION  
Clerk of the House of Representatives.