

No. 69
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
91st Legislature
REGULAR SESSION OF 2002

House Chamber, Lansing, Tuesday, December 3, 2002.

2:00 p.m.

The House was called to order by Associate Speaker Pro Tempore Julian.

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

Adamini—present	Frank—present	Lipsey—present	Rocca—present
Allen—present	Garza—present	Lockwood—present	Schauer—present
Anderson—present	George—present	Mans—present	Schermesser—excused
Basham—present	Gielegem—present	McConico—present	Scranton—present
Bernero—present	Gilbert—present	Mead—present	Shackleton—present
Birkholz—present	Godchaux—present	Meyer—present	Sheltrown—present
Bisbee—present	Gosselin—present	Middaugh—present	Shulman—present
Bishop—present	Hager—present	Minore—present	Spade—present
Bogardus—present	Hale—present	Mortimer—present	Stallworth—present
Bovin—present	Hansen—present	Murphy—present	Stamas—present
Bradstreet—present	Hardman—excused	Neumann—present	Stewart—present
Brown, Bob—excused	Hart—present	Newell—present	Switalski—present
Brown, Cameron—present	Howell—present	O’Neil—present	Tabor—present
Brown, Rich—present	Hummel—present	Palmer—present	Thomas—present
Callahan—present	Jacobs—present	Pappageorge—present	Toy—present
Cassis—present	Jamnick—present	Patterson—present	Van Woerkom—present
Caul—present	Jansen—present	Pestka—excused	Vander Roest—present
Clark—present	Jelinek—present	Phillips—present	Vander Veen—present
Clarke—present	Johnson, Rick—present	Plakas—present	Vear—present
Daniels—present	Johnson, Ruth—present	Pumford—present	Voorhees—present
Dennis—present	Julian—present	Quarles—present	Waters—present
DeRossett—present	Koetje—present	Raczkowski—present	Whitmer—present
DeVuyst—present	Kolb—present	Reeves—present	Williams—present
DeWeese—present	Kooiman—present	Richardville—present	Wojno—present
Drolet—present	Kowall—present	Richner—present	Woodward—present
Durhal—present	Kuipers—present	Rison—present	Woronchak—present
Ehardt—present	LaSata—e/d/s	Rivet—present	Zelenko—present
Faunce—excused	Lemmons—present		

Rep. John Stewart, from the 20th District offered the following invocation:

“Dear Lord, we thank You for the opportunity to be a part of the Michigan Legislature. Make it our goal that we will always strive for educational excellence, intellectual honesty and for the closest approximation of truth. Challenge each of us to be the most honest person and legislator that we can be. Strengthen us to have the deepest level of truth at our core. Make us ever mindful that there is no god higher than the truth. We are especially grateful for the example of the two Clerks who have led our House of Representatives. May David Gubow utilize his balance of intellect and emotion in his new job as judge. We can’t thank you enough for the integrity of Gary Randall, who will lead us in the last month of this session and in the transition to a new Legislature. Inspire us to make all of our decisions based on the best interest of the people and not just politically motivated. Let us always be focused on veritas, the Latin word for truth. As we prepare during this Advent Season, help us to be more kind and humble and teach us to serve You more each day. All this we ask in Jesus Name. Amen.”

Rep. Jacobs moved that Reps. Bob Brown, Hardman, Pestka and Schermesser be excused from today’s session. The motion prevailed.

Rep. Vander Roest moved that Rep. Faunce be excused from today’s session. The motion prevailed.

Reports of Standing Committees

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 5311, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by repealing sections 2477b, 2477c, and 2477d (MCL 500.2477b, 500.2477c, and 500.2477d).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5311 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Ehardt, Hager, Hummel, Middaugh, Scranton,

Nays: Reps. Wojno, Anderson, Daniels, Durhal, Woodward.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 5312, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by repealing sections 2477 and 2477a (MCL 500.2477 and 500.2477a).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5312 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Ehardt, Hager, Hummel, Middaugh, Scranton, Van Woerkom,

Nays: Reps. Wojno, Anderson, Daniels, Durhal, Woodward.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 5321, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16243 (MCL 333.16243), as amended by 1993 PA 79.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5321 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Ehardt, Hager, Middaugh, Scranton, Van Woerkom,
Nays: Rep. Woodward.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 5641, entitled

A bill to regulate deferred deposit loans for issued checks; to provide for licensing and fees; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5641 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Ehardt, Hager, Hummel, Middaugh, Scranton, Van Woerkom, Wojno, Daniels, Durhal,
Nays: None.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 5797, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2080 (MCL 500.2080), as amended by 1986 PA 318.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5797 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Ehardt, Hager, Middaugh, Scranton, Van Woerkom, Wojno, Anderson, Daniels, Durhal, Woodward,
Nays: None.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 6338, entitled

A bill to enact the uniform securities act (2002) relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to make uniform the law with reference to securities; and to repeal acts and parts of acts.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6338 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Ehardt, Hager, Hummel, Middaugh, Scranton, Van Woerkom, Wojno, Anderson, Daniels,
Nays: Rep. Durhal.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 6372, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending section 4406 (MCL 487.14406), as added by 2002 PA 183.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 1, line 9, after "REGULATION" by inserting "OR IN ANY MANNER THAT IS ACCEPTABLE TO THE STATE POLICE".

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6372 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Hager, Hummel, Middaugh, Van Woerkom, Wojno, Anderson, Daniels, Durhal, Woodward,
Nays: None.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 6373, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 1135 (MCL 491.1135), as added by 2002 PA 185.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 1, line 10, after "REGULATION" by inserting "OR ANY MANNER THAT IS ACCEPTABLE TO THE STATE POLICE".

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6373 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Hager, Hummel, Middaugh, Van Woerkom, Wojno, Anderson, Daniels, Durhal, Woodward,
Nays: None.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 6374, entitled

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," by amending section 16c (MCL 490.16c), as added by 2002 PA 184.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, line 5, after "REGULATION" by inserting "OR IN ANY MANNER THAT IS ACCEPTABLE TO THE STATE POLICE".

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6374 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Hager, Hummel, Middaugh, Van Woerkom, Wojno, Anderson, Daniels, Durhal, Woodward,
Nays: None.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 6375, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending section 514 (MCL 487.3514), as added by 2002 PA 247.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 1, line 10, after "REGULATION" by inserting "OR IN ANY MANNER THAT IS ACCEPTABLE TO THE STATE POLICE".

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6375 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Hager, Hummel, Middaugh, Scranton, Van Woerkom, Wojno, Anderson, Daniels, Durhal, Woodward,

Nays: None.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 6446, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending sections 13 and 18 (MCL 492.113 and 492.118), section 13 as amended by 1990 PA 27 and section 18 as amended by 1995 PA 166.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6446 To Report Out:

Yeas: Reps. Richner, Bisbee, Ehardt, Hager, Hummel, Middaugh, Daniels, Durhal, Woodward,

Nays: Reps. Wojno, Anderson.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 6448, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1202 (MCL 500.1202), as amended by 2001 PA 228, and by adding section 402c.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6448 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Ehardt, Hager, Hummel, Middaugh, Scranton, Van Woerkom, Wojno, Anderson, Daniels, Durhal, Woodward,

Nays: None.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 6491, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 602 (MCL 500.602), as amended by 1989 PA 35, and by adding section 603.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 4, line 1, after "SPAN" by striking out the comma and "INCLUDING, BUT" and inserting a period and "THESE CONDITIONS MAY INCLUDE BUT ARE".

2. Amend page 4, line 4, after "FAILURE," by striking out the balance of the line through "SYNDROME," on line 5.

The bill and amendments were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6491 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Ehardt, Hager, Hummel, Middaugh, Scranton, Van Woerkom, Wojno,

Nays: None.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 6492, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2236a (MCL 500.2236a), as added by 1993 PA 349.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6492 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Ehardt, Hager, Middaugh, Scranton, Van Woerkom, Wojno, Anderson, Daniels, Durhal, Woodward,
Nays: None.

The Committee on Insurance and Financial Services, by Rep. Richner, Chair, reported

House Bill No. 6493, entitled

A bill to amend 1977 PA 135, entitled "An act to prohibit certain mortgage lending practices by a credit granting institution; to prescribe the powers and duties of the commissioner of the financial institutions bureau in relation to those practices; to permit the establishment of local mortgage review boards; and to provide remedies and penalties," by repealing section 6 (MCL 445.1606).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6493 To Report Out:

Yeas: Reps. Richner, Bisbee, DeWeese, Hager, Hummel, Middaugh, Scranton, Van Woerkom, Wojno, Anderson, Daniels, Durhal, Woodward,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Richner, Chair, of the Committee on Insurance and Financial Services, was received and read:

Meeting held on: Wednesday, November 13, 2002, at 9:00 a.m.,

Present: Reps. Richner, Bisbee, DeWeese, Ehardt, Hager, Hummel, Middaugh, Scranton, Van Woerkom, Wojno, Anderson, Daniels, Durhal, Woodward,

Absent: Rep. Clark,

Excused: Rep. Clark.

The Committee on Transportation, by Rep. Gilbert, Chair, reported

House Bill No. 5122, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 217p and 217q.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5122 To Report Out:

Yeas: Reps. Gilbert, George, DeRossett, Hummel, Ruth Johnson, Scranton, Anderson, Durhal, Jamnick, Murphy, Neumann,

Nays: None.

The Committee on Transportation, by Rep. Gilbert, Chair, reported

House Bill No. 6523, 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 11 (MCL 247.661), as amended by 2002 PA 498.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6523 To Report Out:

Yeas: Reps. Gilbert, George, DeRossett, Drolet, Hummel, Scranton, Anderson, Durhal, Jamnick, Murphy,

Nays: None.

The Committee on Transportation, by Rep. Gilbert, Chair, reported

Senate Bill No. 1390, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 53 (MCL 257.1853).

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 1390 To Report Out:

Yeas: Reps. Gilbert, George, Drolet, Hummel, Ruth Johnson, Scranton, Anderson, Durhal, Jamnick, Murphy, Neumann,

Nays: None.

The Committee on Transportation, by Rep. Gilbert, Chair, reported

Senate Bill No. 1391, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 19a and 675 (MCL 257.19a and 257.675), section 19a as amended by 1998 PA 68 and section 675 as amended by 2001 PA 18.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 1391 To Report Out:

Yeas: Reps. Gilbert, George, DeRossett, Drolet, Hummel, Ruth Johnson, Scranton, Anderson, Durhal, Jamnick, Murphy, Neumann,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gilbert, Chair, of the Committee on Transportation, was received and read:
Meeting held on: Thursday, November 21, 2002, at 1:00 p.m.,

Present: Reps. Gilbert, George, DeRossett, Drolet, Hummel, Ruth Johnson, Scranton, Anderson, Durhal, Jammick, Murphy, Neumann,

Absent: Reps. Hart, Julian, Palmer, Bovin, Daniels,

Excused: Reps. Hart, Julian, Palmer, Bovin, Daniels.

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 5829, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20180 (MCL 333.20180), as added by 1994 PA 52.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5829 To Report Out:

Yeas: Reps. Ehardt, Raczkowski, George, Ruth Johnson, Rocca, Scranton, Vander Veen, Woronchak, Neumann, Adamini, Schauer, Williams,

Nays: None.

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

Senate Bill No. 686, entitled

A bill to amend 1967 PA 270, entitled "An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data," by amending section 1 (MCL 331.531), as amended by 1998 PA 59.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 686 To Report Out:

Yeas: Reps. Ehardt, Raczkowski, Bradstreet, George, Ruth Johnson, Rocca, Vander Veen, Woronchak,

Nays: Reps. Neumann, Adamini, Williams.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ehardt, Chair, of the Committee on Health Policy, was received and read:
Meeting held on: Tuesday, December 3, 2002, at 9:00 a.m.,

Present: Reps. Ehardt, Raczkowski, Bradstreet, George, Ruth Johnson, Rocca, Scranton, Vander Veen, Woronchak, Neumann, Adamini, Schauer, Williams,

Absent: Reps. Garza, Hardman,

Excused: Reps. Garza, Hardman.

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported

House Bill No. 6128, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public

utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding sections 9, 9a, 9b, 9c, 9d, 9e, 9f, and 9g.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6128 To Report Out:

Yeas: Reps. Bradstreet, Middaugh, Birkholz, Bishop, Cassis, Howell, Kowall,, Bovin, Daniels, Rivet, Woodward,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Tuesday, December 3, 2002, at 10:30 a.m.,

Present: Reps. Bradstreet, Middaugh, Birkholz, Bishop, Cassis, Howell, Kowall, Vander Veen, Bovin, Daniels, Rivet, Schauer, Woodward,

Absent: Reps. Bisbee, Richardville, Bob Brown, Lemmons,

Excused: Reps. Bisbee, Bob Brown.

The Committee on Commerce, by Rep. Allen, Chair, reported

House Bill No. 6483, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 281, 282, 289, and 294 (MCL 168.281, 168.282, 168.289, and 168.294), section 281 as amended by 1999 PA 218, and by adding section 281a; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6483 To Report Out:

Yeas: Reps. Allen, Bishop, Bisbee, DeVuyst, Gilbert, Howell, Koetje, Middaugh, Van Woerkom, Vear,

Nays: Reps. Rivet, Kolb, Lipsey, McConico, Zelenko.

The Committee on Commerce, by Rep. Allen, Chair, reported

Senate Bill No. 380, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2973 and 2974.

With the recommendation that the substitute (H-5) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 380 To Report Out:

Yeas: Reps. Allen, Bishop, Bisbee, DeVuyst, Gilbert, Howell, Koetje, Middaugh, Van Woerkom, Vear,

Nays: Rep. Zelenko.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Allen, Chair, of the Committee on Commerce, was received and read:

Meeting held on: Tuesday, December 3, 2002, at 9:00 a.m.,

Present: Reps. Allen, Bishop, Bisbee, DeVuyst, Gilbert, Howell, Koetje, Middaugh, Van Woerkom, Vear, Rivet, Kolb, Lipsey, McConico, Zelenko,

Absent: Reps. Lemmons, Waters,

Excused: Reps. Lemmons, Waters.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeRossett, Chair, of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Wednesday, November 13, 2002, at 8:00 a.m.,

Present: Reps. DeRossett, Julian, Ehardt, Meyer, Vear, Sheltroun, Bogardus, Hansen, Spade,

Absent: Reps. Gilbert, Van Woerkom,

Excused: Reps. Gilbert, Van Woerkom.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rick Johnson, Chair, of the Committee on House Television and Oversight, was received and read:

Meeting held on: Wednesday, November 13, 2002, at 1:30 p.m.,

Present: Reps. Rick Johnson, Meyer, Jacobs, Williams,

Absent: Reps. Patterson, Thomas,

Excused: Reps. Patterson, Thomas.

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, Tuesday, November 12:

Senate Bill Nos. 1497 1500 1501 1502 1503 1504

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, November 14:

House Bill Nos. 6520 6521 6522 6523 6524

The Clerk announced that the following Senate bills had been received on Thursday, November 14:

Senate Bill Nos. 1121 1127 1238 1368 1419 1448 1449 1450 1451 1452

The Clerk announced the enrollment printing and presentation to the Governor on Friday, November 15, for his approval of the following bill:

Enrolled House Bill No. 4647 at 1:33 p.m.

The Clerk announced that the following Senate bills had been received on Tuesday, December 3:

Senate Bill Nos. 1400 1437 1438

Messages from the Governor

The following message from the Governor was received and read:

State of Michigan

OFFICE OF THE GOVERNOR

**DESIGNATION OF STATE REPRESENTATIVE FOR INSPECTIONS OF
TRIBAL GAMING FACILITIES AND RECORDS**

I hereby designate and authorize the executive director of the Michigan Gaming Control Board, and his designees, agents and employees, as the state of Michigan's designated representative to conduct the state's authorized inspections

of tribal Class III gaming facilities and records, pursuant to and in accordance with the provisions of the various tribal/state Compacts for the Conduct of Tribal Class III Gaming on Indian lands in Michigan.

John Engler
Governor

The message was referred to the Clerk.

Communications from State Officers

The following communication from the Department of Civil Service was received and read:

November 13, 2002

Attached is the updated approved listing of Executive Branch employees having access to Legislative and Judicial data needed to perform their roles and responsibilities as required by our service agreements.

This list is effective November 13, 2002 and reflects recommendations made in the November 5, 2002 memo. In the future, if changes are proposed they will be forwarded to you, before they are implemented.

Sincerely,
Richard H. Huneke,
Project Director
Human Resources
Management Network

The communication was referred to the Clerk.

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

November 18, 2002

Enclosed is a copy of the following audit report:
Performance Audit of the
Cadillac Local Development Finance Authority
November 2002

November 27, 2002

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of the
Office of Administrative Law and
The State Tenure Commission
Department of Education
November 2002

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Operations.

The following communication from the Department of Community Health was received and read:

November 18, 2002

I am officially providing notification that the Northville Psychiatric Hospital, located at 41001 Seven Mile Road, Northville, Michigan 48167 will close effective July 16, 2003.

Section 605 (3) of Act 296 of 2000 requires the Department of Community Health to provide a closure plan to the House and Senate Appropriations Subcommittees on Community Health. This plan is due four months subsequent to the certification made in this letter.

Sincerely,
James K. Haveman, Jr.
Director

The communication was referred to the Clerk.

The following communication from the Department of Consumer and Industry Services was received and read:

November 19, 2002

Pursuant to Section 314 of P.A. 527 of 2002, we are enclosing a copy of the following reports:

Type of Report	Facility	Report#	License#
Special Inspection Report	Adrian Training School	2002C0207063	CS460200931
Special Investigation Report	Adrian Training School	2002C0207085	CS460200931

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our web site at the following address: http://www.cis.state.mi.us/fast/leg_rep.htm.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,
John R. Suckow, C.P.A.
Director, Finance and Administrative Services

The communication was referred to the Clerk.

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

Notices of Filing
Administrative Rules

November 12, 2002

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 1:30 P.M. this date, administrative rule (02-11-01) for the Department of State, Office of Customer Services, entitled "*Uniform Commercial Filing Office Rules*", effective 7 days hereafter.

November 12, 2002

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 1:35 P.M. this date, administrative rule (02-11-02) for the Department of State, Bureau of Driver and Vehicle Records, entitled "*Expediting Regular Search Process*", effective 7 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communications were referred to the Clerk.

The following communication from the Department of Corrections was received and read:

November 26, 2002

Attached is a copy of the annual report for the Michigan Youth Correctional Facility. If you have any questions regarding this report, please feel free to contact me.

Sincerely,
Heidi Washington
Administrative Assistant

The communication was referred to the Clerk.

By unanimous consent the House returned to the order of
Notices

I hereby replace Rep. Faunce with Rep. Kowall on the Conference Committee for **House Bill No. 4632**.

Rick Johnson
Speaker of the House

November 25, 2002

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Please make note in your records that Representative Jennifer Faunce is temporarily removed from the Committees on Criminal Justice, Civil Law and the Judiciary, Regulatory Reform and Tax Policy.

Due to the temporary removal of Representative Jennifer Faunce from the Committee on Criminal Justice, Representative Mike Kowall is named acting Chair and Representative Mike Bishop is named acting Vice-Chair. Representative Barb Vander Veen is appointed to serve as a member on this committee.

Representative Mickey Mortimer is appointed to the Committee on Civil Law and the Judiciary, Representative Larry Julian is appointed to the Committee on Regulatory Reform and Representative Patricia Birkholz is appointed to the Committee on Tax Policy.

Thank you for your attention to this matter.

Sincerely,
Rick Johnson
Speaker of the House

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

Senate Bill No. 1121, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16261, 16401, and 16411 (MCL 333.16261, 333.16401, and 333.16411).

The Senate has passed the bill.

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

Senate Bill No. 1127, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520b, 520c, 520d, and 520e (MCL 750.520a, 750.520b, 750.520c, 750.520d, and 750.520e), sections 520a and 520e as amended by 2000 PA 505, section 520b as amended by 1983 PA 158, section 520c as amended by 2000 PA 227, and section 520d as amended by 1996 PA 155.

The Senate has passed the bill.

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

Senate Bill No. 1238, entitled

A bill to amend 1905 PA 282, entitled "An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," by amending sections 4, 5, and 9 (MCL 207.4, 207.5, and 207.9), sections 4 and 9 as amended by 1995 PA 257.

The Senate has passed the bill.

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

Senate Bill No. 1368, entitled

A bill to amend 1968 PA 319, entitled "An act to provide a uniform crime reporting system; to provide for the submitting of such report to the department of state police; to require submission of the report by certain police agencies; to require the reporting on wanted persons and stolen vehicles; to require the reporting of information regarding certain persons and unidentified bodies of deceased persons; to prescribe certain powers and duties of law enforcement agencies; and to vest the director of the department of state police with certain authority," by amending section 8 (MCL 28.258), as amended by 1995 PA 39.

The Senate has passed the bill.

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

Senate Bill No. 1400, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1005, 1011, 1019, 1021, and 1023 (MCL 600.1005, 600.1011, 600.1019, 600.1021, and 600.1023), sections 1005, 1019, and 1023 as added by 1996 PA 388, section 1011 as amended by 1998 PA 298, and section 1021 as amended by 2000 PA 56; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 1419, entitled

A bill to amend 2001 PA 122, entitled "Equitable sales and use tax administration act," by amending section 17 (MCL 205.167).

The Senate has passed the bill.

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

Senate Bill No. 1437, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 37 (MCL 338.2237), as amended by 1988 PA 461.

The Senate has passed the bill.

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

Senate Bill No. 1438, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 409, 411, and 2504 (MCL 339.409, 339.411, and 339.2504), section 409 as added by 1988 PA 463, section 411 as amended by 1989 PA 261, and section 2504 as amended by 1984 PA 413, and by adding section 2502a.

The Senate has passed the bill.

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

Senate Bill No. 1448, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1307a and 1344 (MCL 600.1307a and 600.1344), section 1307a as amended by 1986 PA 104 and section 1344 as amended by 1982 PA 226.

The Senate has passed the bill.

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

Senate Bill No. 1449, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 151d.

The Senate has passed the bill.

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

Senate Bill No. 1450, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 151e.

The Senate has passed the bill.

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

Senate Bill No. 1451, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 1999 PA 73.

The Senate has passed the bill.

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

Senate Bill No. 1452, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529 and 8371 (MCL 600.2529 and 600.8371), section 2529 as amended by 2001 PA 202 and section 8371 as amended by 1996 PA 388.

The Senate has passed the bill.

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

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. DeRossett offered the resolution:

House Resolution No. 586.

A resolution honoring Lulla Belle Stewart Center, Inc., on their 30th anniversary.

Whereas, It is with deep appreciation of the significance of this milestone that we commend the management and staff of Lulla Belle Stewart Center, Inc., as they mark the 30th anniversary of the founding of this exemplary organization. We are proud to recognize the important role that this enterprise has played in contributing to the lives of countless citizens; and

Whereas, Since its founding in Detroit, Lulla Belle Stewart Center, Inc., has become a vital element in helping Michigan grow and adapt to the needs of special aspects of life in Detroit. The center provides comprehensive services to pregnant and parenting adolescents, day care, foster care, adoption services, and many more for teenage parents and their infants; and

Whereas, Lulla Belle Stewart Center Inc.'s success in maintaining a safe and comfortable place to receive adequate care and information has proven to be very valuable to all citizens of this state. It is the direct result of the commitment of the people of this company and their ability to work together to offer the best in services that this company has succeeded; and

Whereas, In looking back over 30 years of Lulla Belle Stewart Center, Inc.'s history, it is clear that this name has set its course with a continuing look to the future. While the changes of society dictate many of the decisions for any good company, Lulla Bell Stewart Center, Inc., has also demonstrated the importance of looking beyond materialist benefit to include the ideas of its people and the role of the company in community life in making choices. We are grateful for all that Lulla Bell Stewart Center, Inc., has contributed to Detroit and all of Michigan; and be it further

Resolved by the House of Representatives, That the members of this legislative body honor Lulla Belle Stewart Center, Inc., on their 30th anniversary. We salute the management and staff on this happy occasion and wish them well in the years to come; and be it further

Resolved, That a copy of this resolution be transmitted to Lulla Belle Stewart Center, Inc., as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson 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.

Reps. Lemmons, Pappageorge, Hansen, Phillips, Lipsey, Rich Brown, Minore, Kolb, Jamnick, Reeves, Kowall, DeWeese, Jacobs, Quarles, Thomas, Zelenko, Murphy, Durhal, Rivet, Spade, DeRossett, Wojno, McConico, Daniels, Lockwood, Shulman, Garza, Hale and Switalski offered the following resolution:

House Resolution No. 587.

A resolution honoring Diana Stewart, Executive Director of the Jefferson East Business Association.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Diana Stewart has put forth on behalf of the people of the city of Detroit, particularly for the Jefferson East Avenue business corridor running just above the Detroit River from the city limits to the heart of Downtown, that we offer this expression of our thanks and esteem. As the people of the city of Detroit recognize the loyalty and devotion to public service of this conscientious individual, we add our sentiments of gratitude for a job well done; and

Whereas, In four years of service to the people of the city of Detroit through the Jefferson East Business Association (JEBA), Diana Stewart has been working in the public arena during an era of great change. As Diana Stewart well knows, financial pressures and changing expectations have combined to make the recent past a challenging time to work in serving the city of Detroit. JEBA is a nonprofit community development corporation in which dedicated individuals work to improve and revitalize Detroit's Jefferson East Avenue business corridor. Founded in 1992, JEBA's mission is to improve the quality of life in Detroit's lower eastside by addressing the needs of the business community; and

Whereas, Diana Stewart, Executive Director for JEBA, has a strong educational background consisting of a Bachelor of Science Degree in Business Administration, Masters of Education Counseling at Wayne State University, and a Certified Business Counselor Degree. When Ms. Stewart came to work for JEBA in 1998, she brought with her over 20 years of experience in executive administration and supervision. Diana Stewart has grown along with the organization, and in her position as Executive Director she manages the day-to-day business affairs of JEBA, while coordinating and supporting the various on-going volunteer driven efforts of the Board of Directors and collaborating organizations. She provides direction and leadership for JEBA's three programs: the Business Development Center, the Clean and Safe Initiatives, and Physical Planning and Development; and

Whereas, With the personal sense of duty that Diana Stewart brings to work each day, she has been able to meet these challenges with enthusiasm and a genuine interest in efficiency as she fulfills her duties of program and project planning, budgeting and oversight, organizational fund raising, production of the annual report, coordination of membership recruitment, meeting logistics, and oversight of professional contractors and other staff. She also builds community relations by partnering, collaborating, and getting involved with other groups and activities that promote Eastside community growth and development. Ms. Stewart's work for JEBA has been enhanced by her work as an officer on the Board of Detroit Eastside Community Collaborative and the Board of the Eastside Community Policing Partnership. She also works with Eureka Communities Program, Main Street Program, and a member of Leadership Detroit; and

Whereas, There can be little doubt that the record of Diana Stewart in her responsibilities as Executive Director of Jefferson East Business Association over the past four years will continue to reap rewards for the people of the city of Detroit. We offer our thanks on this personal milestone; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Diana Stewart, Executive Director of the Jefferson East Business Association. May she enjoy the happiness of a job well done; and be it further

Resolved, That a copy of this resolution be transmitted to Diana Stewart as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson 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.

Reps. Lemmons, Pappageorge, Hansen, Phillips, Lipsey, Rich Brown, Minore, Kolb, Jamnick, Reeves, Kowall, DeWeese, Jacobs, Quarles, Thomas, Zelenko, Murphy, Durhal, Rivet, Spade, DeRossett, Wojno, McConico, Daniels, Lockwood, Shulman, Garza, Hale and Switalski offered the following resolution:

House Resolution No. 588.

A resolution honoring Alan Scott White, Board President of the Jefferson East Business Association.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Alan Scott White has put forth on behalf of the people of the city of Detroit, particularly for the Jefferson East Avenue business corridor running just above the Detroit River from the city limits to the heart of Downtown, that we offer this expression of our thanks and esteem. As the people of the city of Detroit recognize the loyalty and devotion to public service of this conscientious individual, we add our sentiments of gratitude for a job well done; and

Whereas, The Jefferson East Business Association (JEBA) is a nonprofit community development corporation in which dedicated individuals work to improve and revitalize Detroit's Jefferson East Avenue business corridor. The target area of the company is bounded by St. Jean St. to the west, Alter Rd. and the Detroit border to the east, Charlevoix St. to the north, and the Detroit River to the south. Founded in 1992, JEBA's mission is to improve the quality of life in Detroit's lower eastside by addressing the needs of the business community. It accomplishes this mission through three target programs: the Business Development Center, the Clean and Safe Initiative, and Physical Planning and Development. These programs face the challenges of identifying and overcoming barriers to physical and economic development of the area, increasing opportunities for business growth, establishing mechanisms that insure the success of business, and encouraging the creation of employment opportunities for area residents; and

Whereas, In two years of service as a board member and Board President of the Jefferson East Business Association, Alan Scott White has been working in the public arena during an era of great change. As Alan Scott White well knows, financial pressures and changing expectations have combined to make the recent past a challenging time to work in serving the city of Detroit. With the personal sense of duty that Alan Scott White brings to work each day, he has been able guide JEBA in meeting these challenges with enthusiasm and a genuine interest in efficiency in public service. This has been deeply appreciated, both by citizens and organizations in the city of Detroit that have benefited directly from Alan Scott White's work as well as other public servants who have witnessed this fine example; and

Whereas, A graduate of the University of Michigan in Ann Arbor, Mr. White joined Colliers International, a leading full-service commercial real estate firm, in May of 1996, bringing with him significant planning and economic development experience. His focus is on office/commercial leasing for landlords and tenants, as well as sales and acquisitions. His major office marketing and leasing assignments have included the Penobscot Building, First National Building, Dime Building, and 28 West Adams. Alan Scott White serves as a consultant to the Detroit Entrepreneurship Institute, where he conducts business development seminars. He has been on the Board of JEBA since 2000 and now serves as its Board President; and

Whereas, There can be little doubt that the record of Alan Scott White in his responsibilities as a board member and Board President of Jefferson East Business Association over the past two years will continue to reap rewards for the people of the city of Detroit. We offer our thanks on this personal milestone; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Alan Scott White, Board President of the Jefferson East Business Association. May he continue to enjoy the satisfaction and the accolades for the fine job he does; and be it further

Resolved, That a copy of this resolution be transmitted to Alan Scott White as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson 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.

Reps. Lemmons, Pappageorge, Hansen, Phillips, Lipsey, Rich Brown, Minore, Kolb, Jamnick, Reeves, DeWeese, Jacobs, Quarles, Thomas, Zelenko, Murphy, Durhal, Rivet, Spade, DeRossett, Wojno, McConico, Lockwood, Shulman, Garza, Hale and Switalski offered the following resolution:

House Resolution No. 589.

A resolution honoring Carol Elcock-Banks for her outstanding years in public service.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Carol Elcock-Banks has put forth on behalf of the people of the city of Detroit that we offer this expression of our thanks and best wishes. As the people of the city of Detroit recognize the loyalty and devotion to public service of this conscientious individual, we add our sentiments of gratitude for a job well done; and

Whereas, In years of service to the people of the city of Detroit, Carol Elcock-Banks has been working in the public arena during an era of great change. As Carol Elcock-Banks well knows, financial pressures and changing expectations have combined to make the recent past a challenging time to work in local and state governments. With the personal sense of duty that Carol Elcock-Banks brings to work each day, she has been able to meet this challenge with enthusiasm and a genuine interest in efficiency in public service. This has been deeply appreciated, both by citizens and organizations in the city of Detroit that have benefited directly from Carol Elcock-Banks's work as well as other public servants who have witnessed this fine example;

Whereas, In her work for the State Legislature as a legislative aide for the 2nd district, residents of the east side of Detroit have come to know of her dedicated and untiring service. Through the 2nd district office, Ms. Elcock-Banks conducted job searches, offered free notary services, provided faxing and copying services, put together food baskets on the holidays, planned and organized the annual community picnic in Chandler Park, cut through government red tape for concerned citizens, and did a myriad of other tasks that define the word service. She is missed in the district office, but now works for the Butzel Center and continues to serve her constituency and colleagues. She is the loving daughter of Clarence and Willie Ruth Elcock (both deceased), beloved wife of Dannie (Boh) Banks, proud mother of Kiambu and Kikora Elcock, and esteemed friend of all whose lives she has touched; and

Whereas, There can be little doubt that the record of Carol Elcock-Banks in her responsibilities over the past years will continue to reap rewards for the people of the city of Detroit. We offer our thanks on this personal milestone; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Carol Elcock-Banks for her outstanding years in public service. May she enjoy the fruits of all her good works; and be it further

Resolved, That a copy of this resolution be transmitted to Carol Elcock-Banks as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson 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.

Reps. Lemmons, Pappageorge, Hansen, Phillips, Lipsey, Rich Brown, Minore, Kolb, Jamnick, Reeves, DeWeese, Jacobs, Quarles, Thomas, Zelenko, Murphy, Durhal, Rivet, Spade, DeRossett, Wojno, McConico, Daniels, Lockwood, Shulman, Garza, Hale and Switalski offered the following resolution:

House Resolution No. 590.

A resolution honoring Margarett Taylor.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Margarett Taylor has put forth on behalf of the people of the city of Detroit that we offer this expression of our thanks and best wishes. As the people of the city of Detroit recognize the loyalty and devotion to public service of this conscientious individual, we add our sentiments of gratitude for a job well-done; and

Whereas, In years of service to the people of the city of Detroit, Margarett Taylor has been working in the public arena during an era of great change. As Margarett Taylor well knows, financial pressures and changing expectations have combined to make the recent past a challenging time to work as a community activist. Ms. Taylor has served

proudly in this capacity since 1973. She has been Director of Eastside Unity for six years. She has also administered the Detroit Health Department Summer Lunch Program. She has worked at the Brewer Elementary School for eight years and aided in the Latch Key and Parenting Program for the Local Schools Community Organization. With the personal sense of duty that Margarete Taylor brings to every action each day, she has been able to meet each challenge with enthusiasm and a genuine interest in efficiency in public service. This has been deeply appreciated, both by citizens and organizations in the city of Detroit that have benefited directly from Margarete Taylor's work as well as other activists and concerned people who have witnessed this fine example; and

Whereas, Margarete Taylor has worked to get community groups involved in the Adopt-A-Park Program. Her organization, Eastside Unity, was the first organization to adopt a park, Troester-Hayes Park. Once a week, Ms. Taylor leads a group of volunteers to go into the park and cleans it up. There can be little doubt that the record of Margarete Taylor, in her responsibilities over the past years, will continue to reap rewards for the people of the city of Detroit; and

Whereas, Margarete Taylor has been married for 33 years to Samuel Taylor, she is a devoted wife and proud mother of Tanika Taylor. Margarete Taylor especially likes to work with young people and help to promote their confidence and self-esteem. Her tireless and enthusiastic efforts for the city of Detroit are acknowledged and cherished by everyone who knows her. She is truly a role model we should all strive to emulate. We offer our thanks on this personal milestone; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body honor Margarete Taylor. May she continue to enjoy the fruits of her labor; and be it further

Resolved, That a copy of this resolution be transmitted to Margarete Taylor as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson 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.

Reps. Lemmons, Pappageorge, Hansen, Phillips, Lipsey, Rich Brown, Minore, Kolb, Jamnick, Reeves, DeWeese, Jacobs, Quarles, Thomas, Zelenko, Murphy, Durhal, Rivet, Spade, DeRossett, Wojno, McConico, Daniels, Lockwood, Shulman, Garza, Hale and Switalski offered the following resolution:

House Resolution No. 591.

A resolution honoring Dr. Aaron Hill for his outstanding years in community service.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Dr. Aaron Hill has put forth on behalf of the people of the city of Detroit that we offer this expression of our thanks and best wishes. As the people of the city of Detroit recognize the loyalty and devotion to public service of this conscientious individual, we add our sentiments of gratitude for a job well done; and

Whereas, In years of service to the people of the city of Detroit, Dr. Aaron Hill has been working in the public arena during an era of great change. As Dr. Aaron Hill well knows, financial pressures and changing expectations have combined to make the recent past a challenging time to work as a community activist. With the personal sense of duty that Dr. Aaron Hill brings to every action each day, he has been able to meet each challenge with enthusiasm and a genuine interest in efficiency in public service which has led to his countless good deeds and his splendid record of community service. A community activist such as Dr. Aaron Hill has the special ability to encourage and inspire his fellow citizens on the eastside of Detroit to take up the task of building community; and

Whereas, Building community is a much more difficult task than fabricating buildings and structures. Community is akin to family, but we do not inherit community. Rather, we have to work on it from day to day. Building community stresses the need for a safe place for children and for the elderly, homes that we can be proud of, and neighbors that we can also call friends. Above all, community building stresses self-determination. All of these traits have been evident in the community building that Dr. Aaron Hill has made his life's work; and

Whereas, While working with the Von Steuben Community Council, Dr. Aaron Hill has worked tirelessly to make residents of the area aware of federal home repair grants, leaving his neighborhood a little more beautiful than when he found it. Dr. Aaron Hill has helped fight the fires of despair through his efforts at organizing his neighbors on Angels' Night to protect life and property. He has insured the public safety as a board member of the 9th Precinct Detroit Police Community Council. While serving on the 9th Precinct Detroit Police Community Council, Dr. Aaron Hill worked with his neighbors to improve police and community cooperation in order to reduce crime in the 9th Precinct; and

Whereas, Dr. Hill has not limited his love for children to his excellent tenure as teacher and principal. He has demonstrated his commitment to the community through his efforts working with the Von Steuben Elementary Local School Community Organization. Dr. Aaron Hill has helped the Von Steuben Elementary School access grants to better the learning environment at the school. These good works have been deeply appreciated, both by citizens and organizations in the city of Detroit that have benefited directly from Dr. Aaron Hill's work as well as other community activists who have witnessed this fine example; and

Whereas, There can be little doubt that the record of Dr. Aaron Hill in his responsibilities over the past years will continue to reap rewards for the people of the city of Detroit. We offer our thanks on this personal milestone; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Dr. Aaron Hill for his outstanding years in community service. May he continue to enjoy the fruits of his labor; and be it further

Resolved, That a copy of this resolution be transmitted to Dr. Aaron Hill as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson 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.

Reps. Wojno, Pappageorge, Hansen, Phillips, Lipsey, Adamini, Rich Brown, Minore, Bogardus, Anderson, Kolb, Jamnick, DeVuyst, Dennis, DeWeese, Gosselin, Drolet, Jacobs, Quarles, Thomas, Zelenko, Murphy, Durhal, Rivet, Spade, Callahan, DeRossett, Bishop, McConico, Daniels, Lockwood, Shulman, Hale and Switalski offered the following resolution:

House Resolution No. 592.

A resolution recognizing Eleanor Bates as the 2002 Warren-Center Line Thanksgiving Parade's Grand Marshal.

Whereas, Eleanor Bates is a leader in the Warren community. Eleanor has five children and eight grandchildren and still finds time to donate hundreds of hours to various nonprofit organizations whose goals are to provide assistance to those in need and improve the quality of life in Warren's neighborhoods. We are proud to recognize her as the 2002 Warren-Center Line Thanksgiving Parade's Grand Marshal; and

Whereas, Eleanor Bates received her education at Lincoln High School in Warren, Detroit College of Business (now Davenport University), and Macomb Community College. She studied public administration. She was a member and a leader in various parent and educational organizations including the Van Dyke School Advisory Committee, Cub Scouts, Girls Scouts, Oakland University Scholarship Committee, Laureate Omega Chapter Beta Sigma Phi, Foundation for Educational Excellence, and Lincoln High School Alumni Association. In addition to the 25 plus years working as a secretary for Van Dyke Public Schools, she ventured into Warren politics. Running a grassroots campaign, Eleanor Bates became only the third woman to serve the citizens of Warren on the Warren City Council, serving from 1991 to 1995; and

Whereas, Her contributions to local organizations such as Macomb Hospital, the Warren Historical Society, Mayor's Citizen's Crime Task Force, the Tax Increment Finance Authority, Multi Ethnic Festival Committee, Warren Symphony Orchestra, Warren Concert Band, Warren Community Development Corporation, South Warren Community Organization, Paint the Town Warren Beautification Commission, and the Warren-Center Line Thanksgiving Parade Committee have made a positive impact on our community's growth and prosperity. She has also been committed to organizations such as: United Foundation, March of Dimes, Muscular Dystrophy, Michigan Cancer Foundation, YMCA, Otskikita Council of Girl Scouts, and the International Institute. Additional affiliations include the Ascension Catholic Church, Right to Life, and the League of Catholic Women; and

Whereas, She has received numerous awards for her contribution to our community, including the Distinguished Service Award from the Michigan Congress PTSA, the Distinguished Alumni Award from Lincoln High School, the Macomb Art Council Merit Award, and the Warren Cultural Commission Award; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize Eleanor Bates as the 2002 Warren-Center Line Thanksgiving Parade's Grand Marshal; and be it further

Resolved, That a copy of this resolution be transmitted to Eleanor Bates as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson 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.

Reps. Lemmons, Pappageorge, Hansen, Phillips, Lipsey, Rich Brown, Minore, Kolb, Jamnick, DeWeese, Jacobs, Quarles, Thomas, Zelenko, Murphy, Durhal, Rivet, Spade, DeRossett, Wojno, McConico, Daniels, Lockwood, Shulman, Garza, Hale and Switalski offered the following resolution:

House Resolution No. 593.

A resolution honoring the good work of Early Risers International and Early Risers Chapter 88 and expressing appreciation for their valuable contributions in Michigan.

Whereas, We are proud to join with the members, officers, and friends of Early Risers International and Early Risers Chapter 88 as they commemorate their rich history and worthy goals. This milestone is a reflection of unselfishness

and a commitment to the common good that is most honorable. While the members of this distinguished organization celebrate five years of service, we offer our thanks for the gifts they have shared within the city of Detroit and throughout Michigan; and

Whereas, Early Risers International can trace its origins to May 27, 1997, when its first founding member, Phyllis Major of Palm Desert, California, celebrated her 78th birthday. On this day, Founder Pamela Henry of Palm Springs, California, formed the group because of the countless mornings she spent on the roof of her home at 4:00 A.M. Early Risers International (formerly Early Risers of America) was formed to wake up the globe by promoting the glory of morning. The organization holds firm to the principle that rising early is one way to discover one's authentic and full potential. In the years that have followed since they first came together, this organization has adapted to changes in society, membership, and expectations. This ability to grow and change has shown the belief that members have maintained in their mission of service and the unity of the membership; and

Whereas, The organization does important work to promote camping and the beautification of the roadways and highways of our great state and nation. In Michigan, the important goals of Early Risers International are well served by President Jim Setzler, Vice President Jim Zitek, former Vice President John Pilette, Conservation Officer Elizabeth Pilette, Secretary Beth Sulek LaHousse, Treasurer Desi McIntosh, and the other dedicated officers and members that make up Early Risers Chapter 88; and

Whereas, With ceremonies to celebrate its history, the members and officers of Early Risers International and Early Risers Chapter 88 will remember the vision of many people and the hours and years of commitment that have brought the group to this point. Fittingly, as they look to the past, they will also be casting an eye to the future and to the many ways in which Early Risers International and Early Risers Chapter 88 will continue to reach out in our state; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the good work of Early Risers International and Early Risers Chapter 88 and express appreciation for their valuable contributions in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Early Risers International and Early Risers Chapter 88 as evidence of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson 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.

Reps. Lemmons, Vander Roest, Pappageorge, Hansen, Phillips, Lipsey, Rich Brown, Minore, Kolb, Jannick, DeWeese, Jacobs, Quarles, Thomas, Zelenko, Murphy, Durhal, Rivet, Spade, DeRossett, Wojno, McConico, Daniels, Lockwood, Shulman, Garza, Hale and Switalski offered the following resolution:

House Resolution No. 594.

A resolution honoring Michael O'Brien.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Michael O'Brien has put forth on behalf of the people of the city of Detroit that we offer this expression of our thanks and best wishes. This tireless community activist continues to make contributions to keep alive our cherished liberties and work for the betterment of the community. As the people of the city of Detroit recognize the loyalty and devotion to public service of this conscientious individual, we add our sentiments of gratitude for a job well done; and

Whereas, In the years of service to the people of the city of Detroit, Michael O'Brien has been working in the public arena during an era of great change. As Michael O'Brien well knows, financial pressures and changing expectations have combined to make the recent past a challenging time to work as a community activist. With the personal sense of duty that Michael O'Brien brings to every action each day, he has been able to meet each challenge with enthusiasm and a genuine interest in efficiency in public service; and

Whereas, Michael O'Brien retired from working for the city of Detroit after more years of service than can ever be repaid but he did not let his retirement stop his involvement with Detroit issues. Mr. O'Brien never believed that the job ended when the day did. He has been a community activist for over 11 years and a member and officer of Eastside Unity for seven years. Michael O'Brien was instrumental in getting the Detroit Public School System to build a middle school and elementary school on the Heilman site, and served as President of the Heilman Advisory Board for a number of years. As Chairman of the Troester-Hayes Park, the park adopted by Eastside Unity, Mr. O'Brien has been responsible for the upkeep of the park with neighborhood youth. Michael O'Brien has also volunteered on the committee which organizes the annual Family Fun Day Picnic and has even helped set up the park; and

Whereas, Michael O'Brien is an outstanding example of the kind of person who is not content to sit idly while others take action. Through his work as a member and Deacon of the Open Door Church, he puts in many hours of service to God by driving the Open Door Church bus and maintaining the vehicle. Mr. O'Brien makes it clear that we have

opportunities each and every day to put our love for our community to good use in helping our fellow citizens. These efforts have been deeply appreciated, both by citizens and organizations in the city of Detroit that have benefited directly from Michael O'Brien's work as well as other community activists who have witnessed this fine example; and

Whereas, There can be little doubt that the record of Michael O'Brien will continue to reap rewards for the people of the city of Detroit. We offer our thanks on this personal milestone; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Michael O'Brien. May he continue to enjoy the fruits of his labor; and be it further

Resolved, That a copy of this resolution be transmitted to Michael O'Brien as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson 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.

Reps. Shulman, Vander Roest, Hansen, Phillips, Lipsey, Adamini, Bogardus, DeVuyst, Kowall, DeWeese, Gosselin, Meyer, Jacobs, Murphy, Durhal, Voorhees, DeRossett, Wojno, Daniels and Lockwood offered the following resolution:

House Concurrent Resolution No. 71.

A resolution to memorialize the Congress of the United States to enact the Inflammatory Bowel Disease Act.

Whereas, It is estimated that one million Americans suffer from Crohn's disease or ulcerative colitis, conditions that are collectively known as inflammatory bowel disease. People afflicted with inflammatory bowel disease face not only great physical pain, but also additional distress caused by barriers to treatment put in place by insurers and some government programs. There are concerns that patients seeking disability benefits through Social Security may face additional problems beyond those encountered by other patients; and

Whereas, There are many aspects of inflammatory bowel disease that are not well known, including the specific cause. What is known, however, is that this disease exacts heavy costs in our country, including the impact that results because inflammatory bowel disease patients are at high risk of developing colorectal cancer. It is also clear to many in the health research community that our nation directs inadequate resources to address this disease, especially when compared to other conditions that afflict similar numbers of people; and

Whereas, Congress is considering legislation that could bring a new era in the treatment of inflammatory bowel disease. The Inflammatory Bowel Disease Act, S. 2562, would greatly expand research through the National Institutes of Health, establish a prevention and epidemiology program at the Centers for Disease Control and Prevention, and require federal studies to identify barriers patients encounter in dealings with insurers or in seeking Social Security disability benefits; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Inflammatory Bowel Disease Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Health Policy.

Reps. Richner, Kolb, Kowall, Drolet, Meyer, Jacobs, Palmer, Durhal, Callahan, Voorhees, DeRossett, Wojno, Daniels, Lockwood and Shulman offered the following concurrent resolution:

House Concurrent Resolution No. 72.

A concurrent resolution to memorialize the Congress of the United States to support the designation of Lake St. Clair as the sixth Great Lake.

Whereas, More than any other governmental entity, the state of Michigan is impacted by the quality of the Great Lakes. Our citizens depend upon these freshwater treasures as resources for our economy, our health, and our recreation. All steps that could bring about increased protection of the Great Lakes must be taken at the state, national, and international levels; and

Whereas, Lake St. Clair sits amid the network of waterways that comprise the Great Lakes Basin. This 420 square mile lake is, however, far different than the several rivers that link the lakes to one another. In the eyes of those who live along its shores and know of its unique characteristics, Lake St. Clair is clearly a Great Lake in every way but its name. It is the home of a remarkable variety of plants and animals when compared to the five Great Lakes, and it provides the water for 6 million people in Michigan and Ontario. Lake St. Clair is also known as a true recreational jewel, with prized fishing and boating. In spite of these riches, this lake and its biodiversity are significantly threatened; and

Whereas, A serious effort is being mounted by citizens and groups to raise the status of Lake St. Clair to that of the five Great Lakes. Members of the Great Lakes Commission have advanced this idea and have initiated actions. With

the formal designation of Lake St. Clair as a Great Lake, more attention, money, and focus would be directed to this vitally important body of water. The acknowledgment in policy of a status that has long been obvious to the people along its shores can only help ensure the health of Lake St. Clair far into the future; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to support the designation of Lake St. Clair as the sixth Great Lake; 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, the members of the Michigan congressional delegation, and the Great Lakes Commission.

The concurrent resolution was referred to the Committee on House Oversight and Operations .

Reports of Standing Committees

The Committee on Criminal Justice, by Rep. Kowall, Chair, reported

House Bill No. 6028, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a).

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6028 To Report Out:

Yeas: Reps. Kowall, Bishop, DeWeese, George, Gosselin, McConico, Durhal, O'Neil,

Nays: None.

The Committee on Criminal Justice, by Rep. Kowall, Chair, reported

Senate Bill No. 115, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 60 (MCL 49.160).

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 2, line 20, after "appointment" by inserting a comma and "INCLUDING THE POWER TO INVESTIGATE AND INITIATE CHARGES".

2. Amend page 2, line 24, by striking out the balance of the subsection.

The bill and amendments were referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 115 To Report Out:

Yeas: Reps. Kowall, Bishop, DeWeese, George, Gosselin, McConico, Durhal, O'Neil,

Nays: None.

The Committee on Criminal Justice, by Rep. Kowall, Chair, reported

Senate Bill No. 1356, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 1998 PA 324.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 1356 To Report Out:

Yeas: Reps. Kowall, Bishop, DeWeese, George, Gosselin, McConico, Durhal, O'Neil,

Nays: None.

The Committee on Criminal Justice, by Rep. Kowall, Chair, reported

Senate Bill No. 1447, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 17b of chapter XIIA (MCL 712A.17b), as amended by 1998 PA 325.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 1447 To Report Out:

Yeas: Reps. Kowall, Bishop, DeWeese, George, Gosselin, McConico, Durhal, O'Neil,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Kowall, Chair, of the Committee on Criminal Justice, was received and read:

Meeting held on: Tuesday, December 3, 2002, at 10:30 a.m.,

Present: Reps. Kowall, Bishop, DeWeese, George, Gosselin, McConico, Durhal, O'Neil,

Absent: Reps. Raczkowski, Vander Veen, Rison,

Excused: Reps. Raczkowski, Vander Veen, Rison.

The Committee on Civil Law and the Judiciary, by Rep. Howell, Chair, reported

House Bill No. 6337, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 5b, 5f, 5j, 5l, 5o, and 12a (MCL 28.425b, 28.425f, 28.425j, 28.425l, 28.425o, and 28.432a), sections 5b, 5f, 5j, 5l, and 5o as added and section 12a as amended by 2000 PA 381.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 6337 To Report Out:

Yeas: Reps. Howell, Hummel, Koetje, Mortimer, Palmer, Richner, Voorhees, Adamini, Lipsey, Waters,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Howell, Chair, of the Committee on Civil Law and the Judiciary, was received and read:

Meeting held on: Tuesday, December 3, 2002, at 11:00 a.m.,

Present: Reps. Howell, Hummel, Koetje, Mortimer, Palmer, Richner, Voorhees, Adamini, Lipsey, McConico, Waters.

Introduction of Bills

Reps. Schauer, Gilbert, George, Thomas, Spade and Middaugh introduced

House Bill No. 6525, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 217i.

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

Reps. Gilbert and Jamnick introduced

House Bill No. 6526, 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 14 (MCL 247.664), as amended by 1987 PA 234.

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

Reps. Jamnick and Gilbert introduced

House Bill No. 6527, 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 19 (MCL 247.669).

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

Reps. Jamnick and Gilbert introduced

House Bill No. 6528, 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 12 (MCL 247.662), as amended by 1997 PA 79.

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

Reps. Gilbert and Jammick introduced

House Bill No. 6529, 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 20a (MCL 247.670a).

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

Reps. Gilbert and Jammick introduced

House Bill No. 6530, 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 20a (MCL 247.670a).

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

Rep. Shackleton introduced
House Bill No. 6531, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 27 (MCL 38.27), as amended by 1987 PA 241, and by adding sections 48a and 48b.

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

Rep. Shackleton introduced
House Bill No. 6532, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 10 (MCL 474.60), as amended by 1998 PA 235, and by adding section 10h.

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

Rep. Bogardus introduced
House Bill No. 6533, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 67.

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

Rep. Bradstreet introduced
House Bill No. 6534, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8408 (MCL 600.8408), as amended by 1991 PA 192.

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

Rep. Caul introduced
House Bill No. 6535, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 10 (MCL 421.10), as amended by 2002 PA 192.

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

Reps. Schauer, Spade, Gilbert, Middaugh, George and Thomas introduced
House Bill No. 6536, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 217j.

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

Rep. Scranton introduced

House Bill No. 6537, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8409 (MCL 600.8409), as amended by 1991 PA 192.

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

Rep. Scranton introduced

House Bill No. 6538, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2002 PA 437.

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

Reps. Scranton and Lemmons introduced

House Bill No. 6539, entitled

A bill to amend 1965 PA 332, entitled "Home improvement finance act," by amending section 422 (MCL 445.1422).

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

Reps. Scranton and Lemmons introduced

House Bill No. 6540, entitled

A bill to amend 1965 PA 332, entitled "Home improvement finance act," by amending section 102 (MCL 445.1102), as amended by 1985 PA 202, and by adding part 3A.

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

Reps. Scranton and Lemmons introduced

House Bill No. 6541, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4206.

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

Reps. Scranton and Lemmons introduced

House Bill No. 6542, entitled

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," (MCL 490.1 to 490.31) by adding section 10a.

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

Reps. Scranton and Lemmons introduced

House Bill No. 6543, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding section 737.

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

Rep. Scranton introduced

House Bill No. 6544, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 435.

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

Reps. Scranton and Lemmons introduced

House Bill No. 6545, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," (MCL 445.1651 to 445.1684) by adding section 24a.

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

Reps. Scranton and Lemmons introduced

House Bill No. 6546, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," (MCL 493.51 to 493.81) by adding section 24a.

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

Rep. Richardville introduced

House Bill No. 6547, entitled

A bill to amend 1982 PA 415, entitled "Correctional officers' training act of 1982," by amending sections 2, 3, 4, 5, 14, and 15 (MCL 791.502, 791.503, 791.504, 791.505, 791.514, and 791.515).

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

Reps. Kowall, Bishop, Gosselin, Koetje, Pappageorge and Cassis introduced

House Bill No. 6548, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 30111a.

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

Rep. Kooiman introduced

House Bill No. 6549, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270.

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

Rep. Kooiman introduced

House Bill No. 6550, entitled

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

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

Reps. Kowall and Vear introduced

House Bill No. 6551, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479b (MCL 750.479b), as added by 1994 PA 33.

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

Rep. Jansen introduced

House Bill No. 6552, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 115b, 115f, 115g, and 117e (MCL 400.115b, 400.115f, 400.115g, and 400.117e), section 115b as amended by 1998 PA 516, section 115f as amended by 1998 PA 22, section 115g as amended by 1994 PA 238, and section 117e as amended by 1983 PA 222.

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

Reps. Tabor and Koetje introduced

House Bill No. 6553, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending section 3 (MCL 400.233), as amended by 2001 PA 564, and by adding section 6a.

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

Reps. Koetje and Tabor introduced

House Bill No. 6554, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2529 (MCL 600.2529), as amended by 2001 PA 202.

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

Rep. Vander Veen introduced

House Bill No. 6555, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 7, 13, 27, and 35 (MCL 552.607, 552.613, 552.627, and 552.635), section 7 as amended by 2002 PA 572, section 13 as amended by 1998 PA 334, section 27 as amended by 2001 PA 106, and section 35 as amended by 2002 PA 567.

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

Rep. Patterson introduced

House Bill No. 6556, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 508, 511, 513, and 514 (MCL 339.508, 339.511, 339.513, and 339.514), section 508 as amended by 1989 PA 261.

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

Rep. Patterson introduced

House Bill No. 6557, entitled

A bill to provide for the audit and examination of this state and state funds; to provide for the audit and examination of the books and accounts of all branches, departments, offices, boards, commissions, agencies, authorities, and institutions of this state, and other entities and individuals receiving state funds or funds under state control; to prescribe powers and duties of certain state officers and employees, and other entities and individuals receiving state funds or funds under state control; to provide for access to certain records; to provide for the subpoena of witnesses and production of documents and records; and to provide for the administration of this act.

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

Reps. Bishop, Kowall, Raczkowski and Koetje introduced

House Bill No. 6558, entitled

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies," by amending sections 9 and 10 (MCL 45.559 and 45.560), section 9 as amended by 1980 PA 100, and by adding section 9a.

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

Reps. Bishop and Kowall introduced

House Bill No. 6559, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," (MCL 559.101 to 559.276) by adding section 56b.

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

Reps. Bishop, Kowall and Raczkowski introduced

House Bill No. 6560, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 35, 45, and 45a (MCL 24.235, 24.245, and 24.245a), section 35 as amended by 1995 PA 178 and section 45 as amended and section 45a as added by 1999 PA 262.

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

Reps. Lemmons and Durhal introduced

House Bill No. 6561, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and

vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 791.201 to 791.283) by adding section 69b.

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

Reps. Lemmons and Durhal introduced

House Bill No. 6562, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 23 to chapter XVI.

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

Rep. Lemmons introduced

House Bill No. 6563, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2 (MCL 28.422), as amended by 1994 PA 338.

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

Reps. Lemmons and Durhal introduced

House Bill No. 6564, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 317 (MCL 484.2317), as added by 1995 PA 216.

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

Reps. Lemmons and Durhal introduced

House Bill No. 6565, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 136d.

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

Rep. Kowall introduced

House Bill No. 6566, entitled

A bill to amend 1941 PA 271, entitled "An act to define certain unlawful trade practices connected with the sale or other transfer; or with the purchase for another of goods, wares or merchandise; to provide certain penalties for the commission of such unlawful trade practices; and to provide for enjoining the commission of such trade practices and permitting the rescission of certain contracts," (MCL 445.101 to 445.109) by adding section 6d.

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

Rep. Kooiman introduced

House Bill No. 6567, entitled

A bill to provide for the acquisition of real property for use as a public park by certain local units of government; to provide for the construction, maintenance, management, and control of certain parks; to prescribe the powers and duties of certain local units of government and public officials; to provide for the issuance of bonds; and to provide immunity from civil liability under certain circumstances.

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

Second Reading of Bills

Senate Bill No. 1396, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," (MCL 205.421 to 205.436) by adding section 7b. The bill was read a second time.

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

—

Rep. Allen moved that Rep. Rick Johnson be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1396, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," (MCL 205.421 to 205.436) by adding section 7b. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1107

Yeas—99

Adamini	Frank	Mans	Schauer
Allen	Garza	McConico	Scranton
Anderson	George	Mead	Shackleton
Basham	Gielegem	Meyer	Sheltrown
Bernero	Gilbert	Middaugh	Shulman
Birkholz	Godchaux	Minore	Spade
Bisbee	Gosselin	Mortimer	Stamas
Bishop	Hager	Murphy	Stewart
Bogardus	Hansen	Neumann	Switalski
Bovin	Hart	Newell	Tabor
Bradstreet	Howell	O'Neil	Thomas
Brown, C.	Hummel	Palmer	Toy
Brown, R.	Jacobs	Pappageorge	Van Woerkom
Callahan	Jamnack	Patterson	Vander Roest
Cassis	Jansen	Phillips	Vander Veen
Caul	Jelinek	Plakas	Vear
Clark, I.	Johnson, Ruth	Pumford	Voorhees
Clarke, H.	Julian	Quarles	Waters
Daniels	Koetje	Raczkowski	Whitmer
DeRossett	Kolb	Reeves	Williams
DeVuyst	Kooiman	Richardville	Wojno
DeWeese	Kowall	Richner	Woodward
Drolet	Kuipers	Rison	Woronchak
Durhal	Lemmons	Rivet	Zelenko
Ehardt	Lockwood	Rocca	

Nays—0

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

“An act to provide for a tax upon the sale and distribution of tobacco products; to regulate and license manufacturers, wholesalers, secondary wholesalers, vending machine operators, unclassified acquirers, transportation companies, transporters, and retailers of tobacco products; to prescribe the powers and duties of the revenue division and the department of treasury in regard to tobacco products; to provide for the administration, collection, and disposition of the tax; to provide for the enforcement of this act; to provide for the appointment of special investigators as peace officers for the enforcement of this act; to prescribe penalties and provide remedies for the violation of this act; and to repeal acts and parts of acts.”

The House agreed to the full title.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

House Bill No. 6333, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16105, 16106, 16108, 16128, 16163, 16174, 16186, 16261, 16323, and 16608 (MCL 333.16105, 333.16106, 333.16108, 333.16128, 333.16163, 333.16174, 333.16186, 333.16261, 333.16323, and 333.16608), section 16106 as amended by 1997 PA 153, section 16108 as amended and section 16323 as added by 1993 PA 80, section 16174 as amended by 1998 PA 227, section 16186 as amended by 2002 PA 441, and section 16608 as amended by 1990 PA 216.

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

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 6333, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16105, 16106, 16108, 16128, 16163, 16174, 16186, 16261, 16323, and 16608 (MCL 333.16105, 333.16106, 333.16108, 333.16128, 333.16163, 333.16174, 333.16186, 333.16261, 333.16323, and 333.16608), section 16106 as amended by 1997 PA 153, section 16108 as amended and section 16323 as added by 1993 PA 80, section 16174 as amended by 1998 PA 227, section 16186 as amended by 2002 PA 441, and section 16608 as amended by 1990 PA 216.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1108

Yeas—102

Adamini	Frank	Lockwood	Rocca
Allen	Garza	Mans	Schauer
Anderson	George	McConico	Scranton
Basham	Gielegem	Mead	Shackleton
Bernero	Gilbert	Meyer	Sheltrown
Birkholz	Godchaux	Middaugh	Shulman
Bisbee	Gosselin	Minore	Spade
Bishop	Hager	Mortimer	Stamas
Bogardus	Hale	Murphy	Stewart
Bovin	Hansen	Neumann	Switalski
Bradstreet	Hart	Newell	Tabor
Brown, C.	Howell	O’Neil	Thomas
Brown, R.	Hummel	Palmer	Toy
Callahan	Jacobs	Pappageorge	Van Woerkom
Cassis	Jamnick	Patterson	Vander Roest

Caul	Jansen	Phillips	Vander Veen
Clark, I.	Jelinek	Plakas	Vear
Clarke, H.	Johnson, Ruth	Pumford	Voorhees
Daniels	Julian	Quarles	Waters
Dennis	Koetje	Raczkowski	Whitmer
DeRossett	Kolb	Reeves	Williams
DeVuyst	Kooiman	Richardville	Wojno
DeWeese	Kowall	Richner	Woodward
Drolet	Kuipers	Rison	Woronchak
Durhal	Lemmons	Rivet	Zelenko
Ehardt	Lipsey		

Nays—0

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16105, 16106, 16108, 16128, 16163, 16174, 16186, 16226, 16261, 16323, 16608, and 17031 (MCL 333.16105, 333.16106, 333.16108, 333.16128, 333.16163, 333.16174, 333.16186, 333.16226, 333.16261, 333.16323, 333.16608, and 333.17031), section 16106 as amended by 1997 PA 153, section 16108 as amended and section 16323 as added by 1993 PA 80, section 16174 as amended by 1998 PA 227, section 16186 as amended by 2002 PA 441, section 16226 as amended by 2000 PA 29, section 16608 as amended by 1990 PA 216, and section 17031 as amended by 1990 PA 248.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

House Bill No. 6428, entitled

A bill to amend 1966 PA 28, entitled “An act to authorize the board of trustees of police and firemen or municipal employees retirement systems to increase benefits,” by amending the title and sections 1 and 2 (MCL 38.571 and 38.572).

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

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

Rep. Drolet moved that Rep. Gosselin be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 6428, entitled

A bill to amend 1966 PA 28, entitled “An act to authorize the board of trustees of police and firemen or municipal employees retirement systems to increase benefits,” by amending the title and sections 1 and 2 (MCL 38.571 and 38.572).

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1109**Yeas—99**

Adamini	Frank	Mans	Schauer
Allen	Garza	McConico	Scranton
Anderson	George	Mead	Shackleton
Basham	Gielegem	Meyer	Sheltrown
Bernero	Gilbert	Middaugh	Shulman
Birkholz	Godchaux	Minore	Spade
Bisbee	Hager	Mortimer	Stamas
Bishop	Hansen	Murphy	Stewart
Bogardus	Hart	Neumann	Switalski
Bovin	Howell	Newell	Tabor
Bradstreet	Hummel	O'Neil	Thomas
Brown, C.	Jacobs	Palmer	Toy
Brown, R.	Jamnack	Pappageorge	Van Woerkom
Callahan	Jansen	Patterson	Vander Roest
Cassis	Jelinek	Phillips	Vander Veen
Caul	Johnson, Ruth	Plakas	Vear
Clark, I.	Julian	Pumford	Voorhees
Clarke, H.	Koetje	Quarles	Waters
Dennis	Kolb	Raczkowski	Whitmer
DeRossett	Kooiman	Reeves	Williams
DeVuyst	Kowall	Richardville	Wojno
DeWeese	Kuipers	Richner	Woodward
Drolet	Lemmons	Rison	Woronchak
Durhal	Lipsev	Rivet	Zelenko
Ehardt	Lockwood	Rocca	

Nays—2

Daniels Hale

In The Chair: Julian

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

Second Reading of Bills**House Bill No. 6447, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8001, 8005, and 8011 (MCL 600.8001, 600.8005, and 600.8011), as added by 2001 PA 262.

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

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 6447, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8001, 8005, and 8011 (MCL 600.8001, 600.8005, and 600.8011), as added by 2001 PA 262.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1110**Yeas—98**

Adamini	Ehardt	Lipsey	Rocca
Allen	Frank	Lockwood	Schauer
Anderson	Garza	Mans	Scranton
Basham	George	Mead	Shackleton
Bernero	Gielegem	Meyer	Sheltrown
Birkholz	Gilbert	Middaugh	Shulman
Bisbee	Godchaux	Minore	Spade
Bishop	Hager	Mortimer	Stamas
Bogardus	Hale	Murphy	Stewart
Bovin	Hansen	Neumann	Switalski
Bradstreet	Hart	Newell	Tabor
Brown, C.	Howell	O'Neil	Toy
Brown, R.	Hummel	Palmer	Van Woerkom
Callahan	Jacobs	Pappageorge	Vander Roest
Cassis	Jamnack	Patterson	Vander Veen
Caul	Jansen	Phillips	Vear
Clark, I.	Jelinek	Pumford	Voorhees
Clarke, H.	Johnson, Ruth	Quarles	Waters
Daniels	Julian	Rackowski	Whitmer
Dennis	Koetje	Reeves	Williams
DeRossett	Kolb	Richardville	Wojno
DeVuyst	Kooiman	Richner	Woodward
DeWeese	Kowall	Rison	Woronchak
Drolet	Kuipers	Rivet	Zelenko
Durhal	Lemmons		

Nays—0

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8001, 8003, 8005, and 8011 (MCL 600.8001, 600.8003, 600.8005, and 600.8011), as added by 2001 PA 262.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills**House Bill No. 5394, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401 and 7403 (MCL 333.7401 and 333.7403), as amended by 2000 PA 314.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Criminal Justice,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5394, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401 and 7403 (MCL 333.7401 and 333.7403), as amended by 2000 PA 314.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1111

Yeas—86

Adamini	Durhal	Lipsey	Rivet
Allen	Ehardt	Lockwood	Schauer
Anderson	Frank	Mans	Scranton
Basham	Garza	McConico	Shackleton
Bernero	George	Mead	Shulman
Birkholz	Gielegem	Meyer	Spade
Bisbee	Gilbert	Minore	Stamas
Bishop	Godchaux	Mortimer	Stewart
Bogardus	Hager	Murphy	Switalski
Bovin	Hale	Newell	Tabor
Brown, C.	Hansen	O'Neil	Van Woerkom
Brown, R.	Hart	Palmer	Vander Veen
Cassis	Howell	Pappageorge	Vear
Caul	Hummel	Phillips	Voorhees
Clark, I.	Jacobs	Plakas	Waters
Clarke, H.	Jamnack	Pumford	Whitmer
Daniels	Jansen	Quarles	Williams
Dennis	Julian	Raczkowski	Wojno
DeRossett	Kolb	Reeves	Woodward
DeVuyst	Kooiman	Richardville	Woronchak
DeWeese	Kowall	Rison	Zelenko
Drolet	Lemmons		

Nays—12

Bradstreet	Koetje	Patterson	Sheltrown
Jelinek	Kuipers	Richner	Toy
Johnson, Ruth	Middaugh	Rocca	Vander Roest

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401 and 7403 (MCL 333.7401 and 333.7403), as amended by 2001 PA 236.

The motion prevailed.

The House agreed to the title as amended.

Reps. Adamini, Bogardus, Bovin, Rich Brown, Clark, Clarke, DeRossett, DeWeese, Drolet, Durhal, Garza, George, Hale, Howell, Jamnick, Kolb, Kooiman, Lemmons, Lipsey, Minore, Murphy, Palmer, Phillips, Quarles, Reeves, Rison, Thomas, Whitmer, Williams and Zelenko were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5395, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 34 of chapter IX and sections 1 and 2 of chapter XI (MCL 769.34, 771.1, and 771.2), section 34 of chapter IX as amended by 2000 PA 279 and sections 1 and 2 of chapter XI as amended by 1998 PA 520.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Criminal Justice,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. McConico moved to amend the bill as follows:

1. Amend page 9, following line 19, by inserting:

“(3) A DEFENDANT WHO WAS PLACED ON PROBATION UNDER SECTION 1(4) OF THIS CHAPTER PRIOR TO THE EFFECTIVE DATE OF THE ACT THAT AMENDED THIS SECTION IS SUBJECT TO THE CONDITIONS OF PROBATION SPECIFIED IN SECTION 3 OF THIS CHAPTER, INCLUDING PAYMENT OF A PROBATION SUPERVISION FEE AS PRESCRIBED IN SECTION 3C OF THIS CHAPTER, AND TO REVOCATION FOR VIOLATION OF THESE CONDITIONS, BUT THE PROBATION PERIOD SHALL NOT BE REDUCED OTHER THAN BY A REVOCATION THAT RESULTS IN IMPRISONMENT OR AS OTHERWISE PROVIDED BY LAW.” and renumbering the remaining subsections.

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5395, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 34 of chapter IX and sections 1 and 2 of chapter XI (MCL 769.34, 771.1, and 771.2), section 34 of chapter IX as amended by 2000 PA 279 and sections 1 and 2 of chapter XI as amended by 1998 PA 520.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1112

Yeas—83

Adamini	Durhal	Lemmons	Schauer
Allen	Frank	Lipsey	Scranton
Anderson	Garza	Lockwood	Shackleton
Bernero	George	Mans	Shulman
Birkholz	Gielegem	McConico	Spade
Bisbee	Gilbert	Mead	Stamas
Bishop	Godchaux	Meyer	Stewart
Bogardus	Hager	Minore	Switalski
Bovin	Hale	Murphy	Tabor
Brown, C.	Hansen	Newell	Thomas
Brown, R.	Hart	O’Neil	Van Woerkom
Callahan	Howell	Palmer	Vander Veen
Cassis	Hummel	Pappageorge	Vear
Caul	Jacobs	Phillips	Voorhees
Clark, I.	Jamnick	Plakas	Waters
Clarke, H.	Jansen	Quarles	Whitmer
Daniels	Johnson, Rick	Raczkowski	Williams
Dennis	Julian	Reeves	Woodward
DeRossett	Kolb	Richardville	Woronchak
DeWeese	Kooiman	Rison	Zelenko
Drolet	Kowall	Rivet	

Nays—15

Basham	Johnson, Ruth	Mortimer	Sheltrown
Bradstreet	Koetje	Patterson	Toy
DeVuyst	Kuipers	Richner	Vander Roest
Jelinek	Middaugh	Rocca	

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 34 of chapter IX, sections 1 and 2 of chapter XI, and sections 13m, 43, 45, and 57 of chapter XVII (MCL 769.34, 771.1, 771.2, 777.13m, 777.43, 777.45, and 777.57), section 34 of chapter IX and section 43 of chapter XVII as amended by 2000 PA 279, section 1 of chapter XI as amended by 2002 PA 483, section 2 of chapter XI as amended by 1998 PA 520, section 13m of chapter XVII as added by 2002 PA 30, section 45 of chapter XVII as added by 1998 PA 317, and section 57 of chapter XVII as amended by 1999 PA 227.

The motion prevailed.

The House agreed to the title as amended.

Reps. Adamini, Bogardus, Bovin, Rich Brown, Clark, Clarke, Daniels, DeWeese, Drolet, Durhal, Garza, George, Hale, Hansen, Howell, Jacobs, Kolb, Kooiman, Lemmons, Lipsey, Minore, Murphy, Palmer, Phillips, Reeves, Rison, Thomas, Voorhees, Waters, Whitmer, Williams and Zelenko were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 6510, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 1999 PA 191.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 6510, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 1999 PA 191.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1113

Yeas—76

Adamini	Durhal	Lemmons	Rivet
Allen	Frank	Lipsey	Schauer
Bernero	Garza	Lockwood	Scranton
Birkholz	George	Mans	Shackleton
Bisbee	Gielegem	McConico	Shulman
Bishop	Gilbert	Mead	Stamas
Bogardus	Godchaux	Meyer	Stewart
Bovin	Hager	Minore	Tabor
Brown, C.	Hale	Mortimer	Thomas
Brown, R.	Hart	Murphy	Van Woerkom
Cassis	Howell	Newell	Vander Veen
Caul	Jacobs	O'Neil	Vear
Clark, I.	Jamnick	Palmer	Voorhees
Clarke, H.	Jansen	Pappageorge	Waters
Daniels	Johnson, Rick	Phillips	Whitmer
Dennis	Julian	Rackowski	Williams
DeRossett	Kolb	Reeves	Woodward
DeWeese	Kooiman	Richardville	Woronchak
Drolet	Kowall	Rison	Zelenko

Nays—22

Anderson	Hummel	Patterson	Spade
Basham	Jelinek	Pumford	Switalski
Bradstreet	Johnson, Ruth	Richner	Toy
Callahan	Koetje	Rocca	Vander Roest
DeVuyst	Kuipers	Sheltrown	Wojno
Ehardt	Middaugh		

In The Chair: Julian

The House agreed to the title of the bill.

Reps. Adamini, Bovin, Rich Brown, Clark, Clarke, Daniels, DeRossett, DeWeese, Drolet, Durhal, Garza, Hale, Hansen, Howell, Jacobs, Jamnick, Julian, Kolb, Kooiman, Lemmons, Lipsey, Minore, Murphy, Phillips, Reeves, Rison, Waters, Whitmer, Williams and Zelenko were named co-sponsors of the bill.

Second Reading of Bills**House Bill No. 6490, entitled**

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

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

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

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

The motion prevailed.

Senate Bill No. 686, entitled

A bill to amend 1967 PA 270, entitled “An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data,” by amending section 1 (MCL 331.531), as amended by 1998 PA 59.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 686, entitled**

A bill to amend 1967 PA 270, entitled “An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data,” by amending section 1 (MCL 331.531), as amended by 1998 PA 59.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Second Reading of Bills

House Bill No. 6337, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 5b, 5f, 5j, 5l, 5o, and 12a (MCL 28.425b, 28.425f, 28.425j, 28.425l, 28.425o, and 28.432a), sections 5b, 5f, 5j, 5l, and 5o as added and section 12a as amended by 2000 PA 381.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Civil Law and the Judiciary,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Julian moved to amend the bill as follows:

1. Amend page 30, following line 18, by inserting:

“(C) AN INDIVIDUAL WHO IS LICENSED AS A PRIVATE INVESTIGATOR OR PRIVATE DETECTIVE UNDER THE PRIVATE DETECTIVE LICENSE ACT, 1965 PA 285, MCL 338.821 TO 338.851.” and relettering the remaining subdivision.

2. Amend page 31, line 4, by striking out all of subparagraph (vii).

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

Rep. Hummel moved to amend the bill as follows:

1. Amend page 13, line 20, after “(x)” by striking out the balance of the line through “JUDGMENT).” on line 23 and inserting “PART 74 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 TO 333.7461 (CONTROLLED SUBSTANCES).” and renumbering the remaining subparagraphs.

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

Rep. Lipsey moved to amend the bill as follows:

1. Amend page 29, following line 17, by inserting:

“(J) PUBLIC LIBRARIES.”.

The question being on the adoption of the amendment offered by Rep. Lipsey,

Rep. Jacobs demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Lipsey,

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

Roll Call No. 1114

Yeas—32

Adamini	Frank	Jamnick	Phillips
Anderson	Garza	Kolb	Quarles
Bogardus	Gielegem	Lemmons	Rison
Clark, I.	Godchaux	Lipsey	Scranton
Clarke, H.	Hager	Lockwood	Stewart
Daniels	Hale	Minore	Whitmer
Dennis	Hansen	Murphy	Williams
Durhal	Jacobs	O’Neil	Zelenko

Nays—50

Basham	Howell	Mortimer	Shackleton
Bradstreet	Hummel	Neumann	Sheltrown
Brown, C.	Jansen	Newell	Shulman

Brown, R.	Jelinek	Palmer	Spade
Callahan	Johnson, Ruth	Pappageorge	Stamas
Caul	Julian	Patterson	Switalski
DeRossett	Koetje	Plakas	Tabor
DeVuyst	Kowall	Rackowski	Toy
DeWeese	Kuipers	Richardville	Van Woerkom
Drolet	Mans	Richner	Vander Roest
George	Mead	Rivet	Vear
Gilbert	Meyer	Rocca	Voorhees
Hart	Middaugh		

In The Chair: Julian

Rep. Hummel moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Rep. Vander Roest moved that Rep. Ehardt be excused temporarily from today's session.
The motion prevailed.

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

House Bill No. 6337, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 5b, 5f, 5j, 5l, 5o, and 12a (MCL 28.425b, 28.425f, 28.425j, 28.425l, 28.425o, and 28.432a), sections 5b, 5f, 5j, 5l, and 5o as added and section 12a as amended by 2000 PA 381.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1115

Yeas—88

Adamini	Garza	Meyer	Shackleton
Allen	George	Middaugh	Sheltrown
Anderson	Gilbert	Mortimer	Shulman
Basham	Hager	Murphy	Spade
Bernero	Hart	Neumann	Stallworth
Birkholz	Howell	Newell	Stamas
Bisbee	Hummel	O'Neil	Stewart
Bishop	Jansen	Palmer	Switalski
Bovin	Jelinek	Pappageorge	Tabor
Bradstreet	Johnson, Rick	Patterson	Thomas
Brown, C.	Johnson, Ruth	Phillips	Toy
Brown, R.	Julian	Plakas	Van Woerkom

Callahan	Koetje	Pumford	Vander Roest
Cassis	Kooiman	Quarles	Vander Veen
Caul	Kowall	Raczkowski	Vear
Daniels	Kuipers	Reeves	Voorhees
Dennis	Lemmons	Richardville	Waters
DeRossett	Lipsey	Richner	Williams
DeVuyst	Lockwood	Rivet	Wojno
Drolet	Mans	Rocca	Woodward
Durhal	McConico	Schauer	Woronchak
Frank	Mead	Scranton	Zelenko

Nays—11

Bogardus	Gielegem	Hansen	Kolb
Clark, I.	Godchaux	Jacobs	Whitmer
Clarke, H.	Hale	Jamnick	

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 5b, 5c, 5d, 5f, 5j, 5l, and 5o (MCL 28.425b, 28.425c, 28.425d, 28.425f, 28.425j, 28.425l, and 28.425o), as added by 2000 PA 381.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Reps. Adamini, Allen, Anderson, Basham, Birkholz, Bovin, Bradstreet, Rich Brown, Callahan, Caul, DeRossett, DeVuyst, DeWeese, Drolet, Gilbert, Hager, Hart, Jelinek, Ruth Johnson, Julian, Koetje, Kowall, Kuipers, Lemmons, Mead, Middaugh, Mortimer, Neumann, Newell, Palmer, Pappageorge, Patterson, Pumford, Raczkowski, Richardville, Rocca, Shackleton, Sheltrown, Shulman, Spade, Stamas, Stewart, Tabor, Toy, Vander Roest, Vander Veen, Vear and Voorhees were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 6448, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1202 (MCL 500.1202), as amended by 2001 PA 228, and by adding section 402c.

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

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

Rep. Kooiman moved to amend the bill as follows:

1. Amend page 1, line 8, after “GOODS” by striking out the balance of the subdivision and inserting a period.

2. Amend page 5, line 2, after “GOODS” by striking out the balance of the subdivision and inserting a period.

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

Rep. Jacobs moved that Rep. Thomas be excused temporarily from today’s session.
The motion prevailed.

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

House Bill No. 6448, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1202 (MCL 500.1202), as amended by 2001 PA 228, and by adding section 402c.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1116

Yeas—99

Adamini	Frank	Lockwood	Schauer
Allen	Garza	Mans	Scranton
Anderson	George	McConico	Shackleton
Bernero	Gielegem	Mead	Sheltrown
Birkholz	Gilbert	Meyer	Shulman
Bisbee	Godchaux	Middaugh	Spade
Bishop	Hager	Minore	Stamas
Bogardus	Hale	Mortimer	Stewart
Bovin	Hansen	Murphy	Switalski
Bradstreet	Hart	Neumann	Tabor
Brown, C.	Howell	Newell	Thomas
Brown, R.	Hummel	O’Neil	Toy
Callahan	Jacobs	Palmer	Van Woerkom
Cassis	Jamnick	Pappageorge	Vander Roest
Caul	Jansen	Patterson	Vander Veen
Clark, I.	Jelinek	Phillips	Vear
Clarke, H.	Johnson, Rick	Plakas	Voorhees
Daniels	Johnson, Ruth	Pumford	Waters
Dennis	Julian	Quarles	Whitmer
DeRossett	Koetje	Rackowski	Williams
DeVuyst	Kolb	Reeves	Wojno
DeWeese	Kooiman	Richardville	Woodward
Drolet	Kowall	Richner	Woronchak
Durhal	Lemmons	Rison	Zelenko
Ehardt	Lipsey	Rocca	

Nays—0

In The Chair: Julian

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

Second Reading of Bills

House Bill No. 5734, entitled

A bill to amend 1980 PA 119, entitled “Motor carrier fuel tax act,” by amending sections 1, 2, and 4 (MCL 207.211, 207.212, and 207.214), sections 1 and 4 as amended by 2000 PA 406 and section 2 as amended by 1996 PA 584.

(The bill was read a second time and postponed temporarily on June 19, see House Journal No. 57, p. 2144.)

The question being on the adoption of the proposed substituted (H-1) previously recommended by the Committee on Transportation,

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

Rep. Stallworth moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5734, entitled

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending sections 1, 2, and 4 (MCL 207.211, 207.212, and 207.214), sections 1 and 4 as amended by 2000 PA 406 and section 2 as amended by 1996 PA 584.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1117

Yeas—80

Adamini	Drolet	Koetje	Reeves
Allen	Durhal	Kolb	Richner
Anderson	Ehardt	Kooiman	Rison
Bernero	Garza	Kowall	Scranton
Birkholz	George	Kuipers	Shackleton
Bisbee	Gielegem	Lemmons	Shulman
Bogardus	Gilbert	Lipsey	Stamas
Bovin	Godchaux	Lockwood	Switalski
Bradstreet	Hager	Mans	Tabor
Brown, R.	Hale	Mead	Toy
Callahan	Hansen	Meyer	Van Woerkom
Cassis	Hart	Minore	Vander Veen
Caul	Howell	Murphy	Voorhees
Clark, I.	Hummel	Newell	Waters
Clarke, H.	Jacobs	O'Neil	Whitmer
Daniels	Jamnick	Palmer	Williams
Dennis	Jansen	Pappageorge	Wojno
DeRossett	Johnson, Rick	Phillips	Woodward
DeVuyst	Johnson, Ruth	Plakas	Woronchak
DeWeese	Julian	Pumford	Zelenko

Nays—15

Basham	Middaugh	Rocca	Stewart
Bishop	Patterson	Schauer	Vander Roest
Brown, C.	Rackowski	Sheltrown	Vear
Jelinek	Richardville	Spade	

In The Chair: Julian

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

Second Reading of Bills

House Bill No. 5735, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending sections 8, 92, and 152 (MCL 207.1008, 207.1092, and 207.1152); and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Transportation,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. DeRossett moved to amend the bill as follows:

1. Amend page 7, following line 22, by inserting:

“(C) NINE CENTS PER GALLON ON B-20 DIESEL FUEL.”.

2. Amend page 9, following line 23, by inserting:

“(6) AS USED IN THIS SECTION:

(A) “B-20 DIESEL FUEL” MEANS BIODIESEL FUEL OR A BLEND OF 2 FUELS, AT LEAST 20% OF WHICH IS BIODIESEL FUEL AND NO MORE THAN 80% OF WHICH IS OTHER, PETROLEUM-BASED, DIESEL FUEL.

(B) “BIODIESEL FUEL” MEANS A DIESEL FUEL SUBSTITUTE CONSISTING OF METHYL OR ETHYL ESTERS PRODUCED FROM THE TRANSESTERIFICATION OF ANIMAL OR VEGETABLE FATS WITH METHANOL OR ETHANOL.”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5735, entitled

A bill to amend 2000 PA 403, entitled “Motor fuel tax act,” by amending sections 8, 92, and 152 (MCL 207.1008, 207.1092, and 207.1152); and to repeal acts and parts of acts.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1118

Yeas—76

Adamini	DeWeese	Kolb	Reeves
Allen	Drolet	Kooiman	Richner
Anderson	Durhal	Kowall	Rison
Bernero	Ehardt	Kuipers	Scranton
Birkholz	George	Lipsey	Shackleton
Bisbee	Gielegem	Lockwood	Shulman
Bogardus	Gilbert	Mans	Stamas
Bovin	Godchaux	Mead	Switalski
Bradstreet	Hager	Meyer	Tabor
Brown, R.	Hansen	Minore	Toy
Callahan	Hart	Murphy	Van Woerkom
Cassis	Howell	Newell	Vander Veen
Caul	Hummel	O’Neil	Voorhees
Clark, I.	Jacobs	Palmer	Waters
Clarke, H.	Jamnick	Pappageorge	Whitmer
Daniels	Jansen	Phillips	Williams
Dennis	Johnson, Rick	Plakas	Woodward
DeRossett	Julian	Pumford	Woronchak
DeVuyst	Koetje	Quarles	Zelenko

Nays—21

Basham	Johnson, Ruth	Rackowski	Spade
Bishop	Lemmons	Richardville	Stewart
Brown, C.	Middaugh	Rocca	Vander Roest

Garza
Hale
Jelinek

Mortimer
Patterson

Schauer
Sheltrown

Vear
Wojno

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending sections 3, 5, 8, 37, 38, and 92 (MCL 207.1003, 207.1005, 207.1008, 207.1037, 207.1038, and 207.1092); and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

House Bill No. 5736, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 4, and 4k (MCL 205.92, 205.93, 205.94, and 205.94k), section 2 as amended by 2000 PA 391, section 3 as amended by 1999 PA 117, section 4 as amended by 2001 PA 39, and section 4k as amended by 2000 PA 200.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Transportation,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Gilbert moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Julian moved to amend the bill as follows:

1. Amend page 7, line 26, after "ROUNDED" by striking out "UP" and inserting "DOWN".

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5736, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 4, and 4k (MCL 205.92, 205.93, 205.94, and 205.94k), section 2 as amended by 2000 PA 391, section 3 as amended by 1999 PA 117, section 4 as amended by 2001 PA 39, and section 4k as amended by 2000 PA 200.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1119

Yeas—79

Adamini
Allen
Anderson
Bernero
Birkholz
Bisbee

Drolet
Durhal
Ehardt
George
Gielegem
Gilbert

Kolb
Kooiman
Kowall
Kuipers
Lipse
Lockwood

Richner
Rison
Scranton
Shackleton
Shulman
Stamas

Bogardus	Godchaux	Mans	Switalski
Bovin	Hager	McConico	Tabor
Bradstreet	Hale	Mead	Thomas
Brown, R.	Hansen	Meyer	Toy
Callahan	Hart	Murphy	Van Woerkom
Cassis	Howell	Newell	Vander Veen
Caul	Hummel	O'Neil	Voorhees
Clark, I.	Jacobs	Palmer	Waters
Clarke, H.	Jamnick	Pappageorge	Whitmer
Daniels	Jansen	Phillips	Williams
Dennis	Johnson, Rick	Plakas	Woodward
DeRossett	Johnson, Ruth	Pumford	Woronchak
DeVuyst	Julian	Quarles	Zelenko
DeWeese	Koetje	Reeves	

Nays—19

Basham	Lemmons	Richardville	Stewart
Bishop	Middaugh	Rocca	Vander Roest
Brown, C.	Mortimer	Schauer	Vear
Garza	Patterson	Sheltrown	Wojno
Jelinek	Rackowski	Spade	

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 4, and 4k (MCL 205.92, 205.93, 205.94, and 205.94k), sections 2 and 3 as amended by 2002 PA 511, section 4 as amended by 2002 PA 456, and section 4k as amended by 2000 PA 200.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

House Bill No. 6496, entitled

A bill to authorize and regulate electronic transactions of public funds involving local units of government; and to provide for powers and duties of certain governmental agencies and officials.

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

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 6496, entitled

A bill to authorize and regulate electronic transactions of public funds involving local units of government; and to provide for powers and duties of certain governmental agencies and officials.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1120**Yeas—101**

Adamini	Frank	Lipsey	Rocca
Allen	Garza	Lockwood	Schauer
Anderson	George	Mans	Scranton
Basham	Gielegem	McConico	Shackleton
Bernero	Gilbert	Mead	Sheltrown
Birkholz	Godchaux	Meyer	Shulman
Bisbee	Hager	Middaugh	Spade
Bishop	Hale	Minore	Stamas
Bogardus	Hansen	Mortimer	Stewart
Bovin	Hart	Murphy	Switalski
Bradstreet	Howell	Neumann	Tabor
Brown, C.	Hummel	Newell	Thomas
Brown, R.	Jacobs	O'Neil	Toy
Callahan	Jamnick	Palmer	Van Woerkom
Cassis	Jansen	Pappageorge	Vander Roest
Caul	Jelinek	Patterson	Vander Veen
Clark, I.	Johnson, Rick	Phillips	Vear
Clarke, H.	Johnson, Ruth	Plakas	Voorhees
Daniels	Julian	Pumford	Waters
Dennis	Koetje	Rackowski	Whitmer
DeRossett	Kolb	Reeves	Williams
DeVuyst	Kooiman	Richardville	Wojno
DeWeese	Kowall	Richner	Woodward
Drolet	Kuipers	Rison	Woronchak
Durhal	Lemmons	Rivet	Zelenko
Ehardt			

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills**House Bill No. 5967, entitled**

A bill to amend 1994 PA 204, entitled "The children's ombudsman act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 (MCL 722.921, 722.922, 722.923, 722.924, 722.925, 722.926, 722.927, 722.928, 722.929, 722.930, 722.931, and 722.932); and to repeal acts and parts of acts.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Hager moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5967, entitled

A bill to amend 1994 PA 204, entitled “The children’s ombudsman act,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 (MCL 722.921, 722.922, 722.923, 722.924, 722.925, 722.926, 722.927, 722.928, 722.929, 722.930, 722.931, and 722.932); and to repeal acts and parts of acts.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1121

Yeas—88

Adamini	Ehardt	Mans	Rocca
Allen	Frank	McConico	Schauer
Anderson	Garza	Mead	Shackleton
Basham	George	Meyer	Shulman
Bernero	Gielegem	Middaugh	Spade
Birkholz	Gilbert	Minore	Stamas
Bisbee	Hager	Mortimer	Stewart
Bishop	Hale	Murphy	Tabor
Bogardus	Hansen	Neumann	Thomas
Bovin	Howell	Newell	Toy
Bradstreet	Hummel	O’Neil	Van Woerkom
Brown, C.	Jacobs	Pappageorge	Vander Roest
Brown, R.	Jamnick	Patterson	Vander Veen
Callahan	Jelinek	Phillips	Vear
Cassis	Johnson, Rick	Plakas	Voorhees
Caul	Johnson, Ruth	Pumford	Waters
Clark, I.	Julian	Quarles	Whitmer
Clarke, H.	Kolb	Rackowski	Williams
Daniels	Kowall	Reeves	Wojno
DeWeese	Kuipers	Richardville	Woodward
Drolet	Lipsey	Richner	Woronchak
Durhal	Lockwood	Rison	Zelenko

Nays—13

DeRossett	Jansen	Lemmons	Scranton
DeVuyst	Koetje	Palmer	Sheltrown
Godchaux	Koosman	Rivet	Switalski
Hart			

In The Chair: Julian

The question being on agreeing to the title of the bill,
Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1994 PA 204, entitled “The children’s ombudsman act,” by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 (MCL 722.922, 722.923, 722.924, 722.925, 722.926, 722.927, 722.928, 722.929, 722.930, and 722.931); and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

Second Reading of Bills**House Bill No. 6372, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending section 4406 (MCL 487.14406), as added by 2002 PA 183.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Insurance and Financial Services (for amendment, see today's Journal, p. 2683),

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 6372, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending section 4406 (MCL 487.14406), as added by 2002 PA 183.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Rep. Williams moved that Reps. Wojno and Whitmer be excused temporarily from today's session.

The motion prevailed.

Rep. Jacobs moved that Reps. Daniels, Waters, Lipsey, Frank and Kolb be excused temporarily from today's session.

The motion prevailed.

Rep. Jacobs moved that Rep. Reeves be excused from the balance of today's session.

The motion prevailed.

Rep. Bisbee moved that Reps. Godchaux and Scranton be excused temporarily from today's session.

The motion prevailed.

Rep. Middaugh moved that Rep. Birkholz be excused temporarily from today's session.

The motion prevailed.

Rep. Adamini moved that Rep. Rich Brown be excused temporarily from today's session.

The motion prevailed.

Rep. Stamas moved that Reps. Hart and Toy be excused temporarily from today's session.

The motion prevailed.

Rep. Raczkowski moved that Rep. Cassis be excused temporarily from today's session.

The motion prevailed.

Rep. Phillips moved that Rep. McConico be excused temporarily from today's session.

The motion prevailed.

Rep. Zelenko moved that Rep. Murphy be excused temporarily from today's session.

The motion prevailed.

Rep. Rocca moved that Reps. Ruth Johnson, Voorhees and Vander Veen be excused temporarily from today's session. The motion prevailed.

Rep. Gielegem moved that Rep. Neumann be excused temporarily from today's session. The motion prevailed.

Rep. LaSata entered the House chambers.

By unanimous consent the House returned to the order of
Reports of Select Committees

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning
House Bill No. 4042, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending the title and sections 1, 1a, 2, 3, 4, 5, 6, and 7 (MCL 445.111, 445.111a, 445.112, 445.113, 445.114, 445.115, 445.116, and 445.117), section 1 as amended by 1999 PA 18 and sections 2 and 3 as amended by 2000 PA 15.

Recommends:

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

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending the title and sections 1, 1a, 3, and 6 (MCL 445.111, 445.111a, 445.113, and 445.116), section 1 as amended by 1999 PA 18 and section 3 as amended by 2000 PA 15, and by adding sections 1b, 1c, 1d, and 1e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT: TITLE

AN ACT TO PRESCRIBE THE RIGHTS AND DUTIES OF PARTIES TO HOME SOLICITATION SALES; TO REGULATE CERTAIN TELEPHONE SOLICITATION; TO PROVIDE FOR THE POWERS AND DUTIES OF CERTAIN STATE OFFICERS AND ENTITIES; AND TO PRESCRIBE PENALTIES AND REMEDIES.

Sec. 1. As used in this act:

(a) "Home solicitation sale" means a sale of goods or services of more than \$25.00 in which the seller or a person acting for the seller engages in a personal, telephonic, or written solicitation of the sale, the solicitation is received by the buyer at a residence of the buyer, and the buyer's agreement or offer to purchase is there given to the seller or a person acting for the seller. Home solicitation sale does not include any of the following:

- (i) A sale made pursuant to a preexisting revolving charge account.
- (ii) A sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.
- (iii) A sale or solicitation of insurance by an insurance agent licensed by the commissioner of insurance.
- (iv) A sale made at a fixed location of a business establishment where goods or services are offered or exhibited for sale.
- (v) A sale made pursuant to a printed advertisement in a publication of general circulation.
- (vi) A sale of services by a real estate broker or salesperson licensed by the department of consumer and industry services.

(vii) A sale of agricultural or horticultural equipment and machinery that is demonstrated to the consumer by the vendor at the request of either or both of the parties.

(b) "Fixed location" means a place of business where the seller or an agent, servant, employee, or solicitor of that seller primarily engages in the sale of goods or services of the same kind as would be sold at the residence of a buyer.

(c) "Business day" means Monday through Friday and does not include Saturday, Sunday, or the following business holidays: New Year's day, Martin Luther King's birthday, Washington's birthday, Memorial day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, and Christmas day.

(d) "Federally insured depository institution" means a state or national bank, state or federal savings bank, state or federal savings and loan association, or state or federal credit union that holds deposits insured by an agency of the United States.

(e) ~~Goods~~ AS USED IN ONLY THE DEFINITION OF HOME SOLICITATION SALES, "GOODS or services" does not include ~~either~~ ANY of the following:

- (i) A loan, deposit account, or trust account lawfully offered or provided by a federally insured depository institution or a subsidiary or affiliate of a federally insured depository institution.

(ii) An extension of credit that is subject to any of the following acts:

(A) The mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.

(B) The secondary mortgage loan act, 1981 PA 125, MCL 493.51 to 493.81.

(C) The regulatory loan act, ~~of 1963~~, 1939 PA 21, MCL 493.1 to ~~493.26~~ 493.24.

(D) The consumer financial services act, 1988 PA 161, MCL 487.2051 to 487.2072.

(E) 1984 PA 379, MCL 493.101 to 493.114.

(F) The motor vehicle sales finance act, 1950 (Ex Sess) PA 27, MCL 492.101 to 492.141.

(iii) A SALE OF A SECURITY OR INTEREST IN A SECURITY THAT IS SUBJECT TO THE UNIFORM SECURITIES ACT, 1964 PA 265, MCL 451.501 TO 451.818.

(f) "Written solicitation" means a postcard or other written notice delivered to a buyer's residence that requests that the buyer contact the seller or seller's agent by telephone to inquire about a good or service, unless the postcard or other written notice concerns a previous purchase or order or specifies the price of the good or service and accurately describes the good or service.

(G) "ADAD" OR "AUTOMATIC DIALING AND ANNOUNCING DEVICE" MEANS ANY DEVICE OR SYSTEM OF DEVICES THAT IS USED, WHETHER ALONE OR IN CONJUNCTION WITH OTHER EQUIPMENT, FOR THE PURPOSE OF AUTOMATICALLY SELECTING OR DIALING TELEPHONE NUMBERS.

(H) "COMMISSION" MEANS THE PUBLIC SERVICE COMMISSION.

(I) "DO-NOT-CALL LIST" MEANS A DO-NOT-CALL LIST OF CONSUMERS AND THEIR RESIDENTIAL TELEPHONE NUMBERS MAINTAINED BY THE COMMISSION, BY A VENDOR DESIGNATED BY THE COMMISSION, OR BY AN AGENCY OF THE FEDERAL GOVERNMENT, UNDER SECTION 1A.

(J) "EXISTING CUSTOMER" MEANS AN INDIVIDUAL WHO HAS PURCHASED GOODS OR SERVICES FROM A PERSON, WHO IS THE RECIPIENT OF A VOICE COMMUNICATION FROM THAT PERSON, AND WHO EITHER PAID FOR THE GOODS OR SERVICES WITHIN THE 12 MONTHS PRECEDING THE VOICE COMMUNICATION OR HAS NOT PAID FOR THE GOODS AND SERVICES AT THE TIME OF THE VOICE COMMUNICATION BECAUSE OF A PRIOR AGREEMENT BETWEEN THE PERSON AND THE INDIVIDUAL.

(K) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

(L) "RESIDENTIAL TELEPHONE SUBSCRIBER" OR "SUBSCRIBER" MEANS A PERSON RESIDING IN THIS STATE WHO HAS RESIDENTIAL TELEPHONE SERVICE.

(M) "TELEPHONE SOLICITATION" MEANS ANY VOICE COMMUNICATION OVER A TELEPHONE FOR THE PURPOSE OF ENCOURAGING THE RECIPIENT OF THE CALL TO PURCHASE, RENT, OR INVEST IN GOODS OR SERVICES DURING THAT TELEPHONE CALL. TELEPHONE SOLICITATION DOES NOT INCLUDE ANY OF THE FOLLOWING:

(i) A VOICE COMMUNICATION TO A RESIDENTIAL TELEPHONE SUBSCRIBER WITH THAT SUBSCRIBER'S EXPRESS INVITATION OR PERMISSION PRIOR TO THE VOICE COMMUNICATION.

(ii) A VOICE COMMUNICATION TO AN EXISTING CUSTOMER OF THE PERSON ON WHOSE BEHALF THE VOICE COMMUNICATION IS MADE, UNLESS THE EXISTING CUSTOMER IS A CONSUMER WHO HAS REQUESTED THAT HE OR SHE NOT RECEIVE CALLS FROM OR ON BEHALF OF THAT PERSON UNDER SECTION 1C(1)(G).

(iii) A VOICE COMMUNICATION TO A RESIDENTIAL TELEPHONE SUBSCRIBER IN WHICH THE CALLER REQUESTS A FACE-TO-FACE MEETING WITH THE RESIDENTIAL TELEPHONE SUBSCRIBER TO DISCUSS A PURCHASE, SALE, OR RENTAL OF, OR INVESTMENT IN, GOODS OR SERVICES BUT DOES NOT URGE THE RESIDENTIAL TELEPHONE SUBSCRIBER TO MAKE A DECISION TO PURCHASE, SELL, RENT, INVEST, OR MAKE A DEPOSIT ON THAT GOOD OR SERVICE DURING THE VOICE COMMUNICATION.

(N) "TELEPHONE SOLICITOR" MEANS ANY PERSON DOING BUSINESS IN THIS STATE WHO MAKES OR CAUSES TO BE MADE A TELEPHONE SOLICITATION FROM WITHIN OR OUTSIDE OF THIS STATE, INCLUDING, BUT NOT LIMITED TO, CALLS MADE BY USE OF AUTOMATED DIALING AND ANNOUNCING DEVICES OR BY A LIVE PERSON.

(O) "VENDOR" MEANS A PERSON DESIGNATED BY THE COMMISSION TO MAINTAIN A DO-NOT-CALL LIST UNDER SECTION 1A. THE TERM MAY INCLUDE A GOVERNMENTAL ENTITY.

Sec. 1a. (1) A home solicitation sale shall not be made by telephonic solicitation using in whole or in part a recorded message. A PERSON SHALL NOT MAKE A TELEPHONE SOLICITATION THAT CONSISTS IN WHOLE OR IN PART OF A RECORDED MESSAGE.

(2) WITHIN 120 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE COMMISSION SHALL DO 1 OF THE FOLLOWING:

(A) ESTABLISH A STATE DO-NOT-CALL LIST. ALL OF THE FOLLOWING APPLY IF THE COMMISSION ESTABLISHES A DO-NOT-CALL LIST UNDER THIS SUBDIVISION:

(i) THE COMMISSION SHALL PUBLISH THE DO-NOT-CALL LIST QUARTERLY FOR USE BY TELEPHONE SOLICITORS.

(ii) THE DO-NOT-CALL LIST FUND IS CREATED IN THE STATE TREASURY. MONEY RECEIVED FROM FEES UNDER SUBPARAGRAPH (iii) SHALL BE CREDITED TO THE FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS. MONEY REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL BE CARRIED OVER IN THE FUND TO THE NEXT AND SUCCEEDING FISCAL YEARS. MONEY IN THE FUND MAY BE APPROPRIATED TO THE COMMISSION TO COVER THE COSTS OF ADMINISTERING THE DO-NOT-CALL LIST, BUT MAY NOT BE APPROPRIATED TO COMPENSATE OR REIMBURSE A VENDOR DESIGNATED UNDER SUBDIVISION (B) TO MAINTAIN A DO-NOT-CALL LIST UNDER THAT SUBDIVISION.

(iii) THE COMMISSION SHALL ESTABLISH AND COLLECT 1 OR BOTH OF THE FOLLOWING FEES TO COVER THE COSTS TO THE COMMISSION FOR ADMINISTERING THE DO-NOT-CALL LIST:

(A) FEES CHARGED TO TELEPHONE SOLICITORS FOR ACCESS TO THE DO-NOT-CALL LIST.

(B) FEES CHARGED TO RESIDENTIAL TELEPHONE SUBSCRIBERS FOR INCLUSION ON THE DO-NOT-CALL LIST. THE COMMISSION SHALL NOT CHARGE A RESIDENTIAL TELEPHONE SUBSCRIBER A FEE OF MORE THAN \$5.00 FOR A 3-YEAR PERIOD.

(iv) THE COMMISSION SHALL MAINTAIN THE DO-NOT-CALL LIST FOR AT LEAST 1 YEAR. AFTER 1 YEAR, THE COMMISSION MAY AT ANY TIME ELECT TO DESIGNATE A VENDOR TO MAINTAIN A DO-NOT-CALL LIST UNDER SUBDIVISION (B), IN WHICH CASE SUBDIVISION (B) SHALL APPLY.

(B) DESIGNATE A VENDOR TO MAINTAIN A DO-NOT-CALL LIST. ALL OF THE FOLLOWING APPLY TO A VENDOR DESIGNATED TO MAINTAIN A DO-NOT-CALL LIST UNDER THIS SUBDIVISION:

(i) THE COMMISSION SHALL ESTABLISH A PROCEDURE OR FOLLOW EXISTING PROCEDURE FOR THE SUBMISSION OF BIDS BY VENDORS TO MAINTAIN A DO-NOT-CALL LIST UNDER THIS SUBDIVISION.

(ii) THE COMMISSION SHALL ESTABLISH A PROCEDURE OR FOLLOW EXISTING PROCEDURE FOR THE SELECTION OF THE VENDOR TO MAINTAIN THE DO-NOT-CALL LIST. IN SELECTING THE VENDOR, THE COMMISSION SHALL CONSIDER AT LEAST ALL OF THE FOLLOWING FACTORS:

(A) THE COST OF OBTAINING AND THE ACCESSIBILITY AND FREQUENCY OF PUBLICATION OF THE DO-NOT-CALL LIST TO TELEPHONE SOLICITORS.

(B) THE COST AND EASE OF REGISTRATION ON THE DO-NOT-CALL LIST TO CONSUMERS WHO ARE SEEKING INCLUSION ON THE DO-NOT-CALL LIST.

(iii) THE COMMISSION MAY REVIEW ITS DESIGNATION AND MAKE A DIFFERENT DESIGNATION UNDER THIS SUBDIVISION IF THE COMMISSION DETERMINES THAT ANOTHER PERSON WOULD BE BETTER THAN THE DESIGNATED VENDOR IN MEETING THE SELECTION FACTORS ESTABLISHED UNDER SUBPARAGRAPH (ii) OR IF THE DESIGNATED VENDOR ENGAGES IN ACTIVITIES THE COMMISSION CONSIDERS CONTRARY TO THE PUBLIC INTEREST.

(iv) IF THE COMMISSION DOES NOT ESTABLISH A STATE DO-NOT-CALL LIST UNDER SUBDIVISION (A), THE COMMISSION SHALL COMPLY WITH THE DESIGNATION REQUIREMENTS OF THIS SUBDIVISION FOR AT LEAST 1 YEAR. AFTER 1 YEAR, THE COMMISSION MAY AT ANY TIME ELECT TO ESTABLISH AND MAINTAIN A DO-NOT-CALL LIST UNDER SUBDIVISION (A), IN WHICH CASE SUBDIVISION (A) SHALL APPLY.

(v) UNLESS THE VENDOR IS A GOVERNMENTAL ENTITY, A VENDOR DESIGNATED BY THE COMMISSION UNDER THIS SUBDIVISION IS NOT A GOVERNMENTAL AGENCY AND IS NOT AN AGENT OF THE COMMISSION IN MAINTAINING A DO-NOT-CALL LIST.

(vi) THE COMMISSION AND A VENDOR DESIGNATED UNDER THIS SUBDIVISION SHALL EXECUTE A WRITTEN CONTRACT. THE CONTRACT SHALL INCLUDE THE VENDOR'S AGREEMENT TO THE REQUIREMENTS OF THIS SECTION AND ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE COMMISSION.

(vii) THE COMMISSION SHALL NOT USE STATE FUNDS TO COMPENSATE OR REIMBURSE A VENDOR DESIGNATED UNDER THIS SUBDIVISION. THE VENDOR MAY RECEIVE COMPENSATION OR REIMBURSEMENT FOR MAINTAINING A DESIGNATED DO-NOT-CALL LIST UNDER THIS SUBDIVISION ONLY FROM 1 OR BOTH OF THE FOLLOWING:

(A) FEES CHARGED BY THE VENDOR TO TELEPHONE SOLICITORS FOR ACCESS TO THE DO-NOT-CALL LIST.

(B) FEES CHARGED BY THE VENDOR TO RESIDENTIAL TELEPHONE SUBSCRIBERS FOR INCLUSION ON THE DO-NOT-CALL LIST. A DESIGNATED VENDOR SHALL NOT CHARGE A RESIDENTIAL TELEPHONE SUBSCRIBER A FEE OF MORE THAN \$5.00 FOR A 3-YEAR PERIOD.

(viii) THE DESIGNEE DO-NOT-CALL LIST FUND IS CREATED IN THE STATE TREASURY. IF THE VENDOR IS A DEPARTMENT OR AGENCY OF THIS STATE, MONEY RECEIVED FROM FEES UNDER SUBPARAGRAPH (vii) BY THAT VENDOR SHALL BE CREDITED TO THE FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS. MONEY REMAINING IN THE FUND AT THE END

OF A FISCAL YEAR SHALL BE CARRIED OVER IN THE FUND TO THE NEXT AND SUCCEEDING FISCAL YEARS. MONEY IN THE FUND MAY BE APPROPRIATED TO THAT VENDOR TO COVER THE COSTS OF ADMINISTERING THE DO-NOT-CALL LIST.

(3) IN DETERMINING WHETHER TO ESTABLISH A STATE DO-NOT-CALL LIST UNDER SUBSECTION (2)(A) OR DESIGNATE A VENDOR UNDER SUBSECTION (2)(B), AND IN DESIGNATING A VENDOR UNDER SUBSECTION (2)(B), THE COMMISSION SHALL CONSIDER COMMENTS SUBMITTED TO THE COMMISSION FROM CONSUMERS, TELEPHONE SOLICITORS, OR ANY OTHER PERSON.

(4) BEGINNING 90 DAYS AFTER THE COMMISSION ESTABLISHES A DO-NOT-CALL LIST UNDER SUBSECTION (2)(A) OR DESIGNATES A VENDOR TO MAINTAIN A DO-NOT-CALL LIST UNDER SUBSECTION (2)(B), A TELEPHONE SOLICITOR SHALL NOT MAKE A TELEPHONE SOLICITATION TO A RESIDENTIAL TELEPHONE SUBSCRIBER WHOSE NAME AND RESIDENTIAL TELEPHONE NUMBER IS ON THE THEN-CURRENT VERSION OF THAT DO-NOT-CALL LIST.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF AN AGENCY OF THE FEDERAL GOVERNMENT ESTABLISHES A FEDERAL DO-NOT-CALL LIST, WITHIN 120 DAYS AFTER THE ESTABLISHMENT OF THE FEDERAL DO-NOT-CALL LIST, THE COMMISSION SHALL DESIGNATE THE FEDERAL LIST AS THE STATE DO-NOT-CALL LIST. THE FEDERAL LIST SHALL REMAIN THE STATE DO-NOT-CALL LIST AS LONG AS THE FEDERAL LIST IS MAINTAINED. A TELEPHONE SOLICITOR SHALL NOT MAKE A TELEPHONE SOLICITATION TO A RESIDENTIAL TELEPHONE SUBSCRIBER WHOSE NAME AND RESIDENTIAL TELEPHONE NUMBER IS ON THE THEN-CURRENT VERSION OF THE FEDERAL LIST.

(6) A TELEPHONE SOLICITOR SHALL NOT USE A DO-NOT-CALL LIST FOR ANY PURPOSE OTHER THAN MEETING THE REQUIREMENTS OF SUBSECTION (4) OR (5).

(7) THE COMMISSION OR A VENDOR SHALL NOT SELL OR TRANSFER THE DO-NOT-CALL LIST TO ANY PERSON FOR ANY PURPOSE UNRELATED TO THIS SECTION.

SEC. 1B. (1) AT THE BEGINNING OF A TELEPHONE SOLICITATION, A PERSON MAKING A TELEPHONE SOLICITATION TO A RESIDENTIAL TELEPHONE SUBSCRIBER SHALL STATE HIS OR HER NAME AND THE FULL NAME OF THE ORGANIZATION OR OTHER PERSON ON WHOSE BEHALF THE CALL WAS INITIATED AND PROVIDE A TELEPHONE NUMBER OF THE ORGANIZATION OR OTHER PERSON ON REQUEST. A NATURAL PERSON MUST BE AVAILABLE TO ANSWER THE TELEPHONE NUMBER AT ANY TIME WHEN TELEPHONE SOLICITATIONS ARE BEING MADE.

(2) THE PERSON ANSWERING THE TELEPHONE NUMBER REQUIRED UNDER SUBSECTION (1) SHALL PROVIDE A RESIDENTIAL TELEPHONE SUBSCRIBER CALLING THE TELEPHONE NUMBER WITH INFORMATION DESCRIBING THE ORGANIZATION OR OTHER PERSON ON WHOSE BEHALF THE TELEPHONE SOLICITATION WAS MADE TO THE RESIDENTIAL TELEPHONE SUBSCRIBER AND DESCRIBING THE TELEPHONE SOLICITATION.

(3) A TELEPHONE SOLICITOR SHALL NOT INTENTIONALLY BLOCK OR OTHERWISE INTERFERE WITH THE CALLER ID FUNCTION ON THE TELEPHONE OF A RESIDENTIAL TELEPHONE SUBSCRIBER TO WHOM A TELEPHONE SOLICITATION IS MADE SO THAT THE TELEPHONE NUMBER OF THE CALLER IS NOT DISPLAYED ON THE TELEPHONE OF THE RESIDENTIAL TELEPHONE SUBSCRIBER.

SEC. 1C. (1) IT IS AN UNFAIR OR DECEPTIVE ACT OR PRACTICE AND A VIOLATION OF THIS ACT FOR A TELEPHONE SOLICITOR TO DO ANY OF THE FOLLOWING:

(A) MISREPRESENT OR FAIL TO DISCLOSE, IN A CLEAR, CONSPICUOUS, AND INTELLIGIBLE MANNER AND BEFORE PAYMENT IS RECEIVED FROM THE CONSUMER, ALL OF THE FOLLOWING INFORMATION:

(i) TOTAL PURCHASE PRICE TO THE CONSUMER OF THE GOODS OR SERVICES TO BE RECEIVED.

(ii) ANY RESTRICTIONS, LIMITATIONS, OR CONDITIONS TO PURCHASE OR TO USE THE GOODS OR SERVICES THAT ARE THE SUBJECT OF AN OFFER TO SELL GOODS OR SERVICES.

(iii) ANY MATERIAL TERM OR CONDITION OF THE SELLER'S REFUND, CANCELLATION, OR EXCHANGE POLICY, INCLUDING A CONSUMER'S RIGHT TO CANCEL A HOME SOLICITATION SALE UNDER SECTION 2 AND, IF APPLICABLE, THAT THE SELLER DOES NOT HAVE A REFUND, CANCELLATION, OR EXCHANGE POLICY.

(iv) ANY MATERIAL COSTS OR CONDITIONS RELATED TO RECEIVING A PRIZE, INCLUDING THE ODDS OF WINNING THE PRIZE, AND IF THE ODDS ARE NOT CALCULABLE IN ADVANCE, THE FACTORS USED IN CALCULATING THE ODDS, THE NATURE AND VALUE OF A PRIZE, THAT NO PURCHASE IS NECESSARY TO WIN THE PRIZE, AND THE "NO PURCHASE REQUIRED" METHOD OF ENTERING THE CONTEST.

(v) ANY MATERIAL ASPECT OF AN INVESTMENT OPPORTUNITY THE SELLER IS OFFERING, INCLUDING, BUT NOT LIMITED TO, RISK, LIQUIDITY, EARNINGS POTENTIAL, MARKET VALUE, AND PROFITABILITY.

(vi) THE QUANTITY AND ANY MATERIAL ASPECT OF THE QUALITY OR BASIC CHARACTERISTICS OF ANY GOODS OR SERVICES OFFERED.

(vii) THE RIGHT TO CANCEL A SALE UNDER THIS ACT, IF ANY.

(B) MISREPRESENT ANY MATERIAL ASPECT OF THE QUALITY OR BASIC CHARACTERISTICS OF ANY GOODS OR SERVICES OFFERED.

(C) MAKE A FALSE OR MISLEADING STATEMENT WITH THE PURPOSE OF INDUCING A CONSUMER TO PAY FOR GOODS OR SERVICES.

(D) REQUEST OR ACCEPT PAYMENT FROM A CONSUMER OR MAKE OR SUBMIT ANY CHARGE TO THE CONSUMER'S CREDIT OR BANK ACCOUNT BEFORE THE TELEPHONE SOLICITOR OR SELLER RECEIVES FROM THE CONSUMER AN EXPRESS VERIFIABLE AUTHORIZATION. AS USED IN THIS SUBDIVISION, "VERIFIABLE AUTHORIZATION" MEANS A WRITTEN AUTHORIZATION OR CONFIRMATION, AN ORAL AUTHORIZATION RECORDED BY THE TELEPHONE SOLICITOR, OR CONFIRMATION THROUGH AN INDEPENDENT THIRD PARTY.

(E) OFFER TO A CONSUMER IN THIS STATE A PRIZE PROMOTION IN WHICH A PURCHASE OR PAYMENT IS NECESSARY TO OBTAIN THE PRIZE.

(F) FAIL TO COMPLY WITH THE REQUIREMENTS OF SECTION 1A OR 1B.

(G) MAKE A TELEPHONE SOLICITATION TO A CONSUMER IN THIS STATE WHO HAS REQUESTED THAT HE OR SHE NOT RECEIVE CALLS FROM THE ORGANIZATION OR OTHER PERSON ON WHOSE BEHALF THE TELEPHONE SOLICITATION IS MADE.

(2) EXCEPT AS PROVIDED IN THIS SUBSECTION, BEGINNING 210 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON WHO KNOWINGLY OR INTENTIONALLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH. THIS SUBSECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER CRIME INCLUDING ANY OTHER VIOLATION OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS SECTION. THIS SUBSECTION DOES NOT APPLY IF THE VIOLATION OF THIS SECTION IS A FAILURE TO COMPLY WITH THE REQUIREMENTS OF SECTION 1A(1), (4), OR (5) OR SECTION 1B.

(3) A PERSON WHO SUFFERS LOSS AS A RESULT OF VIOLATION OF THIS SECTION MAY BRING AN ACTION TO RECOVER ACTUAL DAMAGES OR \$250.00, WHICHEVER IS GREATER, TOGETHER WITH REASONABLE ATTORNEY FEES. THIS SUBSECTION DOES NOT PREVENT THE CONSUMER FROM ASSERTING HIS OR HER RIGHTS UNDER THIS ACT IF THE TELEPHONE SOLICITATION RESULTS IN A HOME SOLICITATION SALE, OR ASSERTING ANY OTHER RIGHTS OR CLAIMS THE CONSUMER MAY HAVE UNDER APPLICABLE STATE OR FEDERAL LAW.

SEC. 1D. (1) BEGINNING 210 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, IF A TELEPHONE DIRECTORY INCLUDES RESIDENTIAL TELEPHONE NUMBERS, A PERSON THAT PUBLISHES A NEW TELEPHONE DIRECTORY SHALL INCLUDE IN THE TELEPHONE DIRECTORY A NOTICE DESCRIBING THE DO-NOT-CALL LIST AND HOW TO ENROLL ON THE DO-NOT-CALL LIST.

(2) BEGINNING 210 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, EACH TELECOMMUNICATION PROVIDER THAT PROVIDES RESIDENTIAL TELEPHONE SERVICE SHALL INCLUDE A NOTICE DESCRIBING THE DO-NOT-CALL LIST AND HOW TO ENROLL ON THE DO-NOT-CALL LIST WITH 1 OF THAT TELECOMMUNICATION PROVIDER'S BILLS FOR TELECOMMUNICATION SERVICES TO A RESIDENTIAL TELEPHONE SUBSCRIBER EACH YEAR. IF THE FEDERAL COMMUNICATION COMMISSION OR ANY OTHER FEDERAL AGENCY ESTABLISHES A FEDERAL "DO NOT CALL" LIST, THE NOTICE SHALL ALSO DESCRIBE THAT LIST AND HOW TO ENROLL ON THAT LIST. AS USED IN THIS SUBSECTION, "TELECOMMUNICATION PROVIDER" MEANS THAT TERM AS DEFINED IN SECTION 102 OF THE MICHIGAN TELECOMMUNICATIONS ACT, 1991 PA 179, MCL 484.2102.

SEC. 1E. SECTIONS 1A, 1B, 1C, AND 1D DO NOT APPLY TO A PERSON SUBJECT TO ANY OF THE FOLLOWING:

(A) THE CHARITABLE ORGANIZATIONS AND SOLICITATIONS ACT, 1975 PA 169, MCL 400.271 TO 400.294.

(B) THE PUBLIC SAFETY SOLICITATION ACT, 1992 PA 298, MCL 14.301 TO 14.327.

(C) SECTION 527 OF THE INTERNAL REVENUE CODE OF 1986.

Sec. 3. (1) In a home solicitation sale, unless the buyer requests the seller to provide goods or services without delay in an emergency, the seller shall present to the buyer and obtain the buyer's signature to a written agreement or offer to purchase that designates as the date of the transaction the date on which the buyer actually signs.

The agreement or offer to purchase shall contain a statement substantially as follows in immediate proximity to the space reserved in the agreement or offer to purchase for the signature of the buyer:

"You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right. Additionally, the seller is prohibited from having an independent courier service or other third party pick up your payment at your residence before the end of the 3-business-day period in which you can cancel the transaction."

(2) The seller shall attach to the copy or cause to be printed on the reverse side of the written agreement or offer to purchase retained by the buyer a notice of cancellation in duplicate that shall appear as follows:

“notice of cancellation

(enter date of transaction)

_____ (date)

You may cancel this transaction, without any penalty or obligation, within 3 business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller’s expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram to (name of seller), at (address of seller’s place of business) not later than midnight on

_____ (date)

I hereby cancel this transaction.

_____ (date)

_____ (buyer’s signature) ”

(3) The notices required by this section shall be in not less than 10-point bold type and shall be 2 points larger than the text of the contract. A written agreement or offer to purchase and the notice of cancellation attached to the agreement or offer shall be written in the same language as that used in any oral presentation that was given to facilitate sale of the goods or services. The seller shall enter on the blanks in the notice of cancellation the date of transaction, which is the date the buyer signs the written agreement, and the date for mailing the notice of cancellation. An error in entering this information shall not diminish the buyer’s rights under this act.

(4) Until the seller has complied with this section, the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his or her intention to cancel.

(5) THIS SECTION DOES NOT APPLY TO A HOME SOLICITATION SALE WHERE THE SELLER ENGAGED IN A TELEPHONE SOLICITATION OF THE SALE IF SECTIONS 505 TO 507 OF THE MICHIGAN TELECOMMUNICATIONS ACT, 1991 PA 179, MCL 484.2505 TO 484.2507, APPLY TO THE SOLICITATION OR SALE.

Sec. 6. ~~Refunds~~ IN CONNECTION WITH A HOME SOLICITATION SALE, REFUNDS or penalties to which the debtor is entitled pursuant to this act may be set off against the debtor’s obligation, and may be raised as a defense to an action on the obligation without regard to the time limitations prescribed by this act.

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1971 PA 227, entitled “An act to prescribe the rights and duties of parties to home solicitation sales,” by amending the title and sections 1, 1a, 3, and 6 (MCL 445.111, 445.111a, 445.113, and 445.116), section 1 as amended by 1999 PA 18 and section 3 as amended by 2000 PA 15, and by adding sections 1b, 1c, 1d, and 1e.

Ken Bradstreet
Mike Kowall
Joe Rivet
Conferees for the House

Joanne G. Emmons
Glenn Steil
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Richardville moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the members’ desks.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1122**Yeas—75**

Adamini	Ehardt	Lemmons	Rivet
Allen	George	Lockwood	Rocca
Anderson	Gielegem	Mans	Schauer
Bernero	Gilbert	Mead	Shackleton
Bisbee	Hager	Meyer	Sheltrown
Bishop	Hansen	Middaugh	Spade
Bogardus	Howell	Minore	Stamas
Bovin	Hummel	Mortimer	Stewart
Bradstreet	Jacobs	Newell	Switalski
Brown, C.	Jamnick	O'Neil	Tabor
Callahan	Jansen	Palmer	Thomas
Caul	Jelinek	Pappageorge	Van Woerkom
Clark, I.	Johnson, Rick	Patterson	Vander Roest
Dennis	Julian	Phillips	Vear
DeRossett	Koetje	Plakas	Williams
DeVuyst	Kooiman	Pumford	Woodward
DeWeese	Kowall	Quarles	Woronchak
Drolet	Kuipers	Rackowski	Zelenko
Durhal	LaSata	Richardville	

Nays—0

In The Chair: Julian

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning
House Bill No. 4632, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2000 PA 14, and by adding section 9a.

Recommends:

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

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2000 PA 14, and by adding section 9a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3. (1) Unfair, unconscionable, or deceptive methods, acts, or practices in the conduct of trade or commerce are unlawful and are defined as follows:

(a) Causing a probability of confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services.

(b) Using deceptive representations or deceptive designations of geographic origin in connection with goods or services.

(c) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has sponsorship, approval, status, affiliation, or connection that he or she does not have.

(d) Representing that goods are new if they are deteriorated, altered, reconditioned, used, or secondhand.

(e) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.

(f) Disparaging the goods, services, business, or reputation of another by false or misleading representation of fact.

(g) Advertising or representing goods or services with intent not to dispose of those goods or services as advertised or represented.

(h) Advertising goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity in immediate conjunction with the advertised goods or services.

- (i) Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions.
- (j) Representing that a part, replacement, or repair service is needed when it is not.
- (k) Representing to a party to whom goods or services are supplied that the goods or services are being supplied in response to a request made by or on behalf of the party, when they are not.
- (l) Misrepresenting that because of some defect in a consumer's home the health, safety, or lives of the consumer or his or her family are in danger if the product or services are not purchased, when in fact the defect does not exist or the product or services would not remove the danger.
- (m) Causing a probability of confusion or of misunderstanding with respect to the authority of a salesperson, representative, or agent to negotiate the final terms of a transaction.
- (n) Causing a probability of confusion or of misunderstanding as to the legal rights, obligations, or remedies of a party to a transaction.
- (o) Causing a probability of confusion or of misunderstanding as to the terms or conditions of credit if credit is extended in a transaction.
- (p) Disclaiming or limiting the implied warranty of merchantability and fitness for use, unless a disclaimer is clearly and conspicuously disclosed.
- (q) Representing or implying that the subject of a consumer transaction will be provided promptly, or at a specified time, or within a reasonable time, if the merchant knows or has reason to know it will not be so provided.
- (r) Representing that a consumer will receive goods or services "free" ; OR "without charge", or USING words of similar import IN THE REPRESENTATION, without clearly and conspicuously disclosing with equal prominence in immediate conjunction with the use of those words the conditions, terms, or prerequisites to the use or retention of the goods or services advertised.
- (s) Failing to reveal a material fact, the omission of which tends to mislead or deceive the consumer, and which fact could not reasonably be known by the consumer.
- (t) Entering into a consumer transaction in which the consumer waives or purports to waive a right, benefit, or immunity provided by law, unless the waiver is clearly stated and the consumer has specifically consented to it.
- (u) Failing, in a consumer transaction that is rescinded, canceled, or otherwise terminated in accordance with the terms of an agreement, advertisement, representation, or provision of law, to promptly restore to the person or persons entitled to it a deposit, down payment, or other payment, or in the case of property traded in but not available, the greater of the agreed value or the fair market value of the property, or to cancel within a specified time or an otherwise reasonable time an acquired security interest.
- (v) Taking or arranging for the consumer to sign an acknowledgment, certificate, or other writing affirming acceptance, delivery, compliance with a requirement of law, or other performance, if the merchant knows or has reason to know that the statement is not true.
- (w) Representing that a consumer will receive a rebate, discount, or other benefit as an inducement for entering into a transaction, if the benefit is contingent on an event to occur subsequent to the consummation of the transaction.
- (x) Taking advantage of the consumer's inability reasonably to protect his or her interests by reason of disability, illiteracy, or inability to understand the language of an agreement presented by the other party to the transaction who knows or reasonably should know of the consumer's inability.
- (y) Gross discrepancies between the oral representations of the seller and the written agreement covering the same transaction or failure of the other party to the transaction to provide the promised benefits.
- (z) Charging the consumer a price that is grossly in excess of the price at which similar property or services are sold.
- (aa) Causing coercion and duress as the result of the time and nature of a sales presentation.
- (bb) Making a representation of fact or statement of fact material to the transaction such that a person reasonably believes the represented or suggested state of affairs to be other than it actually is.
- (cc) Failing to reveal facts that are material to the transaction in light of representations of fact made in a positive manner.
- (dd) Subject to subdivision (ee), representations by the manufacturer of a product or package that the product or package is 1 or more of the following:
 - (i) Except as provided in subparagraph (ii), recycled, recyclable, degradable, or is of a certain recycled content, in violation of guides for the use of environmental marketing claims, ~~published by the federal trade commission, 57 F.R. p. 36363 (August 13, 1992)~~ 16 C.F.R. PART 260.
 - (ii) For container holding devices regulated under part 163 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16301 to 324.16303, representations by a manufacturer that the container holding device is degradable contrary to the definition provided in that act.
- (ee) Representing that a product or package is degradable, biodegradable, or photodegradable unless it can be substantiated by evidence that the product or package will completely decompose into elements found in nature within a reasonably short period of time after consumers use the product and dispose of the product or the package in a landfill or composting facility, as appropriate.

(ff) Offering a consumer a prize if in order to claim the prize the consumer is required to submit to a sales presentation, unless a written disclosure is given to the consumer at the time the consumer is notified of the prize and the written disclosure meets all of the following requirements:

- (i) Is written or printed in a bold type that is not smaller than 10-point.
- (ii) Fully describes the prize, including its cash value, won by the consumer.
- (iii) Contains all the terms and conditions for claiming the prize, including a statement that the consumer is required to submit to a sales presentation.
- (iv) Fully describes the product, real estate, investment, service, membership, or other item that is or will be offered for sale, including the price of the least expensive item and the most expensive item.

(gg) ~~Having~~ VIOLATING 1971 PA 227, MCL 445.111 TO 445.117, IN CONNECTION WITH A HOME SOLICITATION SALE OR TELEPHONE SOLICITATION, INCLUDING, BUT NOT LIMITED TO, HAVING an independent courier service or other third party pick up a consumer’s payment on a home solicitation sale during the period the consumer is entitled to cancel the sale. ~~under 1971 PA 227, MCL 445.111 to 445.117.~~

(2) The attorney general may promulgate rules to implement this act under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The rules shall not create an additional unfair trade practice not already enumerated by this section. However, to assure national uniformity, rules shall not be promulgated to implement subsection (1)(dd) or (ee).

SEC. 9A. AFTER EACH CALENDAR QUARTER, THE ATTORNEY GENERAL SHALL BY ELECTRONIC MAIL PROVIDE TO THE BETTER BUSINESS BUREAU OF WESTERN MICHIGAN, INC., BETTER BUSINESS BUREAU OF MICHIANA, INC., BETTER BUSINESS BUREAU OF DETROIT AND EASTERN MICHIGAN, INC., AND BETTER BUSINESS BUREAU SERVING NW OHIO AND SE MICHIGAN, INC., A LIST OF COMPLAINTS MADE BY CONSUMERS TO THE ATTORNEY GENERAL DURING THAT CALENDAR QUARTER OF VIOLATIONS OF SECTION 3(1)(GG) IN CONNECTION WITH A TELEPHONE SOLICITATION. THE LIST SHALL CONTAIN THE NAME OF EACH PERSON AGAINST WHOM 1 OR MORE COMPLAINTS WERE MADE AND THE NUMBER OF COMPLAINTS AGAINST THAT PERSON.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4042 of the 91st Legislature is enacted into law.

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill 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,” by amending section 3 (MCL 445.903), as amended by 2000 PA 14, and by adding section 9a.

Ken Bradstreet
Mike Kowall
Joe Rivet
Conferees for the House

Joanne G. Emmons
Glenn Steil
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Richardville moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the members’ desks.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1123

Yeas—92

Adamini	Durhal	Lemmons	Schauer
Allen	Ehardt	Lipsey	Shackleton
Anderson	Frank	Lockwood	Sheltrown
Basham	George	Mans	Shulman
Bernero	Gielegthem	Mead	Spade
Birkholz	Gilbert	Meyer	Stallworth
Bisbee	Hager	Middaugh	Stamas

Bishop	Hansen	Minore	Stewart
Bogardus	Howell	Mortimer	Switalski
Bovin	Hummel	Newell	Tabor
Bradstreet	Jacobs	O'Neil	Thomas
Brown, C.	Jamnick	Palmer	Toy
Brown, R.	Jansen	Pappageorge	Van Woerkom
Callahan	Jelinek	Patterson	Vander Roest
Cassis	Johnson, Rick	Phillips	Vander Veen
Caul	Johnson, Ruth	Plakas	Vear
Clark, I.	Julian	Pumford	Voorhees
Clarke, H.	Koetje	Quarles	Waters
Dennis	Kolb	Raczkowski	Whitmer
DeRossett	Kooiman	Richardville	Williams
DeVuyst	Kowall	Richner	Woodward
DeWeese	Kuipers	Rivet	Woronchak
Drolet	LaSata	Rocca	Zelenko

Nays—0

In The Chair: Julian

Second Reading of Bills

House Bill No. 6260, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 601 and 841 (MCL 600.601 and 600.841), section 601 as amended by 1996 PA 388 and section 841 as amended by 2000 PA 56, and by adding chapter 4 and section 8304.

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

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

Rep. Adamini moved to amend the bill as follows:

1. Amend page 1, line 4, after "COURT" by inserting a comma and "THE COUNTY BOARD OF COMMISSIONERS FOR THAT COUNTY OR COUNTIES,".

The question being on the adoption of the amendment offered by Rep. Adamini,

Rep. Adamini demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Adamini,

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

Roll Call No. 1124

Yeas—37

Adamini	Dennis	Lipsey	Sheltrown
Anderson	Durhal	Lockwood	Spade
Basham	Frank	Mans	Stallworth
Bernero	Gielegem	Minore	Thomas
Bogardus	Hansen	Murphy	Waters
Bovin	Jacobs	Neumann	Whitmer
Brown, R.	Jamnick	O'Neil	Williams
Callahan	Kolb	Phillips	Woodward
Clark, I.	Lemmons	Quarles	Zelenko
Clarke, H.			

Nays—56

Allen	Gilbert	Mead	Schauer
Birkholz	Hager	Meyer	Shackleton
Bisbee	Howell	Middaugh	Shulman
Bishop	Hummel	Mortimer	Stamas
Bradstreet	Jansen	Newell	Stewart
Brown, C.	Jelinek	Palmer	Switalski
Cassis	Johnson, Rick	Pappageorge	Tabor
Caul	Johnson, Ruth	Patterson	Toy
DeRossett	Julian	Pumford	Van Woerkom
DeVuyst	Koetje	Raczkowski	Vander Roest
DeWeese	Kooiman	Richardville	Vander Veen
Drolet	Kowall	Richner	Vear
Ehardt	Kuipers	Rivet	Voorhees
George	LaSata	Rocca	Woronchak

In The Chair: Julian

Rep. Adamini moved to amend the bill as follows:

1. Amend page 3, line 10, after “COURT” by inserting a comma and “THE COUNTY BOARD OF COMMISSIONERS FOR THAT COUNTY.”.

2. Amend page 4, line 7, after the second “COURT” by inserting a comma and “THE COUNTY BOARD OF COMMISSIONERS FOR THAT COUNTY.”.

3. Amend page 5, line 16, after “COURT” by inserting a comma and “THE COUNTY BOARD OF COMMISSIONERS FOR THAT COUNTY, AND ANY AFFECTED DISTRICT FUNDING UNIT.”.

The question being on the adoption of the amendments offered by Rep. Adamini,

Rep. Adamini demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Adamini,

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

Roll Call No. 1125**Yeas—41**

Adamini	Dennis	Lemmons	Quarles
Anderson	Durhal	Lipsey	Sheltrown
Basham	Frank	Lockwood	Spade
Bernero	Garza	Mans	Stallworth
Bogardus	Gielegthem	Minore	Thomas
Bovin	Hansen	Murphy	Waters
Brown, R.	Jacobs	Neumann	Whitmer
Callahan	Jamnick	O’Neil	Williams
Clark, I.	Johnson, Ruth	Phillips	Woodward
Clarke, H.	Kolb	Plakas	Zelenko
Daniels			

Nays—53

Allen	Gilbert	Mead	Shackleton
Birkholz	Hager	Meyer	Shulman
Bisbee	Howell	Middaugh	Stamas

Bishop	Hummel	Newell	Stewart
Bradstreet	Jansen	Palmer	Switalski
Brown, C.	Jelinek	Pappageorge	Tabor
Cassis	Johnson, Rick	Patterson	Toy
Caul	Julian	Pumford	Van Woerkom
DeRossett	Koetje	Raczkowski	Vander Roest
DeVuyst	Kooiman	Richardville	Vander Veen
DeWeese	Kowall	Richner	Vear
Drolet	Kuipers	Rocca	Voorhees
Ehardt	LaSata	Schauer	Woronchak
George			

In The Chair: Julian

Reps. Stamas and Neumann moved to amend the bill as follows:

1. Amend page 7, following line 21, by inserting:

“Sec. 524. The twenty-third judicial circuit consists of the counties of Iosco and Oscoda and has 1 judge. Beginning April 1, 2003, the twenty-third judicial circuit consists of the counties of ~~Alcona~~, Arenac, Iosco, and Oscoda and has 2 judges. The additional judgeship in this circuit shall be filled by the incumbent circuit judge of the thirty-fourth circuit residing in Arenac county with a term ending January 1, 2009, who shall serve as a judge of the twenty-third circuit for the balance of the term to which he or she was elected or appointed. For purposes of the November 2008 general election only, the term of the candidate for circuit judge in this circuit who receives the highest number of votes shall be 8 years, and the term of the candidate receiving the second highest number of votes shall be 6 years.

Sec. 527. The twenty-sixth judicial circuit consists of the counties of Alpena, Alcona, Montmorency, and Presque Isle and has 2 judges. ~~Beginning April 1, 2003, the twenty-sixth judicial circuit consists of the counties of Alpena and Montmorency. This circuit shall have 1 judge beginning on the earlier of the following dates:~~

~~(a) The date on which a vacancy occurs in the office of circuit judge for this judicial circuit.~~

~~(b) Twelve noon, January 1, 2005.~~

Sec. 549e. The fifty-third judicial circuit consists of the county of Cheboygan and has 1 judge. ~~Beginning April 1, 2003, the fifty-third judicial circuit consists of the counties of Cheboygan and Presque Isle and has 1 judge.”.~~

The question being on the adoption of the amendment offered by Reps. Stamas and Neumann,

Rep. Stamas demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Stamas and Neumann,

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

Roll Call No. 1126

Yeas—47

Adamini	Daniels	Lockwood	Schauer
Allen	Dennis	Mans	Shackleton
Anderson	Durhal	McConico	Sheltrown
Basham	Frank	Minore	Spade
Bernero	Gielegem	Murphy	Stamas
Birkholz	Hale	Neumann	Toy
Bogardus	Hansen	O’Neil	Waters
Bovin	Hart	Phillips	Whitmer
Brown, R.	Jacobs	Plakas	Williams
Callahan	Jamnick	Quarles	Woodward
Clark, I.	Lemmons	Raczkowski	Zelenko
Clarke, H.	Lipsey	Rivet	

Nays—46

Bisbee	Hager	LaSata	Rocca
Bishop	Howell	Mead	Shulman
Bradstreet	Hummel	Meyer	Stewart

Brown, C.	Jansen	Middaugh	Switalski
Cassis	Jelinek	Mortimer	Tabor
Caul	Johnson, Rick	Newell	Van Woerkom
DeRossett	Johnson, Ruth	Palmer	Vander Roest
DeVuyst	Julian	Pappageorge	Vander Veen
Drolet	Koetje	Patterson	Vear
Ehardt	Kooiman	Pumford	Voorhees
George	Kowall	Richardville	Woronchak
Gilbert	Kuipers		

In The Chair: Julian

Rep. Howell moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 6260, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 601 and 841 (MCL 600.601 and 600.841), section 601 as amended by 1996 PA 388 and section 841 as amended by 2000 PA 56, and by adding chapter 4 and section 8304.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1127

Yeas—63

Birkholz	Hansen	Lockwood	Rivet
Bisbee	Hart	Mans	Rocca
Bishop	Howell	Mead	Schauer
Bradstreet	Jamnick	Meyer	Shackleton
Brown, C.	Jansen	Middaugh	Shulman
Cassis	Jelinek	Minore	Spade
Caul	Johnson, Rick	Mortimer	Stewart
Dennis	Johnson, Ruth	Newell	Switalski
DeRossett	Julian	O'Neil	Tabor
DeVuyst	Kolb	Palmer	Van Woerkom
DeWeese	Kooiman	Pappageorge	Vander Roest
Drolet	Kowall	Patterson	Vander Veen
Ehardt	Kuipers	Pumford	Vear
George	LaSata	Rackowski	Voorhees
Gilbert	Lemmons	Richardville	Woronchak
Hager	Lipsey	Richner	

Nays—35

Adamini	Clark, I.	Jacobs	Stamas
Allen	Clarke, H.	Koetje	Thomas
Anderson	Daniels	McConico	Toy
Basham	Durhal	Murphy	Waters
Bernero	Frank	Neumann	Whitmer
Bogardus	Garza	Phillips	Williams

Bovin
Brown, R.
Callahan

Gielegem
Hale
Hummel

Plakas
Sheltrown
Stallworth

Woodward
Zelenko

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

House Bill No. 5641, entitled

A bill to regulate deferred deposit loans for issued checks; to provide for licensing and fees; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Insurance and Financial Services,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Reps. Woodward and Godchaux moved to amend the bill as follows:

1. Amend page 12, line 10, after "exceed" by striking out the balance of the sentence and inserting "an annual interest rate of 100%."

The question being on the adoption of the amendment offered by Reps. Woodward and Godchaux,

Rep. Woodward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Woodward and Godchaux,

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

Roll Call No. 1128

Yeas—48

Adamini
Anderson
Basham
Bernero
Bogardus
Bovin
Brown, R.
Callahan
Caul
Clarke, H.
Daniels
Dennis

DeWeese
Drolet
Durhal
Frank
Garza
Gielegem
Godchaux
Hale
Jamnick
Kolb
Lemmons
Lipse

Lockwood
Mans
McConico
Minore
Neumann
O'Neil
Phillips
Plakas
Quarles
Rivet
Rocca
Schauer

Scranton
Sheltrown
Spade
Stallworth
Stamas
Van Woerkom
Waters
Whitmer
Williams
Woodward
Woronchak
Zelenko

Nays—45

Allen
Birkholz
Bisbee
Bishop
Bradstreet

Hager
Hansen
Hart
Hummel
Jansen

Kowall
Kuipers
LaSata
Mead
Meyer

Richardville
Richer
Shulman
Stewart
Switalski

Brown, C.	Jelinek	Middaugh	Tabor
Cassis	Johnson, Rick	Newell	Toy
DeRossett	Johnson, Ruth	Palmer	Vander Roest
DeVuyst	Julian	Pappageorge	Vander Veen
Ehardt	Koetje	Patterson	Vear
George	Kooiman	Pumford	Voorhees
Gilbert			

In The Chair: Julian

Rep. Daniels moved to amend the bill as follows:

1. Amend page 14, line 13, after “than” by striking out “the close of business on” and inserting “6 months following”.

2. Amend page 14, line 20, after “than” by striking out “5 business days” and inserting “1 year”.

3. Amend page 16, following line 20, by inserting:

“(9) A drawer injured by a provider in violation of this act may maintain a civil cause of action against the provider and may recover an amount equal to twice the service fee paid in connection with each deferred presentment service transaction that is found to violate this act, plus reasonable attorney fees, provided the injured drawer initiates the civil cause of action within 2 years following the date of the violation.

(10) The attorney general shall have the same powers provided for under the Michigan consumer protection act, 1976 PA 331, MCL 445.901 to 445.922, to enforce this act.

(11) Failure to disclose the costs of each deferred presentment services agreement as a dollar cost and an annual percentage rate is a violation of this act.”.

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

Rep. Sheltroun moved that Rep. Neumann be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5641, entitled

A bill to regulate deferred deposit loans for issued checks; to provide for licensing and fees; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1129

Yeas—64

Allen	Hager	Kuipers	Richner
Birkholz	Hale	LaSata	Rivet
Bisbee	Hansen	Lemmons	Shackleton
Bishop	Hart	Mans	Shulman
Bradstreet	Howell	Mead	Spade
Brown, C.	Hummel	Meyer	Stamas
Cassis	Jacobs	Middaugh	Stewart

Caul	Jansen	Mortimer	Switalski
Daniels	Jelinek	Newell	Tabor
DeRossett	Johnson, Rick	O'Neil	Thomas
DeVuyst	Johnson, Ruth	Palmer	Toy
Drolet	Julian	Pappageorge	Van Woerkom
Durhal	Koetje	Patterson	Vander Roest
Ehardt	Kolb	Pumford	Vander Veen
George	Kooiman	Rackowski	Vear
Gilbert	Kowall	Richardville	Voorhees

Nays—33

Adamini	Clarke, H.	Lockwood	Scranton
Anderson	Dennis	McConico	Sheltrown
Basham	DeWeese	Minore	Stallworth
Bernero	Garza	Murphy	Waters
Bogardus	Gielegem	Phillips	Whitmer
Bovin	Godchaux	Plakas	Williams
Brown, R.	Jamnick	Rocca	Woodward
Callahan	Lipsev	Schauer	Zelenko
Clark, I.			

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to regulate the business of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Minore, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I opposed this vote because it represents the worst in legislation in that it purports to ‘regulate’ the pay-check lending bill, but—in fact, does little except give the predatory lenders fake cover. It is clearly a case of a wolf in sheep’s clothing. The bill is anti-consumer: it favors the lending industry, but legitimizes outrageous interest charges and fees.”

Rep. Dennis, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 5641(H-2) because it is nothing more than a paper tiger and legitimizes an industry that preys on many lower income individuals. It does nothing to protect the consumer. The bill will allow payday-lending businesses to charge an outrageous interest rate, much higher than current Michigan usury law allows equating to an annual percentage rate of 468%. If the legislature really wanted to help those Michigan citizens that feel it necessary to make use of such businesses, the least the legislature could do is adopt a licensure system, cap allowable fees and require payday lending businesses to adhere to current usury laws.”

Second Reading of Bills

House Bill No. 6446, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending sections 13 and 18 (MCL 492.113 and 492.118), section 13 as amended by 1990 PA 27 and section 18 as amended by 1995 PA 166.

The bill was read a second time.

Reps. Cassis and Woodward moved to amend the bill as follows:

1. Amend page 2, line 11, after "NEAREST" by striking out "\$100.00" and inserting "\$10.00".

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

Reps. Shulman, Daniels and Woronchak moved to amend the bill as follows:

1. Amend page 2, line 5, after "OR" by striking out "\$250.00" and inserting "\$160.00".

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

Rep. Minore moved to amend the bill as follows:

1. Amend page 2, line 5, after "OR" by striking out "\$160.00" and inserting "\$100.00".

2. Amend page 2, line 6, after the second "THE" by striking out "\$250.00" and inserting "100.00".

The question being on the adoption of the amendments offered by Rep. Minore,

Rep. Minore demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Minore,

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

Roll Call No. 1130

Yeas—34

Adamini	Dennis	Lipsey	Stallworth
Anderson	DeRossett	Lockwood	Stamas
Basham	Garza	Mans	Thomas
Bernero	Gielegem	Murphy	Whitmer
Bogardus	Hale	O'Neil	Williams
Bovin	Hansen	Plakas	Woodward
Brown, R.	Jacobs	Schauer	Woronchak
Clark, I.	Jamnick	Spade	Zelenko
Clarke, H.	Lemmons		

Nays—56

Allen	Frank	Kooiman	Rackowski
Birkholz	George	Kowall	Richardville
Bisbee	Gilbert	Kuipers	Richner
Bishop	Godchaux	LaSata	Rocca
Bradstreet	Hager	Mead	Scranton
Brown, C.	Hart	Meyer	Sheltrown
Callahan	Howell	Middaugh	Shulman
Cassis	Hummel	Mortimer	Stewart
Caul	Jansen	Newell	Tabor
DeVuyst	Jelinek	Palmer	Toy
DeWeese	Johnson, Rick	Pappageorge	Van Woerkom
Drolet	Johnson, Ruth	Patterson	Vander Roest
Durhal	Julian	Phillips	Vear
Ehardt	Koetje	Pumford	Voorhees

In The Chair: Julian

Reps. Shulman, Daniels and Woronchak moved to amend the bill as follows:

1. Amend page 2, line 6, after the second "THE" by striking out "\$250.00" and inserting "\$160.00".

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

Rep. Minore moved to amend the bill as follows:

1. Amend page 2, line 4, after "exceed" by striking out the balance of the line through "2005," on line 6 and inserting "1 OF THE FOLLOWING, AS APPLICABLE:

(i) FOR A MOTOR VEHICLE SOLD IN CALENDAR YEAR 2002, \$40.00.

(ii) FOR A MOTOR VEHICLE SOLD IN CALENDAR YEAR 2003, 5% OF THE CASH PRICE OF THE MOTOR VEHICLE OR \$100.00, WHICHEVER IS LESS.

(iii) FOR A MOTOR VEHICLE SOLD IN CALENDAR YEAR 2004, 5% OF THE CASH PRICE OF THE MOTOR VEHICLE OR \$130.00, WHICHEVER IS LESS.

(iv) FOR A MOTOR VEHICLE SOLD IN AND AFTER CALENDAR YEAR 2005, 5% OF THE CASH PRICE OF THE MOTOR VEHICLE OR \$160.00, WHICHEVER IS LESS. BEGINNING ON JANUARY 1, 2006,".

2. Amend page 2, line 7, after "THIS" by striking out the balance of the line through "VISION" on line 8 and inserting "SUBPARAGRAPH".

3. Amend page 2, line 11, after "NEAREST" by striking out "\$100.00" and inserting "\$10.00".

4. Amend page 2, line 12, after "THIS" by striking out "SUBDIVISION" and inserting "SUBPARAGRAPH".

5. Amend page 2, line 14, after "THIS" by striking out "SUBDIVISION" and inserting "SUBPARAGRAPH".

The question being on the adoption of the amendments offered by Rep. Minore,

Rep. Minore demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Minore,

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

Roll Call No. 1131

Yeas—37

Adamini	Dennis	Lockwood	Schauer
Anderson	DeRossett	Mans	Spade
Basham	Durhal	Middaugh	Stallworth
Bernero	Gielegem	Minore	Switalski
Bogardus	Hale	Murphy	Whitmer
Bovin	Hansen	O'Neil	Williams
Brown, R.	Howell	Phillips	Woodward
Callahan	Jamnick	Plakas	Woronchak
Clark, I.	Lemmons	Quarles	Zelenko
Clarke, H.			

Nays—59

Allen	Gilbert	Kuipers	Rocca
Birkholz	Godchaux	LaSata	Scranton
Bisbee	Hager	Lipsey	Sheltrown
Bishop	Hart	McConico	Shulman
Bradstreet	Hummel	Mead	Stamas
Brown, C.	Jacobs	Meyer	Stewart
Cassis	Jansen	Mortimer	Tabor
Caul	Jelinek	Newell	Thomas
DeVuyst	Johnson, Rick	Palmer	Toy
DeWeese	Johnson, Ruth	Pappageorge	Van Woerkom
Drolet	Julian	Patterson	Vander Roest
Ehardt	Koetje	Pumford	Vander Veen
Frank	Kolb	Raczkowski	Vear
Garza	Kooiman	Richardville	Voorhees
George	Kowall	Richner	

In The Chair: Julian

Rep. Shulman moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

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

House Bill No. 6446, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending sections 13 and 18 (MCL 492.113 and 492.118), section 13 as amended by 1990 PA 27 and section 18 as amended by 1995 PA 166.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1132

Yeas—84

Allen	Garza	Lipsey	Schauer
Bernero	George	Lockwood	Scranton
Birkholz	Gilbert	Mans	Shackleton
Bisbee	Godchaux	McConico	Sheltrown
Bishop	Hager	Mead	Shulman
Bogardus	Hansen	Meyer	Spade
Bovin	Hart	Middaugh	Stallworth
Bradstreet	Howell	Mortimer	Stewart
Brown, C.	Hummel	Murphy	Tabor
Brown, R.	Jacobs	Newell	Thomas
Callahan	Jamnick	O'Neil	Toy
Cassis	Jelinek	Palmer	Van Woerkom
Caul	Johnson, Rick	Pappageorge	Vander Roest
Clark, I.	Johnson, Ruth	Patterson	Vander Veen
Clarke, H.	Julian	Pumford	Vear
Daniels	Koetje	Quarles	Waters
Dennis	Kolb	Rackowski	Whitmer
DeVuyst	Kooiman	Richardville	Williams
DeWeese	Kowall	Richner	Woodward
Drolet	LaSata	Rivet	Woronchak
Durhal	Lemmons	Rocca	Zelenko

Nays—14

Adamini	Frank	Kuipers	Plakas
Anderson	Gielegem	Minore	Stamas
Basham	Hale	Phillips	Switalski
DeRossett	Jansen		

In The Chair: Julian

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

Rep. Murphy, under Rule 33, made the following statement:

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 1122 and 1123. Had I been present, I would have voted 'yea'.

Second Reading of Bills

House Bill No. 4875, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

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

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

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

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4875, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1133

Yeas—68

Allen	Hager	Mans	Shackleton
Bernero	Hart	Mead	Sheltrown
Birkholz	Howell	Meyer	Shulman
Bisbee	Hummel	Middaugh	Spade
Bishop	Jansen	Mortimer	Stamas
Bovin	Jelinek	Newell	Stewart
Bradstreet	Johnson, Rick	O'Neil	Switalski
Brown, C.	Johnson, Ruth	Palmer	Tabor
Cassis	Julian	Pappageorge	Thomas
Caul	Koetje	Patterson	Toy
Daniels	Kolb	Plakas	Van Woerkom
DeRossett	Kooiman	Raczkowski	Vander Roest
DeVuyst	Kowall	Richardville	Vander Veen
Drolet	Kuipers	Richner	Vear
Ehardt	LaSata	Rivet	Voorhees
George	Lemmons	Rocca	Waters
Gilbert	Lockwood	Scranton	Woronchak

Nays—31

Adamini	Dennis	Hansen	Quarles
Anderson	DeWeese	Jacobs	Schauer
Basham	Durhal	Jamnick	Stallworth
Bogardus	Frank	Lipsey	Whitmer
Brown, R.	Garza	McConico	Williams
Callahan	Gielegem	Minore	Woodward
Clark, I.	Godchaux	Murphy	Zelenko
Clarke, H.	Hale	Phillips	

In The Chair: Julian

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

House Bill No. 4800, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 501, 502, 503, 504, 504a, 506, 507, 1701a, and 1711 (MCL 380.501, 380.502, 380.503, 380.504, 380.504a, 380.506, 380.507, 380.1701a, and 380.1711), sections 501, 502, 503, 504a, and 507 as amended by 1995 PA 289, sections 504 and 1701a as amended by 1994 PA 416, and section 506 as added by 1993 PA 362, and by adding sections 503b, 1320, and 1814.

(The bill was read a third time and not passed, vote reconsidered and bill postponed for the day on May 1, see House Journal No. 39, p. 1351.)

The question being on the passage of the bill,

Rep. Kuipers moved to amend the bill as follows:

1. Amend page 8, line 19, after "TO" by striking out "2004" and inserting "2007".
2. Amend page 8, line 23, after "EXCEED" by striking out the balance of the subdivision and inserting "3 THROUGH 2002, 8 THROUGH 2003, 13 THROUGH 2004, 16 THROUGH 2005, 19 THROUGH 2006, AND 22 THROUGH 2007."

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

The question being on the passage of the bill,

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

The motion prevailed.

Senate Bill No. 143, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 951, 954, 955, and 971 (MCL 380.951, 380.954, 380.955, and 380.971), section 951 as amended by 1990 PA 147 and section 971 as amended by 1995 PA 289, and by adding section 957.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Kuipers moved to amend the bill as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:
 "Sec. 375. (1) ~~After~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), AFTER the expiration of 5 years after the initial appointment of a school reform board in a qualifying school district under this part, the question of whether to retain the school reform board and the chief executive officer and the authority under this part to appoint the school reform board and the chief executive officer shall be placed on the ballot in the qualifying school district under this section.

(2) The question under subsection (1) shall be placed on the ballot in the qualifying school district at the next November general election occurring at least 90 days after the expiration of 5 years after the date of the initial appointment of the school reform board.

(3) The question under subsection (1) shall be in substantially the following form:

"Shall the school reform board and chief executive officer serving in _____ (name of qualifying school district) under part 5a of the revised school code be retained and shall the mayor of _____ (name of city in which the school district is located) retain the authority to appoint members of the school reform board? A vote in the affirmative continues the school reform board and chief executive officer in place in the school district and continues the authority of the mayor to appoint members of the school reform board. A vote in the negative will result in the election of a new elected school board as the governing body of the school district and will render the provisions of law establishing authority to appoint a school reform board inapplicable for this school district.

Yes ()

No ()".

(4) If the question under subsection (1) is approved by a majority of the school electors voting on the question either under subsection (1) or pursuant to subdivision (c), all of the following apply:

- (a) The school reform board and chief executive officer continue in place in the qualifying school district.
- (b) The authority of the mayor to appoint members of the school reform board continues in the qualifying school district.

(c) The question may not be placed on the ballot again in the qualifying school district until the expiration of 5 years after the election at which the question was approved. The question may be placed on the ballot again in the qualifying school district under this subdivision if petitions calling for the question to be placed on the ballot are filed with the county clerk for the county in which the qualifying school district is located not sooner than 4 years after the question

was most recently on the ballot and if the petitions are signed by a number of school electors of the qualifying school district at least equal to 10% of the number of votes cast within the city in which the qualifying school district is located for secretary of state in the most recent November general election in which a secretary of state was elected. If those petitions are submitted and verified, the question shall be placed on the ballot in the qualifying school district at the next November general election occurring at least 5 years after the question was most recently on the ballot and at least 90 days after the petitions are submitted and verified.

(5) If the question under subsection (1) is not approved by a majority of the school electors voting on the question either under subsection (1) or pursuant to subsection (4)(c), all of the following apply:

(a) The school reform board shall arrange with local elections officials for election of a new elected school board for the school district. This election shall be at a special election held as soon as practicable, but not sooner than 90 days after the election under subsection (1). This election shall be conducted in the manner otherwise provided under this act for an initial school board election in a newly formed first class school district.

(b) Effective on the next July 1 following the election under subdivision (a), the new elected school board of the qualifying school district shall serve as the governing body of the qualifying school district and this elected school board and its secretary and treasurer shall be fully vested with all powers and duties that those officials had before the appointment of the school reform board.

(c) Effective on the next July 1 following the election under subdivision (a), the powers of the school reform board established for the qualifying school district under this part, of the chief executive officer, and of all other officers appointed under section 374 cease.

(d) Effective on the next July 1 following the election under subdivision (a), the provisions of this part do not apply to that qualifying school district.

(6) IF A QUALIFYING SCHOOL DISTRICT APPLIES FOR QUALIFICATION OF BONDS OF THE QUALIFYING SCHOOL DISTRICT UNDER 1961 PA 108, MCL 388.951 TO 388.963, ALL OF THE FOLLOWING APPLY:

(A) THE QUESTION UNDER SUBSECTION (1) SHALL NOT BE PLACED ON THE BALLOT IN THE QUALIFYING SCHOOL DISTRICT AT ANY SUBSEQUENT ELECTION AND THIS SECTION DOES NOT APPLY TO THAT QUALIFYING SCHOOL DISTRICT.

(B) AT THE SAME TIME AS THE APPLICATION FOR QUALIFICATION OF THE BONDS IS SUBMITTED, THE SCHOOL REFORM BOARD SHALL SUBMIT TO THE DEPARTMENT A PLAN DEMONSTRATING ALL OF THE FOLLOWING:

(i) THAT THE SCHOOL REFORM BOARD HAS COLLABORATED WITH CITY OFFICIALS OF THE CITY IN WHICH THE QUALIFYING SCHOOL DISTRICT IS LOCATED TO COORDINATE MILLAGE ELECTIONS AND TO COORDINATE LOCAL INFRASTRUCTURE ISSUES.

(ii) THAT THE SCHOOL REFORM BOARD HAS HELD DISCUSSIONS WITH THE DEPARTMENT OF TREASURY ON THE POTENTIAL IMPACT ON THE STATE'S CREDIT RATING OF THE ISSUANCE OF QUALIFIED BONDS BY THE QUALIFYING SCHOOL DISTRICT.

(iii) THAT THE AMOUNT THAT THE QUALIFYING SCHOOL DISTRICT WILL BORROW FROM THE SCHOOL BOND LOAN FUND FOR A PARTICULAR FISCAL YEAR WILL NOT EXCEED 0.18% OF THE TOTAL AMOUNT AVAILABLE TO BE BORROWED FROM THE SCHOOL BOND LOAN FUND BY ALL SCHOOL DISTRICTS FOR THAT FISCAL YEAR, AS DETERMINED BY THE DEPARTMENT OF TREASURY.”.

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

The question being on the passage of the bill,

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

The motion prevailed.

Messages from the Governor

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

Executive Office, Lansing, November 27, 2002

Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48909

Ladies and Gentlemen:

I am returning without signature **House Bill 4647**.

I do not believe there is sufficient evidence demonstrating the necessity to register respiratory therapists in the State of Michigan. In Michigan, respiratory therapists practice under the supervision and direction of licensed physicians. This oversight provides sufficient protection to the public health and safety of Michigan's residents.

Although registration is sometimes needed to protect the public health, safety and welfare, I am very concerned about the potential increase in the cost of respiratory therapist services to Michigan consumers by restricting access to the profession. Registration requirements may also create unnecessary burdens for those already working in the profession by imposing educational requirements beyond those actually needed in their job. Registration has the additional liability of reducing the supply of otherwise qualified respiratory therapists to hospitals and other employers recruiting new employees. Furthermore, the National Board for Respiratory Care maintains an excellent system of accreditation based on stringent testing and high standards. Therefore, state registration of respiratory therapists is unnecessary and costly to Michigan's health care system.

For these reasons I am vetoing House Bill 4647.

Sincerely,
John Engler
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Richardville moved that the bill be re-referred to the Committee on Health Policy.
The motion prevailed.

Rep. Birkholz, under Rule 33, made the following statement:

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 1122. Had I been present, I would have voted 'yea'."

Rep. Richardville moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

By unanimous consent the House returned to the order of
Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Redistricting and Elections from further consideration of **House Bill No. 6356**.

Rep. Richardville

Comments and Recommendations

Rep. Richardville moved that Rule 82 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Richardville moved that the following remarks be printed in the Journal.
The motion prevailed.

Rep. Bogardus:

"Thank you Mr. Speaker for giving me this opportunity to express my last thoughts as a State Representative. I thank the people in my district for giving me the opportunity to serve as their Representative. I also thank my husband Tom, my daughter Holly and son Jay for their support during my political career. I did not intend to become a politician I planned to be a music teacher but this has been a wonderful opportunity to participate for a short time in our democratic form of government. As a member of this body I have earned a reputation as an outspoken liberal. I am proud of that reputation. Liberals have bought us such federal programs as social security, now in jeopardy of being handed to big business, the same folks who have brought us every economic depression.

I am proud of my votes in support of a good public school system that provides opportunities for every child rather than a select few. Our current statutes on charter schools do not require the oversight which will ensure that public dollars are being used only for schools accessible to every child. I have spoken out in an effort to change that. I have also urged our state to provide a system based on sound educational processes rather than depending mainly on the MEAP as the measure of educational quality.

I have supported equal rights for every citizen regardless of his or her sexual orientation. I do not see this issue as gay rights but simply rights that should be guaranteed to every citizen. A woman's right to control her own reproductive system has been an issue that I have also supported. That belief was forged from personal experience as a woman who faced death from pregnancy complications before the Roe V Wade decision. Subsequently I again was faced with the decision to terminate a pregnancy. I made the decision to protect not only my life and health but also my husband, our son and daughter and two other boys we were rearing. They had a right to have a wife and mother.

All of these issues are human rights issues. My European ancestors have been part of the making of this country since 1660. As they fought for human rights I am grateful for having been given the chance to also participate in the continuing process of providing equal rights and opportunities for every resident of our great state.

Thank you Mr. Speaker.”

Rep. Spade moved that the House adjourn.
The motion prevailed, the time being 10:30 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Wednesday, December 4, at 2:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives.